



CITY OF AUGUSTA, KANSAS ZONING REGULATIONS

October 24, 2020

City of Augusta, Kansas

Zoning Regulations

Incorporated into the City of Augusta Municipal Code
by Ordinance No. 2170

Public Hearing Notice Publication Date
August 15, 2020

Public Hearing Date
September 14, 2020

Adopted by Augusta Planning Commission
September 14, 2020

Adopted by Augusta City Council
October 19, 2020

Effective Date/Publication Date
October 24, 2020

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

Public Hearing Notice

Affidavit of Publication State of Kansas, Butler County, ss.

Kathy Malm, of lawful age, being duly sworn, says that she is the GENERAL MANAGER of GATEHOUSE NEWS MEDIA KANSAS HOLDINGS, INC dba THE BUTLER COUNTY TIMES-GAZETTE, a daily newspaper, printed in the State of Kansas, and published in Butler County, Kansas, with a general paid circulation on a monthly basis in Butler County, Kansas, and that said newspapers are not a trade, religious or fraternal publication.

Said newspaper is daily published at least weekly 50 times a year; has been so published continuously and uninterruptedly in said county and state for a period of five years prior to the first publication of said notice; and has been admitted at the post office of El Dorado, Kansas and Augusta, Kansas, in said County as second class matter.

That the attached notice is a true copy thereof and was published in the regular and entire issue of said newspaper for 1 publication each.

The publication thereof being made as aforesaid on

Saturday, August 15, 2020

Regional General Manager/Advertising Director

Subscribed and sworn to before me, this 17th day of August, 2020.

Rhonda Zinn, Notary Public
My commission expires April 9, 2022



Publication Cost	\$68.00
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City of Augusta - Planning Commission Hearing

Legals

(Published in The Butler County Times-Gazette August 15, 2020.)

PLANNING COMMISSION CITY OF AUGUSTA, KANSAS OFFICIAL NOTICE OF A PUBLIC HEARING

The Planning Commission will consider a proposed: X Comprehensive Plan and Zoning and Subdivision Regulations Update

At 8:00am on in the City Council Chambers at Augusta City Hall, 113 East 6th Avenue (southwest corner of 6th Avenue and School Street), Augusta, Kansas.

Applicant: City of Augusta
Address: 113 East 6th Avenue

City: Augusta State: Kansas
Zip Code: 67010

Reason of Public Hearing: The purpose of this public hearing is to present and consider recommending approval of the Augusta Action Comprehensive Plan, the City of Augusta, Kansas Zoning Regulations, and the City of Augusta, Kansas Subdivision Regulations to the Augusta City Council. The Comprehensive Plan update includes a vision to better reflect the values, desires, and needs of the City of Augusta community. The Zoning Regulations update focuses on a general revision of the zoning regulations, including updating zoning classifications and the Official Zoning Map, pursuant to KSA 12-757(b). The Subdivision Regulations update includes amended platting processes. All interested parties are urged to attend the public hearing or give written testimony to be read at the hearing. The hearing shall continue until all evidence and testimony has been received.

All persons interested in the content of the public hearing may attend either in person or by agent and share their comments or concerns with the Planning Commission. After the public hearing closes, the Planning Commission will consider all relevant factors and make a decision accordingly. The Public Hearing may be recessed and/or continued without further written notice to the public. Any questions shall be directed to Anita Riley, City Planner (316) 425-4507.

/s/Susan Smith, Secretary

Adopting Ordinance

(Summary Published in the Butler County Times-Gazette
on the 24th day of October 2020)

THE CITY OF AUGUSTA, KANSAS

ORDINANCE NO. 2170

AN ORDINANCE ADOPTING AND INCORPORATING BY REFERENCE CERTAIN ZONING REGULATIONS GOVERNING THE USE OF LAND, LOCATION OF STRUCTURES, ESTABLISHING ZONING DISTRICT BOUNDARIES AND THE CLASSIFICATION OF SUCH DISTRICTS WITHIN THE CITY OF AUGUSTA, KANSAS, AND REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; ADOPTING BY REFERENCE AN OFFICIAL MAP OF ZONING DISTRICT BOUNDARIES; ESTABLISHING STANDARDS GOVERNING THE DEVELOPMENT OF PROPERTY, DIMENSIONS AND LOCATIONS OF STRUCTURES, REGULATION OF SIGNS, AND THE PROVISION OF VEHICULAR PARKING; ESTABLISHING A BOARD OF ZONING APPEALS AND PRESCRIBING ITS DUTIES; PROVIDING FOR THE APPOINTMENT OF ADMINISTRATIVE OFFICIALS AND PRESCRIBING THEIR DUTIES; ESTABLISHING PROCESSES FOR AMENDING, APPEALING, ADMINISTERING, AND ENFORCING SAID REGULATIONS

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF AUGUSTA, KANSAS:

SECTION 1: Adoption: Zoning Regulations are hereby approved and adopted by the Governing Body of the City of Augusta, Kansas, as prepared and published in book form by the City of Augusta Planning Commission with technical assistance from Professional Engineering Consultants, P.A., under the date of October 19, 2020 and entitled "City of Augusta, Kansas Zoning Regulations" and the same are hereby incorporated by reference as fully as if set out herein.

SECTION 2: Public Hearing: Upon notice of the time and place and a statement regarding the proposed changes to the Zoning Regulations have been published in the official newspaper of the City at least twenty (20) days prior, the public hearing required by Kansas law was duly held on September 14, 2020 at 8:00am at Augusta City Hall by the City of Augusta Planning Commission. A fully and complete discussion of said Zoning Regulations was held at said meeting and the Zoning Regulations herein adopted are a true and correct copy of those regulations as approved and recommended for final approval by the City of Augusta Planning Commission. The City of Augusta Planning Commission has provided the Governing Body with written summary of the

public hearing in the form of the unofficial minutes of the City of Augusta Planning Commission meeting held on such date.

SECTION 3: Official Map: There is further herein incorporated by reference and adopted an Official Map delineating the boundaries of zoning districts and the classification of such districts, which map is marked "Official Copy of the City of Augusta, Kansas Zoning Map 2020" and filed with the City Clerk to be open for inspection and available to the public at all reasonable business hours.

SECTION 4: Jurisdiction: The City of Augusta Zoning Regulations herein adopted by reference shall govern the use of land within the corporate limits of the City of Augusta, as may be amended by annexation of new territory into the City, and within the defined Planning Area extending beyond the corporate limits of the City.

SECTION 5: Official Copies: Not less than three (3) copies of the City of Augusta Zoning Regulations, in book form, shall be filed with the City Clerk to be open for inspection and available to the public at all reasonable business hours.

SECTION 6: Repeal: All other ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 7: Effective Date: This Ordinance shall be in full force and effect from and after its publication in the official City newspaper.

Passed by the City Council this 19th day of October 2020.

Approved by the Mayor this 19th day of October 2020.



Mike L. Rawlings

MIKE L. RAWLINGS, MAYOR

ATTEST:

Erica L. Jones

ERICA L. JONES, CITY CLERK

Publication of Adopting Ordinance

Affidavit of Publication State of Kansas, Butler County, ss.

Kathy Malm, of lawful age, being duly sworn, says that she is the GENERAL MANAGER of GATEHOUSE NEWS MEDIA KANSAS HOLDINGS, INC dba THE BUTLER COUNTY TIMES-GAZETTE, a daily newspaper, printed in the State of Kansas, and published in Butler County, Kansas, with a general paid circulation on a monthly basis in Butler County, Kansas, and that said newspapers are not a trade, religious or fraternal publication.

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The publication thereof being made as aforesaid on

Saturday, October 24, 2020

Regional General Manager/Advertising Director

Subscribed and sworn to before me, this 26th day of October, 2020.

Rhonda Zinn, Notary Public
My commission expires April 9, 2022



Publication Cost	\$155.55
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City of Augusta - ORDINANCE NO. 2170

(Summary Published in the Butler County Times-Gazette on the 24th day of October, 2020)

**THE CITY OF AUGUSTA, KANSAS
ORDINANCE NO. 2170**
AN ORDINANCE ADOPTING AND INCORPORATING BY REFERENCE CERTAIN ZONING REGULATIONS GOVERNING THE USE OF LAND, LOCATION OF STRUCTURES,

ESTABLISHING ZONING DISTRICT BOUNDARIES AND THE CLASSIFICATION OF SUCH DISTRICTS WITHIN THE CITY OF AUGUSTA, KANSAS, AND REPEALING ALL OTHER ORDINANCES PARTS OF ORDINANCES IN CONFLICT HERewith; ADOPTING BY REFERENCE AN OFFICIAL MAP OF ZONING DISTRICT BOUNDARIES; ESTABLISHING STANDARDS GOVERNING THE DEVELOPMENT OF PROPERTY, DIMENSIONS AND LOCATIONS OF STRUCTURES, REGULATION OF SIGNS, AND THE PROVISION OF VEHICULAR PARKING; ESTABLISHING A BOARD OF ZONING APPEALS AND PRESCRIBING ITS DUTIES; PROVIDING FOR THE APPOINTMENT OF ADMINISTRATIVE OFFICIALS AND PRESCRIBING THEIR DUTIES; ESTABLISHING PROCESSES FOR AMENDING, APPEALING, ADMINISTERING, AND ENFORCING SAID REGULATIONS NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF AUGUSTA, KANSAS:

SECTION 1: Adoption: Zoning Regulations are hereby approved and adopted by the Governing Body of the City of Augusta, Kansas, as prepared and published in book form by the City of Augusta Planning Commission with technical assistance from Professional Engineering Consultants, P.A., under the date of October 19, 2020 and entitled "City of Augusta, Kansas Zoning Regulations" and the same are hereby incorporated by reference as fully as it set out herein.

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SECTION 6: Repeal: All other ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 7: Effective Date: This Ordinance shall be in full force and effect from and after its publication in the official City newspaper. Passed by the City Council this 19th day of October 2020.

Approved by the Mayor this 19th day of October 2020.
[SEAL]
/s/MIKE L. RAWLINGS,
MAYOR
ATTEST:
/s/ERICA L. JONES,
CITY CLERK

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Article 01 Enactment and Applicability

01.01. Title

These regulations, including the zoning district maps made a part hereof, shall be known as the “City of Augusta Zoning Regulations,” hereinafter referred to as “these regulations.”

01.02. Jurisdiction

These regulations shall apply to all buildings, structures and land within the corporate limits of the City of Augusta and the established Planning Area of the City of Augusta, as defined as follows:

A. Legal Description

Beginning at the Northeast corner of Section 36, Township 26, Range 4 East, of the Sixth Principal Meridian; thence West along the section lines to the Northwest corner of Section 34, Township 26 South, Range 4 East; thence South along the section line to the northwest corner of Section 3, Township 27 South, Range 4 East; thence West along the section lines to its intersection with the center line of the Whitewater River; thence South along the center line of the Whitewater River to its intersection with the North section line of Section 21, Township 27 South, Range 4 East; thence West along the section lines to the Northwest corner of Section 23, Township 27 South, Range 3 East; thence South along the section lines to the Southwest corner of Section 26, Township 27 South, Range 3 East; thence East along the section lines to its intersection with the centerline of the Walnut River; thence Northeasterly along the centerline of the Walnut River to its intersection with the East section line of Section 18, Township 27 South, Range 5 East; thence North along section lines to the Northeast corner of Section 6, Township 27 South, Range 5 East; thence West along the section line to the northeast corner of Section 1, Township 27 South, Range 4 East; thence North along the section line to the point of beginning; except for the area within the City of Augusta corporate limits.

B. This area includes the following sections of land:

1. Township 26 South, Range 4 East
 - a. All of Sections 34, 35, and 36.
2. Township 27 South, Range 3 East
 - a. All of Sections 23, 24, 25, and 26.
3. Township 27 South, Range 4 East
 - a. All of Sections 1, 2, 3, 10, 11, 12, 14, 15, 19, 20, 21, 22, 28, 29 and 30.
 - b. Portions of Sections 4, 5, 8, 9, and 16 east of the Whitewater River.
 - c. Portions of Sections 13, 23, 24, 26, and 27 east of the Whitewater River and north of the Walnut River.
4. Township 27 South, Range 5 East
 - a. All of Sections 6 and 7.
 - b. Portions of Sections 18 and 19 north of the Walnut River.

01.03. Authority

These regulations are adopted under the authority granted to the City under [K.S.A. 12-7](#), [12-30](#), and [12-33](#).

01.04. Purpose

These regulations are intended to:

- A. Promote the health, safety, comfort and general welfare.
- B. Implement the vision, goals, objectives and strategies of the Comprehensive Plan.
- C. Preserve, protect and enhance property values.

- D. Ensure the adequate and efficient provision of public services, utilities, infrastructure and facilities.
- E. Provide adequate open space.
- F. Preserve and protect natural, historic and cultural resources.
- G. Encourage a land use pattern that is consistent with community growth and economic development goals.
- H. Divide the City into districts, each having compatible land uses, building types, density and intensity of development.
- I. Regulate the size, bulk, density and location of structures on properties within each district.
- J. Control the general appearance of buildings, structures and land developed or redeveloped in the City.
- K. Establish the processes and procedures whereby these regulations will be implemented, administered and enforced.

01.05. Separability

It is the intention of the City that the individual provisions of these regulations are separable, as follows:

- A. If a court with jurisdiction over these regulations judges any provision invalid, it shall affect only the invalidated provision; all other provisions shall remain valid.
- B. If a court with jurisdiction over these regulations judges a specific application of any provision invalid, it shall affect only the invalidated application of said provision; all other applications of said provision to any building, structure or property shall remain valid.

Article 02 Rules of Construction and Interpretation

02.01. Rules of Construction

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

- A. Words used in the present tense include the future; words used in the past tense include the present.
- B. Singular numbers include plural numbers; plural numbers include singular numbers.
- C. "Used for" and similar language include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
- D. "Including," "such as" and similar language are used to present examples for clarification purposes, not to limit the intent strictly to listed items.
- E. "Shall (not)," "will (not)," "must (not)," and "may not" are mandatory.
- F. "May," "can," "should," and "could" are permissive.
- G. "Prohibited" means not allowed and there are no provisions for an allowance in these regulations, except variances granted by the Board of Zoning Appeals.
- H. "Authorized" means that applicable permits or other approvals have been received.
- I. "Allowed" means in conformance with applicable provisions of these regulations.
- J. "Person" includes individuals, firms, corporations, associations, governmental bodies and agencies, and all other legal entities.
- K. "City" means City of Augusta, Kansas.
- L. "Governing Body" means the Mayor and City Council of the City of Augusta.
- M. "Planning Commission" and "Commission" mean the Augusta City Planning Commission.
- N. "Board" means the Augusta City Board of Zoning Appeals.
- O. "Zoning Administrator" means the Augusta City staff position appointed by the City Manager to administer and enforce these regulations. The title of Zoning Administrator and all authorities, duties, responsibilities, etc. assigned to that position shall apply equally to any individual or firm with which the City contracts and appoints to carry out the function of Zoning Administrator.
- P. Unless otherwise specified, all distances shall be measured horizontally.

02.02. Rules of Interpretation

- A. The provisions included in these regulations shall be considered minimum requirements.
- B. When the conditions of any provision in these regulations overlap or conflict with those of any other applicable law, ordinance, resolution, rule or regulations, the more restrictive of these conditions shall apply.
- C. The provisions in these regulations shall govern when they are more restrictive than the provisions of any easement, covenant or other legally binding instrument affecting private property.
- D. No building, structure or use lawfully existing at the time these regulations are adopted shall be made unlawful by said adoption; any building, structure or use that exists unlawfully at the time these regulations are adopted shall remain unlawful only if, and to the extent they are in conflict with these regulations.
- E. Any structure or use authorized by zoning permit, conditional use, special use, variance or other provision of previous zoning regulations of the City shall remain authorized after the adoption of these regulations, provided it is in compliance with said authorization at the time these regulations are adopted.
- F. Should these regulations unintentionally omit specific requirements or fail to account for unanticipated circumstances related to the development of structures or land uses, the City's authority to regulate such shall be limited according to applicable provisions of Kansas State Statutes.

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Article 03 Definitions

03.01. Purpose

The purpose of this article is to define the words and terms used throughout these regulations. Words and terms that are specific to a particular article of these regulations may be defined in said article.

03.02. General

- A. Any definition of a word or term provided in these regulations shall apply to each use of the word or term within these regulations, unless the context clearly indicates otherwise or the meaning or scope is expressly limited.
- B. Words or terms used, but not defined in these regulations, shall have their ordinary meaning as defined in a reputable dictionary.
- C. Drawings, diagrams or other illustrations may be provided to clarify the meaning, interpretation or application of certain definitions.

03.03. Definitions of Words and Terms

Accessory: A structure or use that is subordinate or incidental to the primary land use of a given property parcel. The following definitions are provided for specific related terms.

Accessory Apartment: An accessory residential unit that is constructed within or attached to the primary structure on a parcel or another accessory structure, such as a garage.

Accessory Dwelling: An accessory residential unit that is detached from the primary structure on a parcel.

Accessory Structure: A building or other structure that serves a function that is incidental to that of the primary structure on a parcel. Some typical examples include garages, carports and storage sheds.

Accessory Use: A land use or activity that is incidental to that of the primary use of a parcel. Some typical examples include parking areas, tennis courts, swimming pools, and home occupations.

Aircraft: A vehicle capable of flight, which may or may not carry passengers. Some typical examples include airplanes, helicopters, model aircraft and drones.

Alteration: The physical modification or reconfiguration of an existing or approved structure or its component parts. Some typical examples include room/garage additions (expand building footprint), floor additions (extend building height) and sign relocations.

Applicant: The property owner or other person with legal authorization to request approval for a building, structure or use governed by these regulations and whose signature must certify such authority on permit applications.

Basement: Any usable story of a structure with at least one-half (½) of its height below the adjacent finished grade.

Block: A contiguous tract of one or more parcels within a subdivision that has boundaries defined by streets, public parks, railroad rights-of-way, city limits, other property lines, easements or natural barriers, such as waterways.

Buildable Area: The area of a lot wherein allowable obstructions may exist or may be constructed.

Building: A covered and enclosed structure where activities associated with a primary, secondary or accessory land use take place. Buildings that are interconnected by covered and enclosed walkways, breezeways and similar structures are considered a single building. Buildings sharing a common wall, but having separate entrances are considered individual buildings.

Building Footprint: The area representing the perimeter of a structure at its foundation or point of vertical intersection with the adjacent finished grade.

Bulk Regulations: Requirements or provisions that control the size of a structure and its location on a parcel. Examples included in these regulations are maximum height, maximum lot coverage, minimum yard size and setbacks.

By-Right Use: A structure or use that is allowed within a specific zoning district because it is generally compatible with other uses allowed within the same zoning district. By-right uses must meet only the minimum zoning district requirements for the use, unless it is subject to specific use standards.

Canopy: A covered, but unenclosed accessory structure that provides shelter for individuals performing activities associated with the primary, secondary or accessory use of a parcel. Some typical examples include those found over a building entrance, drive-thru facility, fuel pumps or temporary parking spaces. This does not include structures meeting the definition of carport.

Carport: A covered accessory structure, which may be fully or partially unenclosed, intended to shelter motor vehicles parked in permanent parking spaces. Carports may be freestanding, but if attached to another structure, may only be attached to the primary building on a parcel.

Conditional Use: A structure or use that is not allowed by-right within a specific zoning district because of characteristics that are somewhat incompatible with other uses allowed in the same zoning district. A conditional use may be authorized according to the process and procedures defined in these regulations. Such authorization may be subject to additional provisions (conditions) intended to improve compatibility with other uses allowed in the zoning district.

Density: The degree to which individual properties are developed with structures, which dictates the overall distribution of a community's structures and population. These regulations control density primarily through bulk and lot size requirements.

Condominium: A type of residential ownership wherein a single structure is divided into multiple individually owned dwelling units with common areas owned by a property owners association. Examples of common areas in condominium apartments are hallways, stairs/elevators, lawns, and parking lots. Garden home and townhome condominium developments have separate ownership of individual dwelling units with common ownership of individual lots and amenities such as clubhouses, pools, etc.

Develop: The act of making a tract of property suitable for a specific land use. Includes changing the physical characteristics of land in preparation for structures, utilities, streets and infrastructure or the construction of such improvements (development). Properties having such improvements are developed. Properties without such improvements are undeveloped or vacant. The individual or entity making such improvements is referred to as the developer.

Disability: A physical or mental impairment that substantially limits a person's major life activities or a record of having such an impairment.

District (Zoning): A section or sections of the zoning jurisdiction within which these regulations govern the use of buildings and land, the height of buildings, the size of yards, and the intensity of uses in a uniform manner.

Driveway: A private roadway providing access to a parking space.

Dwelling: A structure designed and used primarily for residential purposes. Each portion of a dwelling specifically intended as an individual residence for one (1) family or household is considered a dwelling unit. Secondary uses and activities, such as allowable home occupations, may also take place within a dwelling unit.

Easement: A legal instrument wherein a landowner grants permanent or temporary use rights for a defined property to another person or legal entity, but retains title and ownership of said property.

Family: One (1) or more individuals living together in the same dwelling unit as a single household.

Fence: A free-standing structure that meets the provisions of these regulations and serves as a protective, confining or decorative barrier between adjacent lots or uses.

Frontage: The length of distance along a lot line that abuts and is shared in common with a public street.

Garage: A covered and enclosed accessory structure that provides direct access to a driveway or parking space, which is intended solely for storage of motor vehicles owned by residents of the primary structure. A garage may be attached to or detached from a primary residential structure.

Gross Floor Area: The unit of measurement for the space within a structure as measured between the exterior faces of exterior walls or centerlines of shared common walls on each story (floor) of a structure. Includes basements and attics having headroom of seven (7) feet or more.

Height (Structure): A vertical dimension measured from the finished lot grade at the front of a structure to the highest point on the structure. For buildings and other covered structures, this is measured to the highest point of the roof. For signs, towers and other uncovered structures, this is measured to the highest point of the structure itself or of anything attached to the structure, whichever is greater.

Home Occupation: A business, profession, service or trade allowed by these regulations to be conducted for gain or support entirely within the primary residence of the business owner. Activities related to a home occupation are restricted from occurring in a secondary or accessory structure, except as allowed by these regulations.

House Pet: A legally-owned domesticated small animal routinely kept as a family pet and generally housed within the primary residential structure. Some typical examples include dogs, cats, birds, hamsters and aquarium fish.

Intensity: The degree of activity generated by a specific land use and the potential impacts those activities have on surrounding properties. The hierarchy of zoning districts is based on the intensity of land uses allowed within each district.

Landscaping: Plants, trees, yard art and other improvements generally intended to beautify a property.

Lot of Record: An individual parcel of land under single ownership that has a legal description and deed recorded with the Butler County Register of Deeds. Various types of lots are defined below and illustrated in [Figure 3.1](#).

Corner Lot: A lot with frontage on two or more intersecting streets.

Flag Lot: A lot shaped like a flag that has street frontage significantly narrower than its main portion, which is typically where the driveway is located.

Interior Lot: A lot other than a corner lot that has frontage on only one street.

Through (Double Frontage) Lot: A lot with frontage on two non-intersecting street.

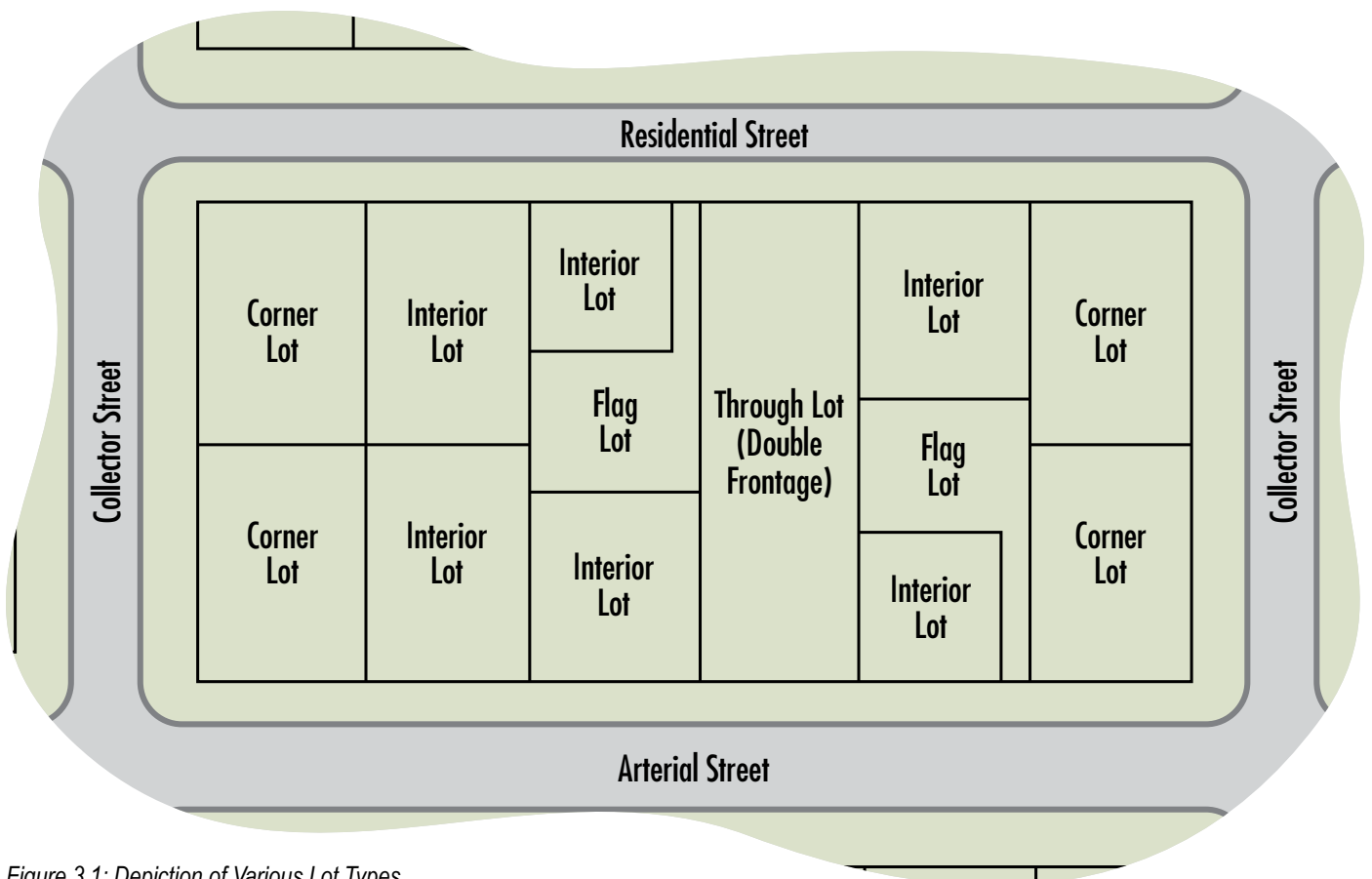


Figure 3.1: Depiction of Various Lot Types

Lot Line: A legal boundary of a lot of record. See [Figure 3.2](#).

Front (interior lot): The lot line with street frontage. May also be referred to as the street line.

Front (corner lot): The lot line along the primary access street, typically the street to which the address is assigned.

Rear: The lot line that is most distant from and generally parallel to the front lot line (primary front lot line on a corner lot).

Side: A lot line that is not a front or rear lot line.

Exterior: A rear or front lot line that is not shared by another lot of record, which typically marks the boundary of a block, right-of-way or natural barrier.

Interior: A rear or side lot line shared by two or more lots of record.

Lot Size Requirements: Restrictions on the dimensions of a lot. See [Figure 3.2](#).

Lot Area: The surface measurement encompassed by a lot's boundaries.

Lot Depth: The dimension between the front and rear lot lines, as measured from their midpoints.

Lot Width: For an interior lot, the dimension between side lot lines as measured along the front yard setback line. For a corner lot, the dimension between the secondary front lot line and side lot line as measured along the primary front yard setback line.

Nonconforming: A lot, structure, sign or land use within the City zoning jurisdiction that does not meet the applicable provisions of these regulations. Such is considered legal nonconforming if it existed lawfully prior to the adoption of these regulations, which is commonly referred to as being "grandfathered."

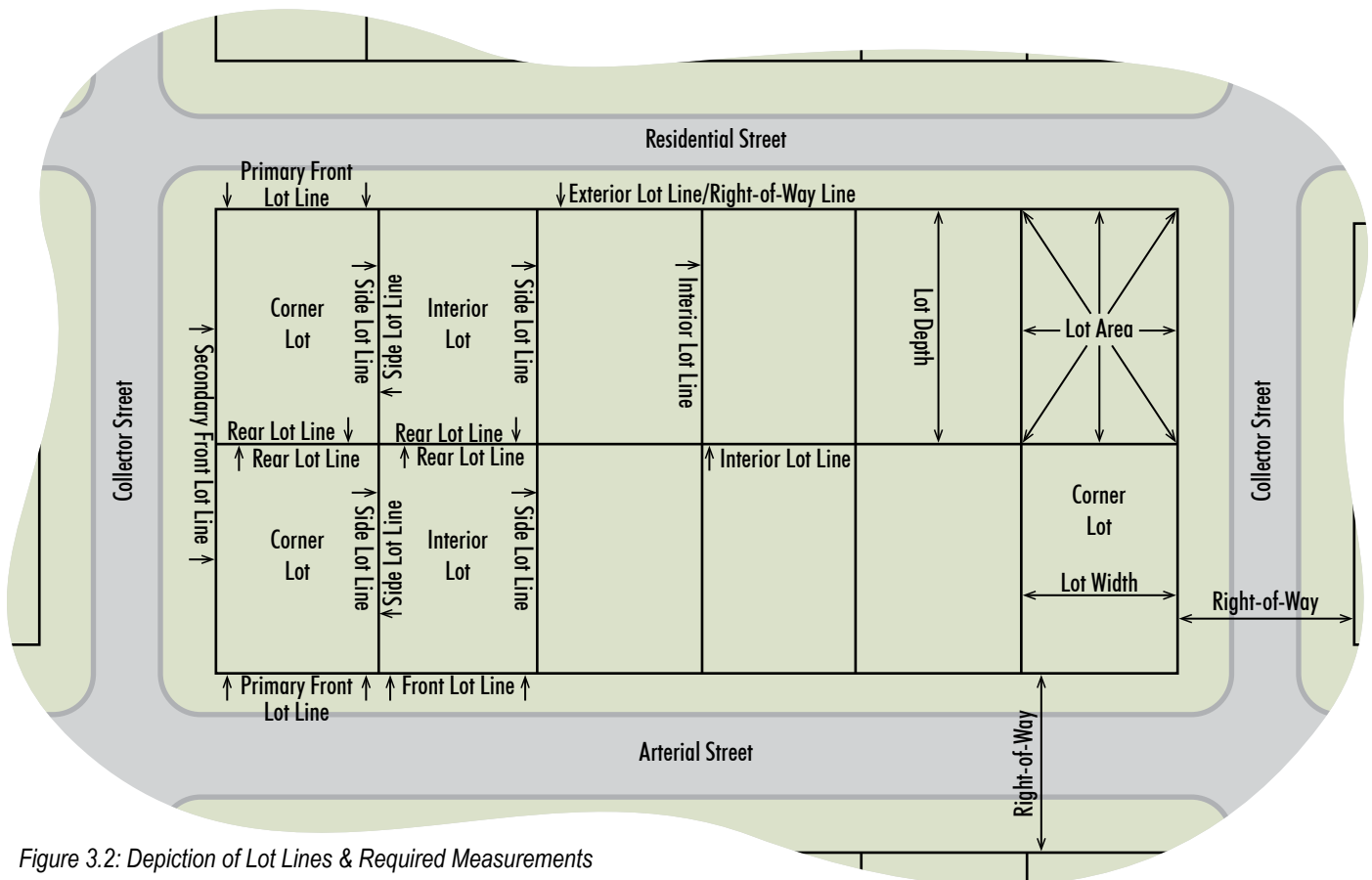


Figure 3.2: Depiction of Lot Lines & Required Measurements

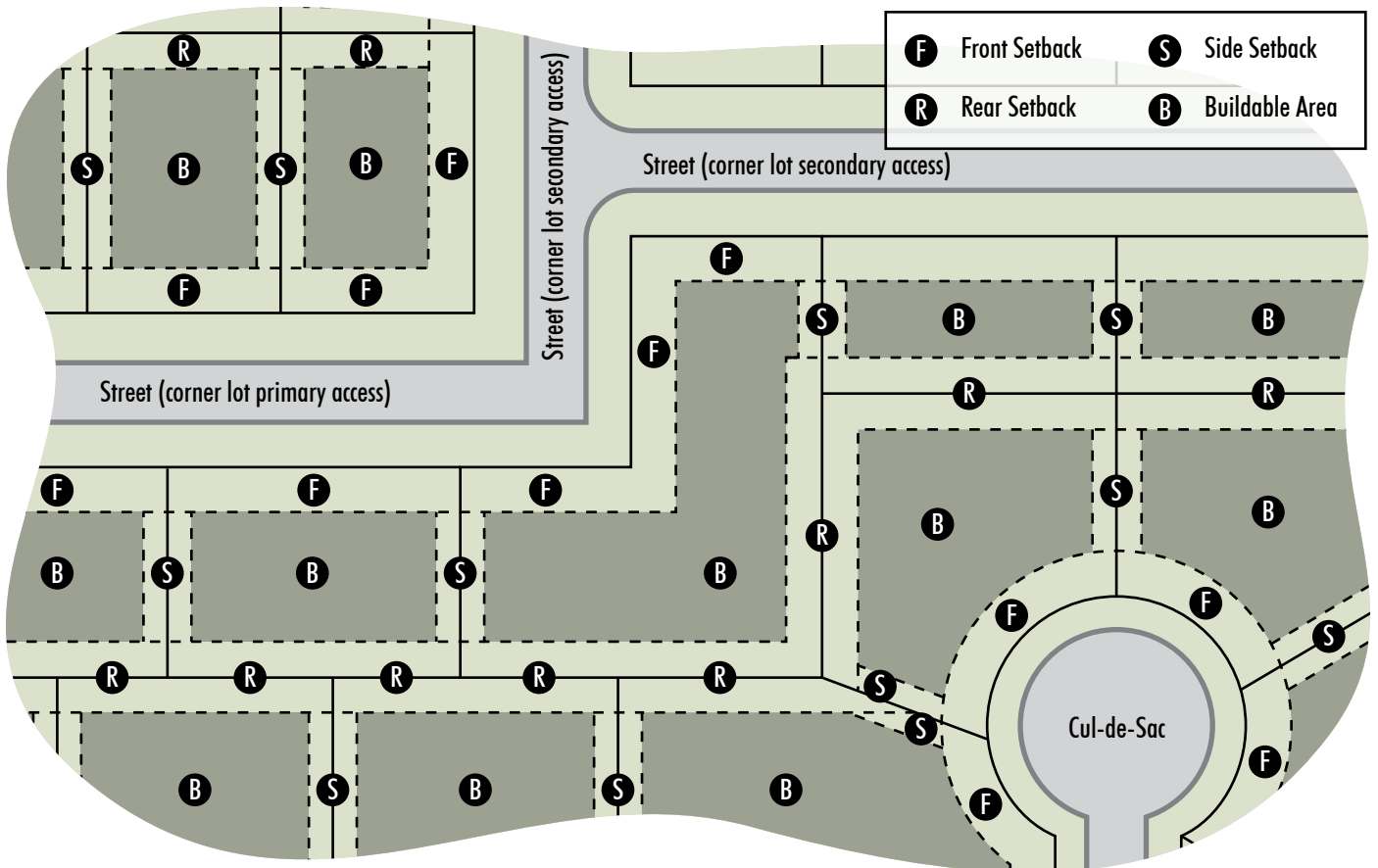


Figure 3.3: Depiction of Setbacks on Various Shaped Lots

Obstruction: Any encroachment within a required setback area (yard), sight triangle or other area where such restrictions are indicated in these regulations.

Permanent: A term referring to a use, structure or activity that is intended to remain in place or be conducted in perpetuity with no limit on its duration.

Premise(s): The land, building and structures located on a lot.

Primary (or Principal) Structure: The structure in which the main activities of a primary use take place.

Primary (or Principal) Use: The main purpose for which a lot of record is used and developed.

Recreational Vehicle (RV): A legally licensed, appropriately registered, and operable single-chassis vehicle or trailer designed as a temporary lodging unit for travel or camping; a trailer-mounted “tiny home.”

Right-of-Way: Real property that is dedicated to a public entity for current or future transportation, utility or other infrastructure uses, including the area on, below, and above such property. See [Figure 3.2](#).

Screening: A man-made or natural barrier used to minimize the visual impact of a property from outside its perimeter or minimize the effects of noise, dust or other impacts that may be generated on the site.

Setback: The required minimum distance between a structure and a front, side or rear lot line of the lot on which it is located. These are considered the front, side and rear setback lines respectively. The space between all setback lines is referred to as the buildable area. See [Figure 3.3](#).

Sight Triangle: The area at a street’s intersection with another street, alley or driveway that must be kept clear from obstructions that may block a driver’s line of sight to oncoming traffic. See [Section 04.06.L](#).

Street: A public right-of-way intended to carry vehicular, pedestrian and bicycle traffic.

Alley: A minor right-of-way intended to provide secondary access to property parcels.

Local Street: A low volume street that functions mainly to provide direct access to property parcels.

Collector Street: A street that carries traffic between local and arterial streets, which has some direct access to property parcels.

Arterial Street: A street that carries traffic through and out of a community, which has limited direct access to property parcels.

Structure: Anything constructed that is permanently attached to the ground or affixed to a permanent location on the ground that is subject to these regulations, unless otherwise exempted.

Subdivision: A contiguous tract of land made up of one or more parcels that has been divided into individual lots intended for separate ownership. Subdivisions are broken into additions, blocks and lots, which are used to identify the properties by a legal description. This hierarchy of divisions is illustrated on a map, referred to as a "plat," which is filed of record with the county Register of Deeds. The subdivision of land in Augusta is governed by the City of Augusta Subdivision Regulations.

Temporary: A term referring to a use, structure or activity that is not intended to remain in place or be conducted in perpetuity. Such may be allowed or permitted for a specific duration with a set time limit.

Use: The purpose for which a lot of record is developed or proposed to be developed. This generally describes the types of human activities that occur or will occur on the subject property.

Utility Pole: A structure owned or operated by a public utility as defined in [K.S.A. 66-104](#), and amendments thereto, a municipality as defined in [K.S.A. 75-6102](#), and amendments thereto, or an electric cooperative as defined in [K.S.A. 2015 Supp. 17-4652](#), and amendments thereto, that is designed specifically for and used to carry lines, cables, or wires for telecommunications, cable, electricity, or to provide lighting.

Utility Trailer: A trailer (loaded or unloaded) with multiple axles or having a bed length that exceeds ten (10) feet that is designed to haul vehicles, watercraft, work equipment, or animals; or used for general utility purposes.

Variance: An approval granted by the Board of Zoning Appeals consistent with [Section 15.05](#), which allows for deviations from one or more requirements of these regulations.

Wireless Communications: Personal wireless services and facilities defined by [47 USC § 332\(c\)\(7\)\(C\)](#), including commercial mobile services defined by [47 USC § 332\(d\)](#), provided to personal mobile communication devices through wireless facilities or any wireless services provided using such facilities. As used herein, the term applies specifically to the services and facilities defined in and regulated by [K.S.A. 17-1902](#) et seq. This includes the following related terms.

Accessory Equipment: Apparatus serving or being used in conjunction with a wireless facility or wireless support structure including, but not limited to utility or transmission equipment; power supplies; generators; batteries; cables; equipment buildings and cabinets; and storage sheds, shelters or similar structures.

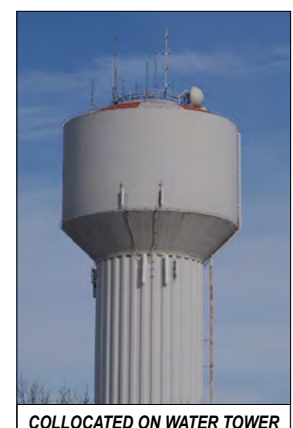


Figure 3.4: Illustrative Examples of Wireless Support Structure Types

Antenna: Equipment that transmits or receives electromagnetic radio signals used in the provision of wireless communications services.

Base Station: A structure that supports or houses an antenna, transceiver, coaxial cables, power cables or other associated equipment at a specific site that is authorized to communicate with mobile stations.

Collocation: The mounting or installation of wireless facilities on a building, structure, wireless support structure, tower, utility pole, base station or existing structure for the purposes of transmitting or receiving radio frequency signals for communication purposes.

Distributed Antenna System: A network that distributes radio frequency signals and consisting of: 1) remote communications or antenna nodes deployed throughout a desired coverage area, each including at least one antenna for transmission and reception; 2) a high capacity signal transport medium that is connected to a central communications hub site; and 3) radio transceivers located at the hub's site to process or control the communications signals transmitted and received through the antennas to provide wireless or mobile service within a geographic area or structure.

Lattice Tower: A type of support structure that consists of an open network of braces forming a tower that is usually triangular or square in cross section.

Modification and/or Replacement: Modification of a support structure or wireless communication facility of comparable proportions and of comparable height or such other height that would not constitute a substantial modification in order to support wireless facilities or to accommodate collocation and includes replacement of any pre-existing wireless communication facility or support structure.

Monopole: A type of support structure that consists of a vertical pole fixed into the ground and/or attached to a foundation.

Small Cell Facility: A wireless communication facility that meets both of the following qualifications: 1) each antenna is located inside an enclosure of no more than six cubic feet in volume, or in the case of an antenna that has exposed elements, the antenna and all of the antenna's exposed elements is no more than three cubic feet; and 2) primary equipment enclosures that are no larger than 28 cubic feet in volume, or facilities comprised of such higher limits as the federal communications commission has excluded from review pursuant to 54 U.S.C. § 306108. Associated equipment may be located outside the primary equipment, and if so located, is not to be included in the calculation of equipment volume. Associated equipment includes, but is not limited to, any electric meter, concealment, telecommunications demarcation box, ground-based enclosures, back-up power systems, grounding equipment, power transfer switch, cut-off switch, and vertical cable runs for the connection of power and other services.

Substantial Modification: Any change to a wireless communication facility or support structure that will substantially change the physical dimensions under the objective standard for substantial change, established by the Federal Communications Commission pursuant to [47 CFR 1.40001](#).

Transmission Equipment: Apparatus that facilitates transmission for a wireless service licensed or authorized by the Federal Communications Commission including, but not limited to radio transceivers, antennas, coaxial or fiber optic cable and regular and backup power supply.

Wireless Facility: Equipment at a fixed location that enables wireless communications between user equipment and a communications network.

Wireless Facility Support Structure: A freestanding structure, such as a monopole, guyed or self-supporting tower or other suitable existing or alternative structure designed to support or capable of supporting wireless facilities, and any structure that is currently supporting or designed to support the attachment of wireless facilities, including, but not limited to, towers, buildings, and water towers. See [Figure 3.4](#).

Wireless Infrastructure Provider: A person or entity that builds or installs transmission equipment, wireless facilities or wireless support structures, but is not a wireless services provider.

Wireless Services Provider: An entity that provides wireless services.

Yard: The open space on a lot within which only permitted obstructions are allowed. See [Figure 3.5](#).

Front Yard: The required yard extending the full width of a lot, as measured between the front lot line and front setback line. On a corner lot, both yards abutting a street are considered front yards. May also be referred to as the street yard.

Rear Yard: The required yard extending the full width of a lot, as measured between the rear lot line and the rear setback line. On a corner lot, any yard not considered a side or front yard is a rear yard.

Side Yard: The required yard extending the depth of a lot between the front and rear setback lines. On a corner lot, any yard abutting the side yard of an adjacent property is considered a side yard.

Zero Lot Line (ZLL): The location of a building on a lot such that: (A) one or more exterior walls of a detached unit rest directly on an interior lot line, or (B) the shared common wall of two attached units rests on an interior lot line. Some typical examples are patio homes, garden homes, and condominium townhomes.

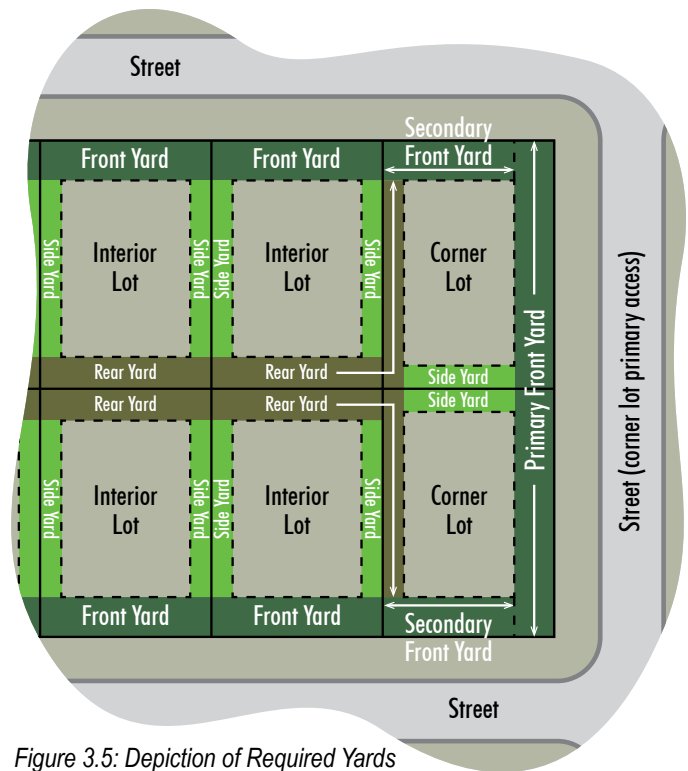


Figure 3.5: Depiction of Required Yards

Zoning Compliance Certificate: A document issued by the Zoning Administrator, which states that a given property is appropriately zoned and meets all applicable provisions of these regulations for: (A) establishing a specific use; (B) changing an established use; (C) constructing, altering, or modifying a structure; or (D) establishing occupancy in an existing structure previously occupied with a different type of use.

Zoning Jurisdiction: The geographic boundaries wherein the City has the legal authority to adopt and enforce zoning regulations. This is the City of Augusta corporate limits.

Zoning Lot: A contiguous area of property on one or more lots of record having the same owner, the entire area of which is within the same zoning district. Where a single lot of record has portions within different zoning districts, each portion within a different zoning district is considered an individual zoning lot. See [Figure 3.6](#).

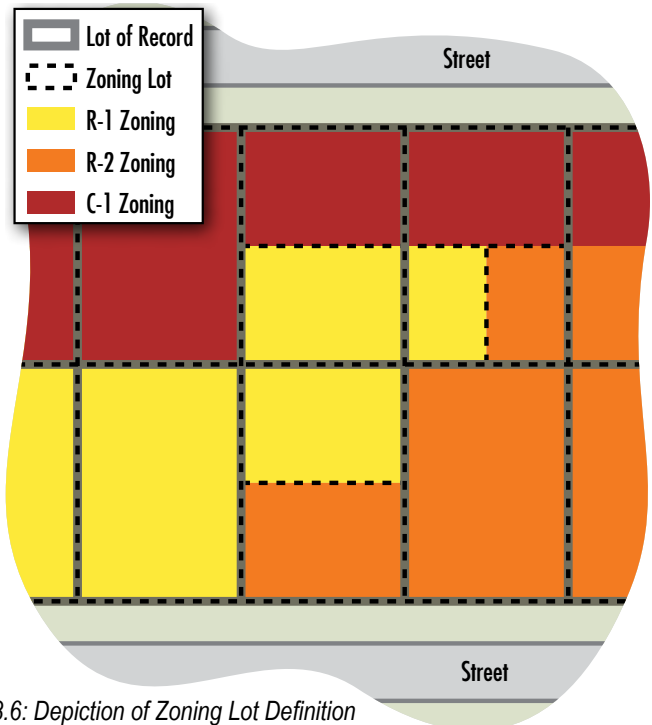


Figure 3.6: Depiction of Zoning Lot Definition

Article 04 General Provisions

04.01. Purpose

The purpose of this article is to outline general requirements of these regulations that apply after the effective date of adoption unless otherwise indicated.

04.02. Uses & Activities Governed

A. Structures

1. These regulations apply to all structures built, moved, rebuilt, remodeled or restored, unless such is exempted by other provisions of these regulations.
2. These regulations apply to any change in the use of a structure, unless such is exempted by other provisions of these regulations. The new use shall comply with all applicable provisions for said use. In cases when a change in structure use does not comply with lot size requirements and bulk regulations, the structure shall be considered legal nonconforming.
3. The following requirements shall apply to structural alterations, as defined in these regulations:
 - a. The entire altered structure shall comply with all applicable use regulations.
 - b. Structural alterations and additions shall comply with applicable bulk regulations, except as otherwise indicated in these regulations.
 - c. Off-street parking shall not be reduced below applicable requirements of these regulations as a result of structural alterations.

B. Undeveloped Lots

All changes in use of undeveloped lots shall comply with the applicable provisions of these regulations.

C. Exemptions

The following structures and uses are exempted from the provisions of these regulations:

1. Underground utility distribution infrastructure for electricity, telecommunications, data transmission, gas, potable water, sanitary sewer and storm water.
2. Electric utility poles or towers, including any power, data, and cable TV lines installed on them.
3. Structures, facilities, improvements, signs, etc. located within railroad rights-of-way or activities in such rights-of-way being conducted by authorized individuals.
4. Buildings, structures or land owned by the State of Kansas or federal government.
5. Agricultural land uses and structures as defined by these regulations or exempted from these regulations by state or federal laws. This exemption does not apply to uses and structures located in a designated floodplain. In cases when a change in use nullifies this agricultural exemption, all applicable provisions of these regulations shall apply to the new use.

04.03. Establishment of Districts

A. The zoning jurisdiction is hereby divided into the following zoning districts:

- | | |
|---|--|
| 1. A-1 Agricultural District | 7. M-1 Mixed-Use Commercial District |
| 2. R-R Single-Family Rural Residential District | 8. C-1 Main Street District |
| 3. R-1 Single-Family Residential District | 9. C-2 Local Commercial District |
| 4. R-2 Single-Family/ZLL Residential District | 10. C-3 General Commercial District |
| 5. R-3 Multiple-Family Residential District | 11. I-1 Industrial District |
| 6. R-4 Manufactured Home Park District | 12. PDO Planned Development Overlay District |
| | 13. Airport Overlay District |

- B. The numbered order of the above listing describes the relationship of land use intensity and density between each of the zoning districts, with A-1 providing for development of the lowest intensity land uses at the lowest density and I-1 providing the highest intensity and density. This relationship of intensity may not apply to the PDO district.

04.04. Official Zoning Map

- A. The boundaries of the districts listed in [Section 04.03](#) are shown on the Official Zoning Map of the City of Augusta.
- B. The Official Zoning Map shall be identified on its face as part of these regulations, including all notes, references and other information as indicated by these regulations.
- C. The Official Zoning Map shall be kept on file with the Zoning Administrator and accessible to the public during regular business hours of the City of Augusta.
- D. All natural and man-made features encompassed by the zoning jurisdiction are included in the zoning district boundaries shown on the Official Zoning Map.
- E. Areas within the zoning jurisdiction that are not shown within a zoning district on the Official Zoning Map are deemed to be within the R-1 Single-Family Zoning District if within the city limits of the City of Augusta, or the A-1 if outside the Augusta city limits, unless specifically zoned otherwise.

04.05. Zoning District Boundaries

The following rules shall apply when interpreting zoning district boundaries on the Official Zoning Map:

- A. District boundaries shall be interpreted as following lot lines or property parcel boundaries, unless otherwise indicated.
- B. District boundaries appearing to follow rights-of-way, easements, streams or bodies of water shall be interpreted as following the centerlines of said features, unless otherwise indicated. When any such feature is not within the boundaries of a zoning district, it shall be deemed to be in the zoning district of the abutting properties to its centerline, as drawn on the same bearing as the property lines that mark the extents of the abutting properties.
- C. District boundaries that do not coincide with another identifiable boundary shall be determined by the scale of the Official Zoning Map, unless an exact distance is shown.
- D. District boundaries that divide a lot of record, may be extended to the ownership boundaries by the Zoning Administrator, upon written request by the property owner of record. Such requests shall not apply in cases where the zoning district boundary will be extended more than twenty-five (25) feet.
- E. Where district boundaries divide a lot of record, they shall be parallel to a lot line and in no case shall they be allowed to divide any structure on that lot.

04.06. General Provisions

The following requirements shall apply, except as otherwise provided in these regulations.

A. Conformance Required for By-Right Uses & Structures

No lot or structure shall be occupied or designed for occupancy as a matter of right unless it is in conformance with the applicable provisions for by-right uses or structures of the zoning district in which it is located.

B. Specific Use Standards

No use or structure subject to the specific use standards of these regulations shall be established without being in conformance with the applicable standards.

C. Conditional Uses

1. No use or structure designated as a conditional use in any zoning district shall be established, except according to applicable provisions, processes and procedures of these regulations.
2. The authorization of a conditional use shall apply only to the specific structure or use approved and

shall not transfer to other uses or structures designated as a conditional use without authorization according to these regulations.

3. Changes or modifications to a use or structure authorized by conditional use shall remain in compliance with the conditions and provisions of the conditional use permit, except those authorized according to these regulations.
4. Approved conditional uses shall remain authorized upon transfer of property ownership, provided they remain in full compliance with the original conditional use permit.

D. Conformance Required for Modifications

No use or structure shall be established, changed or altered without being in conformance with applicable lot size requirements, setback requirements, height requirements and bulk regulations, unless otherwise provided for in these regulations.

E. Off-street Parking and Loading

1. No lot or structure shall be occupied or designed for occupancy without meeting the minimum requirements for off-street parking and loading space provided in these regulations.
2. No use or structure shall be changed or altered without meeting the minimum requirements for off-street parking and loading space for the modified use or structure provided in these regulations.

F. Allowed in All Districts

All of the following shall be allowed in all zoning districts, provided that none shall be established, expanded, changed or altered, except as in compliance with these regulations.

1. Accessory uses or structures
2. Temporary uses or structures
3. Home occupations
4. Signs
5. Off-street parking and loading

G. Use Definitions & Determinations

1. The various uses governed by these regulations are defined by [Article 05](#). Such definitions shall be utilized for determining how the provisions of these regulations apply to a certain property, zoning lot, development, land use, structure, etc.
2. When an applicant's proposed use is undefined by [Article 05](#):
 - a. The Zoning Administrator shall, upon request, provide a written determination of the appropriate definition for the proposed use, based on the most comparable defined use, which shall include explanations for the rationale behind the determination.
 - b. This written determination shall then apply for the purposes of regulating the proposed use and dictate the appropriate application, review, and approval procedures.
 - c. Written determinations of the Zoning Administrator may be appealed to the Board of Zoning Appeals (BZA) in accordance with these regulations.

H. Primary Uses and Structures

1. Each zoning lot shall be allowed only one primary use and structure; all other uses or structures must be an allowed secondary, accessory or temporary use or structure, except:
 - a. Residential mixed-uses in the M-1 or C-1 district.
 - b. Multi-family dwellings in the R-3 district or approved by conditional use in the C-1 district.
 - c. Nursing, residential care and group homes allowed by-right or approved by conditional use in the indicated zoning districts.
 - d. When allowed in an approved PDO district.
2. A primary structure may be constructed over the interior lot lines of adjacent zoning lots having the

same owner of record only when approved by conditional use. In such cases:

- a. The structure is considered one building, subject to applicable provisions of these regulations and other City codes.
- b. Such a structure shall be considered the primary structure for each zoning lot it occupies.
- c. Each occupied lot shall be considered an individual zoning lot for the determination of setback and yard requirements, except those with interior lot lines crossed by the structure. In such cases, side setbacks are not required for the side lot lines crossed and rear setbacks are not required for the rear lot lines crossed.
- d. Bulk regulations, lot size and lot coverage requirements shall be determined using the aggregate requirements for all zoning lots occupied by the structure.

I. Setbacks

1. Setback requirements for each zoning district shall apply to all uses and structures approved after the adoption of these regulations, except when:
 - a. Setbacks for a zoning lot have previously been established on an approved subdivision plat.
 - b. A deed restriction or other private instrument dictates a setback requirement greater than the applicable minimum for the zoning district.
 - c. A front setback greater or less than the applicable minimum for the zoning district has been maintained on lots covering more than fifty percent (50%) of the block's street frontage. In such cases, the minimum required setback shall be the average setback distance of the existing structures, provided that no minimum front setback shall be required greater than fifty (50) feet or less than twenty (20) feet.

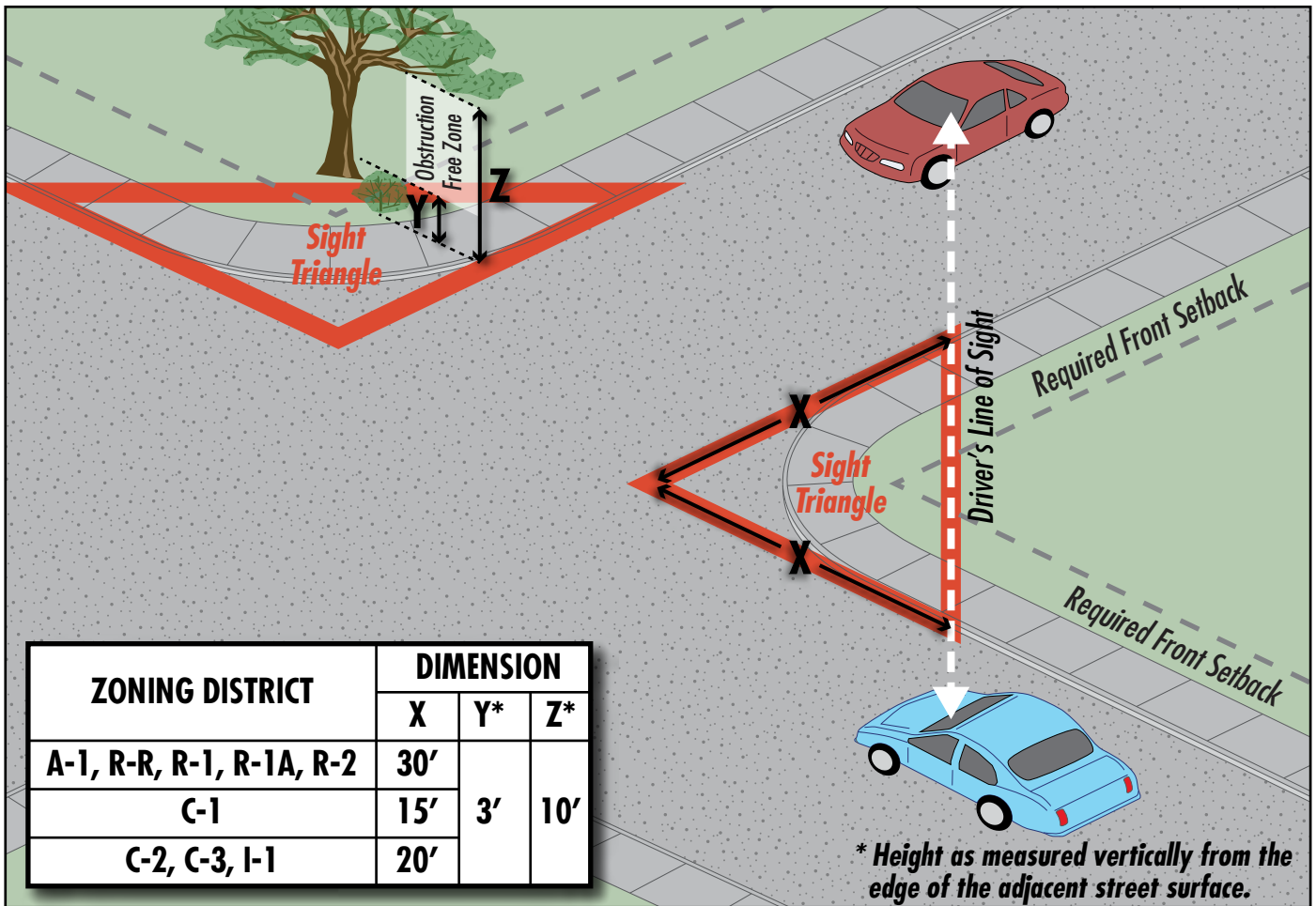
J. Required Yards

1. A zoning lot with a by-right or approved conditional use, but having no structures shall maintain the required yards for the zoning district in which it is located and keep them free from obstructions. Public open spaces, parks, and recreation areas shall be exempt from this requirement.
2. Required yards shall be provided on the same zoning lot for which they are required.
3. No required yard shall be reduced below the minimum area provided in these regulations as a result of change or alteration to a use or structure, except by variance according to the provisions of these regulations.
4. Subject to City codes, the Building Code and other provisions of these regulations, the following obstructions are allowed as indicated within a required yard.
 - a. Allowed in any yard:
 - i. Open terraces or patios not exceeding four (4) feet in height.
 - ii. Awnings and canopies.
 - iii. Stairways, steps and wheelchair ramps necessary to access a property or structure.
 - iv. Fire escapes, bay windows, eaves, gutters, chimneys, window wells and wing walls that project less than two (2) feet into the yard.
 - v. Arbors and trellises.
 - vi. Flagpoles.
 - vii. Basketball goals.
 - viii. Allowed accessory uses, except as otherwise prohibited by these regulations.
 - ix. Fences, subject to applicable provisions of these regulations.
 - x. Signs, subject to applicable provisions of [Article 08](#).
 - b. Allowed in any yard, except the front yard:
 - i. Children's play equipment, such as play houses, swings, slides and other play sets.
 - ii. Clothes lines.

- c. Allowed only in rear yards:
 - i. Jetted spas and in-ground swimming pools.
 - ii. Storage sheds.
- d. Other obstructions expressly allowed by these regulations.
- 5. The following obstructions are expressly prohibited within required yards (See [Section 03.03](#))
 - a. Attached or detached garages and carports.
 - b. Covered patios and porches.
 - c. Decks.
- K. Non-Residential Site Access

Except for public rights-of-way and access easements, no land within a residential zoning district shall be used for a driveway, walkway or other access to a zoning lot located within a commercial or industrial zoning district.
- L. Sight Triangle
 1. No permanent or temporary obstructions are allowed within the sight triangle between the height of three (3) feet and ten (10) feet as measured from the nearest pavement edge of the street surface, except for allowable obstructions placed by government agencies and utility providers. This is generally limited to traffic signs, utility equipment and other similar items.
 2. No use or structure shall be established, changed or altered if it will encroach a sight triangle.
 3. Sight triangles shall be measured as shown in [Figure 4.1](#).

Figure 4.1: Site Triangle Dimensions



M. Height Exemptions

The following structures are exempted from zoning district maximum height restrictions, except for such structures located within City of Augusta street rights-of-way, subject to applicable height provisions of [Article 9](#), [Article 10](#), or as regulated by state or federal law.

1. Freestanding Vertical Structures
 - a. Electric Transmission Towers
 - b. Flagpoles
 - c. Grain Silos & Elevators
 - d. Water Towers/Tanks
2. Freestanding Communication Structures
 - a. Broadcast Towers
 - b. Collocated Wireless Facilities
 - c. Radio Antennas
 - d. Wireless Communication Towers
3. Integrated & Attached Structures (including screening/housings)
 - a. Bell Towers & Carillons
 - b. Chimneys & Flues
 - c. Cupolas & Steeples
 - d. Electric Service Components
 - e. Elevator/Stair Enclosures
 - f. Fire Escapes
 - g. HVAC & Ventilation Components
 - h. Skylights

- N. All lots with primary uses other than agricultural shall provide suitable waste collection facilities meeting applicable specific use standards of [Article 10](#).

04.07. City Utility Connections

- A. Utility Connections within City Limits. All primary structures within the city limits built after the adoption of these regulations shall be served by the City's sanitary sewer, potable water, and electric utilities, except as provided in zoning district regulations or approved by the City Council when such connections are not possible.
- B. Utility Connection within Planning Area. Within the "Planning Area" of the City of Augusta, where no public water and/or sanitary sewer systems are available, the provisions of the Butler County Sanitation Code shall apply. The sub-divider and/or property owner agrees to connect to public water and public sanitary sewer within 180 days after said infrastructure is constructed. Afterwards, all private sewage systems will be disconnected and destroyed according to applicable regulations.

04.08. Conditions of Approval

- A. The following may be required as conditions of approval for any necessary authorizations governed by these regulations.
1. Dedication of street rights-of-way.
 2. Easements for utilities, drainage, access, fire lanes, setback lines and other necessary public uses related to the purposes of these regulations.
 3. Construction, removal or replacement of public improvements necessary for development of the subject property.
 4. Platting, replatting or separate legal instrument for the subject property to enact necessary dedications according to the City Subdivision Regulations.
- B. Conditions of approval may be required regardless of ownership status of the subject property.
- C. A time limit not to exceed one year shall be placed upon all conditions of approval.
- D. When conditions of approval accompany a zoning authorization, the City Council shall withhold publication of the ordinance enacting such authorization until all conditions have been met.
- E. Failure to comply with the conditions of approval during the specified time limit, shall render the authorization null and void. No extensions of the time limit shall be provided without reapplication.

04.09. Annexed Land

Annexation of land into the City zoning jurisdiction may be initiated by the City Council or by property owner petition. To ensure due consideration of the appropriate zoning and adequate provision of municipal services for land to be annexed, the following shall apply.

A. City Council Initiated Annexations

1. Prior to annexation, the Zoning Administrator shall review the subject property and submit a report to the Planning Commission recommending an appropriate zoning district, which the Planning Commission shall consider.
2. If the Zoning Administrator recommends R-1 Single-Family Residential zoning and the Planning Commission concurs, upon completion of annexation proceedings the subject property shall be designated R-1, which is the most restrictive zoning district established in these regulations.
3. If the Zoning Administrator recommends zoning other than R-1 Single-Family Residential or the Planning Commission does not concur with a recommendation of R-1, the Planning Commission shall file an application for the zoning district it deems appropriate.
 - a. The application shall be considered according the process established in these regulations and the Planning Commission shall provide a zoning recommendation to the City Council.
 - b. Upon approval by the City Council, the zoning ordinance shall be published only after annexation proceedings have been completed and the subject property is within the City's zoning jurisdiction.

B. Property Owner Petitioned Annexations

1. In the annexation petition, the property owner shall indicate which zoning district designation is desired for the land being annexed.
2. If the requested zoning is R-1, upon annexation into the City's zoning jurisdiction the subject property shall be designated as R-1, which is the most restrictive zoning district established in these regulations.
3. If a zoning district other than R-1 is requested, the property owner shall file an application for the desired zoning district, which the Planning Commission shall consider according to the procedures established in these regulations.
4. If the requested zoning is approved by the City Council, the zoning ordinance shall be published only when:
 - a. Annexation proceedings have been completed and the subject property is within the City's zoning jurisdiction.
 - b. All conditions of approval have been met.

- C. The City Council shall not approve any annexation of land into the zoning jurisdiction without first determining appropriate zoning of the subject property as provided in [Section 04.09](#).

04.10. Nonconforming Uses & Structures

- A. All legal nonconforming uses and structures shall maintain legal nonconforming status so long as they remain in the state in which they existed at the time of achieving nonconforming status.
- B. Any legal nonconforming use that has been abandoned for a period of six (6) consecutive months, shall not be reestablished or resumed. Any legal nonconforming structure that has been abandoned for a period of six (6) consecutive months shall not be reoccupied or modified in nonconformance. Any use established or structure occupied/alterd after that time shall only exist in conformance with these regulations.
- C. Any legal nonconforming structure that has been damaged by any means, except by flooding, to an extent greater than fifty percent (50%) of its county appraised value, shall not be reconstructed or replaced without meeting all requirements of these regulations.
- D. Upon receiving a completed application from the property owner, the Zoning Administrator shall verify the legal nonconforming status of a use or structure and issue a legal nonconforming use certificate for all

validated claims of legal nonconforming status.

04.11. Floodplain Regulations

No use or structure shall be established, changed or altered within a floodplain identified on the Federal Emergency Management Agency's Flood Insurance Rate Maps without being subject to the City's Floodplain Regulations and applicable City Codes.

Article 05 Land Uses

05.01. Purpose

The purpose of this article is to define primary and secondary land uses and structures; differentiate between primary and secondary uses and structures; and identify which land uses and structures are allowed by-right, permitted by conditional use, and disallowed within each zoning district.

05.02. Primary Land Uses

This section defines individual primary land uses, which are listed by major land use category and land use sub-category. A table of primary land uses allowed by zoning district is also provided. For context, definitions include in parentheses North American Industry Classification System (NAICS) 2012 numbers. The NAICS is a hierarchical numbering system used by federal agencies in classifying business establishments for economic analysis purposes. Land uses are not regulated by the NAICS number. However, the numbers provide additional guidance as to the types of uses associated with the land use. Two-digit NAICS numbers identify the industry sector, three-digit numbers identify the industry sub-sector, four-digit numbers identify the industry group, and five- and six-digit numbers identify the specific industry. NAICS numbers are not provided for uses that have no corresponding NAICS numbers and those that generally do not produce income.

Agricultural Land Uses

General Agricultural Uses

Animal or Livestock Production: Establishments primarily engaged in raising or fattening animals for sale of animals or animal products (112111 - 112990).

Crop Production: Establishments primarily engaged in growing or producing crops mainly for food and fiber (111110 - 111219, 111910 - 111998).

Breeding Kennel: Establishments primarily engaged in providing breeding services for house pets and small animals allowed by City Code (112990).

Greenhouse or Hoop House: Establishments primarily engaged in growing and selling flowers, plants, fruits or vegetables that are wholly covered within a transparent or semi-transparent structure (111219, 111419, 111422).

Nursery or Orchard: Establishments primarily engaged in growing and selling trees, flowers, plants, fruits, vegetables or other vegetation that are grown in the open (111310 - 111422).

Residential Land Uses

Single-Family Dwellings

A detached single-family dwelling contains one (1) dwelling unit, which is designed and specifically intended to be occupied by one (1) family. An attached single-family dwelling has two (2) adjoining dwelling units, each unit designed and specifically intended to be occupied by one (1) family.

Duplex: Attached single-family dwellings with two (2) individual dwelling units located on a single lot that share a common wall or floor. The structure and lot have singular ownership, but each unit is intended to be occupied individually by one (1) family.

Earth Sheltered Home: Residential buildings designed to utilize earth as protection from the elements. They may be dug into the ground or have raised or mounded earth extending higher than the floor level on more than one (1) side of the building (not including basements).

Garden Home: Attached single-family dwellings designed for zero lot line development. Each structure has two (2) individual dwelling units, each on a separate lot and sharing a common wall located on the lot line. Each unit is intended to be occupied individually by one (1) family. Garden home subdivisions may be designed as condominium developments or traditional individual-owner developments.

Manufactured or Mobile Home: Transportable, factory-built structures, designed to be used as a year-

round residential dwelling. Mobile homes were built prior to the June 15, 1976 enactment of the [National Manufactured Home Construction and Safety Standards Act](#). Manufactured homes were built after said date and are subject to its provisions. This shall not include “tiny homes” or other portable dwellings mounted on a trailer or having no integrated wheeled framework, which shall be regulated herein as recreational vehicles.

Modular Home: Residential dwellings constructed of components manufactured at a remote location and transported to the home site, where they are assembled and installed on a permanent foundation. Components are fabricated utilizing assembly-line production techniques or other methods unique to the manufacturing process.

Patio Home: Detached single-family dwellings designed for zero lot line development. Each dwelling is owned independently and has one wall located on a side lot line. Patio home subdivisions may be designed as rental developments or traditional individual-owner developments.

Residential-Design Manufactured Home: Manufactured homes defined as such by [K.S.A. 12-742\(a\)\(7\)](#), with a minimum of twenty-two (22) body feet in width placed on permanent foundations, and having a pitched roof, siding and roofing materials that are customarily used on site-built homes, and that comply with the architectural and aesthetic standards of this Code.

Site-Built Home: Residential dwellings constructed of basic materials (i.e. lumber, piping, flooring) delivered to the home site. Building components are fabricated on-site, assembled, and installed on a permanent foundation..

Multi-Family Structures

Apartments: Multi-story residential buildings containing three (3) or more adjoining dwelling units, each unit intended to be occupied individually by one (1) family. Each unit shares a common wall, floor, or ceiling with at least one (1) other unit. Apartments may be developed rental, condominium, or dormitory units. This definition includes all similar dwelling types that are not otherwise defined (53111).

Boarding House: Residential buildings, typically private homes, with rooms rented to individuals on a monthly basis or longer. These generally offer private sleeping quarters with common kitchen, bathroom, and living areas. They may be owner-occupied with rooms rented to other individuals or group living quarters, such as fraternity and sorority houses, that are not defined herein as a Group Home (721310).

Group Home: Dwellings for persons with a disability, which are licensed by the State of Kansas in accordance with [K.S.A. 12-736](#), et seq. Maximum occupancy of such dwellings is ten (10) individuals, which may include up to eight (8) persons with a disability plus no more than two (2) staff residents (623210, 623220, 623990).

Townhome: Residential buildings with three (3) or more adjoining multi-story dwelling units, each unit intended to be occupied independently by one (1) family. Each unit shares a common vertical wall with at least one (1) other unit. Townhome subdivisions may be designed as rental developments, condominium developments, or traditional individual-owner developments (53111).

Triplex or Quadplex: Residential buildings with adjoining one-story dwelling units, each unit intended to be occupied individually by one (1) family. Triplexes have three (3) adjoining units and quadplexes have four (4) adjoining units, each of which shares a common wall with at least one (1) other unit. Triplexes and quadplexes may be developed as rental or condominium units (53111).

Nursing & Residential Care Facilities

Assisted Living Facility: Group living quarters with on-site personal care services for elderly individuals or those needing limited personal care services, which has no on-site nursing care (623312, 623220, 623210).

Continuing Care Facility: Group living quarters with on-site personal care services for elderly individuals or those needing personal care services, which also has on-site nursing care (623311).

Nursing Care Facility: Establishments primarily engaged in providing inpatient nursing and rehabilitative services. The care is generally provided for an extended period of time to individuals requiring nursing care. These establishments have a permanent core staff of registered or licensed practical nurses who, along with other staff, provide nursing and continuous personal care services (623110).

Residential Mixed Uses

Live/Work Office or Studio: A unit or units within a single building having separately defined residential and work spaces. Work spaces are restricted to allowable office-based uses as defined below or arts and culture

uses as defined in this Article.

Loft or Apartment in Commercial Building: A residential unit located within a building primarily used for commercial purposes consistent with the zoning district in which it is located.

Office Land Uses

Administration & Management Offices

Business or Corporate Office: Establishments used for the headquarters or administrative operations of a business or corporation (551111 - 551114).

Governmental or Institutional Office: Establishments used for administrative operations of an institutional or governmental agency/organization (813110 - 813990, 921110 - 928120).

Medical & Health Offices

Medical or Diagnostic Laboratory: Establishments that provide analytic or diagnostic services, including body fluid analysis and diagnostic imaging, generally to the medical profession or to the patient on referral from a health practitioner (621511, 621512).

Medical Clinic: Establishments that provide outpatient health care services to ambulatory patients and having four (4) or more licensed medical professionals (621111 - 621498).

Medical Office: Establishments that provide outpatient health care services to ambulatory patients and having three (3) or fewer licensed medical professionals (621111 - 621498).

Professional & Technical Offices

Accounting, Finance or Investment Service: Establishments that provide accounting, tax preparation, bookkeeping, billing, payroll, financial management, and investments services (522210 - 523999, 525110, 525120, 525901 - 525990, 541211 - 541219).

Attorney or Law Office: Establishments of legal practitioners, lawyers or attorneys engaged in the practice of law, which may provide general expertise or practice specific areas of law, such as criminal, corporate, family and estate, patent, real estate, or tax law (541110).

Business Support or Consulting Service: Establishments that provide business support services, which may include routine functions traditionally conducted internally, research, assistance, or expert advice to businesses and other organizations (541611 - 541618, 541810 - 541930).

Design or Technical Profession: Establishments that provide planning and design activities, such as engineering, architecture, geotechnical services, survey, etc. (541310 - 541490, 541620, 541690, 541990).

Information Technology: Establishments that use technology involving the development, maintenance, and use of computer systems, software, and data processing/distribution networks (518210, 519130, 519190, 541511 - 541519).

Insurance or Real Estate: Establishments that provide or service annuities or insurance policies, including related support activities such as sales, underwriting, investing premiums, or processing claims; establishments that provide professional real estate services including brokerage, sales agency, rental/leasing, property management, abstracting, title work, and appraisal services (524113 - 524298, 525190, 531110 - 531390).

Travel Agency: Establishments that sell or operate travel, tour, and accommodation services (561510 - 561599).

Other Office-Based Uses

Corporate, Scientific or Government Campus: Contiguous developments that contain a group of office and support uses by a single entity or group of entities united for a singular purpose, and utilized as a consolidated base of operations (541690 - 541720, 551111 - 551114, 813110 - 813990, 921110 - 928120).

Multi-Tenant Office Building: Structures divided into separate units for conducting office-based activities having some shared common spaces for support functions (531120).

Research & Development Laboratory: Establishments that conduct original investigation undertaken on a systematic basis to gain new knowledge, or apply research findings or scientific knowledge to create or

improve products or processes (541713 - 541720).

Veterinary Clinic (house pets): Establishments that practice veterinary medicine, dentistry, surgery or related testing services. These treat household pets exclusively and may include outdoor support facilities as allowed by these regulations (541940).

Veterinary Clinic (large animal): Establishments that practice veterinary medicine, dentistry, surgery or related testing services. These treat large animals and livestock, either exclusively or in addition to house pets and may include outdoor support facilities (541940).

Arts, Culture & Recreation Land Uses

Arts & Culture Uses

Arts & Crafts Studio or Gallery: Establishments that create, store, display, or sell works of art or individually crafted items (453920, 711510).

Library: Establishments that contain collections of books, periodicals, films, music, or similar items for people to use, borrow, study, and reference (519120).

Motion Picture Studio: Establishments that produce or distribute motion pictures, videos, television programs, or commercials or provide post-production and related services (512110).

Museum: Establishments that contain exhibits of historical, scientific, artistic, or cultural objects and may also store, research, clean, or restore such items (712110).

Sound Recording Studio: Establishments that produce and distribute musical recordings, publish music, or provide sound recording and related services (512240).

Tattoo or Body Piercing Studio: Establishments that provide body tattooing or piercing services (812199).

Theater, Motion Picture: Establishments that project motion pictures or videos onto a screen for viewing by a group of individuals assembled in a venue designed specifically for such purposes (512131).

Theater, Performing Arts: Establishments that produce the performances of actors, singers, dancers, musical groups, or similar artists, and present the performances to a group of individuals assembled in a venue designed specifically for such purposes (711110, 711120, 711130).

Recreation & Sports Uses

Amusement Arcade: Establishments that contain collections of coin-operated games or entertainment devices, board games, card games, and similar items used by individuals solely for recreation and not gambling purposes (713120).

Fitness Center or Health Club: Indoor establishments that contain equipment and related facilities for individuals to engage in exercise or physical fitness activities (713940).

Golf Course or Country Club: Establishments that contain golf courses, which may include associated driving ranges, retail sales, dining facilities, and other sports, fitness or recreational facilities (713910).

Horse Riding Stable: Indoor or outdoor establishments for equestrian instruction, practice, and competition including support facilities. This use includes rodeo grounds and facilities (713990).

Recreation, Sport or Amusement Center: Establishments designed and equipped for conducting specific sports, leisure, fitness, and recreation activities or a variety of such activities in one location. This may include indoor and outdoor facilities either open to the public or operated on a membership basis. Such facilities often include one or more of the following: bowling alleys, video arcades, miniature golf, golf driving ranges, batting cages, go-cart tracks, carnival rides, swimming pools, ballfields, etc. (713990).

Shooting Range, Indoor: Indoor establishments for firearms and archery instruction, practice, and competition designed with separate firing positions for individuals or groups of shooters (713990).

Shooting Range, Outdoor: Outdoor establishments for firearms and archery instruction, practice, and competition designed with separate firing positions for individuals or groups of shooters (713990).

Commercial Service Land Uses

Automotive & Equipment Services

Automotive Maintenance Shop: Establishments, not including tire shops, that provide only minor routine automotive maintenance services for passenger vehicle, such as oil & filter changes. Such businesses are not equipped to conduct minor or major repairs (811191, 811198).

Automotive Repair Shop: Establishments, including tire shops, that provide minor or major automotive repair services for passenger vehicles (811111 - 811122, 811198).

Car Wash: Facilities used for cleaning, washing, waxing, or detailing of passenger vehicles (811192).

Commercial or Industrial Equipment Repair Shop: Establishments that repair or maintain commercial and industrial machinery/equipment, including sharpening or installing blades and saws or minor welding repairs (811310).

Construction & Heavy Equipment Repair Shop: Establishments that repair or maintain construction and heavy equipment, such as forklifts, backhoes, construction equipment, and mining machinery, dump trucks, and semi-trucks/trailers (811310).

Garden Equipment & Small Engine Repair Shop: Establishments that repair or maintain home and garden equipment, such as lawnmowers, trimmers, hand-held power tools, snow blowers, and similar equipment with small engines (811411).

Recreational Vehicle, Camper & Trailer Repair Shop: Establishments that repair or maintain recreational vehicles, campers, and trailers (811111, 811121, 811490).

Semi-Truck/Trailer Wash: Establishments that wash semi-trucks/trailers or washout tank trailers (811192).

Tractor & Farm Implement Repair Shop: Establishments that repair or maintain farm tractors, combines, and similar agricultural machinery and equipment (811310).

Business Support Services

Business Service Center: Establishments that provide mailbox rental and other postal and mailing services (except direct mail advertising); photocopying, duplicating, blueprinting, and other document copying services (but not bulk commercial printing services); and office support services, such as facsimile services, word processing services, on-site personal computer rental services, and office supply sales (561431, 561439, 561410).

Call Center or Telemarketing Agency: Establishments that conduct business, either for themselves or others, solely over the telephone on an incoming or outgoing basis including: call answering services; telemarketing; taking client orders; servicing customer accounts; soliciting contributions; providing information for products or services; and conducting surveys or polls (561421, 561422, 454110).

Credit Bureau or Collection Agency: Establishments that compile information on individuals or businesses, such as credit and employment histories, and provide that information to financial institutions, retailers, and others who evaluate creditworthiness; collecting payments for claims and remitting collected payments to clients (561440, 561450, 561491).

Data Processing Center: Establishments that provide infrastructure for data processing/distribution services including web hosting, streaming services or application hosting, application service provisioning, mainframe facilities, automated data processing, and data entry services (518210).

Office Equipment Repair & Maintenance: Establishments that repair and maintain office electronics including computers, printers, copiers, and other similar equipment (811212, 811213).

Personal Care Services

Barber Shop or Beauty Salon: Establishments that provide hair care services including cutting, trimming, styling, shampooing, coloring, or waving hair or shaving and trimming mens beards; providing facials; or applying makeup, not including permanent makeup (812111, 812112).

Day Spa: Establishments that provide health, beauty, and relaxation services; therapeutic or holistic treatments; any combination of personal care services (812199).

Massage Therapy: Establishments that provide body massage services offered by individuals with appropriate documented education and credentials; and duly authorized by the Butler County Health Department to practice massage therapy (812199).

Nail Salon: Establishments that provide nail care services such as manicures, pedicures, painting, polishing,

trimming, and similar services (812113).

Tanning Salon: Establishments that provide body tanning services and UV or spray equipment (812199).

Personal & Household Services

Coin-Operated Laundry: Establishments that provide coin-operated or similar self-service laundry equipment for customer use on the premises (812310).

Dry Cleaning or Laundry Service: Establishments that provide dry-cleaning, laundry, or other textile or garment cleaning services, typically with drop-off and pickup operations (812320).

Household Items or Furnishings Repair & Maintenance: Establishments that provide repair and service of household-type goods without retailing new goods (811420, 811490).

Locksmith Shop: Establishments that sell and service mechanical or electronic locking devices, safes, and security vaults including installation, repair, rebuilding, or adjusting services (561622).

Personal Goods Repair & Maintenance: Establishments that repair and service small personal goods not included in other personal and household services definitions, without retailing new goods (811490).

Picture Framing Shop: Establishments that provide cutting, assembling, and crafting of picture frames or providing picture framing services for customers (442299).

Tailor or Dressmaker: Establishments that create custom-made clothing and apparel from patterns by cutting and sewing fabric; and make alterations to clothing and apparel owned by others (811490).

Video Rental: Establishments that rent prerecorded video media to individuals to view elsewhere (532282).

Transient Lodging

Bed & Breakfast Inn: Establishments that provide short-term (daily or weekly) lodging in a private home or accessory structure, typically located in a residential zoning district. Owners of the principal structure may or may not occupy the premises at the same time as guests. Meals may be included in the room rate. This includes using Airbnb, VRBO and similar services for rental/booking arrangements (721191).

Campground or Recreational Vehicle (RV) Park: Establishments that operating sites to accommodate campers and their equipment, including tents, tent trailers, and recreational vehicles; and includes recreational vehicle parks and campgrounds and recreational and vacation camps (721211).

Extended Stay Hotel: Establishments that provide lodging for a fee on a per night, per week, or per month basis. Individual units are not intended for permanent residency, but may have kitchens/kitchenettes and separate living and sleeping areas (721110).

Group Shelter: Establishments that provide temporary or emergency shelter for individuals or families, in either private rooms or shared common spaces intended for temporary occupancy. This may include incidental social services, such as meals or counseling, provided to temporary occupants (624221).

Hotel or Motel: Establishments that provide short-term (daily or weekly) lodging in facilities known as hotels, motor hotels, resort hotels, and motels (721110).

Misc. Commercial Services

Auction House: Establishments that sell used merchandise by auction, not including vehicle and equipment auctions (453998, 561990).

Bail Bond Service: Establishments that provide bail bonding or bondsperson services (812990).

Banking Service: Establishments that accept deposits, lend funds from said deposits, provide extensions of credit, and the custody, loan, or exchange of money. Includes only establishments chartered by the State of Kansas or federal government as a bank, credit union, or similar financial institution (522110 - 522310).

Boarding Kennel: Establishments that provide temporary short-term lodging for house pets owned by others and limited pet care services as allowed by City Code (812910).

Day Care Center: Commercial day care establishments for adults or children that are appropriately licensed by the Kansas Department of Health and Environment (KDHE) that provide care for up to twelve (12) hours per day and which are not home-based businesses (624120, 624410).

Event Center: Establishments that provide facilities on a rental basis for hosting private events, such as weddings, birthdays, and social gatherings. Such establishments may serve, or allow to be served by patrons, cereal malt or alcoholic beverages when appropriately licensed, subject to applicable provisions of state and federal law, City Code, and these regulations (531120, 722320).

Funeral Home or Mortuary: Establishments that prepare the dead for burial/interment and conduct funerals (812210).

Non-Banking Financial Service: Establishments that provide banking-type services or other financial services, but do not hold deposits and are not chartered by the State of Kansas or federal government. Typical services include check cashing, payday loans, car title loans, and money wiring (522298, 522320, 522390).

Pet Grooming Service: Establishments that provide pet grooming services (812910).

Taxidermy Studio: Establishments that provide taxidermy services (711510).

Retail Land Uses

Automotive & Equipment Sales, Rental or Leasing

Auto Rental Office: Establishments that provide short-term vehicle rental/leasing without drivers, including passenger cars, motorcycles, scooters and pick-up trucks (532111, 532112).

Auto & Personal Vehicle Sales: Establishments that provide sales of new and used automobiles, motorcycles, light trucks, passenger and cargo vans, boats (441110, 441120, 441222, 441228).

Construction & Heavy Equipment Sales/Rental: Establishments that provide sales, rentals, and leasing of new and used construction equipment and other heavy equipment (532412).

Lawn & Garden Equipment Sales: Establishments that provide sales and/or rentals of new and used lawn and garden equipment and supplies (444210, 532310, 532490).

Tool or Equipment Rental: Establishments that provide short-term rental of home and garden, construction, and similar equipment such as hand tools, power tools, and lawn care equipment (532289, 532310).

Tractor & Farm Implement Sales/Rental: Establishments that provide sales, rentals, and leasing of new and used tractors and farm implements and machinery (423820, 423860, 532310, 532490).

Truck, Trailer or Recreational Vehicle Sales/Rental: Establishments that provide sales, rentals, and leasing of heavy trucks, truck trailers, semi-trailers, utility trailers, campers or recreational vehicles (441210, 441228, 532120).

Vehicle or Equipment Auction: Establishments that provide auction services for vehicles and other equipment that are typically owned by others (423110).

Building Material & Supply Sales

Electrical, Heating or Plumbing Contractor Supply: Establishments that provide sales of specialized lines of new electrical, heating, and plumbing appliances, equipment, and materials (423610, 423720, 444190).

Flooring, Paint or Home Decor Store: Establishments that provide retail sales of paint, wallpaper, building flooring materials, home decor items, and related supplies (444120, 444190).

Hardware & Tool Store: Establishments that provide retail sales of new hardware items, such as tools, fasteners, and builders' hardware. These may offer the incidental retail sale of general merchandise, construction materials, home, lawn and garden supplies. This may include temporary or permanent outdoor storage and display of goods for immediate sale (444130).

Home & Garden Center: Establishments, typically associated with a national "big-box" retail chain, that provide retail sales of a variety of home, lawn, and garden supplies; landscaping materials; plants; brick; lumber; and other similar materials. This use may include permanent outdoor storage and display of goods for immediate sale (444110, 444220).

Lumber Yard: Establishments that provide sales of lumber, which may be stored indoors or outdoors (423310, 444190).

General & Specialty Retail

Adult Retail Store: A sexually oriented establishment considered an adult bookstore, adult novelty store, or adult video store as defined in [K.S.A. 12-770](#), et seq. (N/A).

Antique Shop: Establishments that provide retail sales of used goods known as antiques, which were made earlier than the present period of time and have value because of considerable age (453310).

Book or Music Store: Establishments that provide retail sales of new or used books and other reading material or music recordings (443142, 451211, 451212).

Cable or Satellite TV or Telecommunication Retail Store: Establishments that provide retail sales of cable, satellite, or telecommunication services and associated merchandise (5171, 5174, 5179).

Cigar or Tobacco Product Shop: Establishments that provide retail sales of cigarettes, cigars, tobacco, pipes, e-cigarettes and other supplies for smoking or nicotine delivery (453991, 453998).

Clothing, Shoe or Apparel Store: Establishments that provide retail sales of new clothing, clothing accessories, shoes, or apparel; including formal wear and costume rental (448110 - 448210, 532281).

Cosmetics or Beauty Supply Store: Establishments that provide retail sales of cosmetics, perfumes, toiletries, and personal grooming products (446120).

Farm & Home Store: Establishments that provide retail sales of new building materials and supplies, new lawn and garden equipment, or new general farm equipment, not including heavy machinery. This may include the outdoor storage and display of goods for immediate sale (444220).

Florist: Establishments that offer retail or wholesale sales of cut flowers, floral arrangements, and potted plants. May include sales of plants purchased from others or grown inside greenhouses or hoop houses located on-site (453110, 453998).

Furniture or Home Appliance Store: Establishments that provide sales and/or rental of furniture, home furnishings, household appliances, televisions, stereo equipment, and home electronics (442299, 443141, 443142, 532289).

General Merchandise or Department Store: Establishments that provide retail sales of new general merchandise, with a wide variety of goods available and no single line of merchandise line being predominant (452210, 452319).

Gift, Novelty or Souvenir Shop: Establishments that provide retail sales of new gifts, novelty merchandise, souvenirs, greeting cards, seasonal and holiday decorations, or curios (453220).

Health Care or Medical Equipment Store: Establishments that provide retail sales and/or rental of health, personal, and medical equipment (446199, 532283).

Hobby Supply Shop: Establishments that provide retail sales of new toys, games, hobby and craft supplies and materials (451120).

Musical Instrument Store: Establishments that provide retail sales and/or rental of new and used musical instruments, sheet music, and related supplies (451140, 532289).

Office Supply or Stationary Store: Establishments that provide retail sales of new stationary, school supplies, office supplies, office equipment, office furniture, or office supplies (453210).

Pawnshop: Establishments that provide retail sales of general items and providing non-depository credit, pawn brokering, lending money upon personal property, pawns of pledges, or purchasing items at prices agreed upon at or before the time of such purchase (522298).

Pet or Pet Supply Store: Establishments that provide retail sales of pets, pet food, and pet supplies (453910).

Pharmacy or Drug Store: Establishments that provide retail sales of prescription and non-prescription drugs and medicines (446110).

Resale or Thrift Shop: Establishments, not including antique shops or pawnshops, that provide retail sales of a variety of used items, clothing or small household goods. Consignment sales may be offered. These may be operated by non-profit organizations, which gather, sort, and sell donated items on-site (453310).

Sporting or Recreational Goods Store: Establishments that provide retail sales and/or rental of new or used sporting goods, recreational equipment and fitness equipment (451110, 532284).

Supercenter or Warehouse Club: Establishments, typically associated with a national “big-box” retail chain, that provide retail sales of a general line of groceries in combinations with general lines of new merchandise (452311).

Grocery, Food & Beverage Sales

Bakery or Pastry Shops: Establishments that provide retail sales of bread and other baked goods made on the premises. May offer items intended for consumption on- and off-premise (311811, 445291, 722515).

Beer, Wine or Liquor Store: Establishments that provide retail sales of packaged alcoholic beverages (445310).

Convenience Store: Establishments that provide retail sales of a limited line of goods that generally includes milk, bread, soda, and snacks (445120, 447110).

Grocery Store or Supermarket: Establishments that provide retail sales of a general line of food products and miscellaneous general merchandise (445110).

Health Food or Supplement Store: Establishments that provide retail sales of food supplement products such as vitamins, nutrition supplements, and body enhancing supplements (446191).

Specialty Food Market: Establishments that provide retail sales of specialized lines of food (445210, 445220, 445230, 445292, 445299).

Restaurants & Drinking Establishments

Bars or Tavern: Establishments that generate fifty percent (50%) or more of its income from preparing and serving cereal malt or alcoholic beverages for immediate consumption; or classified as a Class A or Class B club per [K.S.A. 41-2601](#), et seq. Such establishments may sell prepared food items when appropriately licensed, subject to applicable provisions of state and federal law, City Code, and these regulations (722410).

Brewpub: Establishments that generate fifty percent (50%) or more of its income from cereal malt or alcoholic beverages brewed on-premise; or classified as a Class B club under [K.S.A. 41-2601](#), et seq. Such establishments may sell prepared food items when appropriately licensed, subject to applicable provisions of state and federal law, City Code, and these regulations (722410, 722511).

Cafeteria or Buffet: Establishments primarily engaged in preparing and serving meals for immediate consumption using cafeteria-style or buffet serving equipment, such as steam tables, refrigerated areas, display grills, and self-service nonalcoholic beverage dispensing equipment (722514).

Drive-In Restaurant: Establishments primarily engaged in providing food services where patrons generally order or select items and pay before eating and which provides primary service to people parked in their vehicles. Such establishments shall not sell cereal malt or alcoholic beverages (722513).

Full Service Restaurant: Establishments that generate at least fifty percent (50%) of their income from food prepared on-premise, which is served to patrons who order while seated and pay after eating. Such establishments may sell cereal malt or alcoholic beverages when appropriately licensed, subject to applicable provisions of state and federal law, City Code, and these regulations (722511).

Limited Service Restaurant: Establishments that generate at least seventy-five percent (75%) of their income from food prepared on-premise, which is ordered and served to patrons who must pay before eating. Such establishments may sell cereal malt or alcoholic beverages when appropriately licensed, subject to applicable provisions of state and federal law, City Code, and these regulations (722513).

Misc. Retail Sales

Grain & Feed Store: Establishments that provide retail sales of farm supplies, such as crop seed, livestock supplies, and animal (non-pet) feed (444220).

Manufactured Home Dealer: Establishments that provide retail sales of new or used manufactured homes, parts, and equipment (453930).

Multi-Tenant Lifestyle Center: Specialized shopping centers with a compatible mix of national chain specialty stores, dining, entertainment, and smaller retail, service, and office uses. Individual tenant units may be adjoined or detached, with entrances and circulation between units provided along the exterior of buildings (531120, 531312).

Multi-Tenant Shopping Mall: Specialized shopping centers with a compatible mix of national chain specialty

stores, dining, entertainment, and smaller retail, service, and office uses. Structures have interior common space providing circulation and direct access to individual tenant units (531120, 531312).

Multi-Tenant Strip Center: Shopping centers with street frontage having multiple tenants set side-by-side with adjoining walls and circulation between units provided along the exterior of the building. These typically include a compatible mix of retail, dining, entertainment, service, and office uses (531120, 531312).

Outdoor Market: Outdoor establishments that provide retail sales of a variety of merchandise and products. Some typical examples include farmer's markets and flea markets (453310, 454390, 531190).

Swimming Pool Supply Store: Establishments that provide retail sales of swimming pool supplies, accessories, and chemicals (453998).

Truck Stop: Establishments that support the trucking industry, limited to on-premise fuel, accessory and convenience item sales; truck repair and washes; and restaurants (447110, 447190).

Vehicle Fueling Station: Establishments primarily engaged in retail sales of automotive fuels (447110, 447190).

Industrial Land Uses

Industrial Scale Non-Manufacturing

Commercial Laundry Operation: Establishments that supply, on a rental or contract basis, laundered industrial work uniforms and related work clothing, treated mops, rugs, mats, dust tool covers, cloths, and shop or wiping towels; or laundering services for such items (812320, 812331, 812332).

Commercial Printing Operation: Establishments that offer printing on apparel and textile products, paper, metal, glass, plastics, and other materials (323111, 323113, 323117, 323120).

Concrete or Asphalt Pavement Mixing Plant: Establishments that measure, combine, and mix materials to create concrete or asphalt, but do not provide finished concrete or asphalt products (327310, 327320, 324121).

Liquid Waste Processing or Recycling: Establishments that collect, treat, and dispose of liquid waste materials; operate materials recovery facilities; provide remediation services; and provide septic pumping and other miscellaneous waste management services (325998, 423930, 562112, 562211, 562219, 562998).

Mulching & Composting Operation: Establishments that collect, store, and manage mulching and composting operations (325314, 562119).

Solid Recyclables Sorting & Processing: Establishments that operate facilities for separating and sorting nonhazardous recyclable materials or operating facilities where commingled recyclable materials, such as paper, plastics, used beverage cans, and metals, are sorted into distinct categories (423930, 562111 - 562920).

General Manufacturing & Assembly

Aviation & Related Component Assembly: Establishments that manufacture or assemble aviation instruments, equipment, and related components (334220, 334511, 336320, 336412, 336413).

Brewery, Winery or Distillery: Establishments that brew beer, ale, malt liquors, and nonalcoholic beer; manufacture or blend wines and brandies; or distill, blend, or mix potable liquors, spirits, and other alcoholic beverages. Such are typically produced for wholesale distribution with limited retail sales allowed on-premise (312120, 312130, 312140).

Clothing or Apparel Manufacturing: Establishments that manufacture or assemble clothing, shoes and other apparel from fibers, woven materials, leathers, furs, etc. (315110 - 315990, 316210 - 316998).

Computer, Appliance or Electronics Manufacturing: Establishments that manufacture or assemble products that generate, distribute, or use electrical power. These include lighting; electrical appliances and parts; electric motors and components; electric generators and storage devices; computers; computer peripherals; communications equipment; and similar electronic products (333316, 333318, 334111 - 335921, 335999).

Concrete, Clay or Glass Products Manufacturing: Establishments that manufacture or assemble products using concrete, clay, glass, or similar products (327110 - 327215, 327331 - 327390, 333314).

Food Product or Non-Alcoholic Beverage Production: Establishments that transform livestock and agricultural products into products for intermediate or final consumption or the manufacturing of soft drinks, juices, or other nonalcoholic beverages (311211 - 311520, 311812 - 312112).

Furnishings Manufacturing: Establishments that manufacture or assemble furniture from mass produced materials. Does not include craft workshops that produce custom furniture or refurbishing one piece at a time (337110 - 337920).

Household or Personal Goods Manufacturing: Establishments that manufacture or assemble household goods, excluding furniture and electronics, or personal goods (339910, 339940, 339992 - 339999).

Ice Manufacturing: Establishments that manufacture ice for wholesale distribution (312113).

Mechanical Component Manufacturing: Establishments that manufacture or assemble miscellaneous equipment and end products that apply mechanical force to perform work (333318 - 333415, 333611 - 333999).

Medical Equipment & Supplies Manufacturing: Establishments that manufacture or assemble medical, dental, and surgical equipment, supplies, instruments, and appliances (339112 - 339116).

Metal Products Assembly: Establishments that treat metal products or assemble them into intermediate or end products from metals fabricated elsewhere (332114 - 332992, 335929 - 335991).

Metal Working, Tool & Dye or Welding Shop: Establishments that fabricate metal products, tool and dye items, or weld metals into intermediate or end products (333514 - 333519).

Plastic or Rubber Products Manufacturing: Establishments that manufacture or assemble new or spent plastics resins; or process natural, synthetic, or reclaimed rubber materials into intermediate or final products (326111 - 326299, 339991).

Sign Fabrication & Manufacturing: Establishments that manufacture signs and related displays of all materials, except paper signs (339950).

Toy, Recreation or Sporting Goods Manufacturing: Establishments that manufacture items such as dolls, doll parts, doll clothes, action figures, toys, games, hobby kits, children's vehicles, sporting and athletic goods. This category does not include the manufacture of metal bicycles and tricycles or athletic apparel and footwear (339920, 339930).

Wood Product Manufacturing: Establishments that manufacture or assemble wood products, such as lumber, plywood, veneers, wood containers, wood flooring, wood trusses, manufactured homes, and prefabricated wood buildings (32114 - 321999).

Heavy Industries & Raw Materials Processing

Chemical or Explosives Manufacturing: Establishments that produce basic chemicals or gases, creating products by chemical processes, or manufacturing explosives (325120 - 325199, 325311 - 325320, 325510 - 325998, 332992, 332993).

Concrete or Gypsum Manufacturing: Establishments that produce concrete building block, brick, and all types of precast and prefab concrete products; stone cutting, grinding or polishing. Also includes lime manufacturing, and the manufacture of gypsum products, such as plasterboard (327331 - 327999).

Motor Vehicle or Heavy Equipment Manufacturing: Establishments that produce equipment for transporting people and goods or heavy-duty vehicles or other equipment designed for executing agricultural, construction, grading or mining tasks (333111 - 333132, 336111 - 336999).

Paper or Paper Products Manufacturing: Establishments that produce wood pulp, paper, paperboard, or converted paper products (322110 - 322299).

Petroleum or Natural Gas Extraction: Resource extraction establishments primarily engaged in the removal of petroleum and natural gas from the earth for economic use (211120, 211130, 213111, 213112).

Petroleum, Coal or Asphalt Products Manufacturing: Establishments that transform crude petroleum and coal into usable products; manufacture asphalt and tar paving mixtures; produce roofing cements and coatings from asphaltic materials; or saturate mats and felts with asphalt or tar (324110 - 325110).

Pharmaceutical or Medicine Manufacturing: Establishments that manufacture biological and medicinal products; process botanical drugs and herbs; isolate active medicinal principals from botanical drugs and

herbs; or manufacture pharmaceutical products intended for consumption/use (325411 - 325414).

Plastic or Rubber Manufacturing: Establishments that process new or spent plastics or rubbers into intermediate or final products (325211 - 325220).

Quarry or Mine: Resource extraction establishments engaged in mining, developing mines, or exploring for metallic minerals (ores) or coal and nonmetallic minerals (except fuels) for economic use (212211 - 212299, 212324 - 212399, 213114, 213115).

Sand, Rock or Mineral Extraction Pit: Resource extraction establishments engaged in surface mining for the removal of sand, rock, and naturally occurring minerals from the earth for economic use (212311 - 212322, 213115).

Sawmill: Establishments engaged in storage, sales, and milling of forest products, not including the cutting of firewood (321113).

Slaughterhouse or Animal Products Processing: Establishments that slaughter animals; prepare processed meats and meat byproducts; or render or refine animal fat, bones, and meat scraps (311111, 311119, 311225, 311611 - 311710).

Textile or Carpet Mill: Establishments that transform basic fibers into products that are further manufactured into usable textile products, not including clothing or apparel (313110 - 314999).

Wholesale Trade

Importing, Exporting or Wholesale Trade: Establishments that import or export wholesale products; sell merchandise to retailers, industrial, commercial, institutional, farm, professional business users, or other wholesalers; or act as agents or brokers in buying or selling merchandise for others (423110 - 425120).

Wholesale Trade with Showroom: Establishments that import wholesale products; and sell imported wholesale merchandise to others directly or acting as agents; and offer a showroom for displaying or selling products (423110 - 425120).

Vending Machine Supply or Distributor: Establishments that supply or distribute machines that mechanically dispense consumer items; or supply or distribute items sold by vending machines (454210, 713120, 812990).

Warehousing & Storage

Agricultural Product or Fertilizer Warehousing/Storage: Establishments that store products, materials, or chemicals that used in livestock or agricultural production (424510, 493130).

Bulk Chemical, Explosives or Petroleum Storage: Establishments that store chemicals, explosives, petroleum products or similar components (424710, 424720, 454310, 493190, 562211).

Cold Storage or Refrigerated Warehousing: Establishments that store commercial goods and materials requiring refrigeration or temperature control (493120).

Commercial Livestock Feedlot: Establishments that raise livestock or feed livestock for fattening (11212).

Construction Contractor Yard: Establishments that provide general contracting or subcontracting in the building construction trades. These include administrative offices, workshops and the indoor or outdoor storage of tools, equipment, materials, and vehicles (236115 - 238990).

General Indoor Warehousing: Establishments that store general commercial goods and materials inside of a building (493110).

General Outdoor Storage: Establishments that store general commercial goods and materials outside of a building (493110, 493190).

Junk, Scrap or Salvage Yard: Establishments that store, recycle, dismantle, or sell cast-off, used, scrap, or salvage materials, metals, automobiles, or similar items (423140, 423930).

Livestock Auction Barn: Establishments that consign livestock for auction, which is open to public bidding or sold on a commission basis (424520, 424590).

Self-Storage, Commercial: Establishments that rent/lease, separate secured units to individuals who self-store and retrieve personal items (531130).

Vehicle or Equipment Storage Yard: Establishments that store vehicles and other equipment for a fee, within a

secured area enclosed and screened by a fence (493190).

Transportation & Freight Uses

Airstrip, Airport or Heliport: Establishments that provide landing and take-off facilities for aircraft, with related support facilities and buildings (481111 - 481219, 488111 - 488190).

Commercial Parking Lot or Garage: Establishments that provide off-street parking stalls for motor vehicles, usually on an hourly, daily, or monthly basis, and may offer valet parking services. (812930).

Courier, Messenger or Local Delivery Service: Establishments that provide intercity, local, or international delivery of parcels, documents, furnishing and bulk items (including express delivery services) without operating under a universal service obligation (484210, 491110, 492110, 492210).

Motor Vehicle Towing or Wrecker Service: Establishments that provide towing services for light or heavy motor vehicles, both local and long distance. These establishments may provide incidental services, such as storage and emergency road repair services (488410).

Public Transit or Charter Bus Terminal: Establishments primarily used as terminals or major hubs for operating passenger ground transportation service, including fixed route service and on-demand service, for profit or by a public agency (485111 - 485210, 485410 - 485999).

Rail & Intermodal Freight or Transfer Yard: Establishments used to transfer goods between different freight modes including trains and trucks, ships, or aircraft (482111, 482112, 488210).

Taxi, Limousine or Shuttle Service: Establishments that provide passenger transportation by automobile, van, limousine, or shuttle bus, which are not operated over regular routes and on regular schedules (485310, 485320, 485999).

Trucking & Freight Terminal: Establishments used to transfer freight from trucks or trains on a broad distribution network to vehicles that deliver directly to the final recipients (484110 - 484122, 484220, 484230).

Communication & Utility Land Uses

Broadcast Tower: A freestanding monopole, lattice framework or guyed structure with equipment that transmits/receives radio, television, satellite, microwave, radar or other communication signals. Does not include personal wireless services, facilities or communications as defined in [47 USC § 332 \(c\) - \(d\)](#) (515111, 515112, 515120, 517410).

Natural Gas or Petroleum Distribution: Infrastructure, tanks, and aboveground equipment that support the underground transportation or delivery of natural gas or petroleum products (221210, 486110 - 486990).

Radio or Television Broadcasting Station: Establishments that operate broadcast studios and facilities for over-the-air or satellite delivery of radio and television programs (515111, 515112, 515120).

Utility Support Facility or Substation: Infrastructure, equipment, structures or land owned by a public agency or private utility that support the provision of organizational services or utilities, except managerial/administrative functions; or facilities that connect utility transmission infrastructure to the distribution or collection network of a specific service area within the utility system. These are the primary use of a zoning lot. Does not include wireless communications as defined in [Section 03.03](#) (221111 - 221330, 515210, 515311).

Wireless Communications Tower: Freestanding monopoles, self-supported structures or guyed structures capable of supporting transmission equipment for personal wireless communications, such as cellular voice/data or other similar services as defined in [47 USC § 332 \(c\) - \(d\)](#). This shall include collocated wireless facilities requiring substantial modification of the existing structure prior to installation. See definitions in [Section 03.03](#) (517312).

Public & Institutional Land Uses

Arena or Stadium: Facilities primarily for spectator-oriented gatherings including sporting events, attractions, performing arts, or similar assemblies. Includes stadiums, coliseums, arenas, field houses, race tracks (auto and animals), motorcycle racing and drag strips, and other sports considered commercial (711211, 711212, 711219).

Cemetery or Mausoleum: Interment establishments that subdivide property into lots and offer burial plots for sale. Includes animal cemeteries; cemetery, mausoleum, and related facilities; and funeral parlors accessory

to a cemetery or mausoleum (812220).

Civic, Religious or Organizational Meeting Place: Permanent venues designed for hosting gatherings or meetings of groups, congregations, institutions, or organizations (813110 - 813990).

Correctional Institution: Facilities generally designed and operated for the confinement, correction, and rehabilitation of adult or juvenile offenders sentenced by a court (922140).

Crematory: Establishments that operate facilities where the dead are cremated (812220).

Hospital: Establishments that provide medical, diagnostic, and treatment services that include physician, nursing, and other health services provided on an inpatient basis; and the specialized accommodation services required by inpatients (622110, 622210, 622310).

Outpatient Surgery or Treatment Center: Establishments that provide general and specialized outpatient services and care related to a treatment of a variety of medical and mental health issues including disorders, substance abuse, family planning, and HMOs (621410 - 621498).

Park/Open Space: An area of land or water dedicated for recreation purposes, sports activities or preservation of natural resources. Some typical examples include parks, playgrounds, open common areas, greenways and nature preserves.

School or Educational Campus: Individual buildings or groups of structures used to deliver educational services. Includes preschools, kindergartens, elementary schools, secondary schools, junior colleges, colleges, universities, professional schools, and military academies (611110 - 611310).

Technical School or Job Training Center: Establishments that provide vocational and technical training in a variety of technical subjects and trades (611410 - 611699).

05.03. Table of Primary Uses by Zoning District

Table Legend

- “A” ALLOWED by-right in zoning district.
- “C” Permitted by CONDITIONAL USE in zoning district.
- “--” Use NOT ALLOWED in zoning district.
- “X” NO APPLICABLE specific use standards.
- p. # Page number where the use definition or applicable specific use standards are found.

Defined Primary Uses	Page # of Def.	Zoning District											Specific Use Standards Page #
		A-1	R-R	R-1	R-2	R-3	R-4	M-1	C-1	C-2	C-3	I-1	
Agricultural Land Uses													
General Agricultural Uses													
Animal or Livestock Production	p. 21	A	--	--	--	--	--	--	--	--	--	--	X
Crop Production		A	--	--	--	--	--	--	--	--	--	--	X
Breeding Kennel		A	--	--	--	--	--	--	--	--	--	--	X
Greenhouse or Hoop House		A	--	--	--	--	--	C	A	A	A	A	X
Nursery or Orchard		A	--	--	--	--	--	--	--	--	--	--	X
Undefined Agricultural Uses	Zoning Administrator written determination per Section 04.06.G.2												
Residential Land Uses													
Single-Family Dwellings													
Duplex (SF Attached)	p. 21	C	C	C	A	A	--	--	--	--	--	--	p. 96
Earth Sheltered Home (SF Detached)		A	A	C	--	--	--	--	--	--	--	--	
Garden Home (SF Attached)	p. 22	--	--	--	A	--	--	--	--	--	--	--	X
Manufactured or Mobile Home (SF Detached)		C	C	--	--	--	A	--	--	--	--	--	X
Modular Home (Construction Method)		A	A	A	A	A	--	--	A	--	--	--	X
Patio Home (SF Detached)		--	--	--	A	--	--	--	--	--	--	--	X
Residential-design Manufactured Home (SF Detached)		A	A	A	A	A	--	--	A	--	--	--	X
Site-Built Home (Construction Method)	A	A	A	A	A	--	--	A	--	--	--	X	
Multi-Family Dwellings													
Apartment	p. 22	--	--	--	--	A	--	C	C	C	--	--	X
Boarding House		--	--	--	--	A	--	C	C	--	--	--	X
Group Home		A	A	A	A	A	--	A	A	--	--	--	X
Townhome		--	--	--	--	A	--	C	--	--	--	--	X
Triplex or Quadplex		--	--	--	--	A	--	C	--	--	--	--	X

Defined Primary Uses	Page # of Def.	Zoning District											Specific Use Standards Page #
		A-1	R-R	R-1	R-2	R-3	R-4	M-1	C-1	C-2	C-3	I-1	
Nursing & Residential Care Facilities													
Assisted Living Facility	p. 22	--	--	--	--	C	--	C	--	A	A	--	X
Continuing Care Facility		--	--	--	--	C	--	C	--	A	A	--	X
Nursing Care Facility		--	--	--	--	C	--	C	--	A	A	--	X
Residential Mixed Uses													
Live/Work Office or Studio	p. 23	--	--	--	--	--	--	A	A	--	--	--	X
Loft or Apartment in Commercial Building		--	--	--	--	--	--	A	A	--	--	--	X
Undefined Residential Uses													Zoning Administrator written determination per Section 04.06.G.2
Office Land Uses													
Administration & Management Offices													
Business or Corporate Office	p. 23	--	--	--	--	--	--	A	A	A	A	A	X
Governmental or Institutional Office		--	--	--	--	--	--	A	A	A	A	A	X
Medical & Health Offices													
Medical or Diagnostic Laboratory	p. 23	--	--	--	--	--	--	--	--	A	A	--	X
Medical Clinic		--	--	--	--	--	--	--	A	A	A	--	X
Medical Office		--	--	--	--	--	--	A	A	A	A	--	X
Professional & Technical Offices													
Accounting, Finance or Investment Service	p. 23	--	--	--	--	--	--	A	A	A	A	--	X
Attorney or Law Office		--	--	--	--	--	--	A	A	A	A	--	X
Business Support or Consulting Service		--	--	--	--	--	--	A	A	A	A	--	X
Design or Technical Profession		--	--	--	--	--	--	A	A	A	A	--	X
Information Technology		--	--	--	--	--	--	A	A	A	A	--	X
Insurance or Real Estate		--	--	--	--	--	--	A	A	A	A	--	X
Travel Agency		--	--	--	--	--	--	A	A	A	A	--	X
Other Office-Based Uses													
Corporate, Scientific or Government Campus	p. 23	--	--	--	--	--	--	--	--	--	A	A	X
Multi-Tenant Office Building	p. 24	--	--	--	--	--	--	C	C	A	A	--	X
Research & Development Laboratory		--	--	--	--	--	--	--	--	--	A	A	X
Veterinary Clinic (house pets)		--	--	--	--	--	--	A	--	A	A	--	X
Veterinary Clinic (large animal/livestock)		C	--	--	--	--	--	--	--	--	--	--	X
Undefined Office Uses													Zoning Administrator written determination per Section 04.06.G.2
Arts, Culture & Recreation Land Uses													
Arts & Culture Uses													
Arts & Crafts Studio or Gallery	p. 24	--	--	--	--	--	--	A	A	A	A	--	X
Library		--	--	C	C	C	C	A	A	A	A	--	X
Motion Picture Studio		--	--	--	--	--	--	--	--	--	--	A	X
Museum		--	--	--	--	--	--	C	C	A	A	--	X
Sound Recording Studio		--	--	--	--	--	--	A	A	A	A	A	X
Tattoo or Body Piercing Studio		--	--	--	--	--	--	C	C	A	A	--	p. 104
Theater, Motion Picture		--	--	--	--	--	--	--	A	A	A	--	X
Theater, Performing Arts		--	--	--	--	--	--	A	A	A	A	--	X
Recreation & Sports Uses													
Amusement Arcade	p. 24	--	--	--	--	--	--	--	C	A	A	--	X
Fitness Center or Health Club		--	--	--	--	--	--	A	A	A	A	--	X
Golf Course or Country Club		A	A	A	--	--	--	--	--	--	--	--	p. 97
Horse Riding Stable		A	C	--	--	--	--	--	--	--	--	--	X
Recreation, Sport or Amusement Center	p. 25	--	--	--	--	--	--	--	C	A	A	A	p. 102
Shooting Range, Indoor		C	--	--	--	--	--	--	--	--	C	C	p. 103
Shooting Range, Outdoor		C	--	--	--	--	--	--	--	--	--	--	p. 103
Undefined Arts, Culture & Recreation Uses													Zoning Administrator written determination per Section 04.06.G.2

Defined Primary Uses	Page # of Def.	Zoning District											Specific Use Standards Page #
		A-1	R-R	R-1	R-2	R-3	R-4	M-1	C-1	C-2	C-3	I-1	
Commercial Service Land Uses													
Automotive & Equipment Services													
Automotive Maintenance Shop	p. 25	--	--	--	--	--	--	--	C	A	A	A	p. 92
Automotive Repair Shop		--	--	--	--	--	--	--	C	--	A	A	p. 92
Car Wash		--	--	--	--	--	--	--	--	A	A	A	p. 93
Commercial or Industrial Equipment Repair Shop		--	--	--	--	--	--	--	--	--	C	A	X
Construction & Heavy Equipment Repair Shop		--	--	--	--	--	--	--	--	--	--	A	X
Garden Equipment & Small Engine Repair Shop		--	--	--	--	--	--	C	C	C	A	A	X
Recreational Vehicle, Camper & Trailer Repair Shop		--	--	--	--	--	--	--	--	--	--	A	X
Semi-Truck/Trailer Wash		--	--	--	--	--	--	--	--	--	--	A	X
Tractor & Farm Implement Repair Shop	--	--	--	--	--	--	--	--	--	--	A	X	
Business Support Services													
Business Service Center	p. 25	--	--	--	--	--	--	A	A	A	A	--	X
Call Center or Telemarketing Agency		--	--	--	--	--	--	--	--	C	A	--	X
Credit Bureau or Collection Agency		--	--	--	--	--	--	--	--	C	A	--	X
Data Processing Center		--	--	--	--	--	--	--	--	A	A	--	X
Office Equipment Repair & Maintenance		--	--	--	--	--	--	--	A	A	A	A	X
Personal Care Services													
Barber Shop or Beauty Salon	p. 26	--	--	--	--	--	--	A	A	A	A	--	X
Day Spa		--	--	--	--	--	--	A	A	A	A	--	X
Massage Therapy		--	--	--	--	--	--	A	A	A	A	--	X
Nail Salons		--	--	--	--	--	--	A	A	A	A	--	X
Tanning Salons		--	--	--	--	--	--	A	A	A	A	--	X
Personal & Household Services													
Coin-Operated Laundry	p. 26	--	--	--	--	--	--	A	--	A	A	--	X
Dry Cleaning or Laundry Service		--	--	--	--	--	--	A	C	A	A	--	X
Household Items or Furnishings Repair & Maintenance		--	--	--	--	--	--	A	C	A	A	--	X
Locksmith Shop		--	--	--	--	--	--	A	C	A	A	--	X
Personal Goods Repair & Maintenance		--	--	--	--	--	--	A	A	A	A	--	X
Picture Framing Shop		--	--	--	--	--	--	A	A	A	A	--	X
Tailor or Dressmaker		--	--	--	--	--	--	A	A	A	A	--	X
Video Rental		--	--	--	--	--	--	C	--	A	A	--	X
Transient Lodging													
Bed & Breakfast Inn	p. 26	C	C	C	--	A	--	A	A	A	A	--	X
Campground or Recreational Vehicle Park		C	--	--	--	--	C	--	--	--	--	--	X
Extended Stay Hotel		--	--	--	--	--	--	--	C	A	A	--	X
Group Shelter		--	--	--	--	--	--	--	--	C	A	--	X
Hotel or Motel		--	--	--	--	--	--	C	C	A	A	--	X
Misc. Commercial Services													
Auction House	p. 27	--	--	--	--	--	--	--	--	--	A	A	X
Bail Bond Service		--	--	--	--	--	--	--	--	A	A	A	X
Banking Service		--	--	--	--	--	--	A	A	A	A	--	X
Boarding Kennel		A	--	--	--	--	--	--	--	--	A	A	p. 93
Day Care Center		--	--	--	--	--	--	C	C	A	A	--	X
Event Center		--	--	--	--	--	--	C	C	A	A	--	X
Funeral Home or Mortuary		--	--	--	--	--	--	--	--	A	A	--	X
Non-Banking Financial Service		--	--	--	--	--	--	--	--	A	A	--	X
Pet Grooming Service		--	--	--	--	--	--	A	C	A	A	--	X
Taxidermy Studio		--	--	--	--	--	--	C	C	A	A	--	X
Undefined Commercial Services		Zoning Administrator written determination per Section 04.06.G.2											

Defined Primary Uses	Page # of Def.	Zoning District											Specific Use Standards Page #
		A-1	R-R	R-1	R-2	R-3	R-4	M-1	C-1	C-2	C-3	I-1	
Retail Land Uses													
Automotive & Equipment Sales, Rental or Leasing													
Auto Rental Office	p. 27	--	--	--	--	--	--	--	--	A	A	A	p. 92
Auto & Personal Vehicle Sales		--	--	--	--	--	--	--	C	C	A	A	
Construction & Heavy Equipment Sales/Rental		--	--	--	--	--	--	--	--	--	--	A	
Lawn & Garden Equipment Sales		--	--	--	--	--	--	--	--	--	A	A	
Tool or Equipment Rental		--	--	--	--	--	--	--	--	--	A	A	
Tractor & Farm Implement Sales/Rental		C	--	--	--	--	--	--	--	--	--	A	
Truck, Trailer or Recreational Vehicle Sales/Rental		--	--	--	--	--	--	--	--	--	A	A	
Vehicle or Equipment Auction	--	--	--	--	--	--	--	--	--	--	A		
Building Material & Supply Sales													
Electrical, Heating or Plumbing Contractor Supply	p. 28	--	--	--	--	--	--	--	C	--	A	A	X
Flooring, Paint or Home Decor Store		--	--	--	--	--	--	--	C	A	A	A	X
Hardware & Tool Store		--	--	--	--	--	--	C	C	A	A	A	X
Home & Garden Center		--	--	--	--	--	--	--	--	A	A	A	p. 97
Lumber Yard		--	--	--	--	--	--	--	--	--	A	A	X
General & Specialty Retail Sales													
Adult Retail Store	p. 28	--	--	--	--	--	--	--	--	--	C	A	p. 92
Antique Shop		--	--	--	--	--	--	A	A	A	A	--	X
Book or Music Store		--	--	--	--	--	--	A	A	A	A	--	X
Cable or Satellite TV or Telecommunication Retail Store		--	--	--	--	--	--	--	--	A	A	--	X
Cigar or Tobacco Product Shop		--	--	--	--	--	--	A	A	A	A	--	X
Clothing, Shoe or Apparel Store		--	--	--	--	--	--	C	A	A	A	--	X
Cosmetics or Beauty Supply Store		--	--	--	--	--	--	C	A	A	A	--	X
Farm & Home Store		C	--	--	--	--	--	--	--	--	A	A	X
Florist		--	--	--	--	--	--	A	A	A	A	--	X
Furniture or Home Appliance Store		--	--	--	--	--	--	--	A	--	A	--	X
General Merchandise or Department Store		--	--	--	--	--	--	--	C	C	A	--	X
Gift, Novelty or Souvenir Shop		--	--	--	--	--	--	A	A	A	A	--	X
Health Care or Medical Equipment Store		--	--	--	--	--	--	--	--	A	A	--	X
Hobby Supply Shop		p. 29	--	--	--	--	--	--	A	A	A	A	X
Musical Instrument Store	--		--	--	--	--	--	A	A	A	A	X	
Office Supply or Stationary Store	--		--	--	--	--	--	C	C	A	A	X	
Pawnshop	--		--	--	--	--	--	--	--	--	A	A	X
Pet or Pet Supply Store	--		--	--	--	--	--	--	C	A	A	A	X
Pharmacy or Drug Store	--		--	--	--	--	--	A	A	A	A	--	X
Resale or Thrift Shop	--		--	--	--	--	--	A	A	A	A	--	X
Sporting or Recreational Goods Store	--		--	--	--	--	--	--	C	A	A	--	X
Supercenter or Warehouse Club	--		--	--	--	--	--	--	--	--	A	A	X
Grocery, Food & Beverage Sales													
Bakery or Pastry Shop	p. 29	--	--	--	--	--	--	A	A	A	A	--	X
Beer, Wine or Liquor Store		--	--	--	--	--	--	C	C	A	A	--	X
Convenience Store		--	--	--	--	--	--	C	--	A	A	--	X
Grocery Store or Supermarket		--	--	--	--	--	--	C	--	A	A	--	X
Health Food or Supplement Store		--	--	--	--	--	--	C	C	A	A	--	X
Specialty Food Market		--	--	--	--	--	--	C	C	A	A	--	X
Restaurants & Drinking Establishments													
Bar or Tavern	p. 29	--	--	--	--	--	--	C	C	A	A	--	p. 92
Brewpub		--	--	--	--	--	--	C	C	A	A	--	
Cafeteria or Buffet		--	--	--	--	--	--	--	--	A	A	--	
Drive-In Restaurant	p. 30	--	--	--	--	--	--	--	C	C	A	--	X
Full Service Restaurant		--	--	--	--	--	--	A	A	A	A	--	X
Limited Service Restaurant		--	--	--	--	--	--	C	C	A	A	--	X

Defined Primary Uses	Page # of Def.	Zoning District											Specific Use Standards Page #
		A-1	R-R	R-1	R-2	R-3	R-4	M-1	C-1	C-2	C-3	I-1	
Misc. Retail Uses													
Grain & Feed Store	p. 30	--	--	--	--	--	--	--	--	--	C	A	X
Manufactured Home Dealer		--	--	--	--	--	--	--	--	--	C	A	p. 92
Multi-Tenant Lifestyle Center		--	--	--	--	--	--	--	--	--	A	--	p. 98
Multi-Tenant Shopping Mall		--	--	--	--	--	--	--	--	--	A	--	
Multi-Tenant Strip Center		--	--	--	--	--	--	--	--	A	A	--	
Outdoor Market		--	--	--	--	--	--	C	C	A	A	A	p. 100
Swimming Pool Supply Store		--	--	--	--	--	--	--	--	A	A	--	X
Truck Stop		--	--	--	--	--	--	--	--	--	C	A	p. 104
Vehicle Fueling Station		--	--	--	--	--	--	--	--	A	A	A	p. 105
Undefined Retail Uses													
Zoning Administrator written determination per Section 04.06.G.2													
Industrial Land Uses													
Industrial Scale Non-Manufacturing													
Commercial Laundry Operation	p. 30	--	--	--	--	--	--	--	--	--	--	A	X
Commercial Printing Operation		--	--	--	--	--	--	--	--	--	--	A	X
Concrete or Asphalt Pavement Mixing Plant		--	--	--	--	--	--	--	--	--	--	C	p. 94
Liquid Waste Processing or Recycling		--	--	--	--	--	--	--	--	--	--	C	X
Mulching & Composting Operation	p. 31	--	--	--	--	--	--	--	--	--	--	A	X
Solid Recyclables Sorting & Processing		--	--	--	--	--	--	--	--	--	--	C	X
General Manufacturing & Assembly													
Aviation & Related Component Assembly	p. 31	--	--	--	--	--	--	--	--	--	--	A	X
Brewery, Winery or Distillery		--	--	--	--	--	--	--	--	--	--	A	X
Clothing or Apparel Manufacturing		--	--	--	--	--	--	--	--	--	--	A	X
Computer, Appliance or Electronics Manufacturing		--	--	--	--	--	--	--	--	--	--	A	X
Concrete, Clay & Glass Products		--	--	--	--	--	--	--	--	--	--	A	X
Food Product or Non-Alcoholic Beverage Production		--	--	--	--	--	--	--	--	--	--	A	X
Furnishings Manufacturing		--	--	--	--	--	--	--	--	--	--	A	X
Household or Personal Goods Manufacturing		--	--	--	--	--	--	--	--	--	--	A	X
Ice Manufacturing		--	--	--	--	--	--	--	--	--	--	A	X
Mechanical Component Manufacturing		--	--	--	--	--	--	--	--	--	--	A	X
Medical Equipment & Supplies Manufacturing		--	--	--	--	--	--	--	--	--	--	A	X
Metal Products Assembly		--	--	--	--	--	--	--	--	--	--	A	X
Metal Working, Tool & Dye or Welding Shop		--	--	--	--	--	--	--	--	--	--	A	X
Plastic or Rubber Products Manufacturing		--	--	--	--	--	--	--	--	--	--	A	X
Sign Fabrication & Manufacturing		--	--	--	--	--	--	--	--	--	--	A	X
Toy, Recreation or Sporting Goods Manufacturing		--	--	--	--	--	--	--	--	--	--	A	X
Wood Product Manufacturing		p. 32	--	--	--	--	--	--	--	--	--	--	A
Heavy Industries & Raw Materials Processing													
Chemical or Explosives Manufacturing	p. 32	--	--	--	--	--	--	--	--	--	--	C	X
Concrete or Gypsum Manufacturing		--	--	--	--	--	--	--	--	--	--	C	X
Motor Vehicle or Heavy Equipment Manufacturing		--	--	--	--	--	--	--	--	--	--	A	X
Paper or Paper Products Manufacturing		--	--	--	--	--	--	--	--	--	--	C	X
Petroleum or Natural Gas Extraction		--	--	--	--	--	--	--	--	--	--	C	p. 101
Petroleum, Coal or Asphalt Products Manufacturing		--	--	--	--	--	--	--	--	--	--	C	X
Heavy Industries & Raw Materials Processing (continued)													
Pharmaceutical or Medicine Manufacturing	p. 32	--	--	--	--	--	--	--	--	--	--	C	X
Plastic or Rubber Manufacturing		--	--	--	--	--	--	--	--	--	--	C	X
Quarry or Mine		--	--	--	--	--	--	--	--	--	--	C	p. 101
Sand, Rock or Mineral Extraction Pit		--	--	--	--	--	--	--	--	--	--	C	
Sawmill		--	--	--	--	--	--	--	--	--	--	C	p. 102
Slaughterhouse or Animal Products Processing		--	--	--	--	--	--	--	--	--	--	C	X
Textile or Carpet Mill		--	--	--	--	--	--	--	--	--	--	C	X
Wholesale Trade													
Importing, Exporting or Wholesale Trade	p. 32	--	--	--	--	--	--	--	--	--	--	A	X
Wholesale Trade with Showroom		--	--	--	--	--	--	--	--	C	A	A	X
Vending Machine Supply or Distributor		--	--	--	--	--	--	--	--	--	C	A	X

Defined Primary Uses	Page # of Def.	Zoning District											Specific Use Standards Page #
		A-1	R-R	R-1	R-2	R-3	R-4	M-1	C-1	C-2	C-3	I-1	
Warehousing & Storage													
Agricultural Product or Fertilizer Warehousing/ Storage	p. 33	C	--	--	--	--	--	--	--	--	--	C	X
Bulk Chemical, Explosives or Petroleum Storage		--	--	--	--	--	--	--	--	--	--	C	X
Cold Storage or Refrigerated Warehousing		--	--	--	--	--	--	--	--	--	--	A	X
Commercial Livestock Feedlot		--	--	--	--	--	--	--	--	--	--	--	X
Construction Contractor Yard		--	--	--	--	--	--	--	--	--	C	A	X
General Indoor Warehousing		--	--	--	--	--	--	--	--	--	--	A	X
General Outdoor Storage		--	--	--	--	--	--	--	--	--	--	A	X
Junk, Scrap or Salvage Yard		--	--	--	--	--	--	--	--	--	--	C	p. 97
Livestock Auction Barn		C	--	--	--	--	--	--	--	--	--	A	X
Self-Storage, Commercial		--	--	--	--	--	--	--	--	C	A	A	p. 103
Vehicle or Equipment Storage Yard	--	--	--	--	--	--	--	--	--	--	A	p. 97	
Transportation & Freight Uses													
Airstrip, Airport or Heliport	p. 33	C	--	--	--	--	--	--	--	--	--	C	X
Commercial Parking Lot or Garage		--	--	--	--	--	--	A	A	A	A	A	X
Courier, Messenger or Local Delivery Service		--	--	--	--	--	--	C	--	C	C	A	X
Motor Vehicle Towing or Wrecker Service		--	--	--	--	--	--	--	--	--	--	A	X
Public Transit or Charter Bus Terminal		--	--	--	--	--	--	C	--	C	A	A	X
Rail & Intermodal Freight or Transfer Yard		--	--	--	--	--	--	--	--	--	--	C	X
Taxi, Limousine or Shuttle Service		--	--	--	--	--	--	--	--	C	A	A	X
Trucking or Freight Terminal		--	--	--	--	--	--	--	--	--	--	A	X
Undefined Industrial Uses													
Zoning Administrator written determination per Section 04.06.G.2													
Communication & Utility Land Uses													
Broadcast Tower	p. 34	C	--	--	--	--	--	--	--	C	C	A	p. 93
Natural Gas or Petroleum Distribution		C	--	--	--	--	--	--	--	--	--	A	X
Radio or Television Broadcasting Station		C	--	--	--	--	--	C	--	C	A	A	X
Utility Support Facility or Substation		C	C	C	C	C	C	C	C	C	C	A	p. 105
Wireless Communication Tower		C	C	C	C	C	C	C	C	C	C	A	p. 106
Undefined Communication & Utility Uses													
Zoning Administrator written determination per Section 04.06.G.2													
Public & Institutional Land Uses													
Arena or Stadium	p. 34	C	--	--	--	--	--	--	--	--	C	C	p. 92
Cemetery or Mausoleum		C	--	--	--	--	--	--	--	--	--	--	X
Civic, Religious or Organizational Meeting Place		C	C	C	C	C	C	C	--	A	A	--	X
Correctional Institution		--	--	--	--	--	--	--	--	--	--	C	X
Crematory		--	--	--	--	--	--	--	--	C	C	A	X
Hospital		--	--	--	--	--	--	--	--	C	A	--	X
Outpatient Surgery or Treatment Center		--	--	--	--	--	--	C	--	C	A	--	X
Park/Open Space		A	A	A	A	A	A	A	A	A	A	A	X
School or Educational Campus		C	C	C	--	C	--	C	--	A	A	--	p. 102
Technical School or Job Training Center		C	--	--	--	--	--	C	--	C	A	A	
Undefined Public & Institutional Uses													
Zoning Administrator written determination per Section 04.06.G.2													

05.04. Secondary Land Uses

This section defines specific uses and structures, which are considered secondary uses as defined in [Section 03.03](#). Wireless facilities are regulated as secondary uses when located on a lot with a different primary use or within the public right-of-way. A table identifying allowed secondary land uses in each zoning district is provided as [Section 05.05](#) following these definitions.

Accessory Apartment or Dwelling: A residential unit that is accessory to a single-family residential primary use on the same lot. An accessory apartment is constructed inside or attached to the primary structure or a secondary structure. An accessory dwelling exists independently and is detached from all other structures.

Accessory Use: Any use or structure defined as an accessory use per [Section 03.03](#) and allowed per [Section 04.06](#) that is not otherwise specifically defined in this section.

Adult Entertainment: Any sexually oriented business activity defined per [K.S.A. 12-770](#), which occurs in a motion picture theater, bar, tavern, or full service restaurant as defined in [Section 05.02](#). Such an establishment wherein a sexually oriented activity occurs shall be regulated as an adult entertainment use

according to [Section 05.05](#) and subject to all applicable requirements. No sexually oriented business activity defined per [K.S.A. 12-770](#) shall be allowed in conjunction with any use not defined herein.

Broadcast Tower: A freestanding monopole, lattice framework or guyed structure with equipment that transmits/receives radio, television, satellite, microwave, radar or other communication signals. Does not include personal wireless services, facilities or communications as defined in [47 USC § 332 \(c\) and \(d\)](#).

Car Wash: A structure used for cleaning or detailing motor vehicles, whether self-service or automated, where the car wash is not the primary use on the zoning lot.

Collocated Wireless Facility: A wireless facility installed on or attached to an existing structure as defined in [Section 03.03](#).

Concrete or Asphalt Pavement Mixing Plant: A temporary structure at a construction site used for the mixing of concrete or asphalt, which is intended to be used at the site.

Construction Administration Trailer: A temporary structure located at a construction site for the administration of activities associated with the construction activities at the site.

Detached Residential Carports or Garage: A structure considered either a carport or garage as defined in [Section 03.03](#) that is unattached to a principal residential structure.

Detached Structure for Home Occupation: A detached structure used for conducting business activities associated with a home occupation.

Distributed Antenna System: An infrastructure network that distributes radio frequency signals from transceivers at a central hub site to remote antenna nodes deployed throughout a specific coverage area to personal wireless communication devices.

Drive-Thru Banking Service or ATM: A facility that is part of a banking-type establishment, which is designed to allow drivers to remain in their vehicles when obtaining service from the establishment, or a machine that provides banking-type transaction services in or outside of a building.

Drive-Thru Window, Services or Retail Sales: A facility that is part of a retail or service establishment, not including a restaurant, which is designed to allow drivers to remain in their vehicles when obtaining services or goods from the establishment.

Drive-Thru Window, Restaurants: A facility that is part of a restaurant, which is designed to allow drivers to remain in their vehicles when obtaining services or goods from a restaurant.

Fuel Pump: A structure where automotive fuel is dispensed for retail sale, which is not the primary use on a zoning lot.

Garbage Dumpster or Liquid Waste Container: A dumpsters or container for the temporary storage of solid or liquid waste, or recyclable materials.

Guard or Security Booth: A structure that is used for operations related to controlling access to a property or development, or which houses persons who control access to the site.

Guest Home or Pool House: An accessory structure that supplements the living space of a primary single-family residence. May contain temporary living and sleeping spaces, including bathrooms, but shall not contain kitchens (rooms for preparing and cooking meals with ranges, stoves, ovens). Such a structure shall not be rented separately from the main building or otherwise used for permanent residential purposes.

Institutional Day Care: Any day care appropriately licensed by KDHE located on the campus of a legally recognized educational institution or religious organization, which is operated by that same organization.

Neighborhood Clubhouse or Swimming Pool: A structure or swimming pool that is provided, owned, and maintained by an organization of the residents of subdivision or group of subdivisions; and is solely for the recreational use of organization members and their guests.

Non-Commercial Farm Animal Keeping: Raising or keeping of farm animals for personal use, which are for personal use and not intended to be commercially sold or distributed.

Non-Commercial Greenhouse or Hoop House: A structure wherein crops, trees, flowers, or other vegetation are grown for personal use and not intended to be commercially sold or distributed.

Outdoor Display of Retail Merchandise for Sale: The display of goods ready for immediate sale, typically arranged in an orderly and attractive manner to induce purchase. Does not include yard or garage sales.

Outdoor Festival, Carnival or Gathering: A temporary festival, carnival, social gathering, or similar activity, which takes place outside of an enclosed structure.

Outdoor Kennel Run or Play Yard: A fenced or enclosed outdoor area accessory to a separate primary use, which provides space for animal exercise and play. A run is typically attached to an indoor space housing an individual animal, whereas a play yard is typically unattached and encloses an area large enough for multiple animals.

Outdoor Market: The temporary retail sale of goods from a location outside of an enclosed structure.

Outdoor Storage of Retail Merchandise Stock: The temporary or seasonal on-premise storage of retail stock that is not displayed or intended for immediate sale.

Shared or Off-Premise Parking: An off-street parking facility located on a zoning lot other than the primary use it serves. Shared or off-premise parking shall only be allowed as provided in [Article 07](#).

Small Cell Facility: A wireless facility having: (A) an antenna that occupy no more than six (6) cubic feet in volume, whether enclosed or exposed to the elements, and (B) having a primary equipment enclosure no larger than seventeen (17) cubic feet in volume or a larger enclosure excluded from such limitations pursuant to [54 USC § 306108](#). Accessory equipment as defined in [Section 03.03](#) may be located outside of a primary equipment enclosure and shall be excluded from the from the size limit calculation.

Storage Shed or Structure: A permanent or temporary structure used for general storage of personal items, not including vehicle storage.

Unattended Donation Box: A box or container used to collect donated clothing and household goods, which do not require on-premise human operation.

Utility Support Facility: A structure that shelters equipment or infrastructure associated with a public or private utility, which is not the primary use of a zoning lot. Does not include wireless communications as defined in [Section 03.03](#).

Vehicle Maintenance or Repair Garage: A structure used for the maintenance or repair of motor vehicles.

Wireless Communication Tower: A freestanding monopole, self-supported structure or guyed structure capable of supporting transmission equipment for personal wireless communications, such as cellular voice/ data or other similar services as defined per [47 USC § 332 \(c\) - \(d\)](#). This shall include collocated wireless facilities requiring substantial modification of the existing structure prior to installation. See definitions in [Section 03.03](#).

05.05. Table of Secondary Uses & Structures by Zoning District

Table Legend

- “A” Use/structure ALLOWED by-right in zoning district.
- “C” Use/structure permitted by CONDITIONAL USE in zoning district.
- “-” Use/structure is NOT ALLOWED in zoning district.
- “T” May be permitted as a TEMPORARY use/structure in zoning district.
- “X” NO APPLICABLE specific use standards.
- p. # Page number where the use/structure definition or applicable specific use standards are found.

Defined Secondary Uses/Structures	Page # of Def.	Zoning District											Specific Use Standards Page #
		A-1	R-R	R-1	R-2	R-3	R-4	M-1	C-1	C-2	C-3	I-1	
Adult Entertainment	p. 40	--	--	--	--	--	--	--	--	--	C	A	p. 91
T Accessory Apartment or Dwelling		C	C	C	C	A	--	A	A	--	--	--	p. 91
Accessory Use (not otherwise listed)	p. 5	As defined in Section 03.03 and allowed per Section 05.07											X
Broadcast Tower	p. 40	C	--	--	--	--	--	--	--	C	C	C	p. 93
Car Wash		C	--	--	--	--	--	--	--	C	C	A	p. 93
Collocated Wireless Facility		A	A	A	A	A	A	A	A	A	A	A	X
T Concrete or Asphalt Pavement Mixing Plant		--	--	--	--	--	--	--	--	--	--	C	p. 94
T Construction Administration Trailer		--	--	--	--	--	--	--	--	--	C	C	X
Detached Residential Carport or Garage		A	A	A	A	A	A	A	A	--	--	--	p. 95
Detached Structure for Home Occupation		--	--	--	--	--	--	A	A	--	--	--	
Distributed Antenna System		C	C	C	C	C	C	C	C	C	C	C	p. 95
Drive-Thru Banking Service or ATM		--	--	--	--	--	--	--	--	A	A	--	
Drive-Thru Window, Services & Retail Sales		--	--	--	--	--	--	--	--	A	A	--	
Drive-Thru Window, Restaurants	--	--	--	--	--	--	--	--	A	A	--		
Fuel Pump	--	--	--	--	--	--	--	--	A	A	A	p. 105	
Garbage Dumpster or Liquid Waste Container	C	C	--	--	A	A	A	A	A	A	A	p. 96	
T Guard or Security Booth	--	C	C	C	C	C	--	--	--	A	A	p. 97	
Guest Home or Pool House	C	C	C	--	--	--	--	--	--	--	--	p. 91	
Institutional Day Care	C	C	C	--	C	--	--	--	A	A	--	X	
Neighborhood Clubhouse or Swimming Pool	--	C	C	C	C	C	--	--	--	--	--	p. 98	
Non-Commercial Farm Animal Keeping	A	A	--	--	--	--	--	--	--	--	--	X	
Non-Commercial Greenhouse or Hoop House	A	A	C	--	C	C	C	C	--	--	--	p. 98	
T Outdoor Display of Retail Merchandise for Sale	A ⁽¹⁾	A ⁽¹⁾	A ⁽¹⁾	A ⁽¹⁾	A ⁽¹⁾	A ⁽¹⁾	A	A	A	A	A	p. 99	
Outdoor Kennel Run or Play Yard	A	A	--	--	--	--	--	--	--	--	C	p. 100	
T Outdoor Market	C	--	--	--	--	--	C	C	C	C	C	p. 100	
T Outdoor Storage of Retail Merchandise Stock	--	--	--	--	--	--	--	--	--	C	C	p. 100	
Shared or Off-Premise Parking ⁽²⁾	--	--	--	--	--	--	C	C	C	C	C	X	
Small Cell Facility	C	C	C	C	C	C	C	C	C	C	C	p. 95	
T Storage Shed or Structure	C	A	A	A	--	--	C	C	C	C	A	p. 103	
T Unattended Donation Box	--	--	--	--	--	--	--	--	A	A	A	p. 105	
Utility Support Facility	A	A	A	A	A	A	A	A	A	A	A	p. 105	
Vehicle Maintenance or Repair Garage	--	--	--	--	--	--	--	--	C	A	A	p. 92	
Wireless Communication Towers	C	C	C	C	C	C	C	C	C	C	C	p. 106	
Undefined Secondary Uses/Structures	Zoning Administrator written determination per Section 04.06.G.2												

(1) Limited to lots with legal non-residential primary uses allowed by-right or approved by conditional use, subject to the indicated specific use standards.
 (2) Applicable standards are defined in [Article 07 Off-street Parking & Loading](#). Shared and off-premise parking may be approved by conditional use or allowed in conjunction with an approved PDO zoning district. See [Section 07.02.G](#) and [Section 07.02.H](#).

05.06. Requirements for Secondary Uses & Structures

- A. A Zoning Compliance Certificate shall be required prior to establishing any secondary use or structure allowed by-right. If such use or structure is not shown on the original Site Plan of the lot on which it is proposed, a Administrative Site Plan shall also be submitted with the Zoning Compliance Certificate application.
- B. When a conditional use is required for a secondary use or structure, a Administrative Site Plan shall be submitted with the application.
- C. When a Building Permit is required for a secondary structure, Development Site Plan approval shall be required.

05.07. Accessory Uses & Structures

- A. The following are allowable accessory uses/structures, subject to the provisions below, setback requirements, and as otherwise provided in these regulations, as applicable.
 1. Above- and in-ground swimming pools, jetted spas
 2. Arbors, trellises, yard art, BBQ grills, outdoor furnishings
 3. Attached garages and carports
 4. Awnings, other attached window/entrance canopies
 5. Basketball goals, play equipment, swing sets, slides
 6. Bay windows, eaves, gutters, chimneys, window wells, wing walls
 7. Clotheslines, flagpoles
 8. Cupolas, steeples, elevator/stairway enclosures, skylights, solar panels, similar rooftop features
 9. Fences, decks, patios, porches
 10. Fire escapes, stairways, steps, wheelchair ramps for primary or secondary access
 11. HVAC components, telephone, utility service connections
 12. Play houses, storm shelters
 13. Radio antennas, satellite TV dishes, collocated small cell and wireless communication facilities
 14. Required compatibility buffers (per [Article 09](#))
 15. Off-street parking and loading (per [Article 07](#))
 16. Signs
 17. Storage shed or structure
- B. General Provisions for Accessory Structures
 1. Minimum setback requirements shall apply to all accessory uses and structures, except those listed as permitted obstructions in [Section 04.06.J](#).
 2. Accessory structures shall be setback a minimum of ten (10) feet from rear lot lines. Detached garages and carports with direct access to an alley shall require a rear setback of twenty (20) feet.
 3. No accessory structure shall be located within ten (10) feet of a principal structure or within five (5) feet of another accessory structure.
 4. Zoning district bulk regulations shall apply to all accessory structures. However, accessory structures in R-R, R-1, R-2, R-3, and R-4 districts shall not exceed a height of twenty (20) feet.
 5. No accessory structure shall be constructed on or otherwise occupy a lot that has no principal structure.
 6. No accessory structure shall be located in any easement.
- C. Off-street Parking
 1. Uncovered and unenclosed off-street parking stalls may be located in any required yard, except within the sight triangle and where not permitted as an obstruction.

2. Attached garages and carports containing off-street parking stalls shall meet the setback requirements for the zoning district in which they are located.
3. Detached garages and carports shall be subject to all minimum setback requirements.

D. Fences

1. An approved fence permit shall be required prior to the construction of any fence or wall, even those that are not required as a visual buffer, and shall be subject to applicable Building Code provisions.
2. When not required as a visual buffer, fences/walls used for decoration, privacy, security, or safety shall be allowed and regulated as follows.
 - a. Open fences (chain link, picket, wrought iron, etc. \geq 75% open space on vertical face)
 - i. Up to six (6) feet in height allowed in all yards of lots having any use.
 - ii. Over six (6) feet in height allowed only by conditional use.
 - b. Closed fences/walls (privacy, masonry, etc. $<$ 75% open space on vertical face)
 - i. Up to four (4) feet in height allowed in all yards having any use.
 - ii. Up to six (6) feet in height allowed in rear and side yards of lots with single-family residential uses.
 - iii. Over six (6) feet in height allowed only by conditional use.

E. Recreational Vehicle/Utility Trailer Parking & Storage

Recreational vehicles and other recreational equipment is regulated by City Code ([Article 14-219](#)). The outdoor parking and/or storage of major recreational equipment such as boats, camping or house trailers, motor homes, horse trailers or utility trailers shall be regulated as follows:

1. Major recreational equipment shall not be utilized for living purposes, except for the convenience of temporary lodging and when stored as personal property of the occupant. Temporary lodging shall be limited to 30 days in a calendar year.
2. Parking and/or storage in the public right-of-way, whether in whole or in part, is prohibited.
3. Parking and/or storage that obstructs the view for ingress and egress of alleys, driveways, and street corner sight triangles is prohibited.
4. Parking and/or storage shall not impair utility and drainage easements.
5. Parking and/or storage between the front property line and the front building line (extending to the lot's side property lines) is allowed only on a paved hard surface such as concrete, asphalt or at least 4 inches of packed rock or gravel. The drive area between the street and property line shall be poured concrete or asphalt. Paving on City property requires a permit. The minimum number of off street parking spaces required in the zoning district must still be maintained.
6. Parking and/or storage in the side yard or back yard is allowed.

Article 06 Zoning District Regulations

06.01. Purpose

The purpose of this article is to describe the applicable regulations and requirements for property development within each zoning district, allowed by-right or permitted by conditional use, as specified in [Section 05.03](#) Table of Primary Uses by Zoning District and [Section 05.05](#) Table of Secondary Uses & Structures by Zoning District.

06.02. “A-1” Agricultural District

It is the intent of this district to protect existing farmsteads and agricultural land uses while preserving opportunities for future growth.

- A. Primary Land Uses: As allowed by-right and permitted by conditional use per [Section 05.03](#).
- B. Secondary Uses & Structures: As allowed by-right and permitted by conditional use per [Section 05.05](#).
- C. Lot Size Requirements
 - 1. Minimum Lot Area
 - a. Within City Limits: Ten (10) acres
 - b. Within Planning Area: Twenty (20) acres
 - 2. Minimum Lot Frontage
 - a. Within City Limits: One-hundred twenty-five (125) feet
 - b. Within Planning Area: Four-hundred (400) feet
 - 3. Minimum Lot Depth
 - a. Within City Limits: One-hundred seventy-five (175) feet
 - b. Within Planning Area: Four-hundred (400) feet
- D. Setback Requirements
 - 1. Minimum Front Setback
 - a. Within City Limits: Thirty (30) feet
 - b. Within Planning Area: Seventy-five (75) feet
 - 2. Minimum Side Setback
 - a. Within City Limits: Twenty (20) feet
 - b. Within Planning Area: Fifty (50) feet
 - 3. Minimum Rear Setback
 - a. Within City Limits: Thirty (30) feet
 - b. Within Planning Area: Fifty (50) feet
- E. Maximum Lot Coverage: Thirty percent (30%)
- F. Maximum Structure Height: Fifty (50) feet, except as these regulations allow for taller structures by exemption, conditional use, or specific use standard per [Article 10](#).
- G. Use Limitation: No outdoor storage shall be allowed, except as provided in these regulations for agricultural uses.
- H. Supplemental Provisions
 - 1. A-1, A-2, and R-6D zoning districts existing prior to the adoption of these regulations shall be designated A-1 districts upon the effective date of these regulations.
 - 2. No new A-1 districts shall be created after the effective date of these regulations.
 - 3. Existing lots zoned A-1 may be altered in size and configuration, subject to the provisions of these regulations.

06.03. “R-R” Single-Family Rural Residential District

It is the intent of this district to protect existing farmsteads while preserving opportunities for low-density single-family residential land uses within the unincorporated Planning Area.

- A. Primary Land Uses: As allowed by-right and permitted by conditional use per [Section 05.03](#).
- B. Secondary Uses & Structures: As allowed by-right and permitted by conditional use per [Section 05.05](#).
- C. Lot Size Requirements
 1. Lot Area
 - a. Within City Limits: Lots shall be at least one (1) acre, but less than ten (10) acres.
 - b. Within Planning Area: Lots shall be at least one (1) acre, but less than twenty (20) acres.
 2. Minimum Lot Frontage
 - a. Within City Limits: One-hundred twenty-five (125) feet
 - b. Within Planning Area: One-hundred fifty (150) feet
 3. Minimum Lot Depth
 - a. Within City Limits: One-hundred seventy-five (175) feet
 - b. Within Planning Area: Three-hundred (300) feet
- D. Setback Requirements
 1. Minimum Front Setback
 - a. Within City Limits: Thirty (30) feet
 - b. Within Planning Area: Seventy-five (75) feet
 2. Minimum Side Setback
 - a. Within City Limits: Twenty-five (25) feet
 - b. Within Planning Area: Fifty (50) feet
 3. Minimum Rear Setback
 - a. Within City Limits: Twenty-five (25) feet
 - b. Within Planning Area: Fifty (50) feet
- E. Maximum Lot Coverage: Thirty percent (30%)
- F. Maximum Structure Height: Thirty-five (35) feet, except as these regulations allow for taller structures by exemption, conditional use, or specific use standard per [Article 10](#).
- G. Use Limitation: No outdoor storage shall be allowed, except as provided in these regulations for agricultural uses.
- H. Supplemental Provisions
 1. R-6A, R-6B, and R-6C zoning districts existing prior to the adoption of these regulations shall be designated R-R districts upon the effective date of these regulations.
 2. No new R-R districts shall be created within City Limits after the effective date of these regulations.
 3. Existing lots zoned R-R may be altered in size and configuration, subject to the provisions of these regulations.
 4. Within the Planning Area, driveways shall have a minimum spacing of two-hundred (200) feet.

06.04. "R-1" Single-Family Residential District

It is the intent of this district to provide opportunities for attached and detached single-family residential development and protect the character of residential neighborhoods.

- A. Primary Land Uses: As allowed by-right and permitted by conditional use per [Section 05.03](#).
- B. Secondary Uses & Structures: As allowed by-right and permitted by conditional use per [Section 05.05](#).
- C. Lot Size Requirements
 - 1. Minimum Lot Area: 8,400 square feet
 - 2. Minimum Lot Width: Seventy (70) feet
 - 3. Minimum Lot Depth: One-hundred (100) feet
- D. Setback Requirements
 - 1. Minimum Front Setback: Thirty (30) feet
 - 2. Minimum Side Setback: Six (6) feet
 - 3. Minimum Rear Setback: Twenty (20) feet except where rear yard abuts a platted reserve that is at least 20 feet wide, then minimum rear yard setback is five (5) feet.
- E. Maximum Lot Coverage: Thirty-five percent (35%)
- F. Maximum Structure Height: Thirty-five (35) feet, except as these regulations allow for taller structures by exemption, conditional use, or specific use standard per [Article 10](#).
- G. Use Limitation: No outdoor storage shall be allowed.
- H. Supplemental Provisions:
 - 1. R-1 and R-2 zoning districts existing prior to the adoption of these regulations shall be designated R-1 districts upon the effective date of these regulations.
 - 2. R-3 zoning districts with single-family attached or detached residential primary uses shall be designated R-1 districts upon the effective date of these regulations.
 - 3. Developments zoned R-1 shall not be approved within the Planning Area without executing an annexation agreement with the City. No certificates of occupancy shall be issued prior to annexation.
 - 4. No used buildings or structures shall be allowed to be placed or relocated into R-1 zoning districts.

06.05. “R-2” Small Lot/Zero Lot Line (ZLL) Residential District

It is the intent of this district to provide flexible opportunities for small lot and ZLL single-family attached and detached development with the character of traditional residential neighborhoods.

- A. Primary Land Uses: As allowed by-right and permitted by conditional use per [Section 05.03](#).
- B. Secondary Uses & Structures: As allowed by-right and permitted by conditional use per [Section 05.05](#).
- C. Lot Size Requirements
 1. Minimum Lot Area: 5,000 square feet
 2. Maximum Lot Area: 10,000 square feet
 3. Minimum Lot Width: Fifty (50) feet
 4. Minimum Lot Depth: Ninety (90) feet
- D. Setback Requirements
 1. Minimum Front Setback: Twenty-five (25) feet
 2. Minimum Side Setback: Five (5) feet
 3. Minimum Rear Setback: Fifteen (15) feet
- E. Maximum Lot Coverage: Sixty percent (60%)
- F. Maximum Structure Height: Thirty-five (35) feet, except as these regulations allow for taller structures by exemption, conditional use, or specific use standard per [Article 10](#).
- G. Use Limitation: No outdoor storage shall be allowed.
- H. Supplemental Provisions:
 1. R-1A and R-2A zoning districts existing prior to the adoption of these regulations shall be designated R-2 districts upon the effective date of these regulations.
 2. R-3A zoning districts with single-family attached or detached residential primary uses shall be designated R-2 districts upon the effective date of these regulations.
 3. Developments zoned R-2 shall not be approved within the Planning Area without executing an annexation agreement with the City. No certificates of occupancy shall be issued prior to annexation.
 4. No used buildings or structures shall be allowed to be placed or relocated into R-2 zoning districts.
 5. ZLL developments as defined in [Section 03.03](#), shall be subject to the following:
 - a. ZLL lots must be platted in groups containing at least four (4) contiguous lots. Each group must be in a location meeting one or more of the following conditions:
 - i. Around a cul-de-sac.
 - ii. On a local street with R-2 or R-3 zoning on the opposite street frontage.
 - iii. On a street with multi-family or non-residential zoning on the opposite street frontage.
 - b. Restrictive covenants shall be required, which shall guarantee:
 - i. Maintenance provision of fencing/screening materials and common ownership areas.
 - ii. Access provisions for maintenance of closely-spaced structures.
 - iii. Other restrictions necessary to implement the overall design concept.
 - c. No doors, windows or other openings shall be allowed on the wall of the building facing the yard with the least depth. Such walls shall have the same exterior construction materials as the other exterior walls.
 - d. The Planning Commission may initiate a rezoning application if construction has not commenced as authorized within two (2) years of the zoning approval. The public hearing shall allow the property owner an opportunity to justify the delay, which Planning Commission shall consider in making their recommendation.

06.06. "R-3" Multi-Family Residential District

It is the intent of this district to provide for various types of multi-family housing and promote opportunities for affordable moderate density residential development.

- A. Primary Land Uses: As allowed by-right and permitted by conditional use per [Section 05.03](#).
- B. Secondary Uses & Structures: As allowed by-right and permitted by conditional use per [Section 05.05](#).
- C. Lot Size Requirements
 - 1. Minimum Lot Area: 6,000 square feet, with a minimum of 2,000 square feet required per dwelling unit
 - 2. Minimum Lot Width: Fifty (50) feet
 - 3. Minimum Lot Depth: One-hundred (100) feet
- D. Setback Requirements
 - 1. Minimum Front Setback: Twenty-five (25) feet
 - 2. Minimum Side Setback: Five (5) feet
 - 3. Minimum Rear Setback: Fifteen (15) feet
- E. Maximum Lot Coverage: Sixty percent (60%)
- F. Maximum Structure Height: Forty-five (45) feet, except as these regulations allow for taller structures by exemption, conditional use, or specific use standard per [Article 10](#).
- G. Use Limitations: No outdoor storage shall be allowed.
- H. Supplemental Provisions:
 - 1. R-3 and R-3A zoning districts with multi-family residential uses existing prior to the adoption of these regulations shall be designated R-3 districts upon the effective date of these regulations.
 - 2. Developments zoned R-3 shall not be approved within the Planning Area without executing an annexation agreement with the City. No certificates of occupancy shall be issued prior to annexation.
 - 3. No used buildings or structures shall be allowed to be placed or relocated into R-3 zoning districts.

06.07. “R-4” Manufactured Home Park District

It is the intent of this district to provide opportunities for affordable manufactured housing within contiguous developments of one or more parcels, which are developed into individual lots offered for lease or sale.

- A. Primary Land Uses: As allowed by-right and permitted by conditional use per [Section 05.03](#).
- B. Secondary Uses & Structures: As allowed by-right and permitted by conditional use per [Section 05.05](#).
- C. Minimum Park Size: Five (5) acres
- D. Individual Lot Size Requirements
 1. Minimum Lot Area: 5,000 square feet
 2. Minimum Lot Width: Fifty (50) feet
 3. Minimum Lot Depth: One-hundred (100) feet
- E. Individual Lot Yard Requirements
 1. Front Yard: Twenty-five (25) feet
 2. Street Yard: Fifteen (15) feet
 3. Side Yard: Five (5) feet
 4. Rear Yard: Five (5) feet
- F. Maximum Structure Height: Thirty (30) feet, except as these regulations allow for taller structures by exemption, conditional use, or specific use standard per [Article 10](#).
- G. Supplemental Provisions:
 1. R-4 zoning districts existing prior to the adoption of these regulations shall continue to be designated R-4 districts upon the effective date of these regulations.
 2. No new R-4 districts shall be created within City Limits after the effective date of these regulations.
 3. Lots shall be occupied only by manufactured homes as defined in [Section 05.02](#), except for mobile homes occupying lots prior to the effective date of these regulations. Under no circumstances shall individual lots be leased or sold for the occupancy of recreational vehicles without a conditional use permit issued by the Augusta Planning Commission.
 4. One of the following means of providing accessory storage structures and carports or garages shall be allowed:
 - a. Communal Structures: Storage structures or parking structures divided into individual units, which are limited to a number of units equal to the number of developed lots.
 - b. Communal Areas: Areas where individual storage sheds, carports or garages for the use of residents are aggregated in a contiguous grouping.
 - c. Per Lot Basis: Individual lots shall be limited to one (1) accessory storage shed and one (1) detached carport or garage, which shall have direct access to an adjacent street.
 5. If provided, outdoor storage areas must be developed per [Article 10](#) and must remain under the ownership and control of the park developer/owner or a property owners association.
 6. A manufactured home permit shall be required for the placement of a manufactured home on an individual lot.
 - a. The park developer/owner shall provide a permit information packet to the renter or purchaser of an individual lot at the time of lease or sale.
 - b. The manufactured home owner shall obtain a permit from the City.
 7. No utility connection shall be allowed without first being inspected and approved by the City.
 8. Tents or similar type of living quarters are prohibited.

06.08. “M-1” Mixed-Use Commercial District

The intent of this district is to provide opportunities for neighborhood-scaled, mixed-use centers and corridors with a range of residential, retail, service, and office uses that are compatible with adjacent development. The principles for this district are to ensure efficient use of land and public services, create a mix of housing and employment opportunities, provide transportation options, enhance neighborhood access to jobs and goods, and ensure compatibility of mixed-use developments with the surrounding areas. These uses are anticipated at intersections of, or along, arterial and collector streets such as Ohio Street, Kelly Avenue, and SW 70th Street.

- A. Primary Land Uses: As allowed by-right and permitted by conditional use per [Section 05.03](#).
- B. Secondary Uses & Structures: As allowed by-right and permitted by conditional use per [Section 05.05](#).
- C. Lot Size Requirements
 - 1. Minimum Lot Area: 5,000 square feet
 - 2. Minimum Lot Width: Fifty (50) feet
 - 3. Minimum Lot Depth: One-hundred (100) feet
- D. Setback Requirements
 - 1. Minimum Front Setback: Twenty-five (25) feet
 - 2. Minimum Side Setback: Six (6) feet
 - 3. Minimum Rear Setback: Twenty (20) feet
- E. Maximum Lot Coverage: Sixty percent (60%)
- F. Maximum Structure Height: Maximum Structure Height: Thirty-five (35) feet, except as these regulations allow for taller structures by exemption, conditional use adjustment, or specific use standard per [Article 10](#).
- G. Use Limitations: All business activities, displays, and storage shall occur within fully enclosed structures or screened areas, except as otherwise allowed or approved in accordance with these regulations.
- H. Supplemental Provisions
 - 1. Hours of operation of commercial uses shall be limited to 6:00am to 10:00pm daily.

06.09. “C-1” Main Street Commercial District

It is the intent of this district to preserve the integrity of the existing Main St. commercial district while providing opportunities within Augusta’s core area for a vibrant mix of land uses developed at a walkable scale and density.

- A. Primary Land Uses: As allowed by-right and permitted by conditional use per [Section 05.03](#).
- B. Secondary Uses & Structures: As allowed by-right and permitted by conditional use per [Section 05.05](#).
- C. Lot Size Requirements
 - 1. Minimum Lot Area: 3,125 square feet
 - 2. Minimum Lot Width: Twenty-five (25) feet
 - 3. Minimum Lot Depth: One-hundred twenty-five (125) feet
- D. Setback Requirements
 - 1. Minimum Front Setback: Zero (0) feet
 - 2. Minimum Side Setback: Zero (0) feet
 - 3. Minimum Rear Setback: Twenty (20) feet
- E. Maximum Lot Coverage: One-hundred percent (100%), minus applicable yard and off-street parking requirements and requirements as provided in [Section 06.09.H](#).
- F. Maximum Structure Height: To be determined by the Building Code, except as these regulations allow for height exemption or specific use standard per [Article 10](#).
- G. Use Limitations: No outdoor storage shall be allowed, except as approved in accordance with these regulations.
- H. Supplemental Provisions
 - 1. M Main Street zoning districts existing prior to the adoption of these regulations shall be designated C-1 districts upon the effective date of these regulations; subject to the boundaries defined in [Section 06.09.H.2](#).
 - 2. The boundaries of the C-1 district shall be limited to:
 - North Boundary: Old railroad right-of-way south of U.S. 54 Highway
 - South Boundary: Third Ave.
 - West Boundary: North-south alley between Walnut St. and State St.
 - East Boundary: School St. north of and including 413 N School St.; north-south alley between School St. and State St. south of 413 N School St.
 - 3. Lots with residential uses shall provide off-street parking.
 - 4. Residential dwelling units shall be allowed in upper floors only.
 - 5. Sidewalks adjacent to restaurants may be used for outdoor dining, provided:
 - a. A minimum clear path of six (6) feet shall be maintained.
 - b. Tables, chairs, etc. shall be removed at the close of business.
 - 6. Curb cuts shall be specifically approved by the Governing Body and shall comply with the following:
 - a. Existing approaches that remain unused for their intended purpose for a continuous period of one (1) year shall be removed and replaced with standard curbing.
 - b. The property owner shall be responsible for all costs associated with removal and replacement of any curb cut.

06.10. “C-2” Central Commercial District

It is the intent of this district to preserve opportunities for commercial uses having a localized market area in the central corridors along Seventh Ave. and Walnut St.

- A. Primary Land Uses: As allowed by-right and permitted by conditional use per [Section 05.03](#).
- B. Secondary Uses & Structures: As allowed by-right and permitted by conditional use per [Section 05.05](#).
- C. Lot Size Requirements
 - 1. Minimum Lot Area: 10,000 square feet
 - 2. Minimum Lot Width: One-hundred (100) feet
 - 3. Minimum Lot Depth: One-hundred (100) feet
- D. Setback Requirements
 - 1. Minimum Front Setback: Twenty-five (25) feet
 - 2. Minimum Side Setback: Five (5) feet
 - 3. Minimum Rear Setback: Fifteen (15) feet
- E. Maximum Lot Coverage: One-hundred percent (100%), minus applicable yard and off-street parking requirements.
- F. Maximum Structure Height: Maximum Structure Height: Thirty-five (35) feet, except as these regulations allow for taller structures by exemption, conditional use adjustment, or specific use standard per [Article 10](#).
- G. Use Limitations: All business activities, displays, and storage shall occur within fully enclosed structures or screened areas, except as otherwise allowed or approved in accordance with these regulations.
- H. Supplemental Provisions
 - 1. CC Central Commercial zoning districts existing prior to the adoption of these regulations shall be designated C-2 districts upon the effective date of these regulations.
 - 2. The boundaries of the C-2 district shall be limited to lots within City Limits having street frontage on Seventh Ave. or on Walnut St.; or immediately adjacent to such a lot and addressed to either street.

06.11. “C-3” General Commercial District

It is the intent of this district to provide ample opportunities for moderate to heavy intensity commercial land uses and businesses having a regional market area. This is also applicable to properties in the Planning Area with addresses or frontage along 7th Avenue/US54/400 and US77.

- A. Primary Land Uses: As allowed by-right and permitted by conditional use per [Section 05.03](#).
- B. Secondary Uses & Structures: As allowed by-right and permitted by conditional use per [Section 05.05](#).
- C. Lot Size Requirements
 - 1. Minimum Lot Area: 10,000 square feet
 - 2. Minimum Lot Width: One-hundred (100) feet
 - 3. Minimum Lot Depth: One-hundred (100) feet
- D. Setback Requirements
 - 1. Minimum Front Setback
 - a. Within City Limits: Twenty-five (25) feet
 - b. Within Planning Area: Per [Article 16](#)
 - 2. Minimum Side Setback
 - a. Within City Limits: Five (5) feet
 - b. Within Planning Area: Per [Article 16](#)
 - 3. Minimum Rear Setback
 - a. Within City Limits: Fifteen (15) feet
 - b. Within Planning Area: Per [Article 16](#)
- E. Maximum Lot Coverage: Forty percent (40%)
- F. Maximum Structure Height: Forty (40) feet, except as these regulations allow for taller structures by exemption, conditional use adjustment, or specific use standard per [Article 10](#).
- G. Use Limitations: All business activities, displays, and storage shall occur within fully enclosed structures or screened areas, except as otherwise allowed or approved in accordance with these regulations.

06.12. "I-1" Industrial District

It is the intent of this district to provide opportunities primarily for small to moderate scale manufacturing, assembly, warehousing and freight businesses that are compatible with Augusta's character and its capacity to provide adequate municipal services.

- A. Primary Land Uses: As allowed by-right and permitted by conditional use per [Section 05.03](#).
- B. Secondary Uses & Structures: As allowed by-right and permitted by conditional use per [Section 05.05](#).
- C. Lot Size Requirements
 - 1. Minimum Lot Area: 10,000 square feet
 - 2. Minimum Lot Width: One-hundred (100) feet
 - 3. Minimum Lot Depth: One-hundred (100) feet
- D. Setback Requirements
 - 1. Minimum Front Setback: Twenty-five (25) feet
 - 2. Minimum Side Setback: Five (5) feet
 - 3. Minimum Rear Setback: Fifteen (15) feet
- E. Maximum Lot Coverage: Fifty percent (50%)
- F. Maximum Structure Height: Forty-five (45) feet, except as these regulations allow for taller structures by exemption, conditional use adjustment, or specific use standard per [Article 10](#).
- G. Use Limitations:
 - 1. No individual shall permanently reside on-premise.
 - 2. Outdoor activities, storage or sales occurring on-premise must be associated with a legal primary or secondary use.
 - 3. No dust, noise, odor, vibration or other environmental impacts generated by any use shall be detectable off-premise.

06.13. “PDO” Planned Development Overlay District

This “floating” district is intended to offer flexibility in tailoring land uses, site design and aesthetic controls when other zoning districts may not provide adequate means to regulate mixed use developments, develop properties with atypical characteristics, maximize compatibility between adjacent land uses, or preserve the character and integrity of unified developments and special areas.

A. Allowable PDO Utilization

PDO zoning shall be allowed for single lot or multiple lot developments of any size, which meet applicable minimum requirements, when the applicant wishes to implement a particular development vision that another zoning district cannot accommodate. This may include:

1. Encouraging a specific combination of mixed land uses.
2. Implementing a specific design aesthetic.
3. Improving compatibility with adjacent properties.
4. Developing properties with atypical physical characteristics.
5. Preserving land use and design compatibility within unified developments, corridors, districts, and special areas with historical significance or environmental sensitivity.

B. PDO District Provisions

1. As an overlay district, PDO zoning shall be used in conjunction with an underlying zoning district, referred to as the base zoning district.
 - a. PDO zoning may be used in conjunction with any base zoning district, except A-1 and R-R.
 - b. Requirements of the approved PDO zoning shall be in addition to the base district requirements, except as modified by the PDO zoning.
2. PDO zoning may allow for land uses that differ from the base district, subject to the following provisions.
 - a. PDO zoning may prohibit any use allowed by-right or by conditional use within the base district.
 - b. PDO zoning may allow by-right any conditional use of the base district, subject to adequate provisions for land use compatibility between the PDO district and adjacent properties, as approved by City Council.
 - c. A PDO district shall provide only for such uses allowed by-right within the PDO district. There shall be no provisions for uses requiring subsequent conditional use approval.
3. Bulk Regulations: The following shall apply:
 - a. Maximum Structure Height: PDO zoning may modify base district requirements for maximum height, provided increases shall not exceed an additional fifteen (15) feet of structure height.
 - b. Minimum Yard Requirements: PDO zoning may modify base district setback and yard requirements, subject to the following provisions.
 - i. PDO zoning shall not require setbacks in excess of base district requirements, except in conjunction with C-2, C-3 or I-1 base zoning for business, governmental, institutional, or educational campuses; business, office, or industrial parks; and when otherwise provided by these regulations.
 - ii. Front Yard Setbacks: May be reduced to zero, provided minimum requirements are consistent for all lots within the PDO district that share the same street frontage.
 - iii. Side and Rear Yard Setbacks: Shall not be reduced below base district requirements for any lot that shares a side or rear lot line with a lot located outside of the PDO district.
4. Access & Circulation: The following shall apply.
 - a. Applicants may be required to submit a traffic study to identify possible traffic impacts, subject to review and acceptance by the Zoning Administrator or designated official.
 - b. Proposed streets shall be designed and laid out consistent with the principles of functional classification hierarchy; and shall meet applicable City design standards.

- c. Proposed streets, sidewalks, and pathways shall connect to the City's transportation network.
 - d. Offsite transportation improvements may be required as a condition of approval, but only in direct relationship to anticipated impacts of the proposed development.
5. Off-street Parking: The following shall apply.
- a. PDO zoning shall not reduce minimum off-street parking below [Article 07](#) requirements.
 - b. PDO zoning may allow shared or off-premise parking in accordance with [Article 07](#), subject to the following provisions.
 - i. If required off-street parking is not provided on lots outside of the PDO district, shared parking agreements or deed restrictions shall not be required as specified in [Article 07](#). In such cases, there shall be no revisions or adjustments to an approved PDO district without sufficient off-street parking to meet minimum requirements.
 - ii. As applicable, where required off-street parking is to be provided on lots outside of the PDO district, execution of shared parking agreements or deed restrictions shall be required. Additionally, execution of shared parking agreements or deed restrictions shall be required prior to the dissolution of any PDO district, if sufficient off-street parking to meet minimum requirements cannot otherwise be provided on any lot affected by such dissolution.
6. Compatibility Buffers: Required compatibility buffers per [Article 09](#) shall apply only to the side and rear yards of lots having a side or rear lot line shared with a lot located outside of the PDO district.
7. Specific Use Standards: PDO zoning shall not provide any land use or structure with an exemption or reduction from applicable specific use standards as found in [Article 10](#).

C. PDO Zoning Approval

Applications for the establishment, revision/adjustment, or dissolution of a PDO zoning district shall be reviewed and approved by the same process as other zoning applications, subject to the following provisions.

- 1. No PDO application shall be accepted as complete without the appropriate filing fee, Administrative Site Plan, and other required documentation.
- 2. When a PDO district is proposed in conjunction with a base district rezoning, both requests may be considered jointly during the approval process. However, each shall require a separate application and each shall be approved by separate motion and vote of the Planning Commission and City Council.
- 3. In addition to typical considerations, enhanced standards shall be utilized in the review of PDO zoning applications. In no case, shall PDO zoning be approved without the Planning Commission and City Council finding that:
 - a. The proposed PDO district is consistent with the community vision and desired character as expressed in the Comprehensive Plan.
 - b. The proposed PDO district, in consideration of the allowable land uses, regulations, limitations, and applicable design requirements, will not adversely affect the value or utility of adjacent properties.
- 4. No application for the revision/adjustment or dissolution of a PDO district shall be approved without each individual lot affected by the action being made compliant with all applicable provisions of these regulations.
- 5. Time Limits: The following time limits shall apply to PDO approvals, subject to applicable time extensions granted in accordance with these regulations.
 - a. A PDO district zoning approval shall automatically expire twelve (12) months after the approval date unless all conditions have been met and a Development Site Plan has been approved within that time.
 - b. A PDO Development Site Plan approval shall automatically expire twelve (12) months after the approval date unless a Building Permit has been issued within that time.

06.14. "AO" Airport Overlay District

This "floating" district is intended to specify land use controls in addition to those in the underlying zoning district that will ensure compatible relationships with the Augusta Municipal Airport.

- A. This overlay district is established to protect against possible airport hazards which endanger the lives and property of users of the Augusta Municipal Airport, and occupants of land in the vicinity of the airport: that an airport hazard may affect existing and future visual and instrument approach minimums of and operations at the airport, and an airport hazard may reduce the size of areas available for the landing, take-off and maneuvering of aircraft, thus tending to destroy or impair the utility of the airport and the public interest therein.
- B. The establishment of the airport hazard overlay district as authorized by K.S.A. 3-703, as amended, the City may extend the coverage of these regulations to airports owned, operated or controlled by the City; privately owned airports within five miles of the official city boundaries if in the opinion of the Commission, the airport utilizes its facilities to provide a service to the public.

C. Definitions

Airport: Any area of land or water designed and set aside for the landing and taking-off of aircraft and any other aeronautical operation. The term includes heliports set aside for the landing and taking-off of rotary wing aircraft.

Airport Elevation: The established airport elevation in feet above mean sea level, of the highest point of the landing area that is used or intended to be used for take-off and landing operations.

Airport Hazard: Any structure, growth or other object, including a mobile object, which exceeds a limiting height set forth in these regulations, or any use of land near such airports, which obstructs the airspace required for the flight of aircraft in landing or take-off at such airports or is otherwise hazardous to such landing or taking-off aircraft.

Airport Reference Point: A point at the approximate center of the airport landing area, and shown on the Augusta Municipal Airport Hazard Zoning Map.

Approach Surface: A surface longitudinally centered on the extended runway centerline; extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in these regulations.

Board: The Governing Body of the City of Augusta, Kansas.

Building Official: The Assistant City Manager of the City of Augusta, Kansas.

Civilian Airports: Any airports, public or private, that are not owned or operated by the government of the United States and used for military purposes.

Conical Surface: An inclined surface extending upward and outward from the outer periphery of the horizontal surface at a slope of one foot upward for each twenty feet outward for a horizontal distance of four thousand feet.

FAA: The Federal Aviation Administration.

Heliport: An area on land, water or upon a structure set aside and used for the landing and take-off of rotary wing aircraft and in addition facilities may be provided for the fueling, refueling, repair and storage of rotary wing aircraft.

Horizontal Surface: A horizontal plane one hundred fifty feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

Grant Assurances: The legal Federal obligations of the Airport Sponsor.

Larger Than Utility Runway: A runway that is constructed for and intended to be used by propeller driven and jet aircraft of greater than twelve thousand five hundred pounds maximum gross weight.

Manager: The manager of the Augusta Municipal Airport.

Nonprecision Instrument Runway: A runway having an existing or planned instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment for which a straight-in, or area type navigation equipment for which a straight-in, nonprecision

instrument approach procedure has been approved or planned.

Precision Instrument Runway: A runway having an existing or planned instrument approach procedure utilizing an instrument landing system (ILS) or a precision approach radar (PAR).

Primary Surface: A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred feet beyond each end of that runway. The width of the primary surface is set forth in these regulations. The elevation of any point on the primary surface is the same as the nearest point on the runway centerline.

Primary Surface – Heliports: An area that coincides in size and shape with the designated take-off and landing area of a heliport. This surface is a horizontal plane at the elevation of the established heliport elevation.

Runway: A defined area on an airport prepared for landing and take-off of aircraft along its length.

Transitional Surfaces: The transitional surfaces extended outward at ninety degree angles to runway centerlines and runway centerlines extended, at a slope of one foot upward for each seven feet outward from the sides of the primary and approach surfaces.

The transitional surfaces connect the horizontal, conical, primary and approach surfaces. Transitional surfaces for those portions of the approach surfaces, which project beyond the limits of the conical surface, extended a distance of five thousand feet measured horizontally from the edge of the approach surface and at ninety degree angles to the extended runway centerline.

Transitional Surfaces – Heliports: The transitional surfaces extended outward and upward from the lateral boundaries of the heliport primary surface and from the approach surfaces at a slope of two to one for a distance of two hundred fifty feet measured horizontally from the centerline of the primary and approach surfaces.

Utility Runway: A runway that is constructed for and intended to be used by propeller driven aircraft of twelve thousand five hundred pounds maximum gross weight and less.

Visual Runway: A runway intended solely for the operation of aircraft using visual approach procedures.

- D. Airport zones and height limits are established from the ultimate plan shown on the most current Airport Layout Plan
1. The established airport elevation is one thousand three hundred twenty-three (1,323) feet.
 2. Utility runway visual approach zone
 - a. The inner edge of this approach zone coincides with the width of the primary surface and is 250 feet wide.
 - b. The approach zone expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the end of the primary surface of each runway. Its centerline is the continuation of the centerline of the runway.
 - c. The applicable height limitation slopes one foot upward for each 40 feet outward, beginning at the end of, and at the same elevation as, the primary surface and extending to a horizontal distance of 5,000 feet along the extended runway centerline.
 3. Runway other than utility with a visibility minimum greater than three-fourths mile nonprecision instrument approach zone (Runways 18 and 36).
 - a. The inner edge of this approach zone coincides with the width of the primary surface and is 500 feet wide.
 - b. The approach zone expands outward uniformly to a width of 3,500 feet at a horizontal distance of 10,000 feet from the end of the primary surface of each runway. Its centerline is the continuation of the centerline of the runway.
 - c. The applicable limitation slopes one foot upward for each 40 feet outward, beginning at the end of, and at the same elevation as, the primary surface and extending to a horizontal distance of 10,000 feet along the runway centerline.
 4. Precision instrument runway approach zone

- a. The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide.
 - b. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the end of the primary surface of each runway. Its centerline is the continuation of the centerline of the runway.
 - c. The applicable height limitation slopes one foot upward for each 50 feet outward, beginning at the end of, and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes one foot upward for each 40 feet outward to an additional horizontal distance of 40,000 feet along the extended runway centerline.
5. Transitional zones
- a. The transitional zones are the areas beneath the transitional surfaces.
 - b. The applicable height limitation slopes one foot upward for each 7 feet outward, beginning at the sides of, and at the same elevation as, the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation.
 - c. In addition to the foregoing, there are established height limits sloping one foot upward for each 7 feet outward beginning at the side of, and at the same elevation as, the approach surface and extending to where they intersect the conical surface.
 - d. Where precision instrument runway approach zones project beyond the conical zones, there is established height limits sloping one foot upward for each 7 feet outward beginning at the side of, and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at ninety degree angles to the extended runway centerline.
6. Horizontal zones
- a. The horizontal zone is established by swinging arcs of 5,000 feet radii for all runways designated utility or visual and 10,000 feet radii for all other runways from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs.
 - b. The radii of the arcs for each end of the runway shall be the same and the radius used shall be the longest determined for either end.
 - c. The applicable height limitation is established at 150 feet above the established airport elevation.
7. Conical zone
- a. The conical zone is established at the area that commences at the periphery of the horizontal zone and extends outward for horizontal distance of 4,000 feet.
 - b. The applicable height limitation slopes one foot upward for each 20 feet outward beginning at the periphery of the horizontal zone and at 150 feet above the established airport elevation and extending to a height of 350 feet above the airport elevation.
- E. Spacing adjacent airport
1. No other airport hereafter shall be established, or existing airport be improved with approach guidance equipment so as to enhance instrument flight rule (IFR) capabilities, any portion of whose proposed or existing boundary will be under an airport zone established by these regulations or within a radius of eight miles from an airport referenced point of an airport established on the date of these regulations, unless a permit shall have been applied for and granted by the Butler County Planning Commission in accordance with these regulations
 2. Exception to the spacing requirements may be granted by the Planning Commission, after public hearing and recommendation to the Governing Body. The Commission shall consult the FAA and the Butler County Planning Commission before rendering a recommendation.

F. Use restrictions

1. Lighting.

No use may be made of land or water within any zone established by these regulations in such manner as to make it difficult for pilots to distinguish between airport lights and other lights, result in glare in the eyes of the pilots using the airports, create smoke, impair visibility in the vicinity of the airport, create bird strike hazards or otherwise in any way, endanger or interfere with the landing, take-off or maneuvering of aircraft intending to use the airport.

- a. A shield that reduces the amount of light visible from above and directs the light downward shall be required for all outdoor lights, except those incidental to residential uses.
- b. The owner of any existing and future structure or tree to install, operate and maintain at the owner's expense, such marking and lighting, the standards as found in the most current version of FAA Circular AC-70-7460-1.

G. Conditional Use Permit required

1. Within any zone, a permit shall be required if an FAA Notice of Proposed Construction is required, as described in CFR Title 14 Part 77. The following FAA website shall be used to apply the Part 77 Notice Criteria.

<https://oeaaa.faa.gov/oeaaa/external/gisTools/gisAction.jsp?action=showNoNoticeRequiredToolForm>

The permit application shall include the airspace determination received from the FAA.

2. In the area lying within the boundaries of Area A shown on sheet two of the Augusta Municipal Airport Hazard Zoning Map (AMAHZM) a permit shall be required for any structure more than twenty-five feet of vertical height above the ground.
3. In the area lying within the boundaries of Area B on sheet two of the AMAHZM a permit shall be required for any structure more than seventy-five feet of vertical height above the ground.
4. In the area lying within the boundaries of Area C on sheet two of the AMAHZM a permit shall be required for any structure more than 150 feet of vertical height above the ground.
5. In the area lying within the boundaries of Area D on sheet two of the AMAHZM a permit shall be required for any structure more than 300 feet of vertical height above the ground.

H. Augusta Municipal Airport Hazard Zoning Maps

The airport hazard zoning maps are hereby made a part of these regulations and shall be signed by the city clerk and marked with the effective date of these regulations.

06.15. Dissolution & Redesignation of Previous Zoning Districts

In addition to the redesignation of properties and zoning districts as specified in [Section 06.02](#) - [Section 06.12](#), all Public and Private Recreational (PR) zoning districts and Assembly (A) zoning districts existing prior to the adoption of these regulations are hereby dissolved and on the effective date of these regulations shall be redesignated as follows:

- A. Public and Private Recreational PR-1, PR-2 and PR-3 zoning districts within the Planning Area shall be redesignated as A-1 zoning districts.
- B. Public and Private Recreational PR-1, PR-2 and PR-3 zoning districts within City Limits shall be redesignated as R-1 zoning districts.
- C. Assembly A zoning districts shall be redesignated based on location as follows:
 1. Those within the area encompassed by the boundaries below shall be redesignated as C-1 zoning districts.

North Boundary: Old railroad right-of-way south of U.S. 54 Highway
South Boundary: Third Ave.
West Boundary: North-south alley between Walnut St. and State St.
East Boundary: School St.
 2. Those within City Limits having street frontage on Seventh Ave. or on Walnut St. shall be redesignated as C-2 zoning districts.
 3. Those in all other locations shall be redesignated as R-1 zoning districts.

Article 07 Off-street Parking & Loading

07.01. Applicability

The minimum off-street parking and loading space provisions of this article shall be required as follows.

- A. All lots and structures occupied or designed for occupancy.
- B. Approval or establishment of new land uses.
- C. Modifications to existing land uses including:
 - 1. Changing to a higher intensity land use type or zoning district.
 - 2. Increasing the density of development or number of units on a site.
 - 3. Enlarging the size or area of a land use.
- D. Approval or construction of new structures.
- E. Changes or alterations to existing structures including:
 - 1. Interior reconfigurations that:
 - a. Add rooms or units without increasing the existing gross floor area.
 - b. Expand the size of existing rooms or units without adding gross floor area.
 - c. Increase occupancy or seating capacity of existing rooms or units.
 - 2. Adding gross floor area by:
 - a. Expanding existing rooms or units.
 - b. Constructing new rooms or units.
 - c. Constructing new stories (floors) or other vertical additions.
- F. Off-street loading areas shall be required for all primary, secondary, and accessory uses according to these regulations, except for agricultural uses, residential uses, or as otherwise exempted.

07.02. General Parking Provisions

- A. Off-street parking is considered an accessory use and shall be located on the same zoning lot as the use for which it is required, except as otherwise provided in this article.
- B. Off-street parking facilities shall be used only by the owners, residents, guests, occupants, patrons, service providers, vendors, and employees of the uses for which they are required.
- C. Except as otherwise allowed by these regulations, required off-street parking facilities shall not be used for:
 - 1. Motor vehicle repairs or maintenance work.
 - 2. Storage of non-operational motor vehicles.
 - 3. Display of vehicles or trailers for sale, except:
 - a. Incidental parking on a zoning lot where the vehicle owner is visiting or conducting business.
 - b. Temporary display when parked on the zoning lot where the vehicle owner resides.
 - 4. Commercial vehicles below 26,000 pounds gross vehicle weight rating, except:
 - a. Temporary parking on the zoning lot where an employee of the business to which the vehicle is registered resides.
 - b. Temporary parking on a zoning lot where an employee of the business to which the vehicle is registered is performing related job duties.
 - 5. Trucks with gross vehicle weight rating of 26,000 pounds or greater on property zoned R-1, R-2, R-3, or R-4 with residential primary uses.
- D. Applicants shall be required to submit a parking study that demonstrates proposed off-street parking

facilities provide sufficient capacity for the proposed use. Such parking studies shall be conducted at the applicant's expense by a qualified traffic engineer or transportation planner selected by the applicant. All required parking studies shall be subject to review and approval by the Zoning Administrator or designated official.

- E. Off-street parking shall be required for secondary/accessory uses in addition to that required for the primary use, as applicable.
- F. Minimum off-street parking requirements for a zoning lot shall be calculated utilizing the most current Institute of Transportation Engineers Parking Generation Manual and shall address conditions specific to the use and site.
- G. Shared Parking
 - 1. One or more adjacent zoning lots may share off-street parking facilities to meet parking requirements, subject to the following provisions:
 - a. Shall be allowed by conditional use on lots zoned M-1, C-1, C-2, or C-3 with non-residential primary uses; and lots zoned I-1 with office, commercial service, retail, or public/institutional primary uses.
 - b. Shall be allowed in approved PDO zoning districts.
 - c. Upon request of the Zoning Administrator or designated official, a parking study may be required to demonstrate sufficient off-street parking is made available.
 - 2. The minimum number of shared parking stalls shall be determined by a parking study unless otherwise determined by the Zoning Administrator. Parking studies shall be conducted at the applicant's expense by a qualified traffic engineer or transportation planner selected by the applicant.
 - 3. All shared parking stalls shall be located within three-hundred (300) feet of each use for which it is provided, as measured between the nearest points of the stall and the farthest building entrance used for public access.
 - 4. Shared off-street parking facilities must meet all applicable provisions of this article, including configuration and design requirements. In addition:
 - a. Seamless vehicular access shall be provided across lot lines with no physical barriers delineating ownership boundaries.
 - b. Shared parking facilities approved by conditional use or PDO shall not be exempted from or adjusted below the minimum requirements for applicable uses and zoning districts.
 - 5. A shared parking agreement shall be executed and filed with the Butler County Register of Deeds for all affected parcels. This shall apply to all shared off-street parking facilities approved in accordance with these regulations.
 - a. Such agreements shall:
 - i. Be signed by the owner(s) of all affected parcels.
 - ii. Run with the land and be legally binding without regard to future ownership.
 - iii. Guarantee access in perpetuity to all parcels served by the shared parking facilities, including all uses and structures located upon the parcels.
 - iv. Provide for the dissolution of the shared parking agreement upon termination of either the served uses or the minimum off-street parking requirements.
 - v. Guarantee that the shared parking facilities will be maintained in accordance with these regulations and other City codes.
 - vi. Stipulate how costs shall be distributed between property owners for the upkeep, cleaning, maintenance, repair, and replacement of shared parking facilities.
 - b. Within forty-five (45) days of approval, the Zoning Administrator shall be provided a copy of the agreement.

H. Off-Premise Parking

1. In cases where the minimum off-street parking requirements cannot be met on-premise, required parking may be provided off-premise on a separate zoning lot owned by the applicant, subject to the following provisions:
 - a. Shall be allowed by conditional use for property zoned M-1, C-1, C-2, or C-3 with non-residential primary uses; and property zoned I-1 with office, commercial service, retail, or public/institutional primary uses.
 - b. Shall be allowed in approved PDO zoning districts.
2. All off-premise parking stalls shall be located within three-hundred (300) feet of each use for which it is provided, as measured between the nearest points of the stall and the farthest building entrance used for public access.
3. Off-premise parking facilities must be configured and designed according to the provisions of this article. In addition, off-premise parking facilities approved by conditional use or PDO shall not be exempted from or adjusted below the minimum requirements for applicable uses and zoning districts.
4. A deed restriction or separate legal instrument shall be executed and filed with the Butler County Register of Deeds for the affected parcels. This shall apply to all off-premise parking facilities approved in accordance with these regulations.
 - a. Such agreements shall:
 - i. Be signed by the owner(s) of all affected parcels.
 - ii. Run with the land and be legally binding without regard to future ownership.
 - iii. Restrict the use of the property bounded by the facilities to off-premise parking for the zoning lot where the served use is located; and guarantee such access in perpetuity.
 - iv. Provide for the dissolution of the deed restriction upon termination of either the served use(s) or the minimum off-street parking requirements.
 - b. Within forty-five (45) days of approval, the Zoning Administrator shall be provided a copy of the deed restriction.

I. Additional Parking Requirements

1. Additional parking requirements are set forth in Section 14-220 of the City Code.

07.03. Required Off-street Parking for Persons with Disabilities

- A. Off-street parking for persons with disabilities shall be provided in accordance with the [Americans with Disabilities Act \(ADA\) of 1990](#) and guidance published by the U.S. Department of Justice in the 2004 ADA Accessibility Guidelines ([36 CFR part 1191](#)) and the 2010 ADA Standards for Accessible Design ([28 CFR part 36](#)). The requirements of this article shall:
 1. Be superseded by any federal laws, Kansas statutes, or related regulations enacted after the effective date of these regulations, which are more restrictive than these provisions.
 2. Apply to all land uses defined in [Article 05](#), except for single-family dwellings.
 3. Apply to all properties that are subject or become subject to ADA requirements. Property owners shall be solely responsible for ADA compliance, subject to inspection by a designated City official as applicable.
- B. Minimum off-street parking requirements for persons with disabilities shall meet the most current version of the [Americans with Disabilities Act Accessibility Guidelines](#) (ADAAG).

07.04. Off-street Parking & Loading General Design Provisions

- A. All off-street parking and loading facilities shall meet applicable design and engineering standards for curb cuts, curb length, curb return/turning radii, parking stall depth, driveway/drive aisle width, island dimensions, and parking barriers/bumper blocks.
- B. Locational Provisions

1. Parking Stalls & Facilities
 - a. All parking stalls must be provided in designated locations that are readily distinguished as areas intended for parking.
 - b. Such designated parking areas may be enclosed in a garage, located under a canopy or carport, or on an unenclosed parking lot or other open surface, subject to applicable setback provisions of these regulations.
 2. Loading Areas & Facilities
 - a. Required off-street loading shall be provided on the same zoning lot as the use for which it is required and located in a clearly marked area designated and utilized for loading/unloading.
 - i. This shall not be construed to prohibit routine mail and small parcel deliveries or the temporary parking of such delivery vehicles in undesignated areas.
 - ii. Properties zoned C-1 are exempted, except when required by the Planning Commission or City Council for conditional use or PDO zoning approval.
 - b. Loading areas shall not be located along any side of a structure that faces street frontage, except along alleys; on corner lots having insufficient space elsewhere; and for uses established and structures built prior to the enactment of these regulations.
 - c. Loading areas shall not be allowed along the front façade of a structure, described herein as meeting one or more of these conditions:
 - i. Facing the street to which the lot or structure is addressed.
 - ii. Facing the street with the higher functional classification or traffic volume.
 - iii. Containing the primary building entrance.
- C. Access & Circulation Standards
1. Parking Stalls & Facilities
 - a. All off-street parking stalls shall have direct access to a driveway or parking lot drive aisle. No parking stall shall have direct access to a public street or right-of-way, except as otherwise provided in these regulations.
 - b. Site circulation shall provide access to all parking stalls without entering a public right-of-way.
 - c. Driveways and entrances shall meet all applicable spacing/quantity requirements; driveways shall be provided in the minimum amount necessary for adequate access and circulation.
 2. Loading Areas & Facilities
 - a. Driveways shall be located and designed to avoid conflicts with motor vehicle, pedestrian, and bicycle traffic using transportation facilities within public rights-of-way.
 - b. To the extent practical, loading facilities shall include an apron area to allow safe and efficient vehicle maneuvers.
 - c. Dedicated access shall be provided to loading areas for all retail, industrial, and public/institutional land uses that are zoned C-3 or I-1; or zoned C-2 with sufficient street frontage to meet applicable driveway spacing/quantity requirements.
 - d. For undefined circumstances not that do not allow for dedicated loading access, one driveway shall be clearly marked as the designated delivery/service entrance. Sites shall be designed to minimize the mixing of delivery/service traffic and routine traffic with a combination of the following techniques.
 - i. Install signs and pavement markings that identify the designated delivery/service route, which is the most direct path from the designated entrance to loading facilities.
 - ii. Provide one driveway with direct, straight-line access to loading facilities, which is designated as the delivery/service entrance.
 - iii. Provide one driveway near a side lot line that offers perimeter access to loading facilities,

which is designated as the delivery/service entrance.

- iv. Separate driveways by the maximum spacing achievable along available street frontage.
- v. Avoid open access between off-street parking and the designated delivery/service route. Instead, connect a few drive aisles that are separated with landscaped islands.
- vi. Avoid designating a delivery/service route that travels through an off-street parking facility.

D. Paving & Surfacing Provisions

1. All off-street parking and loading facilities, including driveways and drive aisles, shall be graded for appropriate drainage and surfaced with asphalt, concrete, or comparable hard pavement.
 - a. Design, construction, materials, etc. must meet minimum applicable City of Augusta engineering standards and specifications.
 - b. Hard surfaces must be installed on a compacted subgrade.
 - c. Driveway approaches, curbs, gutters, and loading bay surfaces shall be constructed of concrete.
 - d. As approved by the Zoning Administrator or designated official, pervious/permeable pavement, porous blocks/pavers, or similar paving systems may be used in lieu of asphalt or concrete surfacing.
 - e. Design and construction shall include all storm drainage infrastructure and similar appurtenances as required by the Zoning Administrator or designated official.
2. Exemptions to the hard surface paving requirement shall be allowed as follows:
 - a. Off-street parking areas and driveways for agricultural and residential uses zoned A-1 or R-R.
 - b. Off-street parking areas and loading facility access drives for industrial uses zoned I-1.
 - c. Legal nonconforming off-street parking areas that existed legally prior to enactment of these regulations, which are being repaired, modified, or expanded.
 - d. Required off-street parking and loading facilities exempted from the hard surfacing requirement shall be constructed and maintained with a dust-free gravel, aggregate, or other rock surface.
 - i. Design, construction, materials, etc. must meet minimum applicable City of Augusta engineering standards and specifications.
 - ii. In no case shall required parking or loading facilities be allowed on grass or dirt surfaces, except as may be approved in conjunction with a temporary use.
 - e. The following shall be constructed of concrete, except as specifically exempted:
 - i. Driveway approaches to paved streets.
 - ii. ADA-required accessible parking stalls, access aisles, and other such facilities.
 - iii. Loading apron and bay surfaces.

E. Lighting Provisions

1. Adequate lighting shall be provided for all off-street parking facilities required for all uses except agricultural and single-family residential.
2. Lighting shall be designed to minimize "light trespass" onto adjacent properties and roadways by incorporating best practices such as:
 - a. Using light standards no taller than adjacent buildings.
 - b. Placing fixtures in locations where good lighting is most needed, such as pedestrian walkways and doorways.
 - c. Locating fixtures no closer to the property line than four (4) times the fixture height.
 - d. Installing "fully shielded" or "full cutoff" light fixtures that direct light downward.
 - e. Utilizing shut off controls such as sensors, timers, or motion detectors turn lights off when not needed.

- F. Landscape & Screening Provisions: As applicable, off-street parking and loading areas shall be screened and landscaped per [Article 09](#).
- G. Maintenance Provisions: Required off-street parking and loading facilities shall be maintained in safe, operable, and fully functional condition that poses no threat to the public health, safety or welfare. This shall include:
 - 1. Paved Parking Areas: Shall be maintained free of potholes, significant cracks, sediment accumulation, trash, and debris. Stall markings shall remain clearly visible. Bumper blocks shall be securely anchored at all times. ADA compliance shall be maintained for accessible stalls, access aisles, and pedestrian access routes.
 - 2. Unpaved Parking Areas: Shall be maintained free potholes, ruts, weeds, trash, and debris. Surfaces shall be maintain with a predominantly smooth driving surface and sufficient depth of allowable dust-free materials to fully cover the underlying base or soil. Bumper blocks shall be securely anchored at all times.

07.05. Off-street Parking & Loading Minimum Design Standards

- A. Standard Parking Stalls: Eight feet six inches wide by nineteen feet long (8' 6" X 19'). All stalls on paved parking areas must be delineated with four-inch wide (4") solid white or yellow painted stripes, unless otherwise exempted.
- B. ADA Accessible Parking Stalls: Eight feet six inches wide by nineteen feet long (8'6" X 19').
 - 1. Access Aisles: Must be provided in addition to the minimum stall width.
 - a. Car-accessible Stalls: Sixty inches wide (60").
 - b. Van-accessible Stalls: Ninety-six inches wide (96").
 - c. Access aisles may be shared by two adjacent stalls.
 - 2. Vertical Clearance: Ninety-eight inches (98") for van accessible parking stalls and access aisles.
 - 3. Pedestrian Access Width: Thirty-six inches (36") for paved routes from parking to buildings.
 - 4. Required Markings: Stalls must be delineated with four-inch wide (4") solid white or yellow painted stripes. A painted universal handicap symbol must be centered in each stall; Universal handicap sign (MUTCD Sign # R7-8) installed three feet (3') off the front stripe or bumper block, centered between side stripes.
- C. Bumper Block Requirements: Six feet long by four inches wide by four inches tall (6' X 4" X 4") installed two feet six inches (2'6") from the property line, building face or sidewalk. The bumper block shall be centered between side stripes. Required for:
 - a. Standard parking stalls located adjacent to public property and rights-of-way.
 - b. All ADA accessible parking stalls, except where a curb is present in front.
 - c. All standard stalls located on unpaved surfaces. Shall be colored yellow and securely anchored.
- D. Driveway Approaches & Drive Aisles: Approach widths do not include return radii.
 - 1. Minimum Width: Thirteen feet (13') for one-way; twenty-six feet (26') for two-way.
 - 2. Maximum Approach Width: Thirty feet (30').
 - 3. Markings: One-way signs shall be installed at all one-way entrances/exits; painted arrows shall be provided on one-way drive aisles to indicate the direction of traffic flow.
- E. Loading/Unloading Facilities
 - 1. Loading Bays: Twelve feet wide by one-hundred feet long (12' X 100'); minimum vertical clearance of fourteen feet (14').
 - 2. Paved Aprons: Shall be provided for multiple-dock loading facilities zoned C-3 or I-1; and any facility zoned C-2 that lacks a dedicated entrance and driveway.
 - a. Apron Length: One-hundred and twenty feet (120') in addition to loading bays.
 - b. Apron Width: Equal to the combined width of all loading bays.

Article 08 Sign Regulations

08.01. Intent and Purpose

- A. It is the intent of these sign regulations to define the allowable uses of signs within the zoning jurisdiction and to regulate the time, place, and manner of signs without regulating speech or content.
- B. This Article is to ensure that the constitutionally guaranteed right of free speech is protected.
- C. The purpose of regulating signs is to protect public health, safety, and general welfare as well as:
 1. Guide pedestrian, bicycle, and vehicle traffic
 2. Identify and minimize safety hazards to drivers, bicyclists, and pedestrians
 3. Eliminate excessive and confusing signs
 4. Prevent blight and clutter
 5. Encourage context-sensitive signs
 6. Protect public and private investments
 7. Support the desired quality aesthetics and development patterns in various zoning districts
 8. Provide, maintain, and enhance the aesthetics, safety, and welfare of neighborhoods and the community
 9. Provide adequate opportunity for signs
 10. Protect free speech

08.02. Applicability

- A. No sign shall be erected or altered until a sign permit has been issued by the Zoning Administrator, except as explicitly allowed by these regulations.
- B. All signs shall be considered accessory structures by definition. No land, personal property, object, or structure shall be used for sign purposes except as specified in this article.
- C. Adherence to the regulations and provisions of this article are the responsibility of the property owner.
- D. The regulations and requirements of this article apply to all signs that are or are intended to be viewed from a public right-of-way or adjacent property, or that are intended to be viewed from outdoor areas of private property, except as otherwise exempt under this article.
- E. The Zoning Administrator is responsible for administering and enforcing all provisions of this article, other than those specifically reserved and assigned to other designated officials or other entities.
- F. The Zoning Administrator is responsible for determining the appropriate sign category or sign type based upon professional judgment and interpretation of the definitions provided herein.
- G. The boundaries and locations of all zoning districts referenced in this article are illustrated on the City's Official Zoning Map.
- H. Sign regulations are based upon the land use and zoning district of a zoning lot as described in [Article 05](#) and [Article 06](#).
- I. Regulations based upon zoning districts are intended as supplemental standards to the general provisions and district regulations.
- J. Proposed signs for which the code is silent or where rules of this article do not provide a clear basis for concluding that the sign is allowed, shall be prohibited.
- K. If the regulations, descriptions, and examples do not provide adequate guidance to clearly address a specific situation, the Zoning Administrator shall consider the stated intent of the regulation and its relationship to other regulations and situations and determine applicability based on the most comparable means of regulation provided herein.

08.03. Substitutions Clause

The owner of any authorized or legal nonconforming sign may substitute sign copy in lieu of any other sign copy. Such changes affecting the copy only may be made at any time without additional approval or permitting. This provision prevails over any more specific provision to the contrary. This clause shall not be construed to include structural alterations, changes to required dimensions or other modifications.

08.04. General Sign Definitions

Abandoned Sign Structure: A sign structure on which no sign has been installed for a continuous period of at least one-hundred and eighty (180) days.

Aggregate Sign Area: The combined total area of all sign faces on a single zoning lot.

Awning: A covered framework attached to a building that projects over a door or window to provide protection from the weather or sun, which may a sign placed on its exterior surface..

Beacon: An artificial light source that projects a concentrated beam of light intended to attract or divert attention to its location. Such devices regulated by this article are not intended to apply to those required by applicable safety regulations.

Decorative Cap: An element of the sign structure that plugs the open end of a sign post to keep water from entering the post, which also has aesthetic appeal.

Dilapidated Sign: A sign that is structurally unsound, unsafe, defective, or is in need of maintenance.

Incidental Sign: A small sign, emblem or decal with an area of two (2) square feet or less that provides specific information to individuals viewing it from within the site and engaged in an activity or use occurring on the zoning lot.

Marquee: A permanent canopy structure attached to a building over an entrance that offers protection from the weather, which is common in theater architecture to support a marquee sign.

Off-Premise Sign: A sign that is not directly related to a use, structure or activity found on the zoning lot where it is displayed.

On-Premise Sign: A sign that is directly related to a use, structure or activity found on the zoning lot where it is displayed.

Parapet Wall: A portion of an exterior building wall that extends higher than the main wall.

Permanent Sign: A sign designed for perpetual display and constructed of durable materials, which may be issued a permanent sign permit per these regulations or which is specifically exempted from these regulations.

Primary Sign: The largest and most prominent permanent on-premise sign installed on a zoning lot.

Prohibited Sign: A sign that does not conform to or is not allowed by these regulations, excluding legal nonconforming signs.

Roof Line: A line that follows the upper-most edge of a building, including the roof, parapets, and any taller projections.

Secondary Sign: All signs not deemed to be primary signs, excluding incidental signs.

Sign: A medium of visual communication that conveys a message, portrays an image, provides information, or attracts attention.

Sign Base: The portion of a freestanding sign structure that supports the sign body and contacts the ground or foundation.

Sign Body: The cabinet, frame or portion of a sign structure that displays the sign face, excluding the base or decorative cap.

Sign Classification: The means identifying the characteristics by which signs are regulated per this article. Signs are classified according to structural and display characteristics, both of which comprise the specific classification of an individual sign.

Sign Copy: The words, letters or graphic elements on a sign that convey a its message, idea or purpose.

Sign Face: The surface of a sign upon which the sign copy is placed or attached.

Sign Foundation: The component of a freestanding sign made of concrete or similar material to which the base or support structure is anchored, and which extends below the ground surface to provide lateral and vertical stability.

Sign Panel: An individual portion of a sign face that is clearly distinguished from other portions by its design and construction.

Sign Permit: A written certificate issued by a designated official of the City of Augusta, which certifies that a proposed sign conforms to these regulations, has permission to be installed, and is authorized for display as stipulated by the permit so long as it remains in conformance. Sign permits may be issued for permanent installation or temporary display.

Sign Setback: The minimum required distance between a sign and the exterior boundary of the zoning lot where it is installed.

Sign Support Structure: The structural support and bracing elements for a sign, including posts and poles.

Structural Alteration: The modification of a sign or sign structure that affects the size, shape, height, or sign location; changes in structural materials; or replacement of electrical components with other than comparable materials. Structural alteration does not include ordinary maintenance or repair, repainting an existing sign surface, including changes of message or image, exchanging painted and pasted or glued materials on painted wall signs, or exchanging display panels of a sign through release and closing of clips or other brackets.

Temporary Sign: A sign designed to be displayed for a limited time period, which may be issued a temporary sign permit per these regulations or which is specifically exempted from these regulations.

Figure 8.1: Sign Structure Portability & Installation

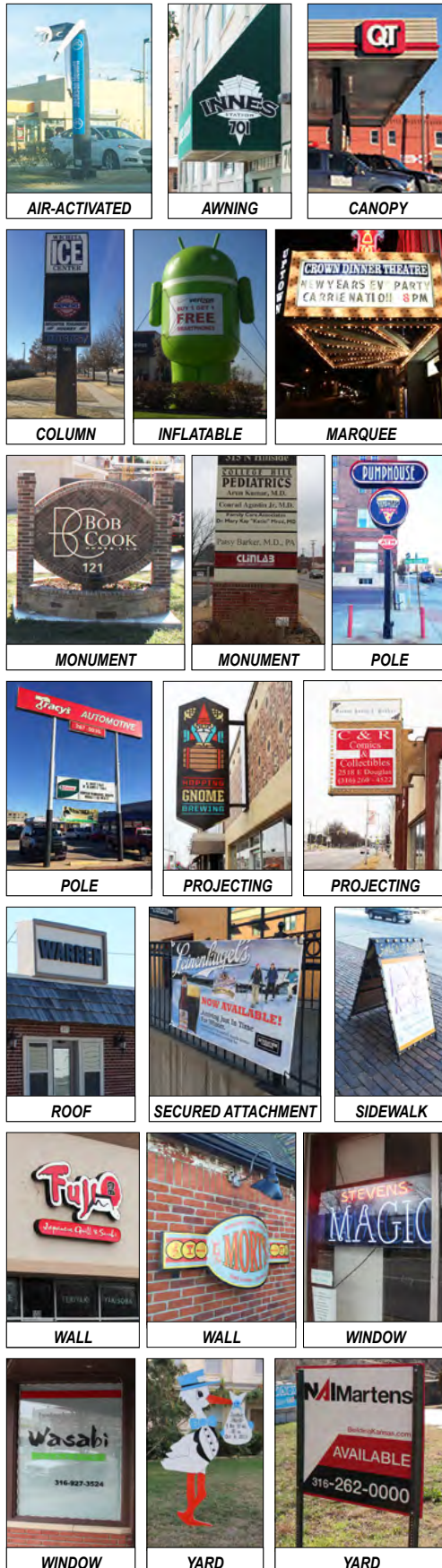


08.05. Sign Structural Classification

The three (3) structural sign categories are Portability, Installation, and Structure Type. Classification uses one class from each structural category. An example classification is Fixed; Freestanding; Monument.

- A. Portability. Describes the ability to be moved between locations. Portability classes are:
 1. Fixed - Designed and constructed to remain in one location.
 2. Portable - Designed and constructed to be easily moved between locations.
- B. Installation. Describes the method by which a sign is mounted to or displayed from a structure, object, or surface. Installation classes are:
 1. Building - Describes a support structure that is securely anchored to a building; or a sign that is fastened or applied directly to an exterior building surface.
 2. Freestanding - Describes an independent support structure anchored to a foundation that is solely intended to support a sign.
 3. Ground - Describes a support structure placed directly in or on the ground, but not

Figure 8.2: Sign Structure Types



- 4. Tethered - Describes a sign secured to a fixed object or structure by strap, chain, tape, etc.
- 5. Vehicle - Describes a sign that is mounted on or applied directly to a portable support structure, such as a motor vehicle or trailer.
- C. Structure Type. Indicates the physical characteristics or location of a sign support structure.
 1. Air-Activated - A non-rigid sign expanded and supported by wind or forced air blown onto the surface or through the body. Classified as Portable; Tethered; Air-Activated.
 2. Awning - An awning that serves as a support structure for a sign attached or applied to the exterior surface. Classified as Fixed; Building; Awning.
 3. Canopy - A canopy that serves as the support structure for a sign mounted on or applied to the vertical face. Classified as Fixed; Building; Canopy.
 4. Column - A support structure upon which a sign is elevated on one or more vertical supports each having a width more than ten percent (10%) of the sign body's width. Classified as Fixed; Freestanding; Column.
 5. Inflatable - A non-rigid sign expanded and supported by air or gas filling the interior of the body without freely passing through. Classified as Portable; Tethered; Inflatable.
 6. Marquee - A marquee that serves as the support structure of a sign mounted on the vertical face. Classified as Fixed; Building; Marquee.
 7. Monument - A support structure with an integrated body and base having the same general width from bottom to top. Classified as Fixed; Freestanding; Monument.
 8. Pole - A support structure upon which a sign is elevated on one or more vertical supports each having a width less than ten percent (10%) of the sign body's width. Classified as Fixed; Freestanding; Pole.
 9. Projecting - A support structure mounted to a building wall with the sign face oriented perpendicular to the wall surface. Classified as Fixed; Building; Projecting.
 10. Roof - A support structure mounted to a building roof. Classified as Fixed; Building; Roof.
 11. Secured Attachment - The fixed object or structure to which a tethered sign, other than Air-Activated or Inflatable, is attached. Classified as Portable; Tethered; Secured Attachment.
 12. Sidewalk - A rigid sign displayed on a pedestrian walkway that is held in place by its own weight or by being weighted down. Classified as Portable; Ground; Sidewalk.
 13. Wall - A support structure mounted to a building wall with the sign face oriented parallel to the wall surface. Classified as Fixed; Building; Wall.
 14. Window - A sign painted on or applied to a window pane, installed in a window, or installed such that it can be seen from

outside the window, which has a sign face oriented and intended to be viewed from outside of the building. Classified as Fixed; Building; Window.

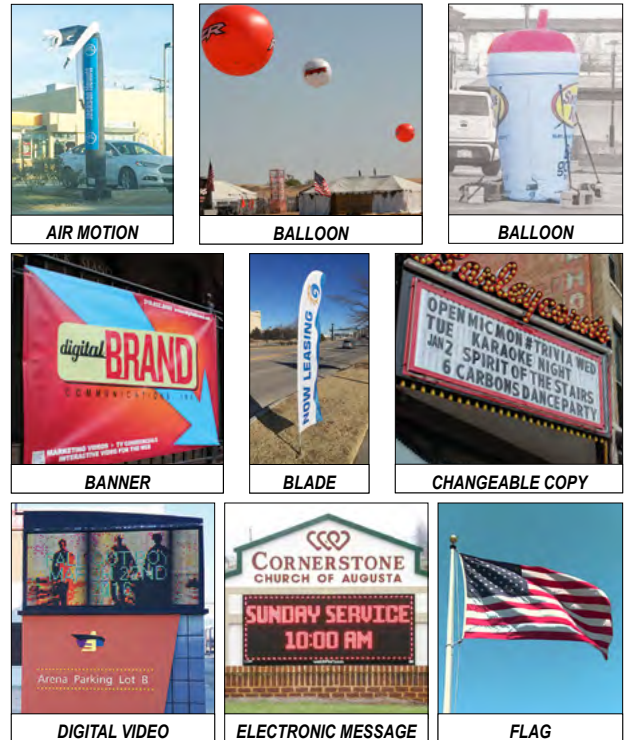
- 15. Yard - A sign displayed in a lot's yard area that held in place by weight, sleeve insertion, ground insertion, or being placed in a back-filled hole. Classified as Portable; Ground; Yard.

08.06. Sign Display Classification

The four (4) sign display categories are: Panel Quantity, Panel Type, Movement, and Lighting. Classification uses one class from each category. An example display classification for a sign with one panel is One-Panel; Full Frame; Static; Non-Illuminated.

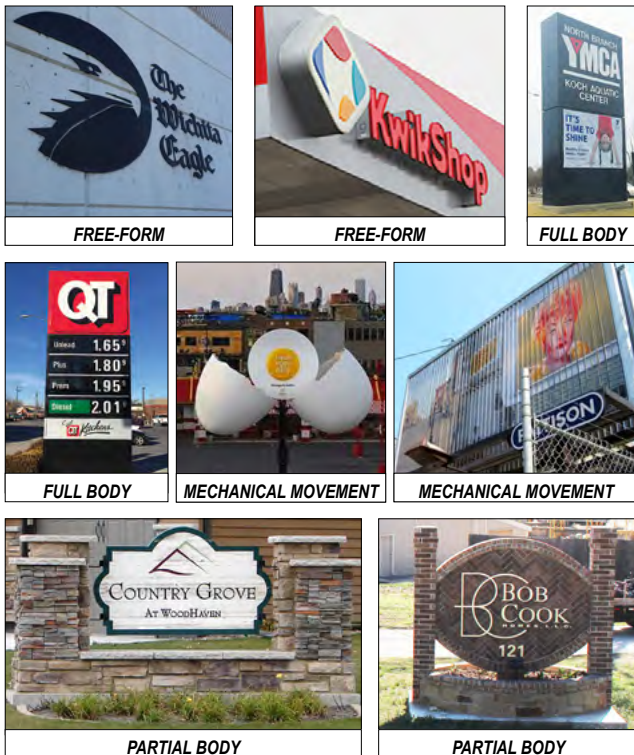
Signs having multiple panels use the number of panels for Panel Quantity with Panel Type, Movement, and Lighting indicated for each panel. Individual panels are listed in top to bottom order and lettered beginning with (A) for the top-most panel. An example display classification for a sign with three panels is Three-Panel; (A) Full Frame; Static; Non-Illuminated; (B) Full Frame; Static; Internal Illumination; (C) Electronic Message; Dynamic; Internal Illumination. Regulations shall apply to multiple-panel signs according all applicable sign panel types.

Figure 8.3: Sign Panel Types 1-8



- A. Panel Quantity. Indicates the number of panels that make up the sign face. Panel Quantity is classified using the number of sign panels. For example, a sign with one panel is One-Panel, a sign with two panels is Two-Panels, and so forth.
- B. Panel Type. Indicates panel characteristics such as message location, framing, or medium.
 - 1. Air Motion - A sign panel structurally classified as Portable; Tethered; Air-Activated, having forced air blown through the body to create motion. May only be used as a One-Panel sign. Display is classified as Dynamic; Non-Illuminated
 - 2. Balloon - A sign panel structurally classified as Portable; Tethered; Inflatable, which may float in the air or be secured in contact with the ground or a fixed object. May only be used as a One-Panel sign. Display is classified as Static; Non-Illuminated.
 - 3. Banner - A sign panel structurally classified as Portable; Tethered; Secured Attachment, which has no rigid frame and is mounted to hang flush against a surface or suspend between tethering points. May be used only as a One-Panel sign. Display is classified as Static; Non-Illuminated.
 - 4. Blade - A non-rigid sign face attached to a flexible pole with one or more unsecured sides allowing movement in the wind. Structurally classified as Portable; Ground; Yard. May only be used as a One-Panel sign. Display is classified as Dynamic; Non-Illuminated.
 - 5. Changeable Copy - A sign panel that allows manual changes to the message, content, position or display of its copy, which has no video display or mechanical means of changing copy. May be used with any structural classification that does not have Tethered installation. May be used in multi-panel signs. Display is classified as Dynamic; External Illumination, Internal Illumination or Non-Illuminated.
 - 6. Digital Video - An electronic sign panel with capable of displaying enhanced textual and graphic effects, animation, or full-motion video. Structurally classified as Fixed; Building or Freestanding, with any applicable Structure Type. May be used in multi-panel signs. Display is classified as Dynamic; Internal Illumination.

Figure 8.4 - Sign Panel Types 9-12



7. **Electronic Message** - An electronic sign panel that can be programmed to change copy automatically, but does not have full-motion video display capabilities. May be used with any structural classification that does not have Tethered installation. May be used in multi-panel signs. Display is classified as Dynamic; Internal Illumination.
8. **Flag** - A sign panel made of fabric that may be attached to a pole on one side allowing it to move in the wind or hung from a structure or fixed object. Structurally classified as Portable; Tethered; Air-Activated. Display is classified as Dynamic; External Illumination or Non-Illuminated.
9. **Free-Form** - A sign panel that takes the shape of copy elements with no visually discernible frame, which is attached to a freestanding support structure, mounted to a building, or applied directly to a building wall or canopy. Structurally classified as Fixed; Building or Freestanding, with any applicable Structure Type. May be used in multi-panel signs. Display is classified as Static; External Illumination, Internal Illumination or Non-Illuminated.
10. **Full Body** - A sign panel that fully covers the entire sign body width and height without cutouts or spatial voids. Structurally classified as Fixed; Building or Freestanding; with any applicable Structure Type. May be used in multi-panel signs. Display is classified as Static; External Illumination, Internal

Illumination or Non-Illuminated.

11. **Mechanical Movement** - A sign panel with no video display that is designed to mechanically change the message, content, position or display of its copy or physically move portions of the sign body. Structurally classified as Fixed; Freestanding; Column or Pole. May only be used as a One-Panel sign. Display is classified as Dynamic; External Illumination or Non-Illuminated.
12. **Partial Body** - A framed sign panel that partially covers the sign body width or height leaving spatial voids. Structurally classified as Fixed; Building or Freestanding; with any applicable Structure Type. May be used in multi-panel signs. Display is classified as Static; External Illumination, Internal Illumination or Non-Illuminated.

C. **Movement.** Indicates if a sign face or panel moves, has moving external components, visually portrays motion, or allows copy changes.

1. **Dynamic** - A sign face or panel having any portion designed to move, create the appearance of motion, or change copy. Actual movement may occur by wind/air action or mechanical means. The appearance of motion may be portrayed by blinking, flashing, changing images, or video display. Copy changes may be made digitally, mechanically, or manually

Figure 8.5 - Illuminated Sign Examples



- 2. Static - A sign face or panel that is not designed to move, portray motion, or change copy.
- D. Lighting. Indicates if a sign face or panel is illuminated by an artificial light source.
 - 1. External Illumination - A sign face or panel illuminated by an artificial light source located outside of the body and aimed toward the sign.
 - 2. Internal Illumination - A sign face or panel with an artificial light source illuminating the sign from within, having a video screen, or having copy that is comprised of an artificial light source such as neon tubes or light-emitting diodes (LED).
 - 3. Non-Illuminated - A sign face or panel with no means of illumination by an artificial light source.

08.07. Measurements and Calculations

A. Primary Building Elevation

- 1. The primary building elevation is the side of a building with the main entrance that typically faces the street frontage to which the lot is addressed.
- 2. The wall area of the primary building elevation shall be determined as follows:
 - a. When scaled architectural elevations are provided to depict the elevation of the structure, the vertical wall area of the elevation shall be the wall surface of the building elevation exclusive of roofs, parapets and false fascia, except that a parapet on the primary building elevation, that is part of a parapet of a uniform height and building material on three sides of a structure may be included in the elevation area, but decorative parapet extensions of irregular height on one or two sides of a structure are excluded from the calculation.
 - b. When architectural plans are not provided, it shall be assumed that the height of the elevation of the first floor is twelve (12) feet and that the height of the elevation of all floors above the first floor is ten (10) feet per floor. The area of the elevation is then calculated based on the formula:

$$((\text{building width}) \times (12 \text{ feet})) + ((\text{building width}) \times (\text{number of additional floors}) \times (10 \text{ feet}))$$

B. Setbacks for Fixed;Freestanding signs shall be measured as the distance between the property line and the nearest point on the sign or sign structure.

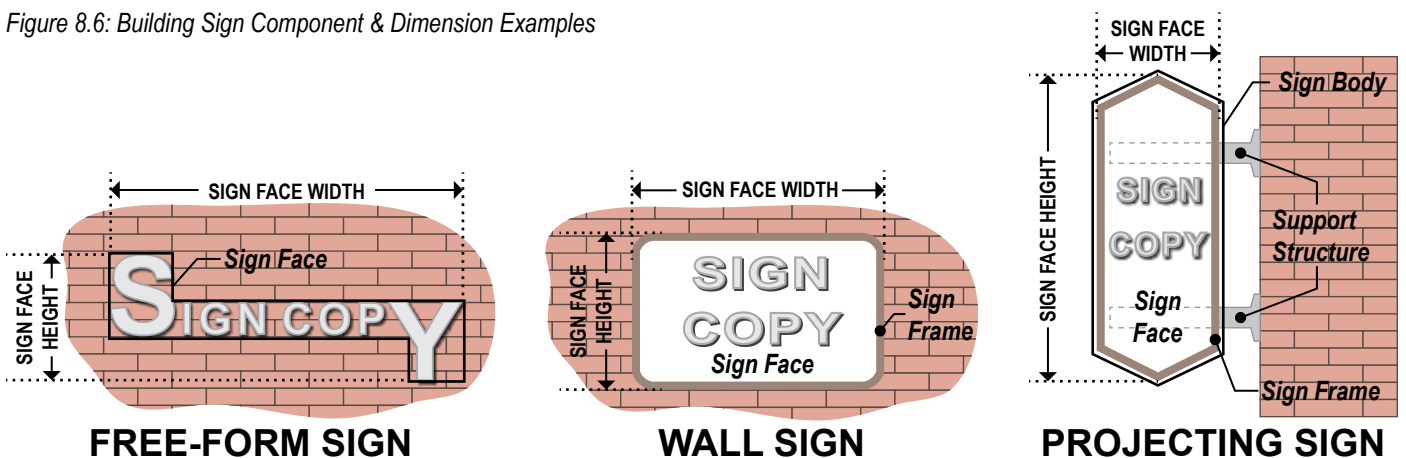
C. Street frontage shall be measured parallel to the centerline of the public street. Where a zoning lot has more than one public street frontage, street frontage shall be the combined linear street frontage.

D. Sign clearance shall be measured from the highest point of the ground directly below the sign to the lowest point of the sign structure.

E. Total Sign Height (also referred to as sign height)

- 1. The total sign height of freestanding signs shall be measured from the ground elevation at the base of the sign structure to the highest element of the sign structure. For signs that may vary in height, such as Inflatable signs, the total sign height shall be measured from the ground elevation at the base of

Figure 8.6: Building Sign Component & Dimension Examples



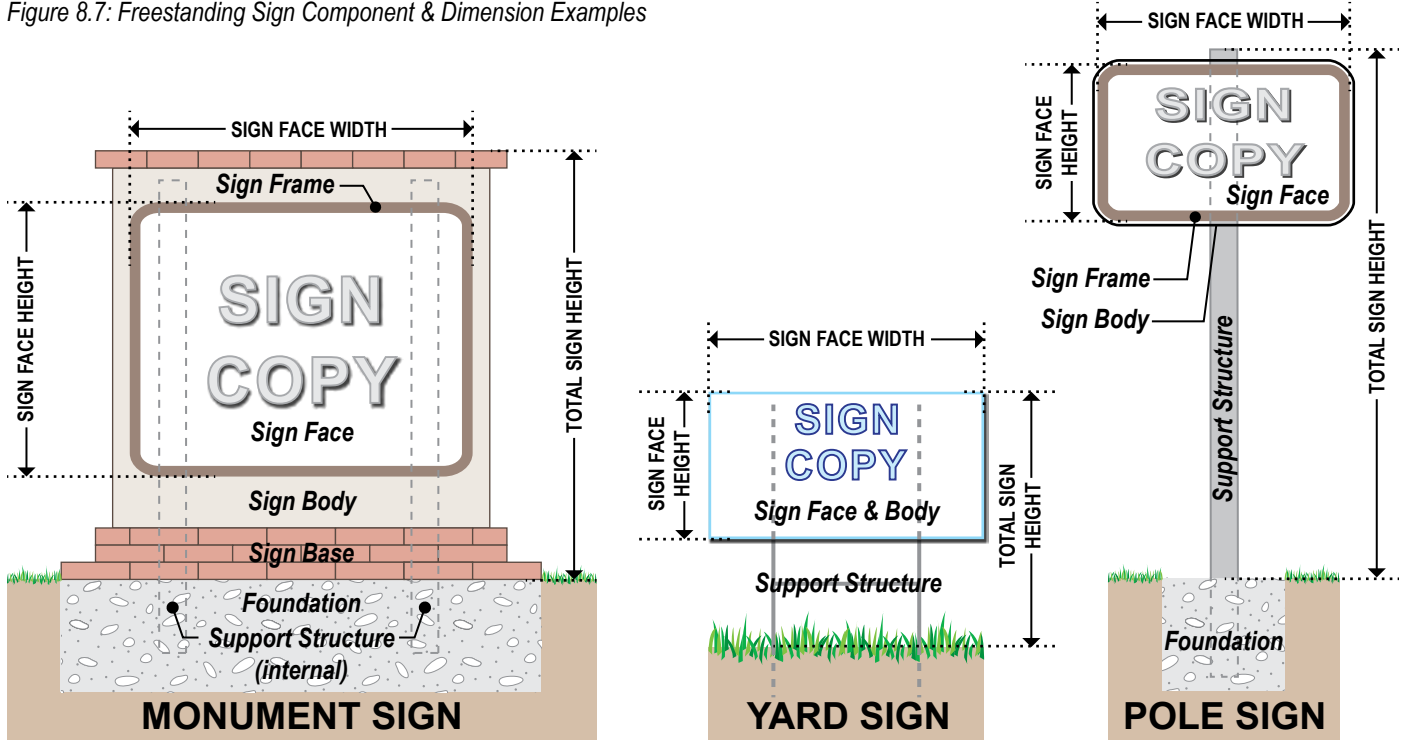
the sign structure to the highest element of the sign structure at its peak elevation.

2. For building signs, the total sign height shall equal the sign face height.

F. Sign Area

1. The sign area shall include the entire area of the sign face. The area of a sign face shall be calculated by multiplying the sign face width by the sign face height using a rectangular shape that completely encloses the sign face.
2. The sign area of a Free-Form sign panel shall include the entire area within a single rectangle enclosing the extreme limits of the sign copy and other graphic element used to portray the sign's message.

Figure 8.7: Freestanding Sign Component & Dimension Examples



3. The sign area of Digital Video and Electronic Message displays shall include the entire panel area plus the surrounding frame or body.
4. A sign designed to be viewed from two (2) or more directions shall be considered one (1) sign, provided that the sign faces are parallel or form an angle of no more than ten (10) degrees. If one sign face is larger, the larger of the two sign faces shall be used to determine the sign area.
5. For cylindrical sign structures, the sign area shall be area of the largest flat plane rectangle that would bisect the sign structure and be completely contained within the outer bounds of the sign structure.
6. The aggregate sign area shall be the sum of all sign area for signs on a zoning lot, not including incidental signs.

08.08. Signs Exempt from Regulation

- A. Signs placed by or at the direction of the City of Augusta or other government agency with such authority, within the right-of-way or on a lot owned by a unit of government.
- B. Signs required by federal, state, or local statute.
- C. Signs identifying historic events, buildings, or other aspects of Augusta and authorized by the City.
- D. Signs not visible and distinguishable beyond the zoning lot where the sign is located.

- E. Incidental signs as defined per [Section 08.04](#) and other signs directly related to a use or activity occurring on the same zoning lot that display specific information intended solely for individuals engaged in said use or activity, and not intended as general public information.
- F. Flag signs, subject to the following provisions.
 - 1. Up to three (3) Flag signs with a maximum height of twenty-five (25) feet, subject to zoning district maximum height restrictions and applicable Building Code requirements.
 - 2. Such signs with a sign area not exceeding forty (48) square feet, provided the aggregate area of all flag signs on a zoning lot shall not exceed seventy-eight (78) square feet.
 - 3. Exempted Flag signs shall not count towards the allowable aggregate sign area for signs on a zoning lot.
- G. Antique or collectible signs displayed as a personal or museum exhibit, painted on a wall or architectural element of a historic building or displayed outdoors as merchandise for sale in a manner consistent with these regulations.
- H. A display of goods in a window.
- I. Signs carried by a person.
- J. Scoreboards and off-premise signs on athletic fields which are oriented towards the field of play.
- K. Signs affixed to or incorporated into machines or equipment by the manufacturer or distributor.
- L. Vehicle signs on vehicles used for deliveries, service calls, or other routine business purposes, provided the vehicle on which the sign is displayed shall be:
 - 1. Legally licensed and registered.
 - 2. Operable and used for a purpose specifically related to the sign's message.
 - 3. Parked in a lawful and authorized location.
- M. Portable signs exempted per [Section 08.12](#).

08.09. Prohibited Signs

- A. Signs that are not in full compliance with this article, other than legal nonconforming signs.
- B. Signs which by location, color, illumination level, or design element conflict with traffic control signs or traffic signals or that may interfere with, mislead, or confuse traffic.
- C. Privately owned signs on or above public right-of-way or other government-owned property, except as approved, allowed, or required by the owning agency pursuant to a government contract or franchise.
- D. Vehicle signs visible from the public right-of-way that are not otherwise exempt.
- E. New signs located on property without the permission of the property owner except those authorized or required by federal, state, or local government.
- F. Signs incorporating beacon lighting or strobe lights.
- G. Signs which emit smoke, particulate matter, sound, odor, or other visible vapors.
- H. Signs which prevent free ingress or egress from any door, window, or fire escape.
- I. Abandoned sign structures.

08.10. General Sign Standards

- A. Construction Materials
 - 1. Permanently installed sign structures for signs structurally classified as Fixed; Freestanding shall be constructed of non-combustible materials, except for wood or other materials capable of providing sufficient structural strength that are allowed by the Building Code.
 - 2. Signs structurally classified as Fixed shall be constructed of durable all-weather materials.
- B. Sign Placement

1. Signs shall not be placed on or otherwise attached to any tree, utility pole, light pole, or traffic control sign.
 2. Signs and sign structures shall not block or interfere with pedestrian access on sidewalks, building entrances or exits, wheelchair ramps, or otherwise violate the Americans with Disabilities Act (ADA).
 3. Signs and sign structures shall not obstruct vehicular access of a driveway, alley, parking area, or other designated vehicular access area.
 4. Signs shall not be placed in or extend into public rights-of-way, except as specifically allowed per this article. When allowed, such signs may be required by the City to be temporarily or permanently modified or removed due to construction or other official purpose. Modification or removal will be at the expense of the owner. In cases of temporary modifications and removals, legal nonconforming signs may be reinstalled without being brought into conformance.
 5. Setbacks and Sight Triangles
 - a. Permanent freestanding signs shall be setback at least five (5) feet from the property line or ten (10) feet from the edge of the street pavement, whichever distance is greater.
 - b. Signs placed in a sight triangle shall not exceed three (3) feet in total sign height. Sight triangle is defined in [Section 03.03](#), with further guidance provided in [Section 04.06.L](#).
- C. Aggregate Sign Area
1. Maximum aggregate sign area for a lot with a multi-tenant commercial principal structure (i.e. shopping center, office building) in a M-1, C-1, C-2, C-3 or I-1 zoning district may be divided between the number of individual units in the structure upon the discretion of the property owner and subject to permit approval.
 2. Maximum aggregate sign area for a zoning lot shall not be exceeded. Exceptions shall not be allowed by variance, conditional use, or other adjustment, unless specifically provided herein.
- D. Portable Signs
1. Vehicle signs are subject to applicable regulations for the appropriate vehicular code when in use on public roadways.
 2. Shall be on-premise signs only and shall be limited to temporary display for a period no longer than ninety (90) consecutive days.
 3. Portable signs may temporarily replace legal Fixed signs removed by a government agency due to a construction project. The quantity, size, and area of such signs shall be limited to that equal to the removed Fixed signs. The original legally permitted signs shall be reinstalled within ten (10) days of project completion. In such cases, a sign permit shall not be required.
- E. Building Signs
1. Shall be on-premise signs only.
 2. Awning & Marquee Signs
 - a. Shall not extend taller than the highest point of the awning, canopy, or marquee to which is it affixed.
 - b. May extend into public right-of-way if mounted to a building that is setback no more than six (6) feet from the property line.
 3. Projecting Signs
 - a. Shall only be affixed to a building and shall not extend vertically beyond the highest point of the building.
 - b. The edge of the sign body nearest the wall shall be no more than twelve (12) inches from such wall.
 - c. May extend horizontally up to six (6) feet into public right-of-way only if mounted to a building that is setback no more than six (6) feet from the property line. In no case shall such signs extend to within two (2) feet of the curb face or street pavement edge, where no curb is provided.
 - d. No more than thirty (30) square feet of the sign face area may extend into the right-of-way.

- e. There shall be a minimum sign clearance of eight (8) feet, except that signs projecting into a sight triangle shall have a minimum clearance of ten (10) feet.
- 4. Roof Signs
 - a. Shall not extend vertically beyond the highest point of the building to which it is affixed or extend horizontally more than twelve (12) inches beyond the face of the nearest building wall.
 - b. If mounted on a pitched roof, the sign face shall be oriented parallel to the nearest building wall.
 - c. Support structures shall not extend above the sign.
- 5. Canopy & Wall Signs
 - a. Shall not extend vertically beyond the highest point of the wall or structure to which it is affixed or extend horizontally more than twelve (12) inches from the building to which it is affixed.
 - b. May extend into public right-of-way if mounted to a building that is setback no more than twelve (12) inches from the property line.
- 6. Window Signs
 - a. The aggregate sign area of all window signs displayed on/in/through a window shall not exceed fifty percent (50%) of the said window's total surface area.
- F. Fixed Freestanding Signs
 - 1. Shall not be located within twenty (20) feet of another sign structurally classified as Fixed; Freestanding.
 - 2. Shall have a landscape planting area installed if the zoning lot on which it will be installed meets the Supplemental Landscape Buffer Requirement criteria of [Section 09.05](#).
 - a. The planting area shall be defined by permanent edging or curbing that extends at least three (3) feet from the base of the sign around the entire perimeter.
 - b. At least twenty-five percent (25%) of the defined planting area shall be covered with some combination of ornamental deciduous trees, evergreen trees, shrubbery, ground cover, perennials, or bulbs.
- G. Illuminated Displays & Signs with Electrical Components
 - 1. Shall conform to all applicable provisions of the current City of Augusta Building and Electrical Codes.
 - 2. Signs with Internal Illumination displays shall provide the minimum level of illumination necessary for night-time display, without producing unreasonable glare beyond the zoning lot boundaries.
 - 3. Signs with External Illumination displays shall have the light source aimed directly at the sign face. Lighting fixtures shall be shielded to minimize light trespass onto other properties and public rights-of-way.
 - 4. All electrical wiring to shall be concealed from public view. If the sign is Fixed;Freestanding, electrical wiring to the sign shall be placed underground.
 - 5. Wiring diagrams and technical lighting specifications demonstrating conformance to these regulations shall be attached to the sign permit application.
- H. Digital Video & Electronic Message Displays
 - 1. Shall conform to all applicable provisions of the current City of Augusta Building and Electrical Codes.
 - 2. Shall be equipped with a working light detector, photocell, or timer that automatically decrease the illumination level for night-time display. If used, timers shall account for seasonal changes in daylight hours.
 - 3. Displays shall be programmed or equipped to turn off or show a full black image in the event of a malfunction that affects more than fifty percent (50%) of the sign face.

08.11. Fixed Sign Regulations by Zoning District & Land Use

Signs that are structurally classified as Fixed shall only be allowed with an approved permanent sign permit, subject to the following provisions and conditions, except as specifically exempted per [Section 08.08](#).

A. A-1, R-R, R-1 & R-2 Zoning Districts

1. Lots with single-family residential primary uses shall be allowed one (1) on-premise sign only in association with a legal conforming home occupation per [Article 11](#), subject to the following provisions.
 - a. Maximum sign area shall be four (4) square feet.
 - b. Structural classification shall be limited to Fixed; Building; Wall.
 - c. Display classification shall be limited to One-Panel; Full Body; Static; Non-Illuminated.
2. Residential subdivisions with active homeowners associations and mobile home parks with R-4 zoning shall be allowed one (1) on-premise sign per vehicular subdivision entrance along a public street, subject to the following provisions.
 - a. Minimum spacing between signs shall be two-hundred (200) feet.
 - b. Maximum sign area shall be thirty-two (32) square feet and maximum sign height shall be six (6) feet.
 - c. Structural classification shall be limited to Fixed; Freestanding; Monument.
 - d. Display classification shall be limited to One-Panel, Free-Form, Full Body or Partial Body, Static; External Illumination or Non-Illuminated.
3. Lots with primary uses other than single-family residential shall be allowed one (1) on-premise sign per public street frontage, subject to the following provisions.
 - a. Maximum aggregate sign area shall be one (1) square foot per two (2) linear feet of street frontage or twenty-four (24) square feet, whichever is greater.
 - b. Maximum sign area shall be twenty-four (24) square feet. Freestanding signs shall have a maximum sign height of six (6) feet.
 - c. Structural classification shall be limited to:
 - i. Fixed; Building; Wall.
 - ii. Fixed; Freestanding; Monument.
 - d. Display classification shall be limited as follows:
 - i. No more than one (1) sign shall have an illuminated display (External or Internal Illumination).
 - ii. Wall signs shall be limited to One-Panel; Free-Form, Full Body or Partial Body; Static; External Illumination or Non-Illuminated.
 - iii. Monument signs shall be limited to One-Panel or Two-Panel; Electronic Message, Full Body or Partial Body; Dynamic or Static; External Illumination, Internal Illumination or Non-Illuminated.

B. R-3, R-4, M-1, C-1 & C-2 Zoning Districts

Note that the Downtown Design Guidelines provide sign guidance in Downtown Augusta.

1. Lots with single-family residential primary uses shall be regulated per [Section 08.11.A.1](#).
2. Lots with multi-family residential primary uses shall be regulated per [Section 08.11.A.2](#).
3. Lots with non-residential primary uses shall be allowed one (1) on-premise sign per public street frontage, subject to the following provisions.
 - a. Maximum aggregate sign area shall be one (1) square foot per two (2) linear feet of street frontage or forty (40) square feet, whichever is greater.
 - b. Signs shall have a maximum sign area of thirty-two (32) square feet. Signs structurally classified as Fixed; Freestanding shall have a maximum sign height of ten (10) feet.
 - c. Sign classification shall be not be limited, subject to the following sign quantity provisions.
 - i. No more than one (1) sign shall have a structural classification of Fixed; Freestanding.
 - ii. No more than two (2) signs shall have illuminated displays (External or Internal Illumination).

C. C-3 & I-1 District Zoning Lots

1. Primary Freestanding Signs: Lots shall be allowed one (1) primary on-premise sign that is structurally classified as Fixed; Freestanding, subject to the following provisions.
 - a. Signs located along arterial street frontage shall have a maximum sign area of sixty-four (64) square feet and a maximum sign height of twenty (20) feet.
 - b. Signs located along collector street frontage shall have a maximum sign area of thirty-six (36) square feet and a maximum sign height of fifteen (15) feet.
 - c. Signs located along local street frontage shall have a maximum sign area of twenty-four (24) square feet and a maximum sign height of ten (10) feet.
 - d. Sign display classification shall be limited per [Section 08.11.C.4](#).
2. Secondary Freestanding Signs: Lots shall be allowed secondary on-premise signs structurally classified as Fixed; Freestanding, subject to the following provisions.
 - a. Lots shall be allowed one (1) such sign per public street frontage in locations within twenty (20) feet of a vehicular entrance/exit.
 - i. Maximum sign area shall be sixteen (16) square feet and maximum sign height shall be six (6) feet.
 - ii. Minimum spacing between such signs shall be sixty (60) feet.
 - iii. Sign display classification shall be limited per [Section 08.11.C.4](#).
 - b. Lots shall have no limit on the number of such signs in internal locations at least eighty (80) feet inside of an external lot line, subject to the following provisions.
 - i. Maximum sign area shall be eight (8) square feet and maximum sign height shall be six (6) feet.
 - ii. Maximum aggregate sign area shall be one (1) square foot per four (4) linear feet of street frontage.
 - iii. Minimum spacing between such signs shall be twenty (20) feet.
 - iv. Display classification shall be limited to Static movement displays, subject to the lighting display requirements of [Section 08.11.C.4](#).
3. Building Signs: Lots shall have no limit on the number of signs structurally classified as Fixed; Building, subject to the following provisions.
 - a. Maximum aggregate area shall be limited to ten percent (10%) of the principal structure's front façade wall area.
 - b. Such signs shall be allowed on any exterior wall surface of legal conforming structures.
 - c. Structure type classification shall not be limited.
 - d. Sign display classification shall be limited per [Section 08.11.C.4](#).
4. Display Classification Provisions
 - a. Lots shall be limited to four (4) signs with illuminated displays (External or Internal Illumination).
 - b. Dynamic movement displays shall be limited to one (1) Primary Freestanding sign plus one (1) Secondary Freestanding sign plus one (1) Building sign per zoning lot, subject to the following provisions.
 - i. Maximum sign area shall be thirty-two (32) square feet, provided such displays may not exceed fifty percent (50%) of the total sign area of a multiple panel sign.
 - ii. Maximum aggregate sign area shall be forty-eight (48) square feet per lot, which shall be counted toward other applicable aggregate sign area limits.
 - iii. Mechanical Movement displays shall only be allowed on Primary Freestanding signs located along arterial street frontages.
 - iv. These limits shall not apply to Changeable Copy displays.

5. Highway Frontage Freestanding Signs: Lots with at least fifty (50) feet of frontage along a designated highway or highway on/off ramp shall be allowed one (1) additional sign structurally classified as Fixed; Freestanding, subject to the following provisions.
 - a. Signs may be on-premise or off-premise with no limits on display classification.
 - b. Signs shall be located within one-hundred (100) feet of the highway right-of-way line with the sign face oriented perpendicular to traffic flow on the adjacent highway facility.
 - c. Maximum sign area shall be limited to two-hundred (200) square feet allowed in addition to maximum aggregate sign area limits and maximum sign height shall be thirty (30) feet.
 - d. Minimum spacing between Highway Frontage Freestanding signs shall be one-thousand (1,000) feet.
 - e. Signs shall not be located within one-hundred (100) feet of another sign structurally classified as Fixed; Freestanding.
 - f. Display classification shall not be limited.
6. Flag Signs: Permanent displays of Flag signs exceeding the exemptions per [Section 08.08](#) may be allowed by permanent sign permit approval, subject to the following maximum limits.
 - a. Maximum sign height may be adjusted up to the zoning district maximum allowable height.
 - b. Maximum sign area may be adjusted up to ninety-six (96) square feet with a maximum aggregate sign area of two-hundred sixteen (216) square feet.
 - c. Maximum quantity may be adjusted up to eight (8) Flag signs, provided no individual Flag sign exceeds a sign area of fifteen (15) square feet and aggregate sign area does not exceed one-hundred twenty (120) square feet.

08.12. Portable Sign Regulations by Zoning District & Land Use

Signs that are structurally classified as Portable shall be allowed subject to the following provisions and conditions, except as exempted per [Section 08.08](#).

- A. Lots with single-family residential primary uses within any zoning district shall be allowed Portable signs as follows.
 1. Structural classification shall be limited to Portable; Ground or Tethered; Air-Activated or Yard.
 2. Display classification shall be limited to One-Panel; Balloon, Banner, Blade or Flag; Non-Illuminated.
 3. Up to two (2) Portable signs displayed at any given time shall be exempt from sign permit requirements, provided the aggregate sign area does not exceed twelve (12) square feet and individual signs do not exceed six (6) square feet in sign area or five (5) feet in height.
 4. Portable signs in excess of the maximum exemptions per [Section 08.12.A.3](#) shall only be allowed by temporary sign permit approval, subject to the following limits.
 - a. Up to one (1) additional sign displayed at any one time; maximum of three (3) signs.
 - b. Up to eight (8) additional square feet aggregate sign area; maximum of twenty (20) square feet.
 - c. Up to one (1) sign may have a maximum sign area of sixteen (16) square feet.
 - d. Maximum sign height shall not be adjusted.
- B. A-1, R-R, R-1, R-2, R-3, R-4, M1, & C-1 Zoning Districts: Lots with a primary use other than single-family residential shall be allowed portable signs as follows. Note that the Downtown Design Guidelines provide sign guidance in Downtown Augusta.
 1. Structural classification shall be limited to Portable; Ground, Tethered or Vehicle; Air-Activated, Secured Attachment, Sidewalk or Yard.
 2. Display classification shall be limited to One-Panel; Air Motion, Balloon, Banner, Blade, Changeable Copy or Flag; Non-Illuminated.
 3. Up to two (2) portable signs displayed at any given time shall be exempt from sign permit requirements, provided the aggregate sign area does not exceed sixteen (16) square feet and

- individual signs do not exceed eight (8) square feet in sign area or six (6) feet in height.
4. Portable signs in excess of the maximum exemptions per [Section 08.12.B.3](#) shall only be allowed by temporary sign permit approval, subject to the following limits.
 - a. Up to one (1) additional sign displayed at any one time; maximum of three (3) signs.
 - b. Up to fourteen (14) additional square feet aggregate sign area; maximum of thirty (30) square feet.
 - c. Up to one (1) sign may have a maximum sign area of twenty (20) square feet.
 - d. Up to one (1) sign may have a maximum height of eight (8) feet.
- C. C-2, C-3, and I-1 Zoning Districts
1. Structural classification shall be limited to Portable; Ground, Tethered or Vehicle; Air-Activated, Secured Attachment, Sidewalk or Yard.
 2. Display classification shall be limited to One-Panel; Air Motion, Balloon, Banner, Blade, Changeable Copy or Flag; Non-Illuminated.
 3. Up to three (3) portable signs displayed at any given time shall be exempt from sign permit requirements, provided the aggregate sign area does not exceed twenty-four (24) square feet and individual signs do not exceed eight (8) square feet in sign area or six (6) feet in height.
 4. Portable signs in excess of the maximum exemptions per [Section 08.12.C.3](#) shall only be allowed by temporary sign permit approval, subject to the following limits.
 - a. Up to three (3) additional signs displayed at any one time; maximum of five (5) signs.
 - b. Up to forty (40) additional square feet aggregate sign area; maximum of sixty-four (64) square feet.
 - c. Up to two (2) signs may have a maximum sign area of thirty-two (32) square feet.
 - d. Up to two (2) signs may have a maximum height of ten (10) feet.
- D. M-1, C1, C-2, & C-3 Zoning Districts: Lots with non-residential primary uses shall be allowed to place one (1) Portable sign per business establishment within public right-of-way at any given time, subject to the following provisions.
- a. Such signs shall be placed immediately adjacent to the subject lot and may be displayed only during the establishment's operating hours.
 - b. Such signs shall be placed completely outside of the street pavement. If placed on a sidewalk, signs shall not interfere with vehicular or pedestrian traffic and at least three (3) feet of clear sidewalk width shall be maintained at all times.
 - c. Sign area shall be counted against the maximum aggregate sign area of all Portable signs.
 - d. Sign height shall not exceed four (4) feet.

08.13. Maintenance Provisions

- A. All signs shall be designed, constructed, and maintained in compliance with applicable provisions of the Building Code and other City codes. Sign supports and structural components shall be painted, constructed of galvanized or non-ferrous materials, or otherwise treated to prevent rust.
- B. All signs within the City shall be kept in the same general condition as approved by permit and in a manner that avoids visual detriment to the community at large. This shall include:
 1. Maintaining a safe structural condition.
 2. Keeping exposed surfaces free of rust and corrosion.
 3. Keeping painted surfaces free chips, cracks, flaking, and peeling.
 4. Replacing broken components made of glass, plastic, or other materials.
 5. Maintaining all lights and electrical components in a safe and operable condition.
 6. Maintaining the legibility of textual and graphic sign components.

08.14. Nonconforming Signs

- A. Legally existing permanent signs that do not comply with these regulations may continue to exist as legal nonconforming signs upon the effective date of these regulations.
 - 1. Such signs shall be subject to applicable sign maintenance requirements and other provisions for legal nonconforming structures.
 - 2. Owners of such signs may request a legal nonconforming use certificate per [Section 04.10.D](#).
- B. Removal or Modification of Nonconforming Signs
 - 1. Existing signs that do not comply with these regulations, regardless of sign type or legal status, shall be removed or modified in compliance with these regulations under any of the following circumstances.
 - a. The nature of the business conducted on the premises changes and the sign is changed or modified either in shape, size, or legend.
 - b. The name of the business changes and the sign is changed or modified either in shape, size, or legend.
 - c. A principal structure is destroyed or removed due to natural or man-made circumstances, unless a Building Permit has been issued to replace the structure within ninety (90) days.
 - d. The sign is damaged by any means when the cost of restoring it to original condition exceeds fifty percent (50%) of its replacement cost at the time of damage.
 - e. The building or use to which the sign applies is vacated, abandoned, or otherwise dormant for a period of time exceeding twelve (12) months.
 - 2. All nonconforming signs required to be removed by these regulations shall be removed within ninety (90) days of notification by the City.

08.15. Sign Permitting Process

- A. No sign permit application shall be accepted without plans and specifications of the proposed sign, which may include relevant drawings with items such as location, dimensions, construction, structural design, electrical design, and illumination specifications.
- B. A sign permit shall not be issued for a permanent sign encroaching into or over public right-of-way without the installer first providing a certificate of Accident Public Liability Insurance with minimum coverages of \$50,000 per person, \$100,000 per accident and \$25,000 property damage.
- C. Review and Action
 - 1. The Zoning Administrator shall review the sign permit application to determine if the proposed sign complies with all the applicable regulations of this article. Sign permits shall be either approved or denied within fifteen (15) days of the application submittal date.
 - a. A sign permit shall be approved only if determined fully compliant with applicable regulations.
 - b. If a sign permit is denied, the reasons for denial shall be specified in writing.
 - 2. Issued sign permits shall expire if the work authorized by the permit has not commenced within one-hundred and eighty (180) days from the date of issuance or the authorized work is suspended for a period of one-hundred and twenty (120) days at any time after work has begun. If a sign permit expires, work may proceed only upon issuance of a new sign permit.
- D. No sign permit application shall be accepted without the correct filing fee being paid. Individual applications and permit fees shall be submitted for each such sign or other advertising structure on a zoning lot. The schedule of fees, which may be revised periodically by City Council, may be obtained from the Zoning Administrator.
- E. All applicable provisions of the Building Code shall be enforced for signs subject to such provisions.
- F. Once the sign has been erected or installed, the permit holder shall notify the Zoning Administrator. The sign shall then be inspected for compliance with the approved permit by the Zoning Administrator

or designated official. As deemed necessary, any sign erected may be periodically inspected to verify continued compliance.

- G. All rights and privileges acquired under the provisions of this article or any amendment thereto, are mere licenses revocable at any time by the Zoning Administrator; and all such permits shall contain this provision.
- H. The Board of Zoning Appeals is authorized to grant variances from the specific terms of this article in specific cases. A variance shall be granted only if all of the following provisions are met.
 - 1. It is consistent with purpose and intent of this article.
 - 2. It is permissible under [Article 15](#).
 - 3. It is not contrary to the public interest.

08.16. Implementation and Enforcement

A. Authority

The City shall have the authority to implement and enforce these sign regulations as described below.

- 1. The Zoning Administrator or other designated official shall be charged with the responsibility and authority to implement these sign regulations as follows.
 - a. Coordinate with property owners, developers, permit applicants, permit holders, sign designers, and sign installers.
 - b. Review and approve sign permit applications.
 - c. Inspect new and existing signs to ensure compliance with these regulations and issued permits.
 - d. Initiate enforcement actions within the delegated degree of authority.
- 2. The Zoning Administrator or other designated official may inspect any sign whenever there is reasonable cause to believe a violation of these regulations may exist. Upon being presented with proper credentials by the Zoning Administrator or designated official:
 - a. No person may refuse entry or access to the site or property where a sign exists when entry is required for the purpose of conducting an inspection.
 - b. No person may obstruct, hamper, or interfere with such City representatives while in the process of carrying out their official duties.
- 3. The City shall have the authority to order the removal, modification, minor repair, or maintenance of any sign erected or displayed in the City. This shall include signs that the Zoning Administrator or designated official:
 - a. Deems unsafe, insecure, or a menace to the public .
 - b. Finds to be constructed or erected in violation of these regulations or an issued permit, but is not exempt.
 - c. Determines is not being maintained in accordance with these regulations, but is not exempt.

B. Enforcement

- 1. If upon inspection the Zoning Administrator or designated official determines the need to order the removal or modification of any sign, the City shall immediately notify the property owner or permit holder in writing.
 - a. Such written notification shall contain:
 - i. The action(s) being ordered.
 - ii. A citation of the specific regulation(s) or code(s) whereby the City has authority to order such action(s).
 - iii. A citation of the specific regulation(s) or code(s) being violated.

- iv. A description of the observed conditions or violations that warrant such ordered action(s).
- v. The deadline of ten (10) days for such conditions or violations to be remedied by the ordered action(s).
- b. The property owner or permit holder shall notify the Zoning Administrator or designated official upon completing the ordered action(s) by the specified deadline. The Zoning Administrator or designated official shall inspect the subject sign for compliance with the ordered action(s). If the completed action(s) are found to comply with the order, the City shall send the property owner or permit holder a written letter certifying compliance.
- c. Should the property owner or permit holder fail to fully complete the ordered action(s) by the specified deadline, the City may either:
 - i. Re-notify the property owner or permit holder according to the same procedures.
 - ii. Initiate the ordered action(s) and assess such costs to the property owner or permit holder. The City shall not issue a letter of certification or a subsequent permit for the subject sign to any property owner or permit holder who refuses to pay the assessed costs.
- 2. If upon inspection the Zoning Administrator or designated official determines the need to order the minor repair or maintenance of a permitted sign, the City shall notify the permit holder in writing of the deficiency and necessary corrective action(s). Should the permit holder fail to prove compliance within thirty (30) days of the date the notification was sent, the City shall cause the owner to be cited for violation of this regulation.

Article 09 Compatibility Buffers

09.01. Purpose

This article is intended to enhance the compatibility of adjacent land uses, provide an orderly transition between developments of varying intensity, and encourage development consistent with the community's character. This article establishes minimum buffering requirements and applicable standards where compatibility cannot be achieved by other means such as judicious siting of structures on the site, providing open space or greenways to separate uses, or another appropriate means of providing transition.

09.02. Applicability

- A. The provisions of this article shall apply as follows.
 - 1. New land uses and structures approved or established.
 - 2. Existing land uses and structures that are altered or modified, and:
 - a. Expand the size of the use or structure.
 - b. Change the type of use or structure.
 - c. Change the intensity or density of the use or structure.
- B. Specific exemptions from these requirements are:
 - 1. Minor repairs and routine maintenance to existing structures or properties.
 - 2. Any alteration, modification, or establishment of a use or structure that is otherwise exempted.
- C. Visual and aesthetic compatibility between land uses shall be maintained by using an acceptable visual buffer, which shall include screening fences/walls, landscape screen, earthen berms, or a distance deemed appropriate by the Zoning Administrator that achieves the desired compatibility.
- D. Visual buffers shall be required based on the scenarios listed below for all structures and uses meeting the above applicability criteria. Each scenario indicates visual buffer requirements for lots meeting specific zoning or primary use conditions that are located adjacent to lots with specific lower intensity uses or zoning.
 - 1. Scenario 1 - A visual buffer shall not be required for lots with: A) an agricultural primary use; B) a single-family residential primary use; C) C-1 zoning and a legal conforming primary use.
 - 2. Scenario 2 - A visual buffer SHALL BE REQUIRED for all lots with: A) a primary use other than single-family residential; B) C-2 zoning; C) C-3 zoning; D) I-1 zoning WHEN located adjacent to any lot with: A) a single-family residential primary use; B) R-R zoning; C) R-1 zoning; D) R-2 zoning.
 - 3. Scenario 3 - A visual buffer SHALL BE REQUIRED for all lots with: A) C-2 zoning; B) C-3 zoning; C) I-1 zoning WHEN LOCATED ADJACENT TO any lot with: A) R-3 zoning.
 - 4. Scenario 4 - A visual buffer SHALL BE REQUIRED for all lots with: A) I-1 zoning WHEN LOCATED ADJACENT TO any lot with: A) M-1 zoning; B) C-1 zoning; C) C-2 zoning; D) C-3 zoning.
 - 5. Scenario 5 - When a visual buffer is required, any lot that is five (5) acres in area or larger MAY UTILIZE AN EARTHEN BERM TO SATISFY THE REQUIREMENT, subject to applicable design standards.
 - 6. Scenario 6 - For all lots with PDO overlay zoning, visual buffer requirements shall be determined according to the corresponding base zoning districts and primary uses per Scenarios 1 - 5 (i.e. visual buffers shall apply as if no PDO existed).
- E. When deemed necessary to enhance land use compatibility, the Planning Commission or City Council may impose a visual buffer requirement as a condition of approval for any zoning action.
- F. The City Council may defer any visual buffer requirement that is triggered by the zoning district of an adjacent lot when such adjacent lot is vacant at the time of zoning approval. All such deferrals shall expire one-hundred and eighty (180) days after a Building Permit is issued on the adjacent vacant lot,

within which time the visual buffer shall be constructed.

09.03. General Provisions

The following general provisions shall apply when a visual buffer is required per [Section 09.02.D](#).

- A. Visual buffers shall only be required along lot lines shared with a lot that triggers such requirement; provided subject lot lines shall be buffered along the full length, not just the shared length.
- B. Visual buffers shall be required along alley and local street frontages only if the lot with opposite frontage has a triggering use or zoning. They shall not otherwise be required along street frontages. This shall not apply to supplemental landscape buffer requirements per [Section 09.05](#).
- C. Visual buffers shall not be required along natural barriers that are at least fifty (50) feet wide, such as rivers and wooded areas.
- D. Visual buffers for off-street parking facilities and outdoor storage areas shall not be required on any side requiring a visual buffer along a perimeter lot line, which would serve the same purpose.
- E. No visual buffer shall be allowed to cross a driveway or obstruct the sight triangle of a street, alley, or driveway intersection.

09.04. Visual Buffer Design Standards

- A. Screening fences and walls shall meet applicable provisions of the Building Code with regard to design, construction materials and methods, and foundations. In addition, the following shall apply.
 - 1. Design and construction shall minimize the visual impact of subject uses and structures from outside of that lot. The vertical faces of each horizontal section between posts/columns shall have a minimum ten percent (10%) open space, with consistent spacing between vertical pickets/slats.
 - 2. Construction materials and colors shall complement the architecture of the primary structure on the lot and adjacent structures.
 - a. Fence posts and rails shall be sufficient strength to support the horizontal rails and vertical facing materials. Pickets/slats shall be wood, metal, vinyl/PVC, or composite materials.
 - b. Walls shall be constructed of masonry such as concrete panels, brick, stone, or cinder blocks. Aesthetic finishes such as stucco may be used, as appropriate to the environment.
 - c. Alternate materials may be used provided they are comparably durable and the finished look approximates that of a required material.
 - 3. Along lot lines, shall be between six (6) feet and eight (8) feet in height. Perimeter screening around off-street parking, loading, and outdoor storage areas, when not located on lot line, shall measure between three (3) feet and four (4) feet in height. Height shall be measured from the adjacent ground elevation to the top of the vertical face.
 - 4. Reasonable modifications to these standards may be allowed to avoid hazards to animals or people; preserve safe traffic operations; or minimize negative impacts to surrounding properties.
- B. Landscape screens shall be planted with a variety of trees, bushes, or shrubs, which shall be designed to meet standards within thirty-six (36) months of occupancy. In addition, the following shall apply.
 - 1. Shall have a height of at least six (6) feet above grade along the entire length. No six (6) linear foot segment shall contain more than thirty percent (30%) open space or offer a direct view through the screen at any point higher than two (2) feet above grade.
 - 2. Shall be provided along subject lot lines within a depth of ten (10) feet. No other uses except approved driveways and signs shall be allowed in a required landscape screening area.
 - 3. Plant selection shall consider drought tolerance, species nativity, mature growth, and other such characteristics. Vegetation shall not overhang the public right-of-way such that it obstructs vehicular, pedestrian, or bicycle traffic or restricts access to any property.
- C. Earthen berms used per [Section 09.02.D.5](#) shall be designed to avoid flooding and other storm water drainage impacts both on- and off-premise. In addition, the following shall apply.
 - 1. Shall be at least thirty (30) feet in width at the base and at least four (4) feet in height, as measured

- perpendicular to grade level at any point along its length.
- 2. Side slopes shall have a gradient no steeper than three to one (3:1) and shall be sodded to prevent erosion. Bank stabilization materials and devices shall be used as necessary.
- 3. The top of berms shall be planted with landscaping meeting the standards of [Section 09.04.B](#), except that the minimum height shall be three (3) feet at mature growth height.

09.05. Supplemental Landscape Buffer Requirements

To encourage compatible aesthetics and character, supplemental landscape provisions shall be provided in addition to other compatibility provisions.

- A. Perimeter landscaping shall be installed in required yards along street frontages of lots zoned R-1, R-2, or R-3 having a primary use other than single-family residential; and lots zoned C-2, C-3, or I-1 with arterial street frontage. Perimeter landscaping shall be planted in required yards along street frontages as follows.
 - 1. This shall not include highway frontages.
 - 2. One (1) tree or shrub shall be planted for every forty (40) feet of street frontage. Fractional calculations shall be rounded up. These may be planted in any configuration within fifteen (15) feet of the street line that is not within a sight triangle and at least eight (8) feet from underground utilities and paving. Trees with an expected mature growth height over twenty (20) feet shall not be placed beneath overhead utility lines.
 - 3. Tree species shall be selected from the published recommendations of the Kansas Forest Service for south central Kansas. All plants shall be selected in consideration of site conditions and the factors listed in [Section 09.04.B](#). See [Appendix A](#) for species lists and additional guidance.
 - 4. Selected trees shall have a maximum expected mature growth height of thirty (30) feet and shall have a minimum caliper diameter of two (2) inches at the time of planting.
 - 5. Up to fifty percent (50%) of the planting requirement may consist of shrubs having an expected mature growth height of at least two (2) feet. No more than thirty percent (30%) of the planting requirement shall consist of evergreen tree or shrub species.
- B. Paved off-street parking areas shall include curbed landscaped islands covering at least ten percent (10%) of the area occupied by required parking stalls, driveways, and drive aisles, subject to the following provisions.
 - 1. Be distributed throughout parking areas such that no single island exceeds twenty-five percent (25%) of the requirement.
 - 2. Meet all other provisions applicable to landscape screens, with the exception of [Section 09.04.B.1](#) and [Section 09.04.B.2](#), which are related to screening height, density, and location.
 - 3. Landscaped islands shall not be required for lots with a single-family residential primary use, lots under two (2) acres in area, and lots with C-1 zoning.

09.06. Visual & Landscape Buffer Plans

- A. A buffer and landscape plan shall be submitted with the Development Site Plan. Such plans shall be designed by an appropriately credentialed professional.
 - 1. Screening fences/walls must be designed by a licensed architect or engineer only when required by the Building Code or other applicable regulations.
 - 2. All landscaped areas must be designed by a licensed landscape architect or certified landscape designer, including those located on berms.
 - 3. Earthen berms shall be designed by a licensed engineer or landscape architect.
- B. Such plans shall include sufficient detail and information to determine compliance with buffer requirements. At a minimum, this shall include:
 - 1. Fences/Walls: Location, type, height, and materials.
 - 2. Landscaped Areas: Location, planting specifications and details, mature size, and plant identification

(common and botanical names).

3. Berms: Location, dimensions, cross-section, and materials (list and quantities).

09.07. Buffer & Landscaping Installation & Maintenance

- A. Installation: All visual buffers and landscaping shall be installed according to the approved Development Site Plan and found in good condition when inspected for occupancy. A temporary Certificate of Occupancy may be issued for a period of six (6) months from the inspection date if the season or weather conditions are unsuitable for planting. If landscaping is found to be non-compliant or in poor condition at the time of final inspection, the temporary certificate may be revoked by the Zoning Administrator or Building Inspector.
- B. Maintenance: Required visual buffers and landscaping shall be maintained in good condition and in compliance with these regulations and applicable conditions of approval. Any such items determined to be in poor condition, unsafe, or non-compliant by the Zoning Administrator or designated official may be subject to enforcement actions.

09.08. Height Compatibility Standards

To enhance height compatibility, the following provisions shall apply to structures exempted from zoning district maximum height restrictions per [Section 04.06.M](#), and any building that exceeds the maximum height its zoning district by virtue of any other allowance provided by these regulations.

- A. These standards shall not apply to integrated or attached structures per [Section 04.06.M](#).
- B. All other structures that exceed, or are proposed to exceed applicable maximum height restrictions, shall be subject to the following height compatibility standards.
 1. No structure in the I-1 zoning district shall exceed three (3) times the maximum height restriction; no structure in any other zoning district shall exceed two (2) times the maximum height restriction.
 2. A height compatibility setback adjustment shall be required in order to mitigate the negative aesthetic impacts of substantial height differential between adjacent properties.
 3. No structure shall be allowed to exceed the applicable zoning district maximum height without also being setback from every lot line the adjusted setback distance for height compatibility. This shall apply regardless of the means by which the height exception is approved or allowed.
- C. The height compatibility setback shall be calculated as follows:
 - (A) Proposed structure height
 - (B) Zoning district maximum height
 - (C) Height compatibility multiplier = (A) ÷ (B); Round to nearest hundredth, down < 0.05, up ≥ 0.05
Check against exempt restrictions: 3 or less for I-1 zoning; 2 or less for other zoning districts
 - (D) Zoning district maximum required setback (any yard or use)
 - (E) Height compatibility setback = (C) X (D); Round to nearest foot, down < 0.5, up ≥ 0.5

Example Height Compatibility Setback Calculation

Scenario: The owner of a property zoned B-1 submits an application for a 50-foot flag pole.

- (A) Proposed structure height = 50 feet
- (B) Zoning district maximum height = 35 feet (non-residential structures)
- (C) $50 \div 35 = 1.428$; Rounded up, height compatibility multiplier = 1.43
1.43 is less than 2 times the maximum height for B-1 zoning
- (D) Zoning district maximum required setback = 35 feet (front yard setback)
- (E) $1.43 \times 35 = 50.05$; Rounded down, height compatibility setback requirement = 50 feet

The flag pole must be built at least 50 feet away from all property lot lines.

Article 10 Specific Use Standards

10.01. Purpose

The purpose of this article is to provide limitations, conditions, adjustments, or design requirements for a limited number of defined uses. Such standards are intended to enhance compatibility between those and other land uses or specify exceptions to minimum/maximum requirements under certain conditions. As provided in this article, specific use standards shall be required either in addition to or in lieu of otherwise applicable requirements.

10.02. Accessory Apartment or Dwelling; Guest Home or Pool House

- A. Shall be limited to one (1) such structure per lot and allowed only in conjunction with detached single-family residential primary structures.
- B. Shall be compatible with the immediate neighborhood and constructed with the same or equal siding exterior materials as the principal structure.
- C. Shall be limited in size to fifty percent (50%) of the principal structure's gross floor area.
- D. Shall be subject to applicable lot coverage, setback, and off-street parking requirements.
- E. Accessory apartments or dwellings:
 1. May be rented as an independent residential unit and may be served by an independent utility connection, subject to applicable City of Augusta Building Codes.
 2. Shall be maintained under the same ownership as the principal structure and shall not be subdivided as an individual lot or condominium unit. A deed restriction stating such shall be filed with the Butler County Register of Deeds prior to the issuance of a Certificate of Occupancy.
- F. Guest homes and pool houses shall not be utilized on a permanent basis as sleeping or living quarters.

10.03. Adult Entertainment

In order to mitigate negative secondary effects of sexually oriented businesses, the following provisions shall apply.

- A. Shall be located within a freestanding building intended for single-tenant occupancy.
- B. No merchandise shall be viewable from outside the structure or off-premise.
- C. Shall not be located within one-thousand (1,000) feet of any of the following, as measured between the closest points on any property line.
 1. Religious meeting places.
 2. Elementary and secondary schools.
 3. Day care centers and institutional day cares.
 4. Public parks and libraries.
 5. Residential land uses and zoning districts (R-R, R-1, R-2, R-3, and R-4)
 6. Bars, taverns, night clubs, and liquor stores.
 7. Other sexually oriented businesses as defined in [K.S.A. 12-770](#).
- D. Shall not be allowed to play live or recorded sounds on outdoor speakers or project such sounds outside of the primary structure from within.
- E. Only permanent on-premise signs shall be allowed; signs shall be structurally classified as Fixed; Building as defined in [Article 08](#).
- F. Shall be buffered along all property lines with a screening fence/wall at least six (6) feet in height, meeting the requirements of [Section 09.04](#), with breaks allowed only for driveways and sight triangles.

10.04. Adult Retail Store

In order to mitigate negative secondary effects of sexually oriented businesses, the following provisions shall apply.

- A. Shall be located within a freestanding building intended for single-tenant occupancy.
- B. No merchandise shall be viewable from outside the structure or off-premise.
- C. Shall not be located within one thousand (1,000) feet, as measured between the closest points on any property line, of religious meeting places; elementary or secondary schools; day care centers or institutional day cares; public parks or libraries; residential land uses or zoning districts (R-R, R-1, R-2, or R-3); bars, taverns, night clubs, or liquor stores; other sexually oriented businesses as defined per [K.S.A. 12-770](#).
- D. Only permanent on-premise signs shall be allowed; signs shall be structurally classified as Fixed; Building as defined in [Article 08](#).
- E. Shall be buffered along all property lines with a screening fence/wall at least six (6) feet in height, meeting the requirements of [Section 09.04](#), with breaks allowed only for driveways and sight triangles.

10.05. Arena or Stadium

- A. Shall not be allowed within one-thousand (1,000) feet of any existing or approved residential lot zoned R-R, R-1, R-2, R-3, or R-4 as measured between the closest points on any property line.
- B. May be allowed as a secondary use within a school or educational campus developed in conjunction with a PDO zoning district. In such cases, conditional use approval shall not be required.
- C. Sites shall meet the hard surface paving requirements of [Article 07](#).
- D. When illuminated with flood lights, such shall be aimed down and inward toward the sports field(s) and shall be equipped with shut off controls that turn lights off during non-operational times.

10.06. Automotive Maintenance Shop; Automotive Repair Shop; Vehicle Maintenance or Repair Garage

- A. Outdoor storage shall not be allowed. This includes inoperable vehicles and vehicle fluid containers that are not stored within a garbage dumpster or liquid waste enclosure.
- B. Maintenance and repair activities shall only be conducted indoors, except within I-1 zoning districts.
- C. Service bays shall not face local or collector street frontages.

10.07. Automotive or Equipment Sales, Rental or Leasing (all listed uses); Manufactured Home Dealers

- A. All such areas having outdoor storage or display related to one of these uses shall be located on a lot of at least one (1) acre in area having arterial street frontage.
- B. Primary ingress/egress shall be provided to the adjacent arterial street. No more than two (2) secondary driveways may access a local or collector street.
- C. All off-street parking, and outdoor vehicle/equipment storage or display areas shall be subject to hard surface pavement requirements of [Article 07](#), except that sales/storage of the following shall be exempt, subject to other applicable paving requirements: manufactured homes; construction and heavy equipment; tractor and farm implements; truck, trailer and recreational vehicles.

10.08. Bar or Tavern; Brewpub

- A. Shall not be located within two-hundred and fifty (250) feet, as measured between the closest points on any property line, of religious meeting places; elementary or secondary schools; day care centers or institutional day cares; residential land uses or zoning districts (R-R, R-1, R-2, R-3, or R-4).
- B. Outdoor seating areas shall be allowed as an accessory use when located in C-2 or C-3 zoning, and as a conditional use when located in M-1 or C-1 zoning, subject to the following:
 1. Shall be required as a separate conditional use in M-1 or C-1 zoning, in cases where the original

conditional use approval did not include outdoor seating.

2. Shall have a fence or barrier, which measures at least four (4) feet in height around the entire perimeter, the purpose of which is to delineate the area. Such barriers shall not be subject to screening design provisions of these regulations, but shall be required to meet all applicable provisions of any other federal, state, and local regulations.
3. Lighting in such areas shall be “fully shielded” or “full cutoff” light fixtures equipped with shut off controls to turn off lights during non-operational hours.

10.09. Boarding Kennel

- A. Minimum lot size shall be five (5) acres for any boarding kennel having outdoor runs.
- B. Outdoor runs, play yards, and open-air enclosures shall be setback a minimum of fifty (50) feet from any lot line; and shall be located a minimum of two-hundred (200) feet from any off-premise residential dwelling unit.
- C. Areas developed with a boarding kennel structure, outdoor run, play yard, or open-air enclosure that are located within six-hundred (600) feet of a lot line, as measured from any exterior point of any such facility, shall be:
 1. Buffered with a screening fence or landscaped screen along a perimeter spaced no further than thirty (30) feet from any such facility, that is consistent with applicable standards of [Article 09](#).
 2. Located in a contiguous grouping, to the extent practical; and specifically designated on Site Plans.
- D. Boarding kennels are prohibited in residential districts within the Augusta city limits.

10.10. Broadcast Tower

- A. Shall not be allowed within the public right-of-way.
- B. Shall not be guyed, except as required by applicable regulatory agencies by necessity as determined by a licensed structural engineer.
- C. Shall be subject with all applicable provisions of [Article 09](#) related to visual buffers and height compatibility, provided that the visual buffer requirements shall apply only to developed areas occupied by tower structures, off-street parking, and outdoor storage. Such areas shall be:
 1. Located in a contiguous grouping, to the extent practical.
 2. Platted as a separate lot or lots, or specifically designated on Site Plans.
 3. Enclosed within a screening fence/wall around the perimeter of such facilities, and meeting the design standards for such found in [Article 09](#). Guy wire anchor points located outside of the enclosed perimeter shall be enclosed by a fence at least six (6) feet in height.
- D. Shall have no nighttime, strobe, or obstruction lighting, except for aircraft warning lights or similar emergency warning lights required by applicable governmental agencies.
- E. Outdoor lighting installations shall be allowed only within perimeter enclosures; shall be the minimum lighting necessary for reasonable site security. In addition:
 1. Lighting fixtures shall be installed at a height no greater than twelve (12) feet.
 2. Only “fully shielded” or “full cutoff” light fixtures may be installed.
 3. Fixtures shall be equipped with motion detector shut off controls.

10.11. Car Wash

The following provisions shall apply to all car washes as a primary use or as a secondary use.

- A. Sites shall meet the hard surface paving requirements of [Article 07](#).
- B. In addition to off-street parking and loading requirements, all wash bays shall have adjacent paved vehicle queuing lanes, at least the width of the bay openings, as follows:
 1. Automated Wash Bays: Eighty (80) feet at bay entrances, at least forty (40) feet of which must be

provided in straight alignment extending perpendicular from the bay entrance; twenty (20) feet at exits.

2. Self-Service Wash Bays: Twenty (20) feet extending perpendicular from entrances and exits.
- C. Exterior lighting shall be “fully shielded” or “full cutoff” light fixtures. As a primary use, sites and facilities that are unattended shall be equipped with motion detector shut off controls, except when entrances are gated to restrict access to facilities that close by 11:00 p.m.
- D. When adjacent to residential land uses or zoning districts (R-R, R-1, R-2, R-3, or R-4), the following shall also apply:
 1. Shall provide a minimum setback of fifty (50) feet along lot lines subject to a compatibility buffer.
 2. Vacuum cleaning apparatus shall not be located within any required setback area.
 3. Visual buffers shall meet the requirements of [Section 09.04](#), except that maximum vertical open space for any fence/wall section shall be five percent (5%).

10.12. Concrete or Asphalt Pavement Mixing Plant (Permanent)

The following provisions shall apply and shall be incorporated into the conditional use approval process as indicated.

- A. Exemptions to these standards shall only be allowed when required by state or federal law.
- B. Shall not be allowed within two-thousand five-hundred (2,500) feet of any existing or approved residential lot zoned R-R, R-1, R-2, R-3, or R-4 as measured between the closest points on any property line.
- C. All approvals and permits needed to operate an asphalt or concrete mixing plant in the State of Kansas must be received prior to zoning approval.
- D. On-premise operations shall be defined in an operational plan, which is attached to and submitted with the Administrative Site Plan. The operational plan shall include:
 1. Copies of all approvals and permits.
 2. Operating times, conditions and procedures. Operations shall be limited to weekdays between 6:00 a.m. and 8:00 p.m., with no operations allowed to occur on federal holidays.
 3. Emergency procedures for accidents, injuries, leaks, spills, groundwater contamination, natural disasters, fires, explosions, and similar occurrences requiring emergency or corrective actions.
- E. Applicable provisions of [Article 09](#) shall apply only to areas utilized for off-street parking; and outdoor storage. Such areas shall be:
 1. Fully enclosed within a perimeter visual buffer screening fence or wall, with gated openings.
 2. Located in a contiguous grouping, to the extent practical.
- F. Off-street parking and outdoor storage areas shall not be used to store any tools, equipment, materials, or vehicles utilized off-premise, except for those driven daily by employees.
- G. Shall not store contaminated soils on-premise.
- H. Shall be secured around the entire property perimeter with a security fence at least eight (8) feet in height. Such fences shall utilize chain link fencing to a height of at least six (6) feet and at least three (3) equally-spaced strands of barbed wire making up the remaining two (2) feet of required height.
- I. The following shall be required for all such uses conducted on a temporary basis.
 1. The period of time the facility will be used for such operations shall be set at the time of conditional use approval. Subject to applicable extensions as provided in these operations, all on-premise operations shall cease after that period of time and all associated equipment and materials shall be removed within thirty (30) days.
 2. The conditional use shall include a reasonable and feasible plan of action for transitioning the site to another viable land use allowed by these regulations. The required plat shall not be approved without

being capable of accommodating such transition in land use.

3. Upon expiration of the conditional use, the Planning Commission shall initiate an application(s) for vacating the conditional use and rezoning to accommodate the use transition plan.

10.13. Detached Residential Carport or Garage

- A. Shall be limited to one (1) such structure per lot.
- B. Shall have exterior siding of a color and visual appearance similar to the principal structure.
- C. Except as approved by conditional use, maximum gross floor area shall be as follows.
 1. Lots ten-thousand (10,000) square feet in area or less. Garages: Seven-hundred twenty (720) square feet; Carports: Five-hundred (500) square feet.
 2. Lots over ten-thousand (10,000) square feet in area, but not more than three (3) acres. Garages: Nine-hundred sixty (960) square feet; Carports: Six-hundred (600) square feet.
 3. Lots over three (3) acres in area, but not more than five (5) acres. Garages: One-thousand two-hundred fifty (1,250) square feet; Carports: Seven-hundred fifty (750) square feet.
 4. Lots over five (5) acres in area. Garages and carports are limited to six-thousand (6,000) square feet.
- D. Detached carports shall be allowed only by conditional use in R-1, R-2, R-3, or R-4 zoning districts.

10.14. Detached Structure for Home Occupation

- A. Shall be limited to one (1) such structure per lot.
- B. Shall be utilized only for activities associated with an allowable home occupation.
- C. Shall have exterior siding materials comparable in quality and appearance to that of the principal structure.
- D. Gross floor area shall be limited in size to twenty-five percent (25%) of that of the principal structure.
- E. Shall not be allowed if the structure would cause the lot to exceed maximum coverage requirements.

10.15. Distributed Antenna System; Small Cell System

- A. Such facilities located in the public right-of-way shall only be permitted by conditional use and shall be required to execute a franchise agreement with the City of Augusta; all other locations shall be allowed by-right, subject to applicable permits and other required approvals.
- B. Conditional use approval for facilities located in the public right-of-way shall:
 1. Allow the approval of up to twenty-five (25) individual installation locations with a single conditional use application, provided each location shall be reviewed on its individual merits.
 2. Upon review, all locations deemed appropriate for installation shall be approved, provided in no case shall a conditional use be approved for any location that:
 - a. Disturbs the location of or compromises the function of any other street, street improvement, or traffic control device, existing or planned, located within the public right-of-way.
 - b. Disturbs the location of or compromises the function of any other public or private utility infrastructure, existing or planned, located in, under, or above the public right-of-way.
 - c. Disturbs the location of or compromises the function of storm water drainage infrastructure, existing or planned, located within the public right-of-way.
 - d. Disturbs the location of or compromises the function of any sidewalk, bicycle path, bus stop or other similar facility, existing or planned, located within the public right-of-way.
 - e. Is located within the street's required clear zone, the sight triangle of any street or driveway intersection, or is otherwise inconsistent with any applicable design criteria or engineering standards.
 - f. Is deemed by the Planning Commission or City Council to pose a reasonable threat to the public

interest necessitated by public health, safety, or welfare.

10.16. Drive-Thru Banking Service or ATM; Drive-Thru Window for Services, Retail Sales or Restaurants

- A. Shall be located on a lot of at least one-half ($\frac{1}{2}$) acre in area having arterial street frontage.
- B. Primary ingress/egress shall be provided to the adjacent arterial street. No more than one (1) secondary driveway may access a local or collector street.
- C. Shall meet the hard surface paving requirements of [Article 07](#).
- D. In addition to off-street parking and loading requirements, all drive-thru windows shall have adjacent paved vehicle queuing lanes, at least ten (10) feet in width as follows:
 1. Banking Service Windows: Eighty (80) feet, at least forty (40) feet of which shall be provided in straight parallel alignment with the service window.
 2. Freestanding ATMs: Forty (40) feet provided in straight parallel alignment with the ATM face.
 3. Service & Retail Windows: Forty (40) feet provided in straight parallel alignment with the window opening.
 4. Restaurant Windows: Eighty (80) feet, at least forty (40) feet of which shall be provided in straight parallel alignment with the window opening.
- E. Vehicle queuing lanes shall be in addition to drive aisle for off-street parking.
- F. Where applicable, a pedestrian crosswalk shall be provided, which meets ADA and other applicable design standards.

10.17. Duplex, Single-Family Attached

The following provisions shall apply when permitted by conditional use within single-family subdivisions zoned R-1.

- A. Shall not be interspersed amongst individual lots occupied by single-family detached dwellings.
- B. Shall be platted in groups containing at least four (4) contiguous lots. Each group must be in a location meeting one or more of the following conditions:
 1. Around a cul-de-sac.
 2. Duplexes, R-2 zoning, or R-3 zoning located on the opposite street frontage.
 3. Multi-family or non-residential uses or zoning on the opposite street frontage.
- C. Architectural style and exterior siding materials shall be consistent with single-family detached dwellings in same subdivision or immediate vicinity.

10.18. Earth Sheltered Home

- A. Such shall be fully complete and fully functional residential structures. In no case shall a partially completed structure, foundation or substructure intended to support a completed structure, be considered an earth sheltered home.
- B. Shall include any single-family structure having fifty percent (50%) or more of the exterior surface area of the building covered with earth, excluding garages and other accessory or attached structures. Bulk regulations shall be measured from the exterior structure, not the earth covering.
- C. Architectural style and exterior siding materials of uncovered structure shall be consistent with other single-family detached dwellings in same subdivision or immediate vicinity.

10.19. Garbage Dumpster or Liquid Waste Container

For all land uses requiring garbage dumpster or liquid waste (used oil/grease, solvents, etc.) container service, design of such facilities shall be subject to the following standards.

- A. Except for lots zoned A-1 or R-R, shall be within a paved and enclosed "corral" area, subject to the

following minimum standards.

1. Shall be paved in concrete, subject to applicable minimum City standards.
2. Shall be screened around the entire perimeter with a screening fence/wall meeting the minimum requirements of [Section 09.04](#), in addition to all other required conditions of [Article 09](#). Such fences/walls shall be no less than six (6) feet in height with a maximum of five percent (5%) vertical surface open space allowed along any given section between support posts/columns.
3. Gated dumpster/container access shall be provided on one wall. A pedestrian access gate no wider than thirty-six (36) inches may be located on a separate wall. Gates shall meet the same dimensional and screening standards, except that a maximum of six (6) inches may remain open along the bottom.
4. Shall be sized to fit all required dumpsters/containers, and oriented to provide direct straight-line access from a street or alley without requiring service trucks to occupy the public right-of-way.
5. Shall not occupy any required off-street parking or loading areas, or vehicle queuing lanes.

10.20. Golf Course or Country Club

- A. Applicable provisions of [Article 09](#) shall apply only to developed areas occupied by pro shops, club houses, retail/commercial structures, off-street parking or loading, outdoor storage, swimming pools, golf driving ranges, and non-golf sport courts.
 1. Such areas shall be:
 - a. Located in a contiguous grouping, to the extent practical.
 - b. Platted as a separate lot or lots, or specifically designated on Site Plans.
- B. Outdoor lighting installations shall not be located outside of the developed areas, except that minimal lighting may be installed along cart paths and walkways, provided:
 1. Fixtures are installed at a height no greater than twelve (12) feet.
 2. Only “fully shielded” or “full cutoff” light fixtures may be installed.
 3. Fixtures shall be equipped with motion detector shut off controls.
- C. All on-premise structures shall be of consistent architectural style and exterior siding materials.

10.21. Guard or Security Booth

- A. Shall not exceed two-hundred and fifty (250) square feet gross floor area.
- B. Shall not be utilized as sleeping or living quarters.

10.22. Home & Garden Center

- A. Storage of merchandise available for sale shall be allowed outside of the principal structure as a Secondary Use subject to the following standards.
 1. Shall be immediately adjacent, have direct access, and be attached to the principal structure.
 2. Shall be enclosed by a screening fence or wall. The covering material may be semi-transparent to allow natural lighting, but must be sufficiently opaque to fully screen the area from view.
 3. Shall have no more than two (2) openings equipped with gates of similar screening material. Individual openings shall not exceed ten (10) feet in width.
 4. Shall not exceed ten percent (10%) of the principal structure's gross floor area and shall comply with all yard requirements as if it were part of the principal structure.
 5. Shall be counted as part of the principal structure for required off-street parking calculations.
- B. Additional outdoor display of merchandise for sale is allowed by-right on a temporary basis for seasonal merchandise, such as holiday tree sales. Such areas are subject to the following provisions:
 1. Shall be limited to four (4) annual display periods, each lasting no longer than thirty (30) days.

2. Shall be identified on approved Site Plans.
3. Shall not utilize any required amount of off-street parking or loading area.
4. Shall not exceed ten percent (10%) of the principal structure's gross floor area.
5. No additional outdoor merchandise displays shall be approved by any other means.

10.23. Junk, Scrap or Salvage Yard; Vehicle or Equipment Storage Yard

- A. Shall not be allowed within one-thousand (1,000) feet of any existing or approved residential lot zoned R-R, R-1, R-2, or R-3, as measured between the closest points on any property line.
- B. Shall be located on lots of at least five (5) acres in area, except that vehicle and equipment storage yards shall have a minimum lot size of one (1) acre.
- C. The site shall be buffered along all perimeter lot lines with screening fence/wall meeting the minimum requirements of [Section 09.04](#), in addition to all other required conditions of [Article 09](#). Such fences/walls shall be no less than eight (8) feet in height with a maximum of five percent (5%) vertical open space allowed along any given section between support posts/columns.
- D. The Planning Commission or City Council may enact reasonable operating hour restrictions as part of the conditional use approval.

10.24. Multi-Tenant Lifestyle Center; Shopping Mall; Strip Center

The following shall only be allowed when developed in conjunction with an approved PDO zoning district.

- A. Multi-tenant lifestyle centers and multi-tenant shopping malls.
- B. Multi-tenant strip centers on lots exceeding two (2) acres in area.

10.25. Neighborhood Clubhouse or Swimming Pool

- A. Shall be located on platted lots located within the residential subdivision it serves.
- B. Applicable provisions of [Article 09](#) shall apply.
- C. Outdoor lighting installations shall not be located outside of the developed areas, except that minimal lighting may be installed along cart paths and walkways, provided:
 1. Fixtures are installed at a height no greater than twelve (12) feet.
 2. Only "fully shielded" or "full cutoff" light fixtures may be installed.
 3. Fixtures shall be equipped with motion detector shut off controls.
- D. All on-premise structures shall be of compatible architectural style and exterior siding materials as residential structures in the immediate vicinity.

10.26. Non-Commercial Greenhouse or Hoop House

- A. Shall only be allowed to the rear or side of the primary structure, relative to the required front yard.
- B. Building Permits shall be required only as provided in the Building Code.
- C. Shall not be used for the storage of hazardous materials.

10.27. Outdoor Display of Retail Merchandise for Sale

- A. Such displays shall be allowed to occupy public sidewalks only in conjunction with retail primary uses zoned C-1, limited to one (1) time per month for two (2) consecutive days up to twelve (12) hours per day. Sidewalk displays shall be limited to one-hundred and fifty (150) square feet located directly adjacent to the subject lot. At least three (3) feet of clear sidewalk width shall be maintained and displays shall comply with applicable ADA standards.
- B. Except for allowable sidewalk displays, such displays shall be restricted to areas depicted on the Administrative Site Plan of an approved rezoning, conditional use, Zoning Compliance Certificate, or temporary use (for one-time displays), whichever is applicable.

- C. Such displays shall be allowed only as provided for the following primary uses and conditions.
1. **Grocery Stores & Supermarkets; Supercenters & Warehouse Clubs:** Shall be allowed seasonal displays up to four (4) times per year. Each display period shall be limited to thirty (30) consecutive days of retail sales, plus three (3) days immediately before and after the sales period for setup and tear down.
 2. **Civic, Religious & Organizational Meeting Places:** Shall be allowed seasonal fundraising sales displays up to two (2) times per year. Each display period shall be limited to thirty (30) consecutive days of fundraising sales, plus three (3) days immediately before and after the sales period for setup and tear down.
 3. **Hardware & Tool Stores; Farm & Home Stores:** Shall be allowed permanent displays not exceeding twenty-five percent (25%) of the principal structure's gross floor area. Displays shall be directly adjacent to the principal structure and may not occupy required parking stalls or loading areas.
 4. **Retail uses not specifically indicated:** Shall be allowed permanent displays not exceeding ten percent (10%) of the principal structure's gross floor area. Displays shall be directly adjacent to the principal structure and may not occupy required parking stalls or loading areas.
 5. **Legally recognized non-profit organizations:** Individual off-premise seasonal fundraising displays may be approved on a one-time basis by temporary use approval, and shall not otherwise be allowed. Such displays may be located only on vacant lots zoned M-1, C-1, C-2, or C-3. Written proof of permission signed by the lot's owner shall be provided with the temporary use application. Displays shall be limited to thirty (30) consecutive days of fundraising sales, plus three (3) days immediately before and after the sales period for setup and tear down.

10.28. Outdoor Kennel Run or Play Yard

- A. Outdoor runs or play yards as a secondary use shall not be allowed in conjunction with any primary use located on a lot less than two (2) acres in area.
- B. Are prohibited in residential districts within the Augusta city limits.
- C. Shall be setback a minimum of fifty (50) feet from any lot line; and shall be located a minimum of two-hundred (200) feet from any off-premise residential dwelling unit.
- D. Lots shall be buffered with a screening fence or landscaped screen consistent with the standards of [Section 09.04](#) or [Section 09.05](#) respectively.
- E. Such facilities shall be located in a contiguous grouping, to the extent practical; and specifically designated on Site Plans.

10.29. Outdoor Market

- A. Shall not be conducted more frequently than once per week, for a period lasting longer than two (2) consecutive days, for a maximum twelve (12) consecutive hours in a day.
- B. Shall not conduct activities or install facilities considered to be an amusement ride, ride device, circus, carnival, or similar without receiving the appropriate licenses and permits as required by City Code and other applicable state and federal agencies.
- C. Outdoor markets that are secondary uses shall not:
 1. Occupy any off-street parking stalls that are required for the primary use during peak parking periods.
 2. Be permitted any permanent signs, but shall be allowed temporary signs as provided for the applicable zoning district, subject to issuance of a sign permit.
 3. Install lighting in addition to that approved for the primary use.

10.30. Outdoor Storage of Retail Merchandise Stock

- A. Shall only be allowed in conjunction with primary uses defined as Supercenters & Warehouse Clubs in

[Article 05](#); and only as an on-premise, temporary, seasonal secondary use.

- B. Approvals shall be limited to one (1) time per year for a maximum of sixty (60) consecutive days.
- C. In no case shall such uses be allowed to occupy an area exceeding twenty-five percent (25%) of the principal structure's gross floor area; or occupy any required off-street parking stalls or loading areas.
- D. Shall not be located so as to interfere with vehicular or pedestrian circulation.

10.31. Petroleum or Natural Gas Extraction

The following provisions shall apply and shall be incorporated into the conditional use approval process as indicated.

- A. Exemptions to these standards shall only be allowed when required by state or federal law.
- B. Shall not be allowed within two-thousand five-hundred (2,500) feet of any existing or approved residential lot zoned R-R, R-1, R-2, R-3, or R-4 as measured between the closest points on any property line.
- C. No outdoor lighting shall be allowed.
- D. On-premise storage or disposal of well stimulation byproducts is prohibited. No fluids, wastewater, or wastewater solids may be stored or disposed of within the City of Augusta.
- E. All approvals and permits needed to conduct oil and natural gas drilling operations in the State of Kansas must be received prior to zoning approval.
- F. On-premise extraction operations shall be defined in an operational plan, which is attached to and submitted with the Administrative Site Plan. The operational plan shall include:
 - 1. Copies of all approvals and permits.
 - 2. Operating times and conditions.
 - 3. Operating procedures.
 - 4. Emergency procedures for accidents, injuries, leaks, spills, natural disasters, fires, explosions, and similar occurrences requiring emergency actions.
- G. Applicable provisions of [Article 09](#) shall apply only to developed areas occupied by drilling/extraction equipment; off-street parking; and outdoor storage. Such areas shall be:
 - 1. Fully enclosed within a perimeter visual buffer screening fence or wall, with gated openings.
 - 2. Located in a contiguous grouping, to the extent practical.
 - 3. Platted as a separate lot or lots, or specifically designated on Site Plans.

10.32. Quarry or Mine; Sand, Rock or Mineral Extraction Pit

The following provisions shall apply and shall be incorporated into the conditional use approval process as indicated.

- A. Exemptions to these standards shall only be allowed when required by state or federal law.
- B. Shall not be allowed within two-thousand five-hundred (2,500) feet of any existing or approved residential lot zoned R-R, R-1, R-2, R-3, or R-4 as measured between the closest points on any property line.
- C. All approvals and permits needed to conduct quarrying, mining, and applicable extraction operations in the State of Kansas must be received prior to zoning approval.
- D. On-premise operations shall be defined in an operational plan, which is attached to and submitted with the Administrative Site Plan. The operational plan shall include:
 - 1. Copies of all approvals and permits.
 - 2. Operating times and conditions. Operations shall be limited to weekdays between 6:00 a.m. and 8:00 p.m., with no operations allowed to occur on federal holidays.
 - 3. Operating procedures.
 - 4. Emergency procedures for accidents, injuries, leaks, spills, natural disasters, fires, explosions, and

similar occurrences requiring emergency actions.

- E. Applicable provisions of [Article 09](#) shall apply only to areas utilized for off-street parking; and outdoor storage. Such areas shall be:
 - 1. Fully enclosed within a perimeter visual buffer screening fence or wall, with gated openings.
 - 2. Located in a contiguous grouping, to the extent practical.
- F. Off-street parking and outdoor storage areas shall not be used to store any tools, equipment, materials, or vehicles utilized off-premise, except for those driven daily by employees.
- G. Shall be secured around the entire property perimeter with a security fence at least eight (8) feet in height. Such fences shall utilize chain link fencing to a height of at least six (6) feet and at least three (3) equally-spaced strands of barbed wire making up the remaining two (2) feet of required height.
- H. Development Site Plans shall depict the storm water drainage facilities necessary to meet all applicable regulations.
- I. Public access to the site for recreational activities, such as boating, fishing, skiing, etc., shall not be allowed.
- J. The period of time the facility will be used for such operations shall be set at the time of conditional use approval. Subject to applicable extensions as provided in these operations, the conditional use shall expire after the specified period or upon the abandonment of all on-premise operations, following which time all associated equipment and materials shall be removed within thirty (30) days.
- K. The conditional use application shall include a reasonable and feasible plan of action for transitioning the site to another viable land use upon the abandonment of on-premise operations.
- L. Upon expiration of the conditional use, the Planning Commission shall initiate an application(s) for vacating the conditional use and rezoning to accommodate the use transition plan.

10.33. Recreation, Sport & Amusement Center

- A. Shall be located adjacent to and have direct access to an arterial street or highway.
- B. Shall not be located within one-thousand (1,000) feet of property zoned R-R, R-1, R-2, R-3, or R-4.
- C. The Planning Commission or City Council may place reasonable limits on operating hours as a condition of approval.
- D. Applicable compatibility buffer provisions of [Article 09](#) shall apply only to developed areas occupied by retail/commercial structures; outdoor recreation, sport or amusement facilities and equipment; off-street parking or loading; and outdoor storage. Such areas shall be:
 - 1. Located in a contiguous grouping, to the extent practical.
 - 2. Platted as a separate lot or lots, or specifically designated on Site Plans.
- E. Outdoor lighting installations shall not be located outside of the developed areas described in [Section 10.10.E](#). Lighting in such areas shall be “fully shielded” or “full cutoff” light fixtures. Provided that expansive open areas, such as golf driving ranges, may be illuminated with flood lights:
 - 1. Aimed down and inward toward the area.
 - 2. Equipped with shut off controls that turn lights off during non-operational hours.

10.34. Sawmill

- A. Shall not be allowed within two-thousand five-hundred (2,500) feet of any existing or approved residential lot zoned R-R, R-1, R-2, R-3, or R-4 as measured between the closest points on any property line.
- B. Shall be located on a lot of at least five (5) acres in area.
- C. The site shall be buffered along all perimeter lot lines with an earthen berm meeting the minimum requirements of [Section 09.04.C](#), in addition to all other required conditions of [Article 09](#).
- D. The Planning Commission or City Council may enact reasonable operating hour restrictions as part of the conditional use approval.

10.35. School or Educational Campus; Technical School or Job Training Center

- A. When more than one (1) structure is dedicated to the primary use, shall be allowed only in conjunction with a PDO zoning district.
- B. Shall not require conditional use approval when developed in conjunction with PDO zoning.

10.36. Self-Storage, Commercial

- A. Shall be located on lots of at least one (1) acre in area.
- B. The site shall be buffered along all perimeter lot lines with screening fence/wall meeting the minimum requirements of [Section 09.04.A](#), in addition to all other required conditions of [Article 09](#). In addition, when adjacent to any lot zoned R-R, R-1, R-2, or R-3, such fences/walls shall have a maximum of five percent (5%) vertical open space allowed along any given section between support posts/columns.
- C. The following activities shall be prohibited on-premise: automotive repair; music practice; human habitation; keeping of live animals; storage of hazardous materials; commercial or hobby metal fabrication or woodworking; business activities not conducted in association with on-premise operations of the self-storage use.
- D. Exterior lighting shall be “fully shielded” or “full cutoff” light fixtures equipped with motion detector shut off controls. Lighting fixtures shall not be installed at a height greater than sixteen (16) feet and shall not be located within thirty (30) feet of any property line.
- E. Prefabricated shipping containers shall not be used as self-storage units.
- F. Sites shall meet the hard surface paving requirements of [Article 07](#). In addition, drive aisles between individual storage structures shall be a minimum width of twenty-four (24) feet.

10.37. Shooting Range, Indoor

- A. Shall be sited, designed, and operated according to applicable provisions of Kansas state law ([K.S.A. 58-3221 to 3225](#)) and published industry best practices including, but not limited to noise attenuation.
- B. Exterior lights shall be shielded to reflect or direct light away from adjacent properties.
- C. All driveways, parking, loading and vehicle circulation areas shall be paved with concrete or asphalt.

10.38. Shooting Range, Outdoor

- A. Shall be sited, designed, and operated according to applicable provisions of Kansas state law ([K.S.A. 58-3221 to 3225](#)) and published industry best practices including, but not limited to noise attenuation.
- B. Shall not be located within two-thousand five-hundred (2,500) feet of property zoned R-R, R-1, R-2, R-3, or R-4.
- C. The City Council may place reasonable limits on operating hours as a condition of approval.
- D. Flood light installations in outdoor shooting range areas shall be aimed down and inward toward the area and equipped with shut off controls that turn lights off during non-operational hours.
- E. Parking areas shall be exempt from hard surface paving requirements per [Section 07.06.D.2](#).

10.39. Storage Shed or Structure

- A. Shall meet applicable provisions of the Building Code.
- B. Shall not be utilized on a permanent or temporary basis as sleeping or living quarters.
- C. Shall have exterior siding of a color and visual appearance similar to the principal structure.
- D. Except as approved by conditional use, maximum gross floor area shall be as follows.
 1. Lots ten-thousand (10,000) square feet in area or less: Four-hundred (400) square feet total between no more than two (2) structures.
 2. Lots over ten-thousand (10,000) square feet in area but not more than three (3) acres: Seven-hundred twenty (720) square feet total between no more than three (3) structures.
 3. Lots over three (3) acres in area but not more than five (5) acres: One-thousand five-hundred (1,500)

- square feet total between no more than three (3) structures.
4. Lots over five (5) acres in area: Six-thousand (6,000) square feet total with no limit on number of structures.
 - E. Shipping containers, semi-trailers, rail cars, non-operational trucks, or any similar portable units/vehicles, shall not be utilized as storage sheds on lots with a residential primary use, except as approved on a temporary basis while moving, remodeling, or similar event when items cannot occupy the principal structure.

10.40. Tattoo or Body Piercing Studio

- A. No body art activities (tattooing, body piercings, etc.) shall be viewable from waiting/reception areas or outside the primary structure.
- B. Shall not be located within two-hundred and fifty (250) feet, as measured between the closest points on any property line, of religious meeting places; elementary or secondary schools; day care centers or institutional day cares; public parks or libraries; bars, taverns, or night clubs.
- C. These standards shall not apply to establishments that offer only facial tattooing or piercing.

10.41. Truck Stop

- A. Shall be allowed only in conjunction with an approved PDO zoning district.
- B. Shall be located on a lot of at least five (5) acres in area, which has a minimum of three-hundred (300) feet provided in both depth and width.
- C. Shall not be located within one-thousand (1,000) feet, as measured between the closest points on any property line, of a lot zoned R-R, R-1, R-2, R-3, or R-4.
- D. Exterior lighting shall be “fully shielded” or “full cutoff” light fixtures.
- E. Sites shall meet the hard surface paving requirements of [Article 07](#), with the exception the required supplemental truck parking area, which may be surfaced in accordance with [Section 07.06.D.2](#).
- F. Storage tanks shall be underground and meet applicable state and federal regulations. In addition:
 1. One (1) dedicated loading bay shall be provided on-premise adjacent to filling valve equipment in each storage tank area, subject to [Article 07](#) design standards.
 2. Fuel loading areas shall have pull-through truck access requiring no back-up maneuvers, and shall be arranged such that delivery vehicles do not extend into drive aisles or rights-of-way.
- G. All on-premise areas intended only for passenger vehicle traffic shall meet applicable off-street parking design standards of [Article 07](#) and other applicable provisions of this article.
- H. Minimum off-street parking design standards of [Article 07](#) shall be adjusted within all areas intended for heavy truck traffic as follows:
 1. Truck fuel pump islands shall be setback a minimum of fifty (50) feet along all street frontages in zoning districts with lesser yard requirements. In addition, the following standards shall apply:
 - a. Minimum spacing between truck fuel pump islands, measured between the closest points at finished grade, shall be:
 - i. Thirty-two (32) feet between uncovered pump islands.
 - ii. Thirty-four (34) feet between pump islands under a shared canopy.
 - iii. Thirty-six (36) feet between pump islands under separate canopies.
 - b. Bollard protection shall be provided at the end of each island. Minimum bollard height is six (6) feet above grade. One or more bollards and a minimum width equal to that of the fuel pumps. Bollards shall not be required where canopy support columns offer the same degree of protection.
 2. Truck fuel pump islands are not required to be located under a canopy; however, where provided, canopies shall be designed to the following standards:

- a. Minimum Vertical Clearance: Fifteen (15) feet
 - b. Minimum Overhang (underside of canopy perimeter)
 - i. Fifteen (15) feet from the outer edge of pumps on sides parallel to pump islands
 - ii. Two (2) feet from the end of the pump island on sides perpendicular to pump islands
- I. Allowable secondary/accessory uses are limited to those of the truck stop definition in [Section 05.02](#) and the following, which shall be subject to all applicable standards of this article:
1. Passenger vehicle fuel pumps
 2. One (1) restaurant of any type, which may include a drive-thru window
 3. One (1) garbage dumpster and liquid waste container enclosure
 4. One (1) automated car wash bay
 5. One (1) truck wash facility
 6. One (1) truck maintenance or repair facility
 7. Other related uses as may be allowed within the approved PDO zoning district

10.42. Unattended Donation Box

- A. Shall only be allowed on-premise of the primary use.
- B. Shall not occupy any required off-street parking or loading areas.
- C. Shall not be located so as to interfere with vehicular or pedestrian circulation.

10.43. Utility Support Facility

The following provisions shall apply to any such facilities located in City of Augusta public street right-of-way.

- A. Shall be required to execute a franchise agreement with the City of Augusta, except for Augusta municipal utilities.
- B. Shall not be approved for any location in the public right-of-way that:
 1. Disturbs the location of or compromises the function of any other street, street improvement, or traffic control device, existing or planned, located within the public right-of-way.
 2. Disturbs the location of or compromises the function of any other public or private utility infrastructure, existing or planned, located in, under, or above the public right-of-way.
 3. Disturbs the location of or compromises the function of storm water drainage infrastructure, existing or planned, located within the public right-of-way.
 4. Disturbs the location of or compromises the function of any sidewalk, bicycle path, bus stop or other similar facility, existing or planned, located within the public right-of-way.
 5. Is located within a required clear zone, sight triangle of a street or driveway intersection, or is otherwise inconsistent with any applicable design criteria or engineering standards.
 6. Is deemed by the Planning Commission or City Council to pose a reasonable threat to the public interest necessitated by public health, safety, or welfare.

10.44. Vehicle Fueling Station; Fuel Pump

- A. Shall be located on a lot of at least one-half ($\frac{1}{2}$) acre in area, which has a minimum of one-hundred and fifty (150) feet provided in either depth or width, regardless of zoning district regulations.
- B. Exterior lighting shall be “fully shielded” or “full cutoff” light fixtures.
- C. Sites shall meet the hard surface paving requirements of [Article 07](#). In addition:
 1. One (1) dedicated loading bay shall be provided adjacent to filling valve equipment, subject to [Article 07](#) design standards.
 2. Fuel loading areas shall have pull-through truck access requiring no back-up maneuvers, and shall be

- arranged such that delivery vehicles do not extend into drive aisles or rights-of-way.
- D. Storage tanks shall be underground and meet applicable state and federal regulations.
 - E. Minimum off-street parking design standards of [Article 07](#) shall apply, except that the minimum spacing between fuel pump islands, measured between the closest points at finished grade, shall be:
 - 1. Twenty-two (22) feet between pump islands under separate canopies.
 - 2. Twenty (20) feet between pump islands under a shared canopy.
 - F. Fuel pump islands shall be located under a canopy designed and shall meet the following standards:
 - 1. Minimum Vertical Clearance: Thirteen feet six inches (13'6")
 - 2. Minimum Overhang (underside of canopy perimeter)
 - a. Ten (10) feet from the outer edge of pumps on sides parallel to pump islands
 - b. Two (2) feet from the end of the pump island on sides perpendicular to pump islands
 - 3. Minimum Pump Island Setback: Thirty-five (35) feet along all street frontages in zoning districts with lesser yard requirements.
 - 4. Bollard protection shall be provided at the end of each island sufficient to protect the entire width of the island. Minimum bollard height is five (5) feet above the adjacent grade. Bollards shall not be required where canopy support columns offer equal protection.
 - 5. Drive aisles and vehicle queuing areas provided for fuel pump islands shall not be allowed to satisfy off-street parking requirements.
 - G. Vehicle fueling stations as a primary use shall be limited to the following allowable secondary uses:
 - 1. One (1) garbage dumpster and liquid waste container enclosure
 - 2. One (1) automated car wash bay
 - H. Fuel pumps as a secondary use, shall also be subject to the following provisions:
 - 1. Shall only be allowed in conjunction with the following primary uses defined in [Article 05](#).
 - a. Automotive Repair Shop
 - b. Supercenter or Warehouse Club
 - c. Convenience Store
 - d. Grocery Store or Supermarket
 - e. Grain & Feed Store
 - 2. Shall not be fully unattended facilities. May be attended from within the primary use or from an attendant kiosk having a gross floor area not to exceed three-hundred (300) square feet. Such kiosks may offer limited retail sales of convenience goods, not to include cereal malt beverages, wine, or liquor.

10.45. Wireless Communication Tower

- A. Location / Height Guidelines
 - 1. The following wireless communication facilities should be permitted by right in any zoning district, subject to the issuance of a building permit, if they conform to the location / design guidelines in this section. Separate permitting requirements for right-of-way are described in this section.
 - a. New facilities that are concealed in or mounted on top of or the side of existing buildings (excluding single-family and duplex residences) and other structures, including collocation and support structures up to 20 feet above the building or the maximum height permitted by the building permit or an administrative permit in the underlying zoning district, whichever is greater.
 - b. Modification and/or replacement of support structures that are not significantly more visible or intrusive, including collocation and cumulative height extensions of up to 25 percent above the original structure height.

- c. Modification and/or replacement of wireless communication facilities, including collocation and cumulative height extensions of up to 25 percent above the original structure height that comply with the compatibility height standards of the Zoning Code.
- d. New or modified lattice towers no larger than 18 inches wide on any side up to 80 feet in height measured from grade.
- e. Small cell facilities or distributed antennae systems located in an interior structure or upon the site of any campus, stadium, or athletic facility.

If the Zoning Administrator determines that the wireless communication facility does not conform to the location / design guidelines, the building permit should be denied. Denied building permits may be appealed by applying for an administrative permit or a conditional use. An administrative permit should be approved subject to conditions that maintain conformance with the location / design guidelines. Wireless communication facilities that do not conform to the location / design guidelines may be approved for a conditional use on a case-by-case basis as circumstances warrant.

2. The following wireless communication facilities should be approved by administrative permit in any zoning district, with the concurrence of the zoning administrator, if they conform to the location / design guidelines in this section and, for zoning lots located within the City, are designated on the "Properties Eligible for an Administrative Permit for a Wireless Communication Facility Map."
 - a. The disguised ground-mounted facilities up to 85 feet in height.
 - b. New undisguised ground-mounted facilities up to 65 feet in the R-1, R-2, R-3, and R-4 zoning districts that comply with the compatibility height standards in the Zoning Code.
 - c. New undisguised ground-mounted facilities up to 85 feet in height in the M-1, C-1, C-2, and C-3 zoning districts that comply with the compatibility height standards of the Zoning Code.
 - d. New undisguised ground-mounted facilities up to 120 feet in the A-1 and R-R zoning districts that comply with the compatibility height standards of the Zoning Code.
 - e. New ground-mounted facilities up to 150 feet in height in the I-1 zoning district that comply with the compatibility height standards of the Zoning Code.
3. Wireless communication facilities that exceed the maximum height for an administrative permit should be reviewed through the conditional use process. Conditional use approvals typically should be subject to conditions that maintain conformance with the location / design guidelines in this section. However, wireless communication facilities that do not conform to the location / design guidelines may be approved for a conditional use on a case-by-case basis as circumstances warrant.
4. There should be no nighttime lighting of or on wireless communication facilities except for aircraft warning lights or similar emergency warning lights required by applicable governmental agencies. Flashing white obstruction lights should be permitted at the base of wireless communication facilities. Temporary lighting for nighttime repairs should be permitted.
5. No signs should be allowed on a wireless communication facility other than those required by applicable governmental agencies.
6. The owners should be responsible for the removal of unused facilities, including the uppermost 20% of support structures that are unused (except where removal of the uppermost 20% would require the removal of a lower portion of the support structure that is in use, in which case the required removal will be raised to the next highest portion of the support structure not in use), within 60 days if the wireless communication facility, or portion thereof, has been unused for 12 consecutive months. If such a facility or portion of a facility is not removed by the owner, then the City may employ all legal measures, including, if necessary, obtaining authorization from a court of competent jurisdiction, to remove it, and after removal may place a lien on the subject property for all direct and indirect costs incurred in its dismantling and disposal, including court costs and reasonable attorney fees. Under this paragraph, "owner" includes both the owner of the real property and the owner of the wireless communication facility, whether such ownership is divided or in the same person.
7. All wireless communication facilities should comply with all federal, state, and local rules and regulations.

Wireless communication providers are particularly encouraged to seek the following new locations for new facilities:

8. Mounted on top or the side of multistory buildings and other structures, appropriately concealed, screened, disguised or camouflaged.
9. On existing utility poles in street right-of-way and on parking lot and athletic field/stadium light standards.
10. On existing support structures, including those constructed for school district microwave antennas and private dispatch systems.
11. In wooded areas.
12. At certain City owned properties, where the size and nature of the use does not interfere with other functions and allows for compatible siting; these may include multistory buildings, water towers, large park areas, sewer treatment plant sites, maintenance yards, and public airports.
13. The City should also work with public and private agencies such as KDOT and Evergy to encourage the use of highway light standards, sign structures, and electrical support structures for new wireless communication facilities.

B. Design Guidelines

As a general rule, the less visible and obtrusive a proposed wireless communication facility is, the more acceptable it will be to the community. The visibility of facilities can be minimized by techniques such as concealment, disguise, camouflage, and sensitive design and siting. Specific guidelines include:

1. Preserving the pre-existing character of the area as much as possible.
2. Minimizing the height, mass or proportion of the facility to minimize conflict with the character of its proposed surroundings.
3. Minimizing the silhouette presented by new support structures and antenna arrays. Lattice-type support structures are generally not appropriate in areas within the Planning Area as defined by the Augusta Comprehensive Plan. Lattice-type support structures inside the Planning Area boundary generally should be limited to installations that have antennas mounted flush to the support structure with cables attached to the main support arms rather than the girders. When an antenna array that protrudes from the wireless communication facility is used on a support structure inside the Planning Area boundary, the support structure generally should be a monopole.
4. Using colors, textures, and materials that blend in with the existing environment and minimize reflection; under some circumstances, surfaces should be painted, or otherwise treated, to match or complement existing background structures or utility poles, as appropriate.
5. Concealing facilities within potential space in or on existing structures, or disguised to look like another type of facility, like a flagpole, clock tower, or church steeple.
6. Placing facilities in areas where trees and/or buildings obscure some or all the facility from view, and installing new plantings/screening around the site where visible from major streets or residential areas.
7. Placing facilities on existing walls, flush-mounted, or on roofs of buildings (excluding single-family and duplex) and structures, up to 20 feet above the existing structure, as opposed to building new ground-mounted support structures. Facilities on rooftops generally should be set back from roof edges or screened from view.
8. Screening equipment shelters and cabinets through landscaping, walls and/or fencing, as appropriate to the surroundings. In most cases, ground-level equipment should respect the setbacks for accessory uses in the applicable zoning district and be enclosed by 6-8 foot high security fencing, of a material compatible with its surroundings. Equipment should be encouraged indoors if space is available nearby. Burying equipment in an underground vault, to keep most of the equipment out of sight, may be necessary in right-of-way and in some other visually / environmentally sensitive locations, such as tourist attractions, historic landmarks / districts, and other locations of civic importance or architectural significance. Ground level shelters / equipment, appropriately screened

and generally landscaped with trees and/or shrubs, should be permitted on lots adjacent to right-of-way, to facilitate the use or reconstruction of utility poles in those right-of-way.

9. Permitted lighting on facilities only if required by federal regulations.

C. Right-of-Way

City right-of-way is an encouraged location for wireless communication facilities, particularly for small cell facilities and distributed antenna systems. Locating wireless communication facilities in the right-of-way requires an agreement with the City. Such agreements should include an ongoing rental fee, as allowed by law, to ensure that private property owners are not at a competitive disadvantage to the public sector in regards to renting land for the location of wireless communication facilities. However, state law requires that any rental fee for right-of-way must be competitively neutral with fees charged to other users of the right-of-way such as utility companies and federal rules establish a maximum rental fee that is “presumptively reasonable” and should be considered competitively neutral.

In addition to the design guidelines described above, wireless communication facilities should also meet the following additional design guidelines when located in the right-of-way:

1. Adjoining Property Owners

To the extent practical, the design and location should be changed to mitigate an adjoining property owner’s reasonable and objective concerns and to increase consistency with the guidelines of this section.

2. Location

Unless reusing an existing pole, facilities should be located adjacent to common lot lines or reserve / open space areas and not in front of buildings.

3. Wiring - Underground or Aerially

Facility wiring should be installed underground and within the support structure or within conduit immediately attached to the support structure. Facility wiring should not cross over, under, or through private property unless permitted by easement.

4. Antennas and Equipment

Antennas and equipment should be concealed by a cover or enclosure matching or coordinating with the color of the support structure or the color of existing equipment enclosures in the immediate vicinity. Equipment enclosures should be sized and placed in a manner that minimizes visual obtrusiveness, including clustering near other utility boxes and screening by landscaping if appropriate for the location. Installing equipment underground is particularly encouraged.

5. Public Safety

Place facilities in locations that are outside of the clear zone and do not cause a sight obstruction for the traveling public and / or obstruct pedestrian safety.

6. Right-of-Way / Utility Accommodations

Place facilities in locations that do not hinder existing or planned uses of the right-of-way such as utilities, drainage, street lights, sidewalks, driveways, turn lanes, etc.

7. Facility Height

The height of facilities should not be more than 10% taller than the height of existing structures in the right-of-way that are located within one block of the proposed facility unless a greater height is authorized by the City Engineer, or designee, in which case facilities at a height of 50 feet or less are particularly encouraged.

8. Poles

Replacing or utilizing existing utility poles is encouraged and installing new support structures solely for the wireless communication facility is discouraged. Pole diameter should not exceed that of existing poles in the right-of-way located within one block of the proposed facility.

D. Submittal Requirements

Review of proposals for wireless communication facilities will be greatly aided by using a set of standardized submittal requirements. The following are the suggested submittal requirements:

1. A scaled vicinity plan, dimensioned and identifying existing buildings, trees, and other features within 200 feet of the wireless communication facility in the City or within 1,000 feet of the wireless communication facility in the unincorporated area of the County.
2. A one-inch-equals-20 feet site plan, dimensioned, identifying the location of all facility elements.
3. Typical elevations of all facility elements, dimensioned.
4. Specification of exterior materials and colors of all facility elements.
5. Landscape / screening plan, with all materials and sizes specified.
6. Appearance of proposed facility shown in site context by photo-simulation.

When a wireless communication facility requires zoning approval, an application for a building permit should be submitted concurrently unless a tolling agreement is submitted that suspends the review “shot clock” during the time period between approval of the zoning application and submittal of the building permit application.

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Article 11 Home Occupations

11.01. Purpose

The purpose of this article is to allow business activities associated with certain occupations, which are generally compatible with other residential uses, to be carried out within residential principal structures.

11.02. Restrictions & Limitations

Except as otherwise provided in these regulations, home occupations shall be restricted as follows.

- A. Shall be incidental and subordinate to the primary use, which shall be maintained as the principal residence of the business owner.
- B. Shall not occupy more than 25 percent (25%) of the floor area of any single floor/story of the principal structure, except as provided in [Section 11.05](#) and as allowed per [Article 10](#).
- C. Shall store all materials and equipment used for the home occupation within an enclosed structure.
- D. Shall not be allowed any exterior alterations that are inconsistent with the residential nature or character of the principal structure.
- E. Shall only be allowed signs as allowed by and in accordance with [Article 08](#).
- F. Only residents of the principal residence shall be engaged in home occupation activities.
- G. Shall not generate vehicular traffic that is unreasonably excessive for a residential land use.
- H. Shall not generate parking demand that is unreasonably excessive for a residential land use; shall not utilize the required front yard for parking, other than existing driveway(s).
- I. Shall utilize no equipment that creates a nuisance of noise, odor, emissions or electrical interference; or otherwise interfere with another's personal enjoyment or utilization of their principal residence.

11.03. Allowable Home Occupations

The following home occupations shall be allowed, subject to the limitations of [Section 11.02](#) and other provisions of these regulations.

- A. Instruction in the visual and performing arts, restricted to five (5) students at any one time.
- B. Creation, display, and sales of works of art, crafts, and other items handcrafted on-premise.
- C. Professional and technical office-based work, as defined in [Section 05.02](#).
- D. Personal care services, as defined in [Section 05.02](#), except for nail salons and tanning salons.
- E. Agricultural business activities performed in A-1 zoning districts.
- F. Office, administrative, appointment-setting, or similar non-production activities related to occupations with primary work activities conducted off-premise, such as telecommuting, taxi drivers, and other work of a similar nature.
- G. Work related to the following personal and household services, as defined in [Section 05.02](#):
 1. Household items or furnishings repair and maintenance
 2. Repair and maintenance of personal items or goods
 3. Tailors and dressmakers
- H. Day care services, as provided in [Section 11.05](#).

11.04. Prohibited Home Occupations

The following home occupations shall be specifically prohibited under any circumstances.

- A. Retail sales of any goods or merchandise, except as provided in [Section 11.03.B](#).
- B. Rental or leasing of any equipment or consumer goods.

- C. Automotive and equipment service work, as defined in [Section 05.02](#).
- D. Physician, dental, chiropractic, optometric, psychiatric, psychological, physical therapy, occupational therapy, social therapy, counseling, or other related medical, mental, or social care provided by a licensed or unlicensed professional.
- E. Bed and breakfast inns, which are specifically defined as transient lodging in [Section 05.02](#).
- F. Animal or pet-related services such as veterinary medicine, grooming, breeding, and boarding.
- G. No prohibition listed in this section shall be construed to prohibit services from being delivered within the residence of clients or patients, such as home health care or babysitting by the hour.
- H. No prohibition listed in this section shall be construed to prohibit the performance of interior or exterior repairs or modifications to homes, home appliances, lawns, landscaping, etc.

11.05. Home Occupation Day Care Services

In addition to other applicable requirements, the following provisions shall apply to all day care homes and day care nurseries.

- A. Shall be limited to providing care for no more than three (3) children at any one time, which do not reside on-premise, except when appropriately licensed by the Kansas Department of Health and Environment (KDHE).
- B. KDHE-licensed Day Care Homes and Day Care Nurseries, shall comply with all other applicable local and state regulations.
- C. Except for outdoor play, day care activities shall be conducted entirely within the principal structure and shall occupy no more than fifty percent (50%) of the principal structure's gross floor area.
- D. Outdoor play shall be limited as follows:
 - 1. Outdoor play equipment shall only be installed and outdoor play activities shall only take place within a side yard or rear yard enclosed within an approved fence with a secured gate.
 - 2. Outdoor play activities shall occur only between the hours of 7:30 a.m. to 6:30 p.m.

Article 12 Roles & Responsibilities

12.01. Purpose

This article identifies the responsibilities of each party playing a role in the establishment, amendment, enactment, administration, and enforcement of these regulations.

12.02. Planning Commission

The City shall regulate land use as provided by [K.S.A. 12-741](#), et. seq., and appoint a Planning Commission by City ordinance.

A. The Planning Commission has the following responsibilities.

1. Serve as an advisory body to the City Council on community planning matters.
2. Conduct public hearings on text amendments to these regulations, zoning district boundary changes (rezoning applications), and conditional use permits.
3. Establish findings of fact and adopt recommendations to the City Council on such zoning actions.
4. Review capital improvement for consistency with the Comprehensive Plan.
5. Conduct an annual review of the Comprehensive Plan and zoning regulations, including the Official Zoning Maps, to be held the first meeting each month of September. The review shall identify changing conditions, ensure consistency with the community vision and goals, and suggest needed amendments. A resolution shall be adopted stating the findings and recommendations of each annual review.

B. General Rules & Procedures

1. All members of the Planning Commission are voting members.
2. Planning Commission members shall serve without compensation, but may be reimbursed for expenses when authorized by the City Council.
3. The Planning Commission shall elect officers from its membership to include Chairperson, Vice-Chairperson, and Secretary. The Planning Commission may appoint a staff member to serve as Secretary.
4. The Planning Commission shall adopt bylaws establishing specific rules for its operation.
 - a. Hearing procedures shall not conflict with the ordinance appointing the Planning Commission, applicable state statutes, or these regulations.
 - b. Bylaws shall be subject to the approval of the City Council.
 - c. Filing fees shall be established separately by the City Council.
5. The secretary shall keep public records of all official actions. Meeting minutes shall be kept as evidence of information presented at hearings, findings of fact, and decisions. The vote of each member shall be recorded on each item, including whether the member was absent, abstaining or disqualified from voting.
6. Special meetings may be held when called by the Chairperson, or in accordance with the bylaws.
7. After a meeting has been called to order and a quorum declared present, all actions shall be made by motion and decided by a majority vote of the members present and voting.

12.03. City Council

No action, recommendation, or resolution of the Planning Commission shall be enacted without having been approved and adopted by the City Council. Relative to these regulations, City Council shall have the following responsibilities.

- A. Enact and amend the zoning regulations, including the Official Zoning Map, zoning district boundaries, and conditional uses, upon receiving and considering such recommendations from the Planning Commission.

- B. Upon affirmative vote of approval on any such recommendation from the Planning Commission, the City Council shall adopt an ordinance to that effect. No approved application or recommendation from the Planning Commission shall be enforced without such an ordinance having been adopted.
- C. Adopt a schedule of filing fees for the various types of zoning actions and permits, which may be amended as needed from time to time, to account for new or increased costs of administering these regulations.

12.04. Office of the Zoning Administrator

A Zoning Administrator shall be appointed by the City Manager and shall be responsible for administering and enforcing these regulations. Pursuant to these duties, the Zoning Administrator shall be granted the following authority and responsibilities.

- A. Approve and issue all permits and certificates necessary for construction on a lot or the occupancy of a structure; and make and maintain records of all such permits and certificates.
- B. Conduct inspections of structures and land uses to determine compliance with the provisions of these regulations or any decision of the Planning Commission or Board of Zoning Appeals.
- C. Maintain a current set of administrative forms and applications for actions governed by these regulations, along with a schedule of filing fees.
- D. Provide technical and administrative assistance to City staff, citizens, applicants, Planning Commission, Board of Zoning Appeals, and the City Council.
- E. Receive, file, and forward to the Planning Commissions all applications for zoning permits and information necessary to render decisions.
- F. Receive, file, and forward to the Board of Zoning Appeals all applications for appeals and variances, including records and information necessary to render decisions.
- G. Maintain permanent and current records of the zoning regulations including, but not limited to, the Official Zoning Map, and all amendments, variances, appeals and applications therefore and records of hearing thereon.
- H. Maintain for public use or distribution copies of the zoning regulations, Official Zoning Map, and bylaws of the Planning Commission and Board of Zoning Appeals.
- I. Administer the Comprehensive Plan and Subdivision Regulations, and other duties as assigned by the City Manager.
- J. Administrative Exception. If, in the opinion of the Zoning Administrator, the strict application of one or more provisions of the zoning regulations will create a manifest injustice to a property owner and variance or exception relief is not otherwise herein provided, the Zoning Administrator may issue an administrative exception from said provisions. The administrative exception shall be in writing, dated and signed by Zoning Administrator and filed with the zoning variance case decisions. The Zoning Administrator may establish conditions for the administrative exception to remain in force. An administrative exception is solely an equitable remedy, within the complete and absolute discretion of the Zoning Administrator, and therefore is not subject to administrative, legislative or judicial review. The fee to request an administrative exception is the same fee amount as the application fee for a zoning variance.

12.05. Office of the City Clerk

The City Clerk shall maintain official records and carry out responsibilities in the administration of these regulations as follows.

- A. Maintain at least three (3) official copies of these regulations available for public inspection, which shall be marked "Official Copy as Incorporated by Ordinance No. _____." Such copies shall include all text amendments, omissions, and deletions, which shall also be so noted.
- B. Supply official copies, marked as indicated above, to the appointed official of all City departments.
- C. Provide assistance to facilitate and record actions of the City Council related to their exercise of duties in administering these regulations.

Article 13 Site Plan Review

13.01. Purpose

Site plan review is intended to ensure that proposed developments meet applicable provisions of these regulations prior to approval; and to ensure that development occurs in accordance with these regulations and applicable conditions of approval prior to the issuance of Building Permits.

13.02. Applicability

This article provides for two types of Site Plan submittals: Administrative Site Plans and Development Site Plans. The applicability of each is as follows.

A. Administrative Site Plans

1. An Administrative Site Plan shall be required with all applications for PDO overlay zoning and sign permits.
2. No application shall be considered complete without having a Site Plan attached that meets the requirements of this article. Administrative Site Plans are reviewed and approved as part of the accompanying application.

B. Development Site Plans

1. Development Site Plan approval is required prior to the issuance of a Building Permit for construction of any new structure and any modification that alters the building footprint of an existing structure.
2. Single-family residential principal structures shall be exempt, except when zoned R-3 and part of a zero lot line development.

13.03. Administrative Site Plan Requirements

- A. The following shall apply to all Administrative Site Plan submittals. The Zoning Administrator may waive requirements of an Administrative Site Plan. Administrative Site Plan requirements may be reduced or removed by the Zoning Administrator.
 1. Twelve (12) copies submitted on letter size (8½" X 11") or tabloid (11" X 17") sheets; plus one (1) copy in electronic format (.pdf file extension).
 2. Site address, owner name, north arrow, reference scale, scale bar, and legend. Reference scale shall be at an appropriate scale to depict all required elements, portrayed as 1 inch = X feet at a ten (10) foot increment. Drawings shall be oriented north, except when impractical.
 3. Subject lot and adjacent lot property boundary lines and setback lines with dimensions.
 4. Existing and proposed zoning and uses on the subject lot and adjacent lots.
 5. Edge of pavement for streets and sidewalks.
 6. Sight triangles, access controls, and easements, with dimensions.
 7. Existing and proposed structures on the lot and within one-hundred and fifty (150) feet of the subject lot, with dimensions, number of floors/stories, gross floor area, and height. Not required for sign permit Site Plans.
 8. Existing and proposed off-street parking, loading, driveway, and emergency turn-around locations.
 9. Railroad track, fence, and existing and proposed utility line locations.
 10. Significant on-site features including, but not limited to: natural and artificial drainage ways, wetland areas, ditches, and hydrologic features. Not required for sign permit Site Plans.
 11. Existing or proposed on-site wastewater system and well and/or water line locations. Not required for sign permit Site Plans.
 12. Floodplain location.
 13. Compatibility buffer requirements, including visual buffers, landscape buffers, and applicable compatibility height setbacks, with proposed locations and dimensions. Not required for sign permit

Site Plans.

14. Proposed outdoor display, storage, and garbage/liquid waste container areas with dimensions. Not required for sign permit Site Plans.
 15. Development report narrative and engineering documents, as applicable.
 16. As applicable, other attachments required per [Article 10](#) specific use standards. This shall not be required for sign permit Site Plans.
- B. Sign permit Site Plans shall include the information indicated below.
1. Site plan with information as indicated in [Section 13.03.A](#). In addition, the following shall be provided.
 - a. Location of the proposed sign(s), labeled with sign category and type.
 - b. Location of all existing signs to remain on the same lot, labeled with sign category, type, and face area. Sign height shall be provided for existing freestanding signs.
 - c. Indicate the spacing distance between all proposed freestanding signs and existing freestanding signs located within fifty (50) of a proposed sign on the same lot or an adjacent lot.
 - d. As applicable, the location and routing of electrical supply lines.
 2. Scaled full-color elevation drawing showing the following information.
 - a. Freestanding Signs: Only the front elevation (face view) is required. Include dimension labels for total sign height and width (including support structure), sign face height and width, and sign face surface area.
 - b. Building Signs: The drawing shall show the entire front exterior building wall. Include dimension labels for wall height and width, total wall surface area, sign body height and width, sign face height and width, and sign face surface area.
 - c. The sign face layout shall be shown on the drawing, including dimensions of lettering and graphics.
 - d. Material descriptions and colors for the sign face, body/frame/cabinet material and support structure.
 3. Detail drawings as follows.
 - a. Installation Details
 - i. Freestanding Signs: Foundation and footing details.
 - ii. Building Signs (except window signs): Anchor and mounting details.
 - b. Electrical wiring diagram, if applicable.
 - c. If applicable, planter box details with dimensions. Shall include construction materials and plant locations labeled with species.
 4. Technical specifications for any type of artificial light source or electrical component.

13.04. Development Site Plan Requirements

A Development Site Plan shall be approved by the Zoning Administrator prior to the issuance of a Building Permit on any zoning lot. Development Site Plans shall meet the following requirements.

- A. Shall be prepared and sealed by a licensed professional engineer, architect, or landscape architect.
- B. Drawn to a scale of one (1) inch equals twenty (20) feet, on twenty-four by thirty-six inch (24" x 36") sheets. Three (3) hard copies shall be submitted; plus one (1) copy in electronic format (.pdf file extension). Submittals for individual single-family residential lots may utilize letter size (8½" X 11") sheets if drawn at the required scale.
- C. Shall include the following information.
 1. Site address, owner name, north arrow, reference scale, scale bar, and legend. Drawings shall be oriented north, except when impractical.
 2. Subject lot and adjacent lot property boundary lines and setback lines with dimension.

3. Existing and proposed zoning and uses on the subject lot and adjacent lots.
 4. Edge of pavement for streets and sidewalks, with dimensions and traffic flow arrows.
 5. Existing and proposed contour lines at one (1) foot intervals; indicate direction of storm water flow.
 6. Existing and proposed rights-of-way, access controls, easements (utility, drainage, access, fire lane), and sight triangles, with dimensions.
 7. Existing and proposed utilities and storm water drainage structures.
 8. Existing and proposed structures within one-hundred and fifty (150) feet of the subject lot, with dimensions, number of floors/stories, gross floor area, percent lot coverage, and height.
 9. Existing and proposed off-street parking, loading, and driveway locations, with required quantities and dimensions, calculations and the number of stalls proposed.
 10. Required compatibility buffers, including visual buffers, landscape buffers, and applicable compatibility height setbacks, with proposed locations and dimensions.
 11. Proposed outdoor display, storage, and garbage/liquid waste container areas with dimensions.
 12. Existing and proposed permanent sign locations.
 13. Boundary and elevation of the one-percent (1%) chance flood event (100-year floodplain).
 14. Finished building pad elevation.
 15. Parking layout of all off-street parking areas with the quantity of proposed parking stalls and calculations for standard and ADA-accessible parking stall requirements.
 16. Delineate on-site circulation with traffic flow arrows, designated delivery/service entrances and routes, on-site pavement markings, traffic control signage, and incidental directional signs.
 17. Location and species name (common and scientific) of all existing isolated trees having a diameter of six (6) inches or more. Groupings of existing trees may show the perimeter outline, with a written inventory of individual trees.
- D. Scaled building elevation drawing for all sides with:
1. Elevations of all proposed and related existing structures with roof pitches noted.
 2. Location of signs to be mounted on the elevations.
 3. List of exterior siding and roofing material types.
- E. Lighting Plan
1. Location of all existing and proposed lighting fixtures and poles.
 2. Size specifications and elevation view with dimensions.
 3. Illumination type, pole and fixture materials and colors.
 4. Foundation/footing or wall anchorage details.
 5. Photometric plan
- F. Buffer and Landscape Plan: Consistent with the requirements of [Section 09.06](#), inclusive of all screening fences/walls, berms, and landscape elements.
- G. Drainage Plan: Upon request of the Zoning Administrator or designated official.
- H. Parking & Traffic Studies: Upon request of the Zoning Administrator or designated official.

13.05. Development Site Plan Approval

- A. The Zoning Administrator's approval or denial shall utilize the following standards of review:
1. The extent to which the proposal conforms to these regulations.
 2. The extent to which the development would be compatible with the surrounding area.
 3. The extent to which the proposal conforms to the City's Subdivision Regulations.
 4. The extent to which the proposal conforms to customary engineering standards used in the City.

5. The extent to which the location of streets, paths, walkways, and driveways are located so as to enhance safety and minimize any adverse traffic impact on the surrounding area.
- B. Zoning Administrator approval or denial may be appealed to the Board of Zoning Appeals per [Section 15.04](#).

B. Applications

1. Applications for text amendments to the regulations may be submitted only by the City Council or Planning Commission. Applications for all other zoning actions affecting specific properties may be submitted by the City Council, Planning Commission, or property owners or their authorized agents ([K.S.A. 12-757](#)). Regardless of the applicant, the general review and approval process shown in [Figure 14.1](#) is used for all text amendment, rezoning, conditional use, temporary use, and Development Site Plan applications.
2. The following shall apply to applications for Site Plan approval.
 - a. Administrative Site Plans shall be submitted as part of the related rezoning, conditional use, or temporary use application, including secondary or accessory uses/structures that require conditional use approval.
 - b. Administrative Site Plans shall be submitted as part of the Zoning Compliance Certificate application for establishing any secondary or accessory use/structure allowed by-right in the applicable zoning district that was not approved on the original Site Plan for the subject lot. Such applications are approved by the Zoning Administrator without requiring a public hearing, Planning Commission action or City Council approval.
 - c. A Development Site Plan application shall be submitted and approved prior to the issuance of a Building Permit for the construction of any secondary or accessory structure requiring such permit. Approval of a Development Site Plan may be approved by the Zoning Administrator without requiring a public hearing, Planning Commission action or City Council approval.
3. The Zoning Administrator shall maintain current application forms for the various types of zoning actions, a schedule of filing fees, and schedule of Planning Commission meeting dates with associated filing deadlines.
4. Such documents and forms shall be readily accessible to the public, both in hard copy available at the City Administration Building and electronic versions posted to the City website.
5. Applications shall be filed with the Zoning Administrator. All complete applications submitted by the filing deadline will be processed and added to the scheduled Planning Commission agenda. Applications shall only be considered complete when submitted with the following.
 - a. A completed application form with the appropriate filing fee.
 - b. Names, addresses, telephone numbers, email addresses, and signatures of the property owner(s), plus the same for applicant(s) and agent(s), as applicable.
 - c. The type of action requested and a written description of the specific request, including:
 - i. Existing and proposed land uses, structures, and zoning district classifications
 - ii. For text and regulation revisions, the description shall include a marked up version of the original language and a clean copy of the exact new language, word for word.
 - iii. All other applications shall include the legal description and street address of the subject property. A general description of location shall suffice undeveloped properties having no assigned street address.
 - d. Lot dimensions of the subject property stated in acres or square feet, including fractions.
 - e. A Administrative Site Plan per [Section 13.03](#), including all required information and graphic depictions, except for text and regulation revisions.
 - f. The required certified property ownership list specified in [Section 14.03.A. 3](#), except for text or regulation revisions, and “down zoning” of a property from one zoning district classification to a zoning district of lower intensity. The relationship of intensity between the various zoning districts is provided in [Section 04.03](#).
 - g. Any additional information and attachments as may be required by these regulations or indicated in the Planning Commission bylaws.
6. Public hearings for all zoning applications shall be heard within forty-five (45) days of the application

date, except when the applicant requests a later public hearing date or withdraws the application prior to the hearing date.

7. At the time of filing, a copy of the completed application form, with the application date and scheduled public hearing date, shall be provided to each applicant.

14.03. Public Notification & Conduct of Hearings

- A. The following means of public notice shall be provided at least twenty (20) days prior to the scheduled public hearing date.
 1. Published once in the official newspaper, including the hearing time and location, the legal description of the subject property, or a general description sufficient to identify the property location. When only a general description is provided, notices shall state that a complete legal description is available for public inspection and where such information is available.
 2. A copy of such notice shall be mailed to each property owner, applicant, and owner's agent listed on the application, and to the Secretary of the Planning Commission.
 3. Notice shall also be mailed to all owners of record of real property:
 - a. This property owner notification provision does not apply to public hearings for text or regulation revisions, or down zoning requests, as described in [Section 14.02.B.4.f](#).
 - b. Inside Augusta city limits and located within two-hundred (200) feet of the exterior boundary of the subject property.
 - c. Inside the corporate limits of a city other than Augusta and located within two-hundred (200) feet of the exterior boundary of the subject property.
 - d. In unincorporated Butler County and located within one-thousand (1,000) feet of the exterior boundary of the subject property.
 - e. A certified list of such property owners of record, including names and mailing addresses, shall be provided by the applicant. Such ownership lists shall be obtained from a land title company, provided it is certified as being true and accurate by a licensed abstractor or title professional. Failure of any property owner to receive such notice after it has been properly addressed and mailed shall not invalidate any action of the Planning Commission or City Council.
 4. If, after notifications have been made and a quorum of the Planning Commission has not convened for the subject hearing; or the Planning Commission has, by vote, authorized the continuance of a hearing to a later date, such may be rescheduled. No further public notice need be given when the future date and time are announced at the present meeting.
 5. The Planning Commission may give additional notice to any person at any time as provided in its bylaws. Such rules may include requirements for additional notice to be provided for by the posting of signs on the property to be considered in the appeal application.

B. Conduct of Hearings

After providing the required notifications, all such meetings and hearings shall be open to the public and subject to the Kansas Open Meetings Act ([K.S.A. 75-4317](#), et seq.). All public hearings shall be conducted according to the following provisions.

1. No voting or binding actions shall be taken without a quorum being present.
2. The Planning Commission may exercise quasi-judicial functions and deliberations in closed session according to [K.S.A. 75-4318\(a\)](#), provided:
 - a. A closed session may only proceed upon proper motion and vote of the Planning Commission.
 - b. No voting or binding actions shall be taken in a closed session.
3. Any person may testify at a hearing, either in person or by authorized agent or attorney.
4. The Planning Commission may request additional testimony and written or verbal reports on issues

related to a specific hearing, from any person, property owner, subject matter expert, utility provider, government agency, etc. when deemed necessary to render an informed decision. Such reports shall be attached to the meeting minutes and made part of the public record.

5. Every official Planning Commission decision shall be filed with the Zoning Administrator without unreasonable delay and shall be open to public inspection during regular business hours.
6. A report on each official Planning Commission action, including summaries of all public hearings, shall be filed with the City Council within fourteen (14) days of the action or hearing date. Such reports may be incorporated into the meeting minutes, rather than filed as separate documents.

14.04. Official Actions & Decisions

In considering the merits of an application and rendering official decisions, the Planning Commission and City Council shall be allowed to act in accordance with the following provisions.

- A. All Planning Commission decisions authorized by this article are advisory recommendations subject to the City Council's discretion as provided in this section.
- B. Conditions of Approval
 1. When deemed appropriate based on findings of fact, the Planning Commission may stipulate conditions of approval in addition to minimum requirements. This shall include:
 - a. Condition of approval specifically allowed by these regulations or authorized by Kansas statutes.
 - b. Measures that are not required for the proposed use, but required as a specific use standard or compatibility buffer for similar uses, when deemed a reasonable means of mitigating negative impacts of the proposed use.
 - c. For proposed changes to zoning district boundaries only, a lesser intensity zoning district may be approved in lieu of the applicant's requested zoning district. Such shall not trigger any additional public notification requirements.
 - d. No condition allowing deviation from a minimum requirement shall be allowed if such is defined as a variance per [Article 15](#) or would have an effect equal to a variance.
 - e. The City Council may only require conditions of approval in the circumstance and manner described below in [Section 14.04.C.6](#).
- C. Planning Commission & City Council Voting Provisions
 1. Planning Commission votes are determined by the majority of only those members present and voting; and shall not require a majority of the full membership to be in concurrence.
 2. Failure of the Planning Commission to make a recommendation shall be considered a recommendation of denial (disapproval).
 3. The Planning Commission shall submit recommendations to the City Council, which shall include:
 - a. The findings of fact upon which the recommendations is based.
 - b. As circumstances dictate, the Planning Commission's verbal motions and recommendations, and written recommendations, reports, and resolutions:
 - i. Need not cite specific findings of fact or list them individually when such findings, recommendations, and other relevant details are cited individually in written staff reports.
 - ii. May incorporate by reference findings of fact and other relevant details contained in written staff reports, provided such staff reports are attached to or incorporated into the meeting minutes, case reports, and resolutions containing written recommendations.
 - c. Likewise, the Official Zoning Map shall be incorporated by reference.
 4. In taking action on a Planning Commission recommendation for text or regulation revisions, rezoning cases, or conditional uses, the City Council may only take one of the following actions:
 - a. Adopt the recommendation by ordinance, as submitted.
 - b. Override the recommendation with a vote of at least a two-thirds ($\frac{2}{3}$) majority of City Council.

- c. Return it to the Planning Commission for reconsideration with an explanation of the reasoning for such.
5. Upon receiving a recommendation returned by the City Council, the Planning Commission shall take one of the following actions during its next regular meeting:
 - a. Resubmit the original recommendation with an explanation of the reasoning for such.
 - b. Submit an amended recommendation based on the original.
 - c. Submit a new recommendation.
 - d. Take no action, which shall be considered a resubmittal of the original recommendation.
6. When the follow-up recommendation is received from the Planning Commission, the City Council, by simple majority vote, may take one of the following actions:
 - a. Override the recommendation.
 - b. By ordinance, adopt the Planning Commission's recommendation as submitted, with revisions or amendments, or with conditions (see [Section 14.04.B](#)).
 - c. Take no action.
7. The proposed amendment, rezoning, or conditional use shall become effective upon publication of the adopting ordinance.

14.05. Petitions of Protest

Planning Commission decisions (approval or denial) on rezoning and conditional use applications may be protested by petition as follows. Temporary uses are not subject to this provision.

- A. Petitions of protest shall only be declared valid when containing a sufficient number signatures of individuals having standing to protest, which shall be limited to either of the following cases:
 1. Twenty percent (20%) or more of the owners of record of all real property that would be rezoned by approval of the application.
 2. Owners of record of twenty percent (20%) or more of the total notification area for the application, as described in [Section 14.03.A.3](#). The area calculation shall include properties located both inside and outside of Augusta city limits, but shall exclude public street rights-of-way.
- B. Protest petitions must be filed with the City Clerk within fourteen (14) days of the public hearing's conclusion to be considered valid.
- C. Upon being certified by the City Clerk as a valid protest petition, a super-majority approval threshold is triggered. This shall require the adopting ordinance to pass with at least a three-fourths ($\frac{3}{4}$) majority vote of the Governing Body.

14.06. Other Planning Actions & Approvals

- A. The Planning Commission and Zoning Administrator have authorities, powers, and responsibilities over the administration and enforcement of the Subdivision Regulations similar to those prescribed by these regulations for zoning activities. Such are detailed in the Subdivision Regulations and shall be carried out accordingly in concert with these regulations and the Comprehensive Plan.
- B. Comprehensive Plan Adoption & Amendment
 1. Procedural Requirements
 - a. Prior to conducting public hearings in consideration of adopting the Comprehensive Plan and subsequent plan amendments, notification shall be published in the official newspaper in a manner similar to that described in [Section 14.03](#), except for the listed information that is unique to actions affecting individual properties only.
 - b. Public hearings shall also be conducted in a like manner as provided in these regulations.
 - c. The Comprehensive Plan and all amendments to the plan shall be adopted as such by resolution

of the Planning Commission, which shall include a recommendation of approval.

- d. Upon adoption according to these procedures, the Planning Commission shall submit to the City Council, a certified copy of the plan or amendments to the plan, with a written summary of the public hearing. A copy of the plan shall be "certified" when transmitted with a written statement, signed by the Chairperson and Secretary, attesting that the provided copy is a true and accurate representation of the same plan that was presented for the public hearing and Planning Commission approval proceedings.
- e. All Planning Commission approvals and resolutions shall require an affirmative vote of a majority of the entire Planning Commission membership, except as otherwise stipulated in these regulations or prescribed by Kansas statutes.
- f. An attested (certified) copy of the adopted or amended Comprehensive Plan shall be sent, along with a written summary of the public hearing, to all taxing subdivisions (townships, school districts, special districts, etc.) in the City's established planning area.
- g. The Comprehensive Plan and Comprehensive Plan amendments, shall become effective only after being approved by the City Council and adopted by ordinance.

C. Conditional Uses

Conditional uses approved in accordance with these regulations shall run with the land upon approval. They shall remain in effect without regard to ownership, so long as the use remains on the subject property without being significantly altered or destroyed.

D. Temporary Uses

Temporary uses are considered a form of conditional use and shall be reviewed and approved according to a similar process and in a similar manner, except that the following provisions differ from those for conditional uses.

1. They are not permanent and do not run with the land. They shall be established for limited period of time, which shall be specified as a condition of approval.
2. In no case shall a temporary use be established for longer than sixty (60) consecutive days, provided that extensions may be approved by the Zoning Administrator upon written request of the applicant. No more than three (3) extensions shall be approved, each lasting the same period of time specified in the original approval. Additional extensions shall only be approved by separate application for a new temporary use permit and approval of such by the original process.
3. Temporary uses shall only be required to provide public notice by publication in the official newspaper, not individual property owners. In addition, the protest petition provision shall not apply to temporary uses.
4. Emergency temporary use applications and those having critical time constraints, may qualify for expedited approval if, in the Zoning Administrator's judgment, sufficient justification has been provided in writing. In such cases:
 - a. The application may be forwarded directly to the City Council for consideration without a Planning Commission recommendation.
 - b. Only very short-term uses, lasting for a period no longer than seven (7) consecutive days, shall qualify for expedited approval; and no time extensions shall be approved.
 - c. Only complete applications submitted at least twenty-one (21) days from the date of commencement shall be considered for expedited approval.
 - d. The Zoning Administrator shall review the request in the same manner and according to the same criteria as a normal temporary use application. The supporting documents and applicable recommendations shall be provided to the City Council for consideration of the application.
 - e. As approved by applicable Kansas statutes and City code, the City Council may approve the adopting ordinance on an emergency basis and waive normal approval, public notification, and ordinance publication procedures/requirements.

14.07. Standards of Review

- A. The Planning Commission shall review applications for all types of zoning approval governed by these regulations, according to the standards of review outlined in this section.
- B. All Planning Commission actions deemed to be in accordance with the adopted Comprehensive Plan, shall be presumed to be reasonable.
- C. In reviewing rezoning requests, conditional uses, and temporary uses, findings of facts shall be incorporated into all recommendations and resolutions of approval. Such findings shall specifically consider the degree to which the proposed use or application is compatible with surrounding uses, and its appropriateness at the proposed location within the proposed zoning district.

Such reviews of compatibility shall be based on and stated in terms of the following criteria:

- 1. Character of the immediate neighborhood.
- 2. Consistency with the Comprehensive Plan, vision, and character of the City of Augusta.
- 3. Adequacy of public utilities, roadways, and other needed public services, relative to the anticipated impacts of the proposed use.
- 4. Suitability of the uses to which the property has been restricted under its existing zoning.
- 5. Length of time property has remained vacant as zoned.
- 6. Compatibility of the proposed district classification with nearby properties.
- 7. The extent to which the zoning amendment may detrimentally affect nearby property.
- 8. The proportionality of losses/impacts to individual property owners in the immediate vicinity relative to the net public gain for the community-at-large.
- 9. Public input or sentiment regarding the proposed use as voiced in the public hearing and other communications.

14.08. Finality of Council Decisions

As provided by [K.S.A. 12-760](#), as amended, all zoning decisions provided in these regulations are considered to be reasonable exercises of authority granted to the City. All such actions enacted by the City Council are considered final upon publication of the adopting ordinance. Any person, government official or agency, or other individual, jointly or separately dissatisfied or aggrieved by any such action, may file a petition within thirty (30) days of the ordinance publication in the Butler County District Court seeking relief by judicial review.

14.09. Zoning Compliance Certificates

The Zoning Administrator shall issue a written Zoning Compliance Certificate to the owner or occupant of any property, or authorized agent thereof, as follows.

- A. Sent to zoning change and conditional use applicants within ten (10) days of publication of the adopting ordinance. The compliance certificate shall cite specific applicable references of these regulations and related approvals regarding the uses that can be established and any related standards.
- B. Provided within ten (10) days of submitting an application for a secondary or accessory use or structure. The Zoning Administrator shall provide a compliance certificate upon verifying the subject property is appropriately zoned for the proposed use or structure and located in compliance with these regulations according to the Administrative Site Plan submitted with the application or previously approved for the subject property.
- C. Provided within ten (10) days of submitting an application for a Development Site Plan. The Zoning Administrator shall provide a compliance certificate upon accepting the Site Plan application and verifying that the subject site is appropriately zoned for the proposed use and structure.
- D. Provided upon request to any new tenant seeking to occupy an existing developed structure, which shall apply only occupants of business, commercial, and industrial properties. No new commercial/industrial utility connections or accounts, which have not been previously reviewed for zoning compliance, shall be set up without first being issued a Zoning Compliance Certificate.

- E. The Zoning Administrator shall issue a Zoning Compliance Certificate prior to any Certificate of Occupancy being issued by the Building Inspector or other designated official. No Certificate of Occupancy shall be issued without a Zoning Compliance Certificate.

14.10. Building Permits

- A. An approved Building Permit shall be obtained prior to commencement of the following activities.
 - 1. Construction, remodeling, reconstruction, or moving of a structure, when such is subject to the provisions of the Building Code.
 - 2. Moving, relocation, or set up of a mobile or manufactured home.
 - 3. Grading, excavation, or other improvement of land preliminary to the establishment of a use on any property subject to the floodplain regulations.
- B. Every Building Permit application shall include the following information.
 - 1. A copy of the recorded plat of such land certified by the Butler County Register of Deeds office shall be required for new principal structures.
 - 2. No application shall be accepted without verification that a Site Plan has been approved for the subject property, as applicable.
 - 3. Applications that do not require an approved Site Plan shall instead include a plot plan drawn to scale showing the following information:
 - a. Location of proposed building site with the ground area, height, and bulk of all present and proposed structures.
 - b. Access drives and parking lots.
 - c. Structure footprint in relation to lot lines, waste disposal areas, the use to be made of such present and proposed structures on the land.
 - d. Other information as may be required by the Zoning Administrator or Building Inspector for the proper enforcement of these regulations.
 - 4. One (1) copy of both the plat and the Site Plan or plot plan, whichever is applicable, shall be retained by the Zoning Administrator or Building Inspector as a public record.
- C. A Building Permit shall be either issued or refused by the Zoning Administrator or Building Inspector within ten (10) days after the application is filed or within such further period as may be agreed to by the applicant. No Building Permit shall be issued unless all the zoning requirements of these regulations are met.
- D. A Building Permit shall become null and void one-hundred eighty (180) days after the date of issuance, unless within such period construction, structure, moving, remodeling or reconstruction of a structure is commenced or a use is commenced.
- E. Any Building Permit issued in conflict with these regulations shall be null and void.

Article 15 Board of Zoning Appeals

15.01. Authorization

The City Council shall designate a Board of Zoning Appeals, hereinafter referred to as the “Board,” as prescribed by [K.S.A. 12-759](#). If so designated, the Planning Commission is authorized under [K.S.A. 12-759](#) to serve in such capacity.

15.02. General Rules & Procedures

The Board shall operate according to the following general rules and procedures.

- A. All members of the Planning Commission are voting members of the Board.
- B. Board members shall serve without compensation, but may be reimbursed for expenses when authorized by the City Council.
- C. All officers of the Planning Commission are officers of the Board.
- D. The Board shall adopt bylaws establishing specific rules for its operation.
 1. Hearing procedures shall not conflict with the ordinance designating the Planning Commission as the Board, applicable state statutes, or these regulations.
 2. Bylaws shall be subject to the approval of the City Council.
 3. Filing fees shall be established separately by the City Council.
- E. The secretary shall keep public records of all official actions, which shall be maintained separately from that of the Planning Commission. Meeting minutes shall be kept as evidence of information presented at hearings, findings of fact, and decisions. The vote of each member shall be recorded on each item, including whether the member was absent, abstaining or disqualified from voting.
- F. Special meetings may be held when called by the Chairperson, or in accordance with Board bylaws.
- G. Board meetings shall be held separately from Planning Commission meetings; provided that they may be held in conjunction with Planning Commission meetings, which have been recessed to conduct Board business and reconvened to continue the Planning Commission agenda.
- H. After a Board meeting has been called to order and a quorum declared present, all Board actions shall be made by motion and decided by a majority vote of the members present and voting.

15.03. Powers and Jurisdiction

The Board shall have the following jurisdiction and authority as a quasi-judicial body.

- A. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Administrator in the enforcement of these regulations. Appeals to the Board may be taken by the person aggrieved, or by any officer, department, or bureau of the government affected by any decision of the Zoning Administrator.
- B. To authorize in certain cases a variance from the specific terms of these regulations, which are not contrary to the public interest and where a literal enforcement of the provisions of these regulations will result in unnecessary hardship.
 1. In all variances, the Board shall observe the spirit of these regulations, preserve and secure public safety and welfare, ensure that substantial justice is done.
 2. The Board shall not authorize any variance that permits any use prohibited within the applicable zoning district.
- C. Shall have jurisdiction, in accordance with the authority granted the Board in these regulations, only to hear appeals and variances affecting properties located within the City limits of the City of Augusta.

15.04. Appeals of Zoning Administrator Determinations

Determinations of the Zoning Administrator regarding the interpretation, application, or enforcement of these regulations, may be appealed to the Board. Such appeals may be filed as provided in this article by any person aggrieved, by any officer of the City, or any governmental entity affected by any decision of the Zoning Administrator.

A. Applications of Appeal

1. Applications of appeal shall be filed with the Chairperson within thirty (30) days of the date the subject determination was made by the Zoning Administrator. Such applications shall be accompanied by the appropriate filing fee and the following:
 - a. A written description of the grounds for appeal.
 - b. The legal description of the subject property.
 - c. The required ownership list specified in [Section 14.03](#).
 - d. Any additional information as may be required by the rules of the Board.

B. Stay of Enforcement

1. Upon filing, an appeal shall stay all enforcement of the action being appealed.
2. Enforcement shall not be stayed if the Zoning Administrator certifies in writing to the Board that by reason of facts stated in writing, a stay would pose a danger to or otherwise threaten public health, safety, or welfare. In such cases, enforcement shall not be stayed, except by order of the Board or a court of record with notice and basis of due cause provided to the Zoning Administrator.

C. Public notice shall be given and a hearing on the application of appeal conducted as specified under [Section 14.03.A.3](#).**D. Board Actions**

1. The Board may take any of the following actions on an appeal of a Zoning Administrator determination.
 - a. Affirm or reverse, wholly or partly.
 - b. Modify the order, requirement, decision, or determination; and substitute its own, which shall have all the powers of the Zoning Administrator.
 - c. Issue or direct the issuance of a zoning permit or compliance certificate.
2. No conditions may be attached to such a decision that would not otherwise have been available to the Zoning Administrator in making the initial determination.

15.05. Requests for Variance

A. The Board may authorize variances from the terms of these regulations when such are not contrary to the public interest, observe the spirit of these regulations, preserve and secure public safety and welfare, and ensure that substantial justice is done. Variances shall:

1. Only be authorized in the manner and under the circumstances stipulated in this article.
2. Be accompanied by findings of fact that demonstrate the literal enforcement of specific provisions of these regulations will result in unnecessary hardship for the applicant.
3. Not permit any use that is prohibited by these regulations in the applicable zoning district.

B. Applications for Variance

1. Applications for variance shall be filed with the Chairperson. Such applications shall be accompanied by the appropriate filing fee and the following:
 - a. A written description of the requested variance.
 - b. The legal description of the subject property.
 - c. The required ownership list specified in [Section 14.03.A.3](#).

- d. Additional information including:
 - i. The particular requirements of these regulations that prevent the proposed use or construction.
 - ii. The characteristics of the subject property that prevent compliance with the requirements of these regulations.
 - iii. The reduction of the minimum requirements of these regulations necessary to permit the proposed use or construction.
 - iv. The particular hardship that would result if the particular requirements of these regulations were applied to the subject property.
 - v. A sketch drawn to scale showing the subject lot(s), with all existing and proposed structures that necessitate the request.
 2. Public notice shall be given and a hearing on the application of variance conducted per [Section 14.03](#).
- C. Authorized Variances
- Variances from the provisions of these regulations shall be granted by the Board only in accordance with the standards set out in [Section 15.05.D](#), and shall be granted only as follows.
1. Variances to the applicable minimum lot area, lot width and lot depth requirements.
 2. Variances to the lot coverage and minimum yard requirements.
 3. Variances to the dimensions of fences and other permitted obstructions in required yards.
 4. Variances to the required number of off-street parking spaces and amount of off-street loading, except for adjustments to ADA requirements.
 5. Variances to dimensional sign provisions.
 6. Variances to applicable requirements and conditions of approval for conditional use and temporary use applications.
 7. Variances to applicable provisions of the floodplain district regulations.
- D. Standards of Variance Approval
1. The Board may grant variances supported by written findings of fact based upon the particular evidence presented the hearing, subject to the conditions stipulated by [K.S.A. 12-759\(e\)](#) as follows.
 - a. The variance requested arises from a condition that meets all of the following provisions:
 - i. Unique to the property in question.
 - ii. Not ordinarily found in the same zoning district.
 - iii. Not created by an action or actions of the property owner or the applicant.
 - iv. Granting of the variance will not adversely affect the rights of adjacent property owners or residents.
 - v. Strict application of the provisions of these regulations from which a variance is requested will constitute unnecessary hardship upon the property owner represented in the application.
 - vi. The variance will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.
 - vii. Granting the variance will not be opposed to the general spirit and intent of these regulations.
 2. The Board shall consider the extent to which the evidence supports the conclusions required by [Section 15.05.D.1](#) and demonstrates that:
 - a. The hardship claimed by the applicant is an unnecessary hardship caused by the physical surroundings, lot shape, or topography of the subject property; rather than the proposed use being inappropriate for the subject property or incompatible with its surroundings, or another mere inconvenience to the applicant.
 - b. The hardship claimed by the applicant is not solely economic in nature, such as an attempt to

- avoid expenses related to meeting the otherwise applicable provisions, or a desire to increase the applicant's profit margin for such development.
- c. The requested variance will not diminish the condition or value of other properties in the vicinity; or the inhibit the rights of others to use their property in a lawful manner and enjoy the benefits gained from such uses.
 - d. The requested variance will not result in an inadequate supply of light or air to adjacent property; create a substantial increase to congestion on public roadways; disproportionately impact public utility system service or capacity; impose a flood or fire hazard; or otherwise endanger the public health, safety, or welfare.
- E. Performance Assurances

The Board may impose conditions upon the granting of a variance or require certain guarantees of the applicant as may be necessary to achieve compliance with the standards of [Section 15.05.D](#), to mitigate potentially negative effects of such variances, and to carry out the general purpose and intent of these regulations.

1. Such performance assurances may include, but not be limited to:
 - a. Conditions
 - i. Further restrictions on bulk regulations.
 - ii. Time of operation and use limitations.
 - iii. Visual buffers, landscape buffers, and height compatibility setbacks, except as otherwise prohibited by applicable laws and regulations.
 - iv. Provision of utilities, drainage and other public improvements.
 - v. Additional access or access controls.
 - vi. Off-street parking and loading requirements.
 - vii. Platting, dedications, or guarantees.
 - b. Guarantees
 - i. Covenants that run with the land and filed with the County Register of Deeds that assure the installation of conditional improvements at a future date.
 - ii. Corporate surety bonds, cashier's checks, escrow accounts, or similar security accepted in lieu of installing/constructing conditional improvements within a specified time. Such shall be in the City's name, filed with the City Clerk in an amount to be fixed by the Board, which amount shall be roughly proportional to the estimated costs. The City Council may enforce such securities by all equitable means.
2. Failure to comply with any of the conditions imposed upon a variance shall constitute a violation of these regulations. Upon a finding by the Board of such a violation, the resolution granting the variance may be declared null and void.
3. Changes to such conditions may only be made in the same manner as the original variance. In such cases, it shall be required to apply for a new hearing. Only the requested change shall be considered at the rehearing.

15.06. Notice & Conduct of Hearings

- A. The Board shall be subject the same requirements for public notifications and conduct of public hearings as the Planning Commission, which are provided in Section
- B. Decisions & Records
 1. On all actions, the Board shall render a written decision in the form of a resolution without reasonable delay, but within forty-five (45) days of closing the hearing.
 2. The Zoning Administrator shall maintain complete records of all actions of the Board with respect to applications for variances in order to properly issue permits.
 3. Variances granted by the Board shall be valid for a period not to exceed one-hundred and eighty

(180) days from the hearing date. Applicable zoning permits shall be received within that time, provided that upon written request, the Board may grant extensions, each not to exceed one-hundred and eighty (180) days. Such extensions granted shall not require further notice or hearing.

15.07. Finality of Board Decisions

- A. Orders and determinations of the Board are not subject to appeal to the Planning Commission or City Council. All such decisions are considered final, notwithstanding the right of any aggrieved party to seek a judicial review as provided by law.
- B. Any person, official or governmental agency, jointly or separately dissatisfied by any decision of the Board, may seek relief by petition of the Butler County District Court. Such petitions shall be duly filed with the Court within thirty (30) days of the date the final decision is filed with the Zoning Administrator.

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Article 16 Planning Area Regulations

16.01. Authority

This Article is established by authority of an inter-local agreement between Butler County, Kansas and the City of Augusta, Kansas delegating certain land use regulatory authority to the City within territory designated as the "Planning Area" of the City of Augusta. K.S.A. 12- 2901 et seq. and K.S.A. 12-744(c). Planning Area is defined in [Section 01.02](#).

16.02. Building Code & County Regulations

Properties within the Planning Area shall comply with the current Butler County building codes and sanitation codes. Butler County shall have jurisdiction over building codes and sanitation codes within the Planning Area, and shall enforce and administer such codes.

16.03. Residential Infrastructure Requirements

All residential uses shall be subject to the following infrastructure requirements.

A. Water

1. The County Sanitarian shall approve a property's domestic water supply prior to the establishment of a residential use. In addition, the property owner shall provide written proof the adequacy and availability of the property's domestic water supply.
2. Water available for domestic use shall only be provided by a rural water district, incorporated city or other water supply system when approved by the Planning Commission. The subdivision and/ or lot owner shall provide written proof of the adequacy and availability of the water supply from any applicable rural water district, city extending service to the subdivision or individual water well on a single lot, with approval of the County Sanitarian.

B. Sewage

1. All sewage collection and treatment facilities shall be in compliance with the Butler County Sanitation Code.
2. A minimum lot size of one (1) acre shall be required for private sewage disposal systems.
3. A minimum lot size of five (5) acres shall be required for lagoon sewage treatment.
NO private sewage disposal system shall be permitted on any lot of less than one acre. No lagoons shall be permitted on any lot of less than five acres.

C. Streets

Properties being developed shall be subject to the following requirements for the provision of adequate streets.

1. Subdivisions of five (5) or more lots of one (1) acre or less: The developer shall provide or guarantee for the streets abutting each lot by the creation of a special benefit district for asphalt surfaced streets with curbs and gutters.
2. Subdivisions of five (5) or more lots between one (1) acre and twenty (20) acres: The developer shall provide or guarantee for the streets/roads abutting each lot by the creation of a special benefit district for six-inch (6") thick asphalt surfaced streets with proper drainage ditches, per Ordinance No. 1870.
3. Subdivisions of fewer than five (5) lots over twenty (20) acres: The developer shall provide for or guarantee for the streets/roads abutting each lot by the creation of a special benefit district for concrete, asphalt or gravel surfaced streets with proper drainage ditches.
4. Impact fees to provide for off-site street and road improvements shall be paid in accordance with the Butler County Road Impact Fee Resolution.

D. Building Setback Line

1. To allow ample area for highway expansion, the following building setback lines are hereby

established for properties with frontage on U.S. 54 Highway.

- a. One-hundred fifty (150) feet from the highway centerline between Hunter Road and Diamond Road.
 - b. One-hundred (100) feet from the highway centerline between Diamond Road and Indianola Road.
2. No land use shall be established and no building or structure shall be constructed on either side of U.S. 54 Highway within the designated setback area, except for allowable obstructions as defined by these regulations.

E. Fire Protection

1. The following information shall be provided in writing to the applicable rural fire district:
 - a. Street layout of the proposed development
 - b. Ingress and egress of the proposed development and each lot therein
 - c. Adequacy of the planned water supply system and/or surface water features for firefighting purposes.
2. The fire chief of the applicable rural fire district shall review the above items and, if applicable, recommend necessary modifications. No development shall occur without the property owner/developer receiving approval from the fire chief.

F. Exemptions & Variances

No exemptions or variances from the infrastructure requirements of this section shall be approved under any circumstances.

16.04. Manufactured Homes

- A. Under circumstances of extreme hardship, as defined by these regulations, the temporary placement and use of a manufactured home in addition to an existing residence may be approved by conditional use, provided:
1. The applicant clearly states the reason for the hardship.
 2. All requirements for the Butler County Sanitation Code are met.
 3. No permanent foundation shall be required as a condition of approval of the temporary placement under this subsection.
 4. The applicant shall provide a notarized affidavit relevant to the application for the placement of a temporary hardship manufactured home for a period of one (1) year which acknowledges that failure to remove the temporary hardship home upon expiration of the term approved by the Planning Commission constitutes a zoning violation punishable by a fine of \$200 for each day of violation.
 5. The temporary placement and use of a hardship residence may be extended for one or more successive one year periods of time upon verification by the Planning Commission that the hardship continues to exist.
 6. All existing temporary placement and use of a hardship residence legally in existence at the time of the adoption of these regulations shall remain in force until the expiration date assigned by the Butler County Zoning Administrator.
 7. The authorization for the placement of a temporary manufactured home shall be by a Conditional Use Permit.

Article 17 Enforcement

17.01. Violations

Any of the following shall be a violation of the City of Augusta Zoning Regulations and shall be subject to the enforcement remedies and penalties provided by this article and by other applicable law.

A. Development of Use Without Permit or Approval

To engage in any development, use, construction, remodeling or other activity of any nature upon the land and improvements thereon subject to the jurisdiction of the City without all of the required permits, approvals, certificates and other forms of authorization required by these regulations in order to conduct or engage in such activity.

B. Development or Use Inconsistent with Permit or Approval

To engage in any development, use, construction, remodeling or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approval, certificate or other form of authorization required in order to lawfully engage in such activity.

C. Development or Use Inconsistent with Conditions

To violate, by act or omission, any terms, condition or qualification placed by the City upon a required permit, certificate, rezoning, plan approval or other form of authorization granted by the City to allow the use, development of other activity upon land or improvements thereon.

D. Development of Use Inconsistent with Regulations

To erect, construct, reconstruct, remodel, alter, maintain any land in violation or contravention of any zoning, subdivision or general regulation of the zoning regulations or any amendment thereof.

E. Making Lot or Yard Nonconforming

To reduce or diminish any lot area so that the yards or open spaces shall be smaller than prescribed by these requirements or the final plat or plan.

F. Increasing Use Intensity

To increase the intensity of use of any land or structure, except in accordance with the procedures and substantive requirements of the zoning regulations.

G. Continuing Violation

To continue any of the above violations. Each day of a violation shall be considered a separate offense.

H. Removing, Defacing, Obscuring Notice

To remove, deface or obscure any sign required by the zoning regulations or otherwise interfere with any notice required thereby.

17.02. Enforcement Actions

A. The Zoning Administrator or other designated official may inspect any property or structure whenever there is reasonable cause to believe a violation of these regulations may exist. Upon being presented with proper credentials by the Zoning Administrator or designated official:

1. No person shall refuse entry or access to the site or property where a sign exists when entry is required for the purpose of conducting an inspection.
2. No person shall obstruct, hamper, or interfere with such City representatives while in the process of carrying out their official duties.

B. The City shall have the enforcement authority to take the following actions in resolving violations of these regulations.

1. The City may deny or withhold any and all permits, certificates, plan or plat approvals or other forms of authorization on any land, structure, or improvement when evidence exists of unmet general zoning requirements; unmet requirements for specific types of land uses, developments, or structures; unmet

- conditions or qualifications of a permit, certificate, approval or previously granted authorization; uncorrected violations of these regulations.
- a. The City may grant such authorization on a provisional basis, subject to the condition that the deficiency or violation be corrected.
 - b. These provisions shall apply regardless of whether the current owner or applicant is responsible for the violation in questions.
2. The City may revoke issued permits and granted approvals when the Zoning Administrator or other designated official finds a departure from the plans, specifications or conditions required under the terms of a particular permit, plan, or other approval; such authorization was procured by false representation of the applicant or was issued by mistake; any provision of these regulations is being violated.
 - a. If the violation involves a failure to comply with approved Site Plans or conditions of Site Plan approval, the City Council may, upon sending written notice to the applicant and conducting a hearing:
 - i. Revoke such Site Plans or related approvals.
 - ii. Allow development to continue subject to strict compliance with applicable plans, approvals, and conditions of approval, or the provision of security bond.
 - b. The Zoning Administrator or other designated official may revoke a Building Permit or Certificate of Occupancy upon sending written notice of violation to the applicant or owner and shall post such notice in a prominent location on the site or building that is readily visible to any individual entering the site or building.
 - i. Further construction activities shall be prohibited upon posting of the notification.
 - ii. Upon revocation of a Building Permit which was issued by mistake, the owner shall meet with the City to determine the nature of and reason for the mistake.
 - iii. If construction plans are in conflict with ordinances, regulations or other City requirements, the City may require modification to such plans that conform to all applicable ordinances, regulations or requirements.
 - iv. If a mistake has been made calculating the fee for a Building Permit, the proper fee shall be calculated and the difference refunded or charged to the applicant, as appropriate.
 3. With or without revoking permits, the City may issue a stop work order for any construction activities on a building, structure, or property when it has a good faith belief that there is an uncorrected violation of a City regulation, issued permit or other granted authorization.
 4. The City may seek an injunction or other equitable relief to stop any violation of these regulations or an issued permit, certificate, or granted authorization.
 5. The City may seek a court order in the nature of mandamus, abatement or other action or proceeding to abate or remove a violation or to otherwise restore the premises in question to the condition in which they existed prior to the violation.
 6. The City may seek such criminal or civil penalties as provided by Kansas law for violation of these regulations. Criminal penalties shall not exceed \$500.00, or imprisonment for not more than six (6) months for each offense, or both. For purposes of these penalties, each day's violation shall constitute a separate offense.
- C. The City shall may pursue any remedy that is not specifically listed herein, but is otherwise available under Kansas law and applicable to a specific violation of these regulations or related provisions.
 - D. The remedies listed above shall be cumulative.

17.03. Enforcement Procedures

A. Routine Enforcement

In the case of violations that do not involve ongoing site development, construction in progress, or an

emergency situation, the City shall give written notice of the nature of the violation to the applicant, property owner, authorized agent, or occupant of the property, which shall be sent to the last known address.

B. Emergency Enforcement

If the Zoning Administrator or other authorized City official makes a reasonable determination that an emergency or unsafe situation exists in violation of these regulations, the City may immediately use the enforcement powers and remedies available under this article. This may include filing a complaint seeking criminal penalties in Municipal Court. No other notification procedures shall be required as prerequisites to any such immediate action.

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Appendix A - Supplemental Landscape Guidance

Preferred Trees for South Central Kansas



Growing trees successfully depends on the selection of the right trees for the intended site. It is important to match the growing conditions and space available on the site with the cultural requirements and projected size of each tree to be planted. The following four charts show the tolerances of individual trees to various environmental conditions as well as the major landscape attributes of each tree. Not all recommended trees for South Central Kansas are included. The preferred trees listed were recommended by industry professionals such as city foresters, local tree boards, county and horticulture extension agents, commercial arborists and retail/production nursery interests. For a more extensive list see Shade & Ornamental Trees for Kansas MF-2688

KEY TO USING THIS INFORMATION:

TREE SPECIES AND CULTIVARS: The names of the trees are listed in the center of four different charts. Three of the charts list deciduous trees grouped by average mature height. The fourth chart lists evergreen trees. Cultivars are listed if they possess improved plant characteristics like better fall color; a unique form; more attractive flowers, fruit; greater heat tolerance; or increased pest resistance.

ENVIRONMENTAL TOLERANCES: The left side of each chart indicates the recommended environmental conditions of each tree; including full sun (**S**), light shade (**L**), soil pH adaptability, and soil moisture tolerances (**Dry** or **Wet**). Each chart also shows how resistant each tree is to insect and disease pests. A "**G**" (for good) under the appropriate column indicates the tree is strongly tolerant of the characteristic indicated. An "**F**" (for fair) signifies that the tree shows some tolerance. A blank space in a column indicates the tree is not tolerant and should not be subjected to that environmental condition. Specific information on the "pH adaptable", "soil moisture", and "pests" categories follows:

pH ADAPTABLE: (**G**) = tree may tolerate soils with a pH up to 8.0 or more; (**F**) = tree generally will tolerate an alkaline soil up to a pH of 7.5; (blank) = tree may not tolerate alkaline soils; do not plant in alkaline soils to avoid the problem of iron or manganese chlorosis.

SOIL MOISTURE: while most trees prefer a moist and well drained soil, some of these species will tolerate moderate drought (**D**) or occasional wet (**W**) periods. Some trees will tolerate both to some extent and they are indicated with **DW**. See Drought-Tolerant Tree for South-Central Kansas (MF-3246) for a list of drought tolerant trees.

PESTS: (**G**) = tree is usually free of insect and disease problems; (**F**) = tree encounters insect or disease pests on an infrequent basis and often is not permanently damaged; (blank) = tree may suffer from pests which may permanently damage or kill the tree and/or the tree may exhibit minor insect and disease problems on a frequent basis which may affect the aesthetics of the tree or insects may commonly be a nuisance.

LANDSCAPE ATTRIBUTES: The right side of each chart includes average mature height and spread of each tree, which can be variable depending on growing conditions and other factors. Landscape attributes of flowers, fruit, and fall color are also listed.

FLOWERS: (**G**) = the flowers are showy; (**F**) = the flowers are not particularly showy, but may possess other desirable characteristics such as fragrance; (blank) = the flowers are generally considered insignificant.

FRUIT: (**G**) = fruits are generally aesthetically pleasing; (**F**) = fruits are not considered showy, but may provide other interest or benefits such as attracting wildlife; (blank) = no showy or useful fruit.

FALL COLOR: (**G**) = the autumn leaf color is typically quite good; (**F**) = the fall color may provide interest in some years; (blank) = autumn foliage color is generally not considered an asset of this particular tree.

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ENVIRONMENT				SMALL DECIDUOUS TREES (usually under 20 feet at maturity)	LANDSCAPE ATTRIBUTES				
SUN / LIGHT SHADE	pH ADAPTABLE	SOIL MOISTURE	PEST RESISTANCE		HEIGHT	SPREAD	FLOWERS	FRUIT	FALL COLOR
SL	F	DW	F	Amur Maple (<i>Acer tataricum</i> subsp. <i>ginnala</i>) Cultivars: 'Compactum'; 'Flame'. Seeds readily.	15-20	15-25	F		G
SL	G	D	F	Tatarian Maple (<i>Acer tataricum</i>) Cultivar; Hot Wings has attractive red fruit.	20-25	15-25	F	F	F
SL	G	D	F	Eastern Redbud (<i>Cercis canadensis</i>) var. <i>alba</i> (white flowers); Cultivars: 'Forest Pansy' and 'Merlot' have red/purple new growth.	20-25	20-25	G		F
SL	G	D	G	Oklahoma Redbud (<i>Cercis canadensis</i> var. <i>texensis</i> 'Oklahoma') Glossy green leaves, more intense flower color, insect resistance	15-20	15-20	G		F
SL	G	DW	G	Chinese Fringetree (<i>Chionanthus retusus</i>) Cultivar 'Tokyo Tower'	15-20	15-20	G		F
SL	G	D		Winterberry Euonymus (<i>Euonymus bungeanus</i>). Seeds readily.	15-20	10		G	F
S	F	D	F	Flowering Crabapple (<i>Malus spp.</i>) For disease resistant cultivars see Crabapple publication MF-875.	varies	varies	G	G	F
SL	G	D	G	Smoketree (<i>Cotinus spp.</i>) American Smoketree (<i>C. obovatus</i>) and Red Smoketree varieties (<i>C. coggygria</i>). Hybrid 'Grace' has vigorous purple growth.	20	15	F		G

ENVIRONMENT				MEDIUM DECIDUOUS TREES (usually 20 to 40 feet at maturity)	LANDSCAPE ATTRIBUTES				
SUN / LIGHT SHADE	pH ADAPTABLE	SOIL MOISTURE	PEST RESISTANCE		HEIGHT	SPREAD	FLOWERS	FRUIT	FALL COLOR
SL	F	D	G	Trident Maple (<i>Acer buergerianum</i>) Some trees could suffer winter damage north of Newton.	20-35	20-30			G
SL	G	D	G	Hedge Maple (<i>Acer campestre</i>)	25-35	25-35			G
SL	F	D	G	Shantung Maple (<i>Acer truncatum</i>) Hybrids also available: Norwegian Sunset; Pacific Sunset (hybrids with Norway Maple). Range of fall color, yellow-red.	25-30	25-30			G
SL	F	DW	G	European Hornbeam (<i>Carpinus betulus</i>) Cultivars 'Fastigiata' and 'Frans Fontaine' are columnar cultivars.	30-40	20-30			F
S	G	D		Goldenrain Tree (<i>Koelreuteria paniculata</i>) Host to boxelder bugs. Seeds readily.	30-40	30-40	G	G	F
S	G	DW	G	Osage Orange (<i>Maclura pomifera</i>) Cultivars: 'Wichita' and 'Whiteshield'. Use fruitless and thornless cultivars only.	30-40	20-40			G
S	F	D		Flowering Crabapple (<i>Malus spp.</i>) For disease resistant cultivars see Crabapple publication MF-875.	varies	varies	G	G	F
S	G	D	G	Chinese Pistache (<i>Pistacia chinensis</i>) Do not plant north of Harvey County. Use cold-hardy seed source if possible. Seeds readily. Cultivar 'Keith Davey' is seedless and has red fall color.	30-35	30-40		F	G
S	F	D	F	Callery Pear (<i>Pyrus calleryana</i>) Cultivars: 'Aristocrat'; 'Capital'; 'Chanticleer'; and 'Cleveland Select'. Cultivar 'Bradford' is not recommended. Seeds readily.	30-40	10-45	G		G
S	G	D	G	Chinkapin Oak (<i>Quercus muehlenbergii</i>)	35-40	40-45		F	F
SL	F	D	F	Japanese Tree Lilac (<i>Syringa reticulata</i>) Cultivar: 'Ivory Silk'	25	20	F		

ENVIRONMENT				LARGE & VERY LARGE DECIDUOUS TREES (usually 40 feet and larger at maturity)	LANDSCAPE ATTRIBUTES				
SUN / LIGHT SHADE	pH ADAPTABLE	SOIL MOISTURE	PEST RESISTANCE		HEIGHT	SPREAD	FLOWERS	FRUIT	FALL COLOR
SL	F	DW		Freeman Maple (<i>Acer x freemanii</i>) Cultivars: Autumn Blaze; Autumn Fantasy. The cultivars are prone to bark sunscald/frost cracking due to exposure and frequent winter temperature fluctuations.	50-60	40-50			G
SL		W		Red Maple (<i>Acer rubrum</i>) Cultivars: 'Autumn Flame'; 'October Glory'; Red Sunset; Burgundy Belle. The species and cultivars are prone to bark sunscald/frost cracking due to exposure and frequent winter temperature fluctuations.	40-60	35-50	F		G
SL	F	D	F	Sugar Maple (<i>Acer saccharum</i>) Caddo (seedling). Cultivars: 'Legacy'; 'John Pair'; 'Autumn Splendor'; All are more heat tolerant and leaf tatter resistant cultivars.	40-60	30-50			G
S		W	F	River Birch (<i>Betula nigra</i>). Cultivar Heritage has larger leaves, better salmon-white bark.	40-60	40-50			F
SL	G	DW		Common Hackberry (<i>Celtis occidentalis</i>) Cultivar Prairie Sentinel is columnar.	40-60	40-50		F	F
S	G	D	G	Ginkgo (<i>Ginkgo biloba</i>) Cultivars: 'Autumn Gold'; 'Princeton Sentry' (narrow pyramidal form). Slow-growing. Use named MALE cultivars only.	50-60	25-40			G
S	G	DW		Thornless Honeylocust (<i>Gleditsia triacanthos</i> var. <i>inermis</i>). Cultivars Skyline; 'Shademaster'; Honeylocusts are susceptible to many pests.	40-60	30-50			F
SL	G	DW	G	Kentucky Coffee Tree (<i>Gymnocladus dioica</i>) Seedless is available.	50-60	30-45		F	F
S		W	F	Sweetgum (<i>Liquidambar styraciflua</i>) Fruit can be a nuisance.	50-75	35-50		F	G
SL	G	DW	G	London Planetree (<i>Platanus x acerifolia</i>) Cultivar 'Bloodgood' has resistance to anthracnose. Exclamation has disease resistance and strong central leader.	60-80	50-65		F	
S	F	DW	G	Sawtooth Oak (<i>Quercus acutissima</i>)	40-50	30-45		F	F
S	F	DW	G	White Oak (<i>Quercus alba</i>)	50-60	40-60		F	F
S	F	DW	F	Swamp White Oak (<i>Quercus bicolor</i>)	50-60	40-60		F	F
S	G	D	G	Texas Red Oak (<i>Quercus buckleyi</i>)	50-60	40-60		F	G
S	F	DW	F	Shingle Oak (<i>Quercus imbricaria</i>)	50-60	40-60			F
S	G	DW	G	Bur Oak (<i>Quercus macrocarpa</i>) Large fruit can be a nuisance.	60-80	50-70		F	
S	G	D	F	English Oak (<i>Quercus robur</i>) Many columnar cultivars available: Crimson Spire; 'Fastigiata'; Kindred Spirit; Regal Prince	40-60	45-65		F	
S	F	D	F	Red Oak (<i>Quercus rubra</i>)	60-75	40-60		F	G
S	G	DW	F	Shumard Oak (<i>Quercus shumardii</i>)	60-80	40-60		F	G
SL		DW	F	Willow Oak (<i>Quercus phellos</i>)	50-60				
S		DW	G	Baldcypress (<i>Taxodium distichum</i>) Cultivar 'Frio River' has excellent pH tolerance. 'Shawnee Brave' has upright pyramidal growth. Knees can be a problem in the landscape.	50-70	20-50		F	G
SL	F	W	F	American Linden (<i>Tilia americana</i>) Cultivar 'Redmond' pyramidal form. Lindens are favored by honey bees.	50-60	35-40	F		F
SL	G	W	F	Littleleaf Linden (<i>Tilia cordata</i>) More rounded. Cultivar: 'Greenspire' (pyramidal). Lindens are favored by honey bees.	35-45	25-40	F		F
S	G	DW	G	Silver Linden (<i>Tilia tomentosa</i>) 'Sterling' is an improved cultivar. Lindens are favored by honey bees.	40-45	25-35	F		
S	G	DW	F	American Elm (<i>Ulmus americana</i>) Cultivars: 'Jefferson'; 'New Harmony'; Prairie Expedition; 'Princeton'. Choose disease resistant cultivars.	60-80	40-60			F
S	G	DW	G	Elm hybrids (<i>Ulmus</i>) Accolade; Danada Charm; 'New Horizon'; 'Patriot'; 'Prospector'. Bred for attractive foliage and disease resistance.	>45	>40			F
SL	G	DW	F	Lacebark Elm (<i>Ulmus parvifolia</i>). Also available: cultivars Athena; Allee; 'Emerald Prairie'; many others.	40-60	35-50			F
SL	F	D	F	Japanese Zelkova (<i>Zelkova serrata</i>) Cultivars 'Green Vase', 'Halka', and 'Village Green' have improved growth habit. 'Musashino' is columnar.	40-45	25-30			G

ENVIRONMENT				EVERGREEN TREES	LANDSCAPE ATTRIBUTES				
SUN / LIGHT SHADE	pH ADAPTABLE	SOIL MOISTURE	PEST RESISTANCE		HEIGHT	SPREAD	FLOWERS	FRUIT	FALL COLOR
S	G	D	G	Incense Cedar (<i>Calocedrus decurrens</i>)	30-40	20-30			
S	G	D	F	Arizona Cypress (<i>Cupressus arizonica</i>) Cultivars 'Blue Ice'; 'Blue Pyramid'; and 'Cooke Peak'	20-30	15-20			
S	G	D		Upright Chinese Juniper (<i>Juniperus chinensis</i>). Very rust resistant. Cultivars: 'Keteleeri'; 'Robusta Green'; 'Wintergreen'; other disease resistant cultivars are available.	varies	varies		G	
S	G	D		Eastern Red Cedar (<i>Juniperus virginiana</i>) Also available: cultivar 'Canaertii' (irregular form); 'Taylor' (upright growth) many others also. Seeds readily.	30-40	25		G	
SL	G	DW	G	Southern Magnolia (<i>Magnolia grandiflora</i>) Cultivars 'Bracken's Brown Beauty' and 'Edith Bogue' are the most cold hardy.	30-40	30-40	G	G	
S				Black Hills Spruce (<i>Picea glauca var. densata</i>)	30-40	15-20		F	
S	G	D		Pinyon Pine (<i>Pinus edulis</i>) Slower growing.	10-20	10-15		F	
S	F	D	F	Vanderwolf's Pyramid Limber Pine (<i>Pinus flexilis</i> 'Vanderwolf's Pyramid') Vigorous upright selection of Limber Pine.	30-40	15-30		F	
S	F	D		Austrian Pine (<i>Pinus nigra</i>) Limited use - subject to tip and needle blights as well as pine wilt disease.	40-60	25-40		F	
S	F	D	F	Southwestern White Pine (<i>Pinus strobiformis</i>)	40-60	25-40		F	
SL	G	DW	G	Oriental Arborvitae (<i>Platycladus orientalis</i> or <i>Thuja orientalis</i>) Many ornamental cultivars available.	20-30	20-25			

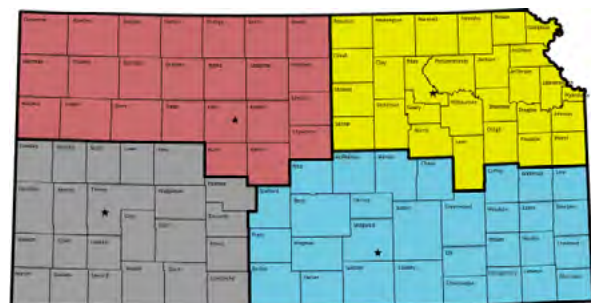
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Kansas Forest Service Community Forestry Districts.





Trees and Shrubs for Difficult Sites

Trees—Dry Locations¹

Name	Plant Range ² and Height	Wildlife Value	Alkaline Tolerance	Remarks
Goldenrain tree (<i>Koelreuteria paniculata</i>)	E,C,W 30-50'	Fair	Fair	Interesting, ornamental; grows in a wide range of soil conditions; intermediate shade tolerance.
Hackberry (<i>Celtis occidentalis</i>)	E,C,W 50-100'	Good	Good	Widely adapted to a variety of soils and growing conditions; used by many birds and mammals; intermediate shade tolerance.
Hawthorn, Cockspur (<i>Crataegus crusgalli</i>)	E,C,W 20-35'	Good	Good	Attractive to birds; cedar-apple rust may be problematic; shade intolerant.
Hickory, Shagbark (<i>Carya ovata</i>)	E 75-100'	Excellent	Good	Slow grower; tolerates shade well; native bottomland tree, often found on upland sites
Honeylocust (<i>Gleditsia triacanthos</i>)	E,C,W 50-75'	Fair	Good	Does well in filtered shade; available in thornless varieties; susceptible to several insect and disease problems.
Juniper, Rocky Mountain (<i>Juniperus scopulorum</i>)	W 40-60'	Good	Good	Evergreen; plant only in western most counties of Kansas; shade tolerance intermediate in youth, intolerant at maturity.
Oak, Black Jack (<i>Quercus marilandica</i>)	E, C 35-50'	Excellent	Fair	Provides cover and food for many mammals and birds; slow grower; shade intolerant.
Oak, Bur (<i>Quercus macrocarpa</i>)	E,C,W 50-75'	Excellent	Good	Hardy throughout Kansas; large tree, slow-moderate grower; shade intolerant.
Oak, Chinkapin (<i>Quercus muehlenbergii</i>)	E,C 35-50'	Excellent	Good	Medium-large tree; moderate grower; native to limestone bluffs and hillsides; shade intolerant.
Osage Orange (<i>Maclura pomifera</i>)	E,C,W 35-50'	Good	Good	Large fruits on female tree, male varieties available; heaviest and hardest wood in North America; very drought tolerant; can spread aggressively in eastern Kansas; shade intolerant.
Ponderosa Pine (<i>Pinus ponderosa</i>)	E,C,W 35-50'	Fair	Good	Tip moth may be a problem; shade intolerant.
Redcedar, Eastern (<i>Juniperus virginiana</i>)	E,C,W 40-75'	Excellent	Fair	Evergreen; affected by cedar-apple rust and bagworms; shade tolerance intermediate in youth, intolerant at maturity.

¹Generally tolerant or adapted to dry, upland shallow soil or rocky sites.

²See map, page 4

Trees—Wet Locations¹

Name	Plant Range ² and Height	Tolerates Short Periods of Flooding	Wildlife Value	Remarks
Ash, Green (<i>Fraxinus pennsylvanica</i>)	E,C,W 50-75'	Yes	Fair	Excellent bottomland tree; fast grower in wet locations; shade tolerant as seedling.
Baldcypress (<i>Taxodium distichum</i>)	E,C 50-75'	Yes	Poor	Adaptable to a large range of sites; appears as an evergreen in the summer, but is deciduous; intermediate shade tolerance.
Birch, River (<i>Betula nigra</i>)	E 35-50'	Yes	Poor	Requires very moist sites with a pH \leq 6.5; low shade tolerance.
Buckeye, Ohio (<i>Aesculus glabra</i>)	E,C 35-50'	Yes	Poor	Used in shaded areas; sensitive to leaf scorch.
Cottonwood (<i>Populus deltoides</i>)	E,C,W 75-100'	Yes	Fair	Good for bank stabilization and shore protection; fast grower; shade intolerant.
Hackberry (<i>Celtis occidentalis</i>)	E,C,W 50-100'	Yes	Good	Widely adapted tree used by many birds and mammals; intermediate shade tolerance.
Hickory, Shellbark (<i>Carya laciniosa</i>)	E 75-100'	Yes	Excellent	Native bottomland tree; more tolerant of shade and standing water than shagbark hickory.
Linden, American (Bass-wood) (<i>Tilia americana</i>)	E,C,W 75-100'	Yes	Fair	Flowers attract bees; fast grower; shade tolerant.
Maple, Silver (<i>Acer saccharinum</i>)	E,C 50-75'	Yes	Poor	Good bottomland tree; will develop iron chlorosis in high pH soils; wood is brittle; intermediate shade tolerance.
Mulberry, Red (<i>Morus rubra</i>)	E,C,W 35-50'	Yes	Excellent	Grows well throughout Kansas; berries excellent wildlife food; intermediate shade tolerance.
Oak, Pin (<i>Quercus palustris</i>)	E 75-100'	Yes	Excellent	Good fall color; will develop iron chlorosis in high pH soils; shade intolerant.
Oak, Red (<i>Quercus rubra</i>)	E,C 75-100'	Yes	Excellent	A relatively fast grower among the oaks; shade intolerant.
Oak, Swamp White (<i>Quercus bicolor</i>)	E,C 40-60'	Yes	Excellent	Does well on wet, poorly-aerated soils; intermediate shade tolerance.
Pecan (<i>Carya illinoensis</i>)	E 75-100'	Yes	Excellent	Native bottomland tree in southeast Kansas; requires well-drained soils; least shade tolerant of hickories.
Sycamore (<i>Platanus occidentalis</i>)	E,C 75-100'	Yes	Fair	Fast growing when young; tolerates wide range of soil condition as long as adequate moisture; intermediate shade tolerance.
Willow, Black (<i>Salix nigra</i>)	E,C,W 35-50'	Yes	Fair	Excellent for bank stabilization and shore protection; rapid grower; shade intolerant.
Willow, Peach-leaved (<i>Salix amygdaloides</i>)	E,C,W 35-50'	Yes	Fair	Excellent for bank stabilization and shore protection; rapid grower; shade intolerant.

¹Generally suited for areas prone to occasional flooding and/or ponding of water such as streambanks, low areas, etc.

²See map, page 4

Shrubs—Dry Locations¹

Name	Plant Range ² and Height	Wildlife Value	Alkaline Tolerance	Remarks
Caragana (<i>Caragana arborescens</i>)	E, C, W 6-12'	Good	Good	Good for field windbreaks; recovers well from defoliation; attracts grasshoppers for game birds; drought tolerant; shade intolerant.
Cherry, Choke (<i>Prunus virginiana</i>)	E, C, W 6-12'	Good	Good	Forms thickets; edible fruit; intermediate shade tolerance.
Coralberry (Buckbrush) (<i>Symphoricarpos orbiculatus</i>)	E,C,W 1-2'	Fair to Good	Good	Good winter food and cover for wildlife; shade tolerant.
Cotoneaster, Peking (<i>Cotoneaster acutifolia</i>)	E, C, W 4-6'	Good	Fair	Non-thicket forming; thick, dense foliage; shade intolerant.
Currant, Golden (<i>Ribes odoratum</i>)	E, C, W 3-5'	Good	Good	Forms loose, open thickets; edible fruit; loses foliage in hot temps; tolerant of 50% shade.
Dogwood, Rough-leaved (<i>Cornus drummondii</i>)	E,C,W 4-8'	Good	Good	One of the hardiest woody shrubs; excellent soil stabilizer; shade intolerant.
Lilac (<i>Syringa vulgaris</i>)	E, C, W 6-12'	Fair	Good	Low, dense growth provides cover for wildlife and low level wind protection; shade intolerant.
Plum, American (<i>Prunus americana</i>)	E,C,W 6-12'	Excellent	Good	Grows in dense thickets; sprouts readily from roots; edible fruit; shade intolerant.
Plum, Sandhill (<i>Prunus angustifolia</i>)	E,C,W 6-12'	Excellent	Good	Excellent for soil stabilization; edible fruit; shade intolerant.
Sumac, Fragrant (<i>Rhus aromatica</i>)	E,C,W 4-6'	Fair to Good	Good	Fall color excellent; very drought hardy; non-thicket forming shrub; shade intolerant.

¹Generally tolerant or adapted to dry, upland shallow soil or rocky sites.

²See map, page 4

Shrubs—Wet Locations¹

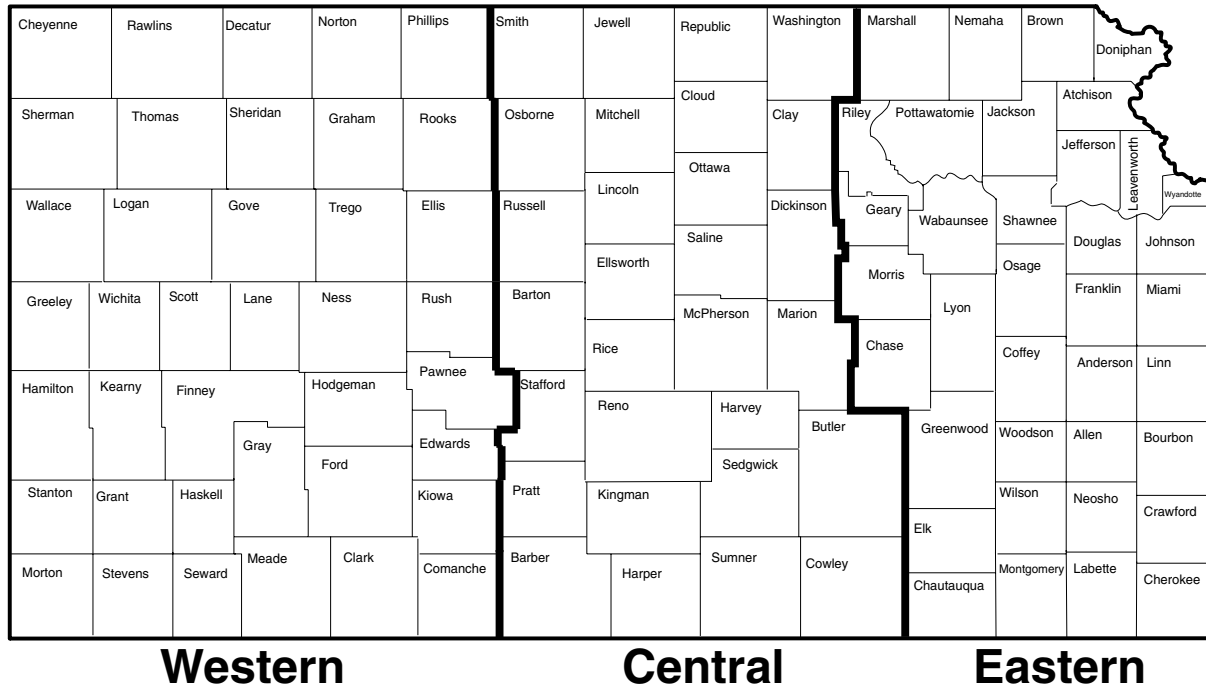
Name	Plant Range ² and Height	Wildlife Value	Bank Stabilization and Shore Protection	Remarks
Buttonbush (<i>Cephalanthus occidentalis</i>)	E,C 4-8'	Good	Excellent	Excellent for protecting shores against wave action; shade intolerant.
Dogwood, Redosier (<i>Cornus stolonifera</i>)	E,C 4-8'	Good	Fair	Twigs have red winter color; forms thickets; shade intolerant.
Dogwood, Rough-leaved (<i>Cornus drummondii</i>)	E,C,W 4-8'	Good	Excellent	Dense thickets provide cover and protection for birds and small mammals; shade intolerant.
Elderberry (<i>Sambucus canadensis</i>)	E,C,W 6-12'	Excellent	Good	Excellent for stream banks; prolific berry producer; shade tolerant.
Holly, Deciduous (<i>Ilex decidua</i>)	SE 10-20'	Fair	Fair	Good bird nesting site; use only in extreme southeast Kansas; intermediate shade tolerance.
Willow, Sandbar (<i>Salix interior</i>)	E,C,W 6-12'	Fair	Good	Excellent for stabilization of sandy soils; fast grower; shade intolerant.
Witchhazel, Vernal (<i>Hamamelis vernalis</i>)	E 6-12'	Fair	Good	Tolerates periods of standing water well; intermediate shade tolerance.

¹Generally suited for areas prone to occasional flooding and/or ponding of water such as streambanks, low areas, etc.

²See map, page 4

The species included in this publication are not the only species that could be planted on difficult sites. Publication space precluded the inclusion of all possible species.

Plant Range Map



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