

STATE OF KANSAS
RENO COUNTY
THE HIGHLANDS

ORDINANCE NUMBER 2018-02

An ordinance regulating zoning within the city of The Highlands, Kansas, providing for the safety and general well being of residents and the protection and preservation of property values.

WHEREAS, the city of The Highlands, Kansas (the “City”) is limited in size, with no purposed land for future use or development other than for residential and has limited commercial; and

WHEREAS, the City is located in wooded and brush covered terrain that serves as a habitat for many species of indigenous wildlife; and

WHEREAS, the governing body of the City wishes to maintain a quiet and peaceful community, preserve the existing relationship between residential life and the community’s natural settings and provide for public health, safety and welfare; and

WHEREAS, the City is hereby declared to be zoned for low-density residential and light commercial use as provided in this ordinance; and this zoning ordinance and its provisions is hereby declared to effectively represent the City’s development plan; and

WHEREAS, the Governing Body of the city of The Highlands, Kansas deems it necessary to enact appropriate zoning regulations to promote and preserve the general character and aesthetics of the City and protect the community as much as is reasonably possible; and

WHEREAS, the Architectural and Zoning Review Committee, established pursuant to Ordinance 2018-01 and herein called the ‘AZRC’, having been approved by a majority vote of the Governing Body of the city of The Highlands (the “Council”) , shall review proposed property use and proposals for construction for conformity with this ordinance and shall make recommendation to the Council for final determination;

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

ARTICLE 1. GENERAL

SECTION 1. PURPOSE AND INTENT

The provisions of this Ordinance, establish minimum standards to preserve and protect community safety, health, convenience, propriety and general welfare. It is not intended that this ordinance interfere with, abrogate, or annul any other ordinance, rule, regulation or permit previously adopted or issued that is not in conflict with any of the provisions of this ordinance, or those which shall be adopted or issued. Nor are these ordinances intended to interfere with, abrogate or annul any current easements or other agreements between private parties that are not in conflict with the provisions of this ordinance. This Ordinance does not amend or rescind the provisions of any currently valid declaration setting forth restrictions up the use of any particular lot or parcel within the City which is filed of record in the office of the Register of Deeds of Reno County, Kansas.

SECTION 2. DEFINITIONS

Unless otherwise defined in this Ordinance, the following words and phrases used herein shall have the meanings set forth below.

Accessory Building means a structure attached to or detached from a Residential Structure which is incidental to and subordinate to the Residential Structure including but not limited to storage buildings, lawn building and fences.

AZRC means Architectural, Zoning and Review Committee.

City means the city of The Highlands, Kansas, a city of the third class and all properties, as incorporated on September 19th 2017.

City Limits means the established corporate boundary of the city of The Highlands, Kansas.

Commercial means the activity embracing all forms of the purchase and sale of goods and services.

Construction means the building of, modification of, or placement of a structure on a lot. In the case of an undeveloped lot it shall mean any modifications of the lot or movement of ground.

Council – shall mean the five city council members of the city of The Highlands, Kansas collectively.

County – shall mean Reno County, Kansas

Dwelling means any building or portion thereof, which is designed and used for residential purposes.

Dwelling, Single Family shall mean a building having accommodations for or occupied exclusively by one family.

Family means:

- a. One adult person living alone; or
- b. Two or more persons living together, related by blood, marriage, legal adoption, guardianship, or other legally authorized custodial relationship; or
- c. A group of not more than four unrelated persons living together as a single housekeeping unit in a dwelling.

Garage means an integral part of a residential dwelling that is used primarily to house privately operated vehicles and not be used for commercial repair or equipping of any vehicles. A garage shall be permanently constructed and attached to a concrete foundation and be fully enclosed and secure to protect all contents from theft.

Governing Body means the Mayor and the City Council of the city of The Highlands.

Grade means the lowest elevation of the surface of the ground between the building and a line five foot from the building.

Industrial means a process or business of fabrication, manufacturing, construction or shipping done for income.

Lot, Improved means a lot or parcel of land, defined by the platted property lines as recorded in the Reno County, Ks. Register of Deeds office and that has a residential dwelling constructed upon it

Lot, Unimproved means a lot or parcel of land, defined by the platted property lines as recorded in the Reno County, Ks. Register of Deeds office and has no structures constructed or set upon it. Land that is mowed, cleared of brush or leveled to any degree shall still be considered unimproved until a structure has been properly permitted and built on site.

Lot Line means a line or lines defining the outer boundaries of a lot as recorded in the Reno County, Ks. Register of Deeds office

Low Density R1 means single family dwellings which are spaced apart at roughly one Dwelling per 1 acre of land.

Multi- Family Dwellings means dwellings designed and constructed with the intent of housing more than one single family.

Parcel means a lot, or multiple lots that have been joined together and treated as one lot.

Permit means the written grant required by the city, county or state to authorize an activity or condition on any property within the City.

Property Line means any of the Lot Lines that define the limited area of ownership of platted land as recorded by the Reno County, Kansas Register of Deeds..

Property Line, Front means the platted property boundary line of a lot that abuts any public road. For a corner lot, with two boundary lines, each abutting a public road, the shorter of the two shall be considered the front.

Property Line, Rear means the platted property boundary line of a lot that is opposite and farthest from the Front Property Line.

Property Line, Side means the platted property line or lines joining the ends of the Front Property Line and the Rear Property Line to complete the boundary of a lot or parcel.

Property Owner means one or more natural individuals, companies, firms, trusts, corporations, partnerships, associations, or other for profit or non-profit entities, in possession of lawful title to a property, building or structure in question.

Proposal means the desired changes or the desire to construct a new structure. A proposal shall include sketches, architectural plans, material lists, timelines and all details of the desired change or construction that might be necessary for the AZRC to review and the Council to grant a permit.

Roof, Shed means a style of roof that is flat, having a slight angle for water run-off.

Setback means the distance between a Lot Line and the closest physical feature of any structure on that property.

Sight Line means any line of unobstructed view above a triangular area at a road intersection or curve. The triangle area is formed by lines joining three points:

- a. For a corner lot, the 1st Point is the intersection of the Lot Lines abutting the roadways. The 2nd and 3rd Points are located along the same Lot Lines and each at 25 feet from the 1st Point.
- b. For a curved roadway the 1st and 2nd Points are the end points of the Front Property Line. The 3rd Point is a point farthest from the Front Property line and located along the edge of the roadway paving. However, no clearing or restrictions are required beyond 30 foot from the edge of a curved roadway pavement.

Single Family means one family, as defined herein.

Structure means any man-made building or formation that is not naturally occurring.

Structure, Enclosed means a Secondary Structure, fully enclosed, built for storing items not otherwise prohibited and having the capability of being locked and secured to prevent the theft of items secured therein.

Structure, Primary means the first structure to be built upon a lot and designed and intended for use as a Residential Structure.

Structure, Residential means a building containing at least one Dwelling designed for use and occupancy.

Structure, Secondary means a storage building or buildings other than a Dwelling unit and that is considered subordinate to the Residential Structure.

Twin Home means two Dwelling units, inseparably joined without open space between the two units and each Dwelling being designed and purposed to be occupied by a Single Family.

Building permits for structure with the intent of commerce (rental of both units) shall not be considered by the Council.

Variance means a special permit exempting a requirement or provision of an ordinance to alleviate a significant hardship caused by that requirement or provision.

SECTION 3. SEVERABILITY

Every section, provision, or part of this ordinance is declared separable from every other section, provision or part. If any section, provision or part thereof shall be held invalid, it shall not affect any other section, provision or part.

ARTICLE II. GENERAL USE OF PROPERTY

Section 1. ZONING AND PLANNING

All lots and parcels within the City's city limits are hereby zoned as Low Density R1, Single Family, Residential. This ordinance and its provisions shall serve as the City's plan for development but shall not prevent additional ordinances, which may be construed as 'city planning', from being enacted by the City's governing body.

- a) The Council, upon request by a Property Owner, may waive and offer a Variance to allow Residential Structures that are not Single Family structures upon a lot, but such construction must comply with this ordinance and other applicable ordinances and regulations of the City. All information required for consideration of a requested Permit or Variance shall be

provided to the Council at least 30 days prior to the City's consideration of such Permit or Variance.

- b) Commercial and Industrial facilities, and Dwellings offered for rent or lease in the usual course of the Property Owner's business or Dwelling for the sole purpose of rental, shall be prohibited within the City.
- c) Buildings or uses of property owned by the City and used primarily for the City's governmental purposes as determined by the City's governing body, are exempt from this Ordinance.
- d) No lot may be split, divided or subdivided except by Permit of the Council. Multiple and contiguous lots, all owned by the same owner(s), may be joined following Council approval and having been granted all duly authorized Permits and registrations required by the regulating laws of Reno County.
- e) Where the conditions imposed by any provision of this ordinance are either more restrictive or less restrictive than comparable conditions or circumstances imposed by any other laws, covenants, ordinances, statutes, or regulations of any kind, those regulations which are more restrictive or impose higher standards or requirements shall govern.

Section 2. PERMITS

Construction is prohibited without a Permit issued by the Council.

- a) A Permit will be valid for a period of time specified therein but in no event shall a Permit be valid for more than twelve consecutive months. Permits may be extended upon approval by the City Council.
- b) Completed Applications for Permits accompanied by supporting documents, plans and specifications shall be filed with the City Clerk at least 30 days prior to consideration thereof by the City Council.
- c) Any Permits or subsequent inspections, required by the rules or regulations of Reno County and the State of Kansas, must be requested and granted each through their own process. The issuance of Permit by the Council may not be construed as a permit or act on behalf of any other federal, state or county regulating body.

Section 3. SETBACKS AND SIGHT LINES

Structures must not infringe upon Setbacks which are no less than 40 feet from the Front Property Line, 30 feet from the Rear Property Line and 20 feet from Side Property Lines, as platted and recorded with the Reno County Register of Deeds office.

- a) Hedges, shrubs or other plantings or any Structures which obstruct Sight Lines at elevations between two and six feet above the crown of the roadway are prohibited on any corner lot.
- b) Vehicle parking, Structures or vegetation in excess of 24 inches in height is prohibited within 60 feet of any public road intersection.

ARTICLE III. RESIDENTIAL STRUCTURES

Section 1. BUILDING CODES AND REGULATIONS

Construction of any Residential Structure must comply with any approved Permit and with applicable building and life safety codes adopted by the City including but not limited to: No Residential Structure may be inhabited unless and until a certificate of occupancy is issued by the City's building inspector.

Section 2. INHABITABLE STRUCTURE

No temporary Structure may be occupied by any person within the City. A temporary Structure is any Structure other than a Residential Structure constructed in accordance with the City's Ordinances and Regulations. Residential Structures must comply with all of the following requirements:

- a) Structures that are intended for use as temporary housing including buses, motorhomes, camper trailers, tents, Garages or other structures may not be used as a Primary Structure.
- b) No Residential Structure may be constructed on a lot or parcel that encompasses less than 25000 square feet. No Twin Home may be constructed on a lot or parcel that encompasses less than 35000 square feet. Proposed Secondary Structures may, at the City Council's discretion, increase these minimum square footage requirements.
- c) Residential Structures must encompass at least 1500 square feet of above grade, habitable living area for a single level or encompass at least 2000 square feet of above grade, habitable living area for two levels. Homes having more than two above- grade levels are prohibited. Berm homes or homes having a single level which is underground are prohibited.
- d) Each Dwelling unit of a Twin Home Residential Structure must satisfy the requirements of subparagraph c) of this section.
- e) All Primary Structures must be connected to and served by public water, electric sources and sanitary sewer systems. Privately owned water wells may be used for the sole purpose of lawn irrigation or Geothermal cooling and heating.
- f) All Primary Structures must be permanently affixed to a poured concrete foundation, whether a slab or a basement in accordance with the City's Ordinances and regulations.

ARTICLE IV. UTILITY BUILDINGS AND STRUCTURES

Section 1. UTILITY STRUCTURE

Secondary Structures or out-buildings of any type, for the purpose of storage, or other utility usage, must be built or placed on a Lot or Parcel only after a Primary Structure has been completed on the same Lot or Parcel and only after being granted Permit for such Secondary Structure, by the Council.

- a) Secondary Structures of any type are prohibited as a solitary Structure on a Lot except where two Lots are adjacent and contiguous with one having an existing Primary Structure and both

Lots owned by the same person(s). Multiple lots having been joined into a single platted Parcel and duly registered with the appropriate county offices, may be considered as one Lot for the purpose of this ordinance providing a completed Primary Structure is in place on the Parcel, prior to the Construction or placement of any Secondary Structure.

- b) The Council will have the right to deny Permit to set or construct a Secondary Structure, based on considerations of size and location of the proposed Structure, Lot size, proximity to Property Lines and neighboring homes, Setbacks, Sight Lines and roadways.

ARTICLE V. ARCHITECTURAL AND AESTHETICS

Section 1. GENERAL

Proposed Structures must be designed for and use materials for exterior surfaces that are consistent within the design of surrounding properties.

Section 2. ROOFS

Roofs shall be of a conventional design with a minimum pitch ratio of 5:12. Butterfly, mansard, mansard flared, Shed Roofs and other flat roofs, irrespective of the pitch ratio, are prohibited

Section 3. GARAGES

A Primary Structure must include an attached Garage, adequate to accommodate two full size passenger vehicles. The Garage must be fully enclosed and have doors that are capable of being secured by lock or mechanical opener.

ARTICLE VI. VIOLATIONS AND PENALTIES

Section 1. VIOLATION OF THE ORDINANCE

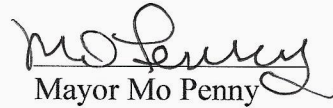
The construction or occupancy of any Structure that does not comply with the provisions of this ordinance is prohibited. Violations of this Ordinance may be punished in any manner permitted by the laws of the State of Kansas. The City is authorized to remedy any violations of this Ordinance in accordance with K.S.A. 12-1617e, as amended, and otherwise as may be determined by the City's governing body.

ARTICLE VII. EFFECTIVE DATE

This ordinance shall take effect and be in force from and after its publication, in summary format, in the official City newspaper.

THIS ORDINANCE IS ADOPTED AND APPROVED BY THE GOVERNING BODY OF THE HIGHLANDS, KANSAS this 24th day of May, 2018.




Mayor Mo Penny

ATTEST:


City Clerk

Approved as to form:


City Attorney