

**ZONING & MASTER PLAN
CLAY COUNTY PLANNING BOARD**

Intent

The intent of the Board in preparing this Master Plan for zoning various areas of Clay County, Kansas is to provide for orderly planned land use, to protect values, promote the general health, safety, morals, comfort and general welfare of the general public. To provide a plan predetermining in so far as possible, regulations and conditions to become effective when areas are districted.

Section I

DISTRICTS

The territory to which this plan shall apply is all of the lands situated in Clay County, Kansas, located outside of the corporate limits of any incorporated city of Clay County, Kansas. The territory classified for the purpose of regulating the use of the land and buildings thereon shall be five (5) classifications or districts. The regulations shall be effective when the districts are described and adopted by resolution of the Board of County Commissioners of Clay County, Kansas.

CLASSIFICATIONS or DISTRICTS

Agricultural District
Business and Commercial District
Residential District
Light Industry District
Heavy Industry District

Section II

DEFINITIONS

That for the purpose of this enactment certain terms and words are herewith defined, as follows:

Building: A structure having a roof supported by columns or walls, whether or not completely enclosed; and when separated by party walls without openings, it shall be deemed a separate building.

Structure: Anything constructed or erected, the use of which demands a permanent location on the soil.

Set Back: A tract of land between a building or structure and the nearest right of way line of a public road or highway; that said strip of land shall contain no vehicle, building structure, or obstructions, except mail boxes, utility poles and fences, for more than twenty-four hours.

Accessory: An appurtenance of subordinate building

Or structure or portion of main building
The use of which is incident and
Customary to that of the main building.
All references to "lot of record"
Contained in the master plan are hereby
Deleted and are to be disregarded.

Section III

AGRICULTURAL DISTRICT

A. Use Regulations:

1. No regulation or restriction shall apply to the use of land for agricultural purposes nor for the erection or maintenance of buildings thereon for as long as such buildings are used strictly for agricultural purposes. Agriculture includes growing of the usual farm crops, vegetables, fruit, trees, grain and their storage and the raising thereon of the usual farm poultry, horses, cattle, sheep and swine. This includes dairy farms and the necessary accessory uses for treating and storing proved, however, that any accessory use shall be secondary to that of the normal farming operation. An agricultural or farming operation is not to include intensive livestock raising such as commercial feed lots, or large batteries of rabbit hutches. For purposes of this plan a commercial feed lot is defined as a feed lot in which a majority of the livestock fed is not owned by the owner of said feed lot, but is fed on a contractual basis for the owner of said livestock.
2. The term agriculture includes residential structures occupied by persons engaged in farming, or agriculture and roadside stands for sale of products, other than machinery or new or used equipment provided they are the produce of the seller. An area of less than five (5) acres shall not be classified as agricultural.

Section IV

RESIDENTIAL DISTRICT

A. Use Regulations:

1. Structures prohibited in the Residential District: Temporary or incomplete buildings including basement dwellings, nor any tent, lean-to or impermanent structure, nor any shack, nor any structure which is detrimental to the health, safety or general welfare of the residents of the County shall be moved into or from one place to another within said county nor erected or maintained for residential purposes in a Residential District.
2. In Residential District no building or structure including trailer houses or mobile homes may be erected, altered, moved, constructed or reconstructed, except for the following uses:
 - a. Dwellings one or two family
 - b. Churches and community buildings
 - c. Public parks and play grounds (except activities operated as a business such as miniature golf course, driving range, kiddie rides, etc) public recreation buildings and public museums.

- d. Public or private schools, elementary or high schools or institutions of higher learning including campuses, stadiums, dormitories and essential structures
- e. Public administrative buildings (libraries, police stations, fire stations)
- f. Auxiliary buildings and allocated lands may be used for the propagation and cultivation of plants provided no business or sale of such plants either retail or wholesale shall be conducted from such premises.
- g. The harboring, penning, keeping or feeding of sheep, swine and goats is prohibited.

3. Accessory use shall include customary home occupations such as an office for a physician, dentist, surgeon, dress-maker, attorney, musician, artist, or beauty parlor, provided that not more than one assistant is employed and provided that no sign or window display, illuminated or plain, greater than one (1) square foot, is used to advertise same and provided further that such locations so used are the buildings used by the person as his or her private residence.
4. No billboard, signboard or advertising sign or outdoor advertising sign except a "for sale", or "for rent" sign of more than eight (8) square feet shall be permitted.
5. Accessory buildings may be built in a rear yard but such accessory buildings shall not occupy more than thirty (30) percent of a rear yard and shall not be nearer than two (2) feet to any side or rear lot line, except that when a garage is entered from an alley it shall not be located closer than ten (10) feet to the main building, the garage shall be regarded as part of the main building for the purpose of determining the side and rear yards.
6. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used for dwelling purposes other than by domestic servants employed entirely on the premises.
7. An open unenclosed porch or paved terrace may project into a front yard for a distance not exceeding ten (10) feet. An enclosed vestibule containing not more than forty (40) square feet may project into a front yard for a distance not to exceed four (4) feet.
8. Dwellings in a Residential District shall provide a minimum floor area of six hundred (600) square feet and shall provide an exterior wall surface other than tar paper, corrugated metal, unfinished slab siding or material of equivalent quality.

B. Height Regulations:

1. No residence, building or structure in the Residential District shall exceed thirty-five (35) feet in height above the finished ground line.
2. Public and semi-public buildings, hospitals, institutions or schools, when permitted in a Residential District, may be erected to a height not exceeding sixty (60) feet, and churches and temples may be erected to a height not exceeding seventy-five (75) feet if the building is set back from each years line at least one (1) foot for each two (2) feet of additional building height above the height limit otherwise provided in the district in which the building is located.

C. Area Regulations:

1. **Intensity of Use.** Every residence hereafter erected or moved or structurally altered in a Residential District shall have provided therefor a lot area of not less than the following: Single family residence in a platted area or lot of record is to be not less than six-thousand (6,000) square feet with a minimum dimension of fifty (50) feet. In an unplatte area, lot area is to be not less than twenty thousand (20,000) square feet with a minimum dimension of one hundred (100) feet. Two family residence in a platted area or lot of record is to be not less than eight-five hundred (8,500) square feet with a minimum dimension of sixty (60) feet. In an unplatte area, the lot is to be not less than twenty thousand (20,000) square feet with a minimum dimension of one hundred (100) feet.
2. **Front Line Setback.** No structure permitted in the Residential District shall be moved or erected or altered in a platted area nearer than forty (40) feet to the front lot line, road or highway right-of-way line, nor in an unplatte area nearer than one hundred (100) feet. Said front line setback shall be measured from the front line to the nearest building line exclusive of porches, porticos, bay windows, steps and cornices. At intersecting streets, buildings or structures located on corner lots shall comply with front line setbacks on both streets.
3. **Side Line Setbacks.** No structure permitted in the Residential District shall be moved or erected or altered, including attached or semi-attached garages and porches, closed or unenclosed, nor other building or structure appurtenant thereto shall be located closer than ten (10) feet to either side of the lot tract or parcel of land upon which same is located. A minimum of twenty (20) feet shall be provided and maintained between such structures located on adjacent premises.
4. **Rear Yard.** There shall not be less than forty (40) feet or 20% of lot depth, whichever is smaller, measured from the rear of such structure, including porches, provided for rear yard.
5. **Parking Area.**
 - a. There shall be provided an area for each family dwelling one space not less than 10 x 20 feet wholly on the premises and outside of the front setback, side yard line setback or rear year for the purpose of parking a motor vehicle. Parking may be provided for not more than three (3) motor vehicles, one of which may be a truck.
 - b. Churches erected on new sites shall provide one (1) parking space on the lot for each four (4) seats or fraction thereof in the main auditorium.
 - c. Places of public assembly shall provide one (1) space on the lot for each four (4) seats.
 - d. Schools shall provide two (2) spaces on the lot for each classroom.
6. **Private Stable.** A private stable may be constructed in an area of not less than five thousand (5,000) square feet of lot area for any one horse, mule or cow; and no other animals will be allowed in the Residential District other than domestic cats and dogs.
7. Fences less than four (4) feet high may be located on any part of a lot, provided that no fence more than thirty percent (30%) solid or more than three (3) feet high may be located within forty (40) feet of a street intersection. Fences not over six (6) feet high may be erected on those parts of lots that are as far back or further back from a street than the main building.

D. Sanitation Regulations:

Minimum standards for plumbing and drainage of buildings shall conform to the generally accepted good practices. It shall include either connections with a publicly owned and operated sewage system or privately owned and constructed septic tank. Where septic tanks and disposal fields are used, it shall comply with the latest Sanitary Code of the County. Every dwelling shall be provided with an ample water supply, installed and maintained in a satisfactory working condition. At least one kitchen sink with running water and waste connection for each family. At least one separate water closet properly vented and connected with the drainage system for each family. Those water closets shall be placed in rooms or compartments, which are devoted exclusively to toilet facilities and provided with closures for privacy. Only materials and methods approved by the Kansas State Board of Health Division of Sanitation may be used. No plumbing may be covered or obscured until inspected by the Administrative Officer appointed by the Zoning Board.

Section V

BUSINESS and COMMERCIAL DISTRICT

A. Use Regulations:

1. In Business and Commercial Districts no building or premises shall hereafter be used, erected, constructed, reconstructed, moved or altered except for the following purposes:
 - a. Any use permitted in Agricultural District or Residential District; providing all requirements of such sections are complied with.
 - b. Apartment houses, flats, or multiple dwellings
 - Assembly Halls
 - Auto Parking Lots
 - Auto and Trailer sales rooms and yard, but not a salvage or dismantling yard, or used parts
 - Armories
 - Boarding and lodging houses
 - Banks
 - Barber and beauty shops, chiropody, massage or similar personal service shops
 - Bicycle Shops
 - Business or Commercial schools or dancing or music academies
 - Bakeries employing 5 or less
 - Battery shops
 - Beer gardens (licensed)
 - Billboards
 - Billiard halls
 - Bowling alleys
 - Bus stations
 - Custom dress making, millinery, tailoring, shoe repairing, household utility articles or similar trade where not more than 5 employees are engaged at any one time
 - Cleaning and pressing (using non-explosive cleaning fluids only)
 - Dyeing and cleaning works where not more than 5 employees are on the premises
 - Electric substations
 - Filling stations, all storage tanks for gas shall be underground.
 - Frozen food lockers for individual or family use, but not including processing or butchering

- Food markets
- Garages
- Greenhouses
- Gymnasiums
- Hospitals, clinics, animal hospitals
- Ice plants
- Key shops
- Lodge halls
- Laundries
- Launderettes
- Market
- Medical clinics, dental clinics
- Minature golf course
- Motels
- Mortuaries
- Messenger and telegraph service
- Nurseries
- Newspaper and publishing plants
- Radio and television stations
- Printing shops
- Restaurants, cafes, cafeteria
- Service Station, repair shops, where not more than 5 employees are employed at one time
- Stores to conduct retail business
- Schools
- Sign shops
- Studios
- Swimming pools
- Taverns
- Theatres
- Tire Shops
- Trailer, tourist camp
- 2. Accessory building and uses customarily incident to the above uses including parking lots.
- 3. Any building use primarily for one of the above enumerated purposes may not have more than 40% of the floor area devoted to storage purposes incidental to such primary use.
- 4. Any business or commercial undertaking for one of the above enumerated purposes shall not be noxious or offensive by reason of vibration, noise, odor, dust or gas and if it is or becomes so it shall be prohibited.
- 5. No temporary or incomplete building including basement homes nor any tent or lean-to or impermanent structure nor any shack nor any trailer house or mobile home except as provided for in trailer parks nor any structure detrimental to, or unsafe for, the health, safety and general welfare of the residents of this county will be permitted.
- 6. Shopping Districts. Shopping districts may be included in Business and Commercial Districts if plan for same is submitted to and approved by the Planning Commission and the Board of County Commissioner's provided the following is complied with:
 - a. Procedure of Administration. Persons desiring to use land or erect buildings, shall first submit a description of the land that is to be used, the location, size, character and appearance of the buildings, and

provisions for off-street parking, service areas, landscaping and lighting to the County Planning Commissioner, which commission shall be given forty-five days in which to make a report stating whether or not:

- I. The plan complies with all regulations of this resolution.
- II. The plan is in the best interests of the County.
- III. Adjacent property values will not be adversely affected.
- IV. The plan is consistent with the public interest and purposes of this resolution.
- V. The plan shows that the property has direct access to major thoroughfares.
- VI. The plan shows that the intended use and development of such property consists of an unified and organized arrangement of buildings and service facilities which shall have functional relationship to the property adjacent to the planned development.

No action shall be taken by the Board of County Commissioners until a report thereon has been made by the Clay County Planning Commission, and after a public hearing thereon by the Planning Commission. Not less than fifteen (15) days notice shall be given of the time and place of such hearing in a daily newspaper having general circulation within Clay County. If no report is returned from the Planning Commission within forty-five (45) days from the date that said application was submitted, it shall be assumed that the approval of the plan has been filed by the said Planning Commission. After such report of the Planning Commission has been filed, the Board of County Commissioners may approve such plan by resolution, and building and occupancy permits may be issued to carry out the approved plan, which plan shall comply with all applicable County regulations; provided, however, that if the County Planning Commission recommends against such plan, the resolution approving such plan shall not become effective except by the favorable vote of all the members of the Board of County Commissioners. Approved plans may be amended by the same procedures by which they were approved. If a resolution establishing such Planned Neighborhood Shopping District is approved by resolution based on a preliminary plan and no action is taken to submit a complete final plan to the County Planning Commission within one year of the adoption of said resolution, the areas may be rezoned to its former classification by resolution. If, for any reason, the final plan is abandoned, or if the construction is terminated after the completion of any one or more stages and there is ample evidence that further development is not contemplated, the resolution establishing such Planned Neighborhood Shopping District may be amended by the Board of County Commissioners and the zoning of the portion which is undeveloped as Planned Neighborhood Shopping District may be changed to its former classification by resolution.

- b. **Parking Regulations.** In all Neighborhood Shopping Districts there shall be provided off-street customer parking in the ratio of at least eleven (11) parking spaces for each 1,000 square feet of gross floor area for each of the first 10,000 square feet of floor area, nine (9) additional parking spaces for each 1,000 square feet; and seven (7) additional parking spaces for each 1,000 square feet of floor area in excess of 30,000 square feet. There shall be provided for office buildings or buildings of a special non-retail nature, not less than one

off-street parking space for each two employees intended. The off-street parking space required above shall be provided in addition to any space to be used for commercial parking, taxi cab stands, truck and bus parking, loading space or commercial delivery cars. Ample off-street space for standard loading and unloading shall be provided within the development. The location of any driveway and requirements or the County Planning Commission.

- c. Whenever the property faces land zoned for residential purposes, said property shall be protected by adequate landscaped buffer strips which shall not be less than fifteen (15) feet in width and shall be planned and maintained by the owners as indicated on the plans approved by the Board of County Commissioners. All buildings shall be set back not less than provided hereafter.

B. Height Regulations:

1. No building or structure in this Business and commercial District shall exceed forty-five (45) feet in height above the finished ground line or three (3) stories whichever is less.

C. Area Regulations:

1. Every building or structure hereafter erected, moved, structurally altered, constructed, reconstructed or used in this Business and Commercial District shall have provided therefor a lot area of not less than that proved for in Residential District.
2. Front line setback shall be the same as provided in Residential District.
3. Sideline setback or side yard shall be the same as provided in Residential District.
4. Rear yard shall be the same as provided in Residential District.
5. Parking Area
 - a. Institutions, clubs, lodges and semi-public buildings shall provide one (1) parking space on the lots for each one thousand (1,000) square feet of floor area, or fraction thereof, in the building.
 - b. Auditoriums and theatres shall provide one (1) space on the lot for each four (4) seats.
 - c. Hospitals shall provide one (1) space on the lot for each hospital bed.
 - d. With the exception of the uses above specified, all other uses permitted in the Business and Commercial District shall provide one (1) parking space on the lot for each three hundred (300) square feet of floor space in the building. Such parking space may be provided on a separate lot if within three hundred (300) feet of the building and two or more owners may join together in the provision of parking space but in no event may parking space in such District be within fifth (50) feet of a Residential District.

- e. If existing buildings not in compliance with off-street parking requirements are remodeled, repaired, or structurally altered, any enlargement must provide the required parking space.

D. Sanitation Regulations:

Shall be as provided for as in Residential District, except that water closets and lavatories shall be provided and marked for each sex and at least one water closet and lavatory provided for each.

E. Fire Protection:

Open lattice-enclosed fire escapes, fire-proof outside stairways, and balconies opening upon fire towers and the ordinary projections of chimneys and flues into the rear yard may be permitted by the Administrative Officer for a distance of not more than three and one-half feet and where the same are so placed as not to obstruct light and ventilation.

Section VI

LIGHT INDUSTRY DISTRICT

A. Use Regulations:

In Light Industry District no building or structure shall hereafter be erected, altered, moved, constructed or reconstructed except for the following uses:

- a. Any use permitted in Agricultural District or Residential District and Business and Commercial District provided the regulations of these sections are complied with.
- b. Acetylene gas and storage
Acid manufacture
Ammonia bleaching
Animal glue
Asphalt
Bakeries
Blacksmith and wagon shops
Bottling works
Bus barn
Bag cleaning
Boiler works
Canning and preserves factory
Carpentry
Cabinet or pattern shop
Carpet cleaning
Chemical laboratories
Clean, pressing and dyeing
Cold storage
Creameries

Disinfectants manufacture
Electro plating works
Flour mills
Forges
Freight terminal
Garages
Grain elevators
Ice plants
Laundries
Lumber yards
Machine shops
Manufacturing plants providing such manufacture or process is not noxious or offensive by reason of vibration, noise, odor, dust, smoke and gas
Milk bottling and distribution plants
Monument works
Marble works
Photo engraving plants
Planing mills
Poultry killing or dressing for commercial prepare
Paint manufacture
Railroad freight yards
Sales rooms and yards for farm contractor equipment and oil well supplies
Sign plants
Stables
Stone cutting plants
Storage warehouses
Veterinary hospitals

2. Accessory uses customarily incident to any of the above uses.

C. Height Regulations:

1. No building or structure in this Light Industry District shall exceed fifty-five (55) feet or four (4) stories whichever is lesser.

C. Area Regulations:

1. Lot area shall be the same as those set out in Residential District.
2. Front line setback shall be the same as those set out in Residential District.
3. Side Setback. There shall be no required side line setback except structures permitted in Residential District and Business and Commercial District which shall conform to the requirements of those sections.
4. Rear Yard. There shall be no required rear yard setback except structures permitted in Residential District and Business and Commercial District, which shall conform to the requirements of those sections.
5. Parking Area. Those uses permitted only in the Light Industry District shall provide one (1) parking space on the lot for each two (2) employees of the maximum number employed at any one time. No parking space shall be placed within fifty (50) feet of a Residential District.

6. Sanitation Regulations. The Sanitary Code of the County shall be complied with.

Section VII

Heavy Industry District

A. Use Regulations:

1. Heavy Industry District. No building or structure, land or premises shall hereafter be used, erected, constructed, moved, or altered except for the following purposes:
 - a. any use permitted in Agricultural District, Residential District, Business and Commercial District or Light Industry District provided all requirements of such sections are complied with.
 - b. Any industry or manufacturer not heretofore provided for, however when ever such installation, or sue faces land zones for residential purposes said property shall be protected by adequate landscaped buffer strip which shall not be less than twenty-five (25) feet in width and shall be planned and maintained by the owner in this Heavy Industry District.

B. Height Regulations:

1. No building or structure shall exceed one hundred twenty-five (125) feet in height.

C. Area Regulations:

1. Area. Minimum area of lot shall be the same as provided in Residential District.
2. Front Line Setback. None, except where same fronts on a public highway or road and is not in a platted area or lot or record, then the front line setback shall be the same as provided in Residential District.
3. Side Yard. Minimum shall be the same as provided in Residential District.
4. Rear Yard. No restrictions.
5. Parking area. Those uses permitted only in the Heavy Industry District shall provide one (1) parking space on the lot for each two (2) employees of the maximum number employed at any one time. No parking space shall be placed within fifth (50) feet of a Residential District.

D. Special Provision:

1. All storage yards outside of an enclosed building shall be fenced. At an intersection of streets or roads said fence shall not be closer than provided for in front yard setback in Residential District. All junk yards and auto salvage yards shall be solid fencing not less than six (6) feet high and no junk or old automobiles shall be piled higher than the fence. The fence may not be used as an outdoor advertising medium and shall be kept painted.

E. Sanitation Regulations:

1. Sanitation shall be provided as in Section V.

Section VIII

NONCONFORMING USES

A. Current Use:

The lawful use of a building and premises existing at the time of the effective date of these regulations may be continued although such use does not conform to the provisions hereof. Whenever the use of a building becomes nonconforming through a change in the zoning regulations or district boundaries, such use may be continued. If no structural alterations are made a nonconforming use of a building may be changed to another nonconforming use of the same or of a more restricted use or to a conforming use; such use shall not thereafter be changed to a less restricted use.

B. Discontinued Use:

In the event that a nonconforming use of any building or premises is discontinued or its normal operation stopped, for a period of two (2) years, the use of the same shall thereafter conform to the uses permitted in the district in which it is located.

C. Building Changes:

No existing building or premises devoted to a use not permitted by these regulations in the district in which such building or premises is located, except when required to do so by law or order, shall be enlarged, extended, reconstructed or structurally altered, unless such use is changed to a use permitted in the district in which such building or premises is located.

D. Building Damage:

When a building, the use of which does not conform to the provisions of these regulations, is damaged by fire, explosion, act of God, or public enemy, to the extent of more than fifty (50%) percent of its fair market value, it shall not be restored except in conformity with the district regulations of the district in which the building is situated.

E. Salvage Yard:

The nonconforming use of building or premises for the purpose of dismantling or wrecking automobiles or other vehicles of any kind, or for the purpose of storing junk, scrap iron and scrap material including dismantled and wrecked automobiles or other vehicles or other types of open storage, and which is located in the Residential Districts, shall be discontinued and the buildings or premises thereafter devoted to a use permitted in the district in which such buildings or premises are located, within two (2) years from the effective date of this resolution.

F. Remodeling of Non-Conforming Uses:

The premises which now constitute nonconforming uses as defined by this report may be remodeled if the front line set-back is not changed or extended and said remodeling can be accomplished so as to conform with the side and back yard requirements of this section, provided notice is given, as required by Section XIV, Subsection A, and to adjacent land owners, and after a hearing held on the advisability of allowing the said remodeling.

G. Hardship Cases:

Non-conforming uses may be allowed under the regulation of this report if the prohibiting of such uses would be found to be an undue hardship or gross injustice to the owner or operator thereof; a petition for the allowance of such use or uses must be filed with the Planning Board, notice of the filing of such a petition must be given as required in Section XIV, Subsection A, after such notice, a hearing shall be held on the advisability of allowing the non-conforming use and based upon such hearing and the evidence presented therein the Planning Board may allow such use.

Section IX

SIGNS AND SIGNBOARDS

A. Permits:

1. Permits for signs or signboards will be required from the Zoning Administrator in all zoned areas and the approval of the Planning Commission shall be required before the issuance of such permit.
2. Applications for permits shall be accompanied, in each instance, by either a letter authorizing the placing of a sign on the land or building, signed by the owner or his duly authorized agent, or accompanied by a lease showing the right of the application. Such application shall conform to the regulations herein provided and no signboard shall be erected or painted on any area until the application is acted upon and granted.
3. In case of rental or sale of the premises itself, the regulations as set out in these regulations must be complied with.
4. A charge of \$2.00 for signs up to one hundred (100) square feet of advertising space and \$5.00 for signs of over one hundred (100) square feet of advertising space shall be made for each permit granted.
5. If a sign or signboard for which a permit is granted is not erected within sixty (60) days from date of the permit, the permit thereupon becomes void.
6. Advertising, painted or placed on a structure shall be deemed subject to these regulations.
7. Permits are issued for the life of the sign so long as it is kept in good condition, and changing conditions do not make it a hazard or undesirable to adjoining property owners. In such case, the Administrator may be authorized by the Planning Commission to direct its removal.

B. Regulations:

1. All signs or signboards must be at least forty (40) feet from the right-of-way and not constitute a hazard to traffic.
2. Signs or signboards shall not be placed within three hundred (300) feet of another sign or signboard on the same side of the road.

3. No sign or signboards shall contain less than twenty-five (25) square feet in the advertising space, except those used in connection with the sale, lease or rental of the premises.
4. Farm signs or signboards relating to farm produce grown or produced on the premises shall not be affected or governed by this regulation, provided such signs or signboards are located on the premises of the owner.
5. All sign must be located and placed in accordance with the laws of the State of Kansas.

Section X

ADDITIONAL USE REGULATIONS

A. Special Permit:

The County Commissioners may, by special permit after public hearing, and approval of the Planning Commission, authorize the location of any of the following buildings or uses in any district from which they are prohibited by these regulations, and may also permit an increase in the height of any such buildings.

1. Any public building or use erected or used by any department of a governmental agency.
2. Private schools, including nursery, pre-kindergarten, kindergarten, play and special schools.
3. Hospitals, and institutions, including educational, religious and philanthropic institutions; provided, however, that such buildings occupy not over forty (40) percent of the total area of the lot and will not have any serious and depreciating effect upon the value of the surrounding property, and provided further, that the buildings shall be set back from all year lines a distance of not less than (1) feet for each feet of building height, and that adequate off-street parking space will be provided.
4. Cemetery
5. Community buildings or recreation field
6. Airport or landing field with prior approval of the Civil Aeronautics Administration.
7. Greenhouse and nurseries
8. Trailer and tourist camps and motels, but only in the Business and Commercial District, provided that:
 - a. The number of trailers or tourist cabins, or both, shall not exceed the number obtained by dividing the total square foot area of the site by one thousand five hundred (1500).
 - b. A distance of at least twenty (20) feet be maintained between buildings, between trailers, and between trailers and buildings.

- c. Each motel unit shall have a minimum enclosed floor area of two hundred (2) square feet, and be provided with heating facilities, a lavatory, toilet, and tub or shower with hot and cold running water. Sanitary and water supply facilities installed shall be subject to approval of the Administration Officer.
- 9. Outdoor theaters, but only in the Business and Light Industry Districts.
- 10. Private and/or public recreational activities
- 11. Riding Stables
- 12. Radio and television broadcasting towers and stations
- 13. Extraction of sand, gravel or other raw materials, provided that suitable guarantee be given that land be made safe upon completion of extraction.
- 14. Parking lots on land not more than three hundred (300) feet from the boundary of any Commercial or Industrial District
- 15. Clubs and semi-public buildings
- 16. Public Utilities

B. Issuance of Special Permit:

Before issuance of any special permit of any of the above buildings or uses, the County Commissioners shall refer the proposed application to the County Planning Board. The County Planning Board shall be given forty-five (45) days in which to make a report regarding the effect of such proposed building or use upon the character of the neighborhood, traffic conditions, public utility facilities and other matters, pertaining to the public health, public safety and general welfare. The Board of County Commissioners shall take no action until report thereon has been made by the Clay County Planning Commission and after a public hearing thereon by the Planning Commission. Not less than fifteen (15) days notice shall be given of the time and place of such hearing in a daily newspaper having general circulation in Clay County. No action shall be taken upon any application for a proposed building or use above referred to until and unless the report of the County Planning Board has been filed; provided however, that if no report is received within forty-five (45) days it shall be assumed that approval of the application has been given by the said Board.

C. Trailers:

No trailer may be used for any residential, commercial, or industrial purpose, either transiently or permanently, unless located in a trailer camp complying with the requirements of Section A hereof. Temporary buildings and trailers that are used by supervisory personnel in conjunction with construction work only may be permitted in any district during the period that the building is being constructed, but such temporary buildings shall be removed upon completion of the construction work.

D. Tents:

No tent except play tents of children may be used for any purpose either permanently or temporarily, except by special permit. No tent except play tents of children may be used for any purpose either permanently or temporarily, except by special permit of the County Commissioners after approval by the County Planning Board.

E. Lighting:

No use may be made of land in such manner as to create electrical interference and make it difficult for flyers to distinguish between airport lights and others, result in glare in the eyes of flyers using the airports, impair visibility in the vicinity of the airports, or otherwise endanger the landing, taking off, or maneuvering of aircraft at any airports.

F. Height:

All buildings shall observe the height regulations of the Federal Aviation Administration.

G. Height Exemptions:

Chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers, spires, wireless towers, grain elevators, or necessary mechanical appurtenances, may be exempted from the height regulations as contained herein, by permit as stated in Section A thereof.

Section XI

ADMINISTRATIVE OFFICE

A. Appointment and Duties:

The County Commissioners shall appoint an Administrative Officer. It shall be the duty of said Administrative Officer to enforce these regulations. Said Officer shall receive applications required by these regulations, issue permits and furnishes the prescribed certificates. The Officer shall examine premises for which permits have been issued, and shall make necessary inspections to see that the provisions of the law are complied with. The Officer shall enforce all laws relating to the location, and maintenance of buildings and structures, except as may be otherwise provided for. The Officer shall, when requested by the County Commissioners, or when the interest of the County so requires, make investigations, in connection with matters referred to in these regulations and render written reports on the same. For the purpose of enforcing compliance with the law, the Officer shall issue such notices or orders as may be necessary.

B. Inspections:

The Administrative Officer or a duly appointed assistant shall make inspections.

C. Rules:

For carrying into effect its provisions, the Administrative Officer may adopt rules consistent with this resolution.

D. Records:

1. The Administrative Officer shall keep careful and comprehensive records of applications, permits issued, certificates issued, inspections made, reports rendered, and notices or orders issued. The Officer shall retain on file copies of all papers in connection with building work so long as any part of the building or structure to which they relate may be in existence.

2. All such records shall be open to public inspection at reasonable hours, but shall not be removed from County offices.

Section XII

PERMITS

A. When Required:

No building shall hereafter be erected, reconstructed or structurally altered nor shall any work be started upon same until a construction permit for same has been issued by the Administrative Officer, which permit shall state that the proposed building complies with all the provisions of these regulations.

B. Form:

An application for a permit shall be submitted in such form as the Administrative Officer may prescribe.

1. The owner or lessee shall make such application, or agent of either, or the architect, engineer, or builder employed in connection with the proposed work. If a person other than the owner makes such application, it shall be accompanied by a duly verified affidavit of the owner, or the person making the application that the proposed work is authorized by the owner and that the person making the application is authorized to make such application.
2. Such application shall contain the full names and addresses of the applicant and of the owner, and if the owner is a corporate body, of its responsible officers.
3. Such application shall describe briefly the proposed work and shall give such additional information as may be required by the Administrative Officer for an intelligent understanding of the proposed work.

C. Plans:

Application for permits shall be accompanied by such drawing of the proposed work as the Administrative Officer may require. All plans shall be drawn on sheets measuring eight by eleven (8x11), unless otherwise directed by the Administrative Officer.

D. Plot Diagram:

There shall also be filed a plot diagram in the size required by the Administrative Officer with all dimensions, figures, showing accurately the size and exact location of all proposed new construction, or, in the case of demolition, of such construction to be demolished, and of all existing buildings and structures that are to remain.

E. Amendments:

Nothing in this section shall prohibit the filing of amendments to an application or to a plan or other record accompanying same, at any time before the completion of the work for which the permit was sought. Such amendments after approval, shall be filed with and be deemed a part of the original application.

F. Completion of Existing Buildings:

Nothing in these regulations shall require changes in the plans, construction or designated use of a building for which a lawful permit has been heretofore issued or which has been otherwise lawfully authorized and the construction of which shall have been actually begun within ten (10) days after this resolution becomes effective and which entire building shall be complete as authorized, within one hundred and eighty (180) days thereafter.

G. Action on Application:

It shall be the duty of the Administrative Officer to examine applications for permits, within a reasonable time after filing. If it appears that the proposed work will be in compliance with the laws and regulations applicable thereto, he shall approve such application and issue a permit for the proposed work as soon as practicable. If the Administrative Officer examination reveals otherwise, he will reject such application, noting the Officer's finding in a report to be attached to the application and delivering a copy to the applicant. Such approval or disapproval shall be within thirty (30) days after receipt of the application.

H. Approval in Part:

Nothing in this section shall be construed to prevent the Administrative Officer from issuing a permit for the construction of part of a building or structure before the entire plans and detailed written statement has been presented for the same and has been found to comply with these regulations.

I. Condition of the Permit:

All work performed under a permit issued by the Administrative Officer shall conform to the approved application and plans and approved amendments thereof.

1. The location of all new construction as shown on the approved plot diagram, or an approved amendment thereof, shall be strictly adhered to.
2. It shall be unlawful to reduce or diminish the area of a lot or plot of which a plot diagram has been filed and has been used as the basis for a permit, unless a revised plot diagram showing the proposed change in conditions shall have been filed and approved; provided that this shall not apply when the lot is reduced by reason of a street opening or widening or other public improvement.

J. Signature to Permit:

Every permit issued by the Administrative Officer under the provisions of these regulations shall have his signature affixed thereto; but this shall not prevent him from authorizing a subordinate to affix such signature.

K. Limitation:

A permit under which no work is commenced within one (1) year after issuance shall expire by limitation.

L. Posting of Permit:

A copy of the permit shall be kept on the premises open to public inspection during the prosecution of the work and until the completion of same.

1. The Administrative Officer shall be given at least twelve (12) hours notice of the starting of work under a permit.

M. Revocation:

The Administrative Officer may revoke a permit or approval issued under the provisions of these regulations in case there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.

N. Certificate of Occupancy for a Building:

Certificate of occupancy for a new building or the reconstruction or alteration of an existing building shall be applied for coincident with the application for a building permit and said certificate shall be issued within three (3) days after the request for same shall have been made in writing to the Administrative Officer after the erection or alteration of such building or part thereof shall have been completed, in conformity with the provisions of these regulations. Pending the issuance of a regular certificate, the Administrative Officer may issue a temporary certificate of occupancy for a period not exceeding one (1) year, during the completion of alterations or during partial occupancy of a building pending its completion. Such temporary certificate shall not be construed as in any way altering the respective rights, duties or obligations of the owners or of the County relating to the use or occupancy of the premises or any other matter covered by these regulations, and such restrictions and provisions as will adequately insure the safety and health of the occupants.

O. Certificate of Occupancy for Land:

Certificate of Occupancy for the use of vacant land or the change in the character of the use of land as herein provided, shall be applied for before any such land shall be occupied or used for any purpose except farming, and a certificate of occupancy shall be issued within three (3) days after the application has been made, provided such use is in conformity with the provisions of these regulations.

1. Certificate of Occupancy shall state that the building or proposed use of building or land complies with all the building and health laws and ordinances and with the provisions of these regulations. A record of all certificates shall be kept on file in the office of the Administrative Officer and copies shall be furnished on request, to any person having a proprietary or tenancy interest in the building affected. No fee shall be charged for a Certificate of Occupancy.
2. A Certificate of Occupancy shall be required of all nonconforming uses. Application for Certificate of Occupancy for nonconforming uses shall be filed within twelve (12) months from the effective date of these regulations.

P. Fee:

A fee for a construction permit for the construction, reconstruction or alteration of a building shall be waived.

Section XIII

INTERPRETATION, PURPOSE and CONFLICT

A. In interpreting and applying the provisions of these regulations, they shall be held to be the minimum requirements for the promotion of public safety, health, convenience, comfort, morals, prosperity and general welfare. Wherever the regulations of this resolution require a greater width or size of years, courts or other open spaces, or require a lower height of building or a less number of stories, or require a greater percentage of lot to be left unoccupied, or require a lower density of population, or require a more restricted use of land or impose other higher standards than are required in any other resolution or regulation, private deed restrictions or private covenants, these regulations shall govern, but if the requirements of the other resolution, regulation, private deed restriction or private covenant are the more restrictive, then there requirements shall govern.

SECTION XIV

AMENDMENTS

A. Procedures:

Any regulations imposed and the districts created under authority of this act, may be amended from time to time by the County Commissioners after the order establishing the same has gone into effect, but no such amendments shall be made by the County Commissioners until a report thereon has been made by the Clay County Planning Commission and after a public hearing thereon by the Commission. Not less than twenty (20) days notice shall be given of the time and place of such hearing in a newspaper having general circulation within Clay County. Said notice to be published twice one (1) week apart, the hearing may be held not less than twenty (20) days after the final publication. If the Planning Commission recommends against the change, or in case of a written protest, filed with the County Clerk, against any proposed change or amendment, signed and acknowledged by the owners of twenty (20%) percent of the frontage within one-thousand (1,000) feet to the right or left of the frontage proposed to be changed, or by the owners of twenty (20%) percent of the frontage directly opposite, or directly in the rear of the frontage supposed to be altered, such amendments may not be passed except by the favorable vote of all members of the Board of County Commissioners.

B. Fees:

Before any action shall be taken as provided in this article, the party or parties petitioning, proposing or seeking a change in the district regulations or district boundaries shall deposit with the Treasurer of Clay County the sum of Fifty Dollars (\$50.00) to cover the approximate cost of this procedure and under no condition shall said sum or any part thereof be refunded for failure of said proposed amendment to be enacted into law.

C. Property Ownership List:

The application for an amendment shall be accompanied by an ownership list certified by a registered abstractor listing the legal description and name and address of the owners of all property located within one-thousand (1,000) feet of the boundaries of the property for which the zoning change is requested.

SECTION XV

VIOLATION and PENALTY

A. Any violation of any provision of these zoning regulations shall be deemed to be a misdemeanor and punishable by a fine not to exceed Two Hundred Dollars (\$200.00) for each offense, and each day's violation shall constitute a separate offense. The proper County Officials or any person, the value of use of whose property is or may be affected by such violation, may have the authority to maintain suits or actions in any court of competent jurisdiction to enforce the regulations adopted in accordance with the terms of this act, and to abate nuisances maintained in violation thereof.

SECTION XVI

VALIDITY

A. If any section, subsection, sentence, clause or phrase of these regulations is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of these regulations. All other resolutions and parts of resolutions in conflict with the provisions of these regulations are hereby repealed.

SECTION XVII

LAND SUBDIVISION REGULATIONS

A. Title and Purpose:

1. Title. These regulations may be known, referred to and cited as "The Land Subdivision Regulations" of Clay County.
2. Purpose. These regulations are to provide for the harmonious development of Clay County, for the coordination of streets within subdivisions with other existing or planned streets, for adequate open spaces for traffic, recreation, light and air, and for a distribution of population and traffic which will tend to create conditions favorable to the health, safety, convenience or prosperity of Clay County.

B. Definitions:

1. Definitions. For the purpose of these regulations, certain words, phrases and terms shall be construed as set out in this article.
2. Subdivision of Land. Subdivision of land is all plans, plats, or replats of lands laid out in building lots and the streets, alleys, or other portions of the same intended to be dedicated for public use, or for the use of purchasers or owners of the lots fronting thereon or adjacent thereto, and plans and descriptions of all streets, alleys or public ways intended to be deeded or dedicated for public use, or for the use of purchasers or owners of the land fronting thereon or adjacent thereto, which is not intended to be platted into lots or other designated tracts; provided, however, that the sale or exchange of parcels of land to or between adjoining property owners, where such sale or exchange does not create additional lots, shall not be considered as a subdivision of land.

3. Major Highway. Major highway is any county secondary or state highway.
4. Planning Board. Planning Board shall mean the County Planning Board of Clay County.
5. County Board. County Board shall mean the Board of County Commissioners of Clay County, Kansas.
6. County. County shall mean Clay County, Kansas
7. County Clerk. County Clerk shall mean the county Clerk of Clay County, Kansas.
8. Small Lot Subdivision. Small lot subdivision shall be any subdivision with one or more residential lots with an area of twenty thousand (20,000) square feet or a width of less than one hundred (100) feet.
9. Medium Lot Subdivision. Medium lot subdivision shall be any subdivision with one or more residential lots with an area of twenty thousand (20,000) square feet or more and a frontage of between one hundred (100) and one hundred and fifty (150) feet.
10. Large Lot Subdivision. Large lot subdivision shall be any subdivision in which all residential lots have an area of more than one (1) acre and a frontage of more than one hundred and fifty (150) feet.

C. Jurisdiction and Procedure:

1. Plat, When Required. It shall be unlawful for the owner, agent or person having control of any land within the unincorporated areas of Clay County, Kansas, to subdivide or lay out such land into lots, blocks, streets, avenues, alleys, public ways, and grounds, unless by plat in accordance with the laws of the State of Kansas and the provisions of these regulations.
2. Plan to be Approved. The preliminary plan shall first be submitted to the Planning Board for its consideration as hereinafter provided. The Planning Board shall report its findings and recommendations in writing and if appealed, as hereinafter provided, such plan together with the findings and recommendations of the Planning Board shall be submitted to the County Board for its consideration and approval or disapproval. The design and layout of all subdivisions shall conform to the requirements of Subsection D herein. The subdivider shall submit a preliminary plan to the Planning Board prepared in accordance with the specifications of Subsection E herein.
3. Requisites for Final Approval. Following approval of the preliminary plan by the Planning Board or the County Board, if appealed, the subdivider shall (a) install the required improvements, or (b) furnish a bond for such installation in accordance with the requirements of Subsection F hereof. Upon approval of the improvements, installations or arrangements therefor, the final plat may be submitted in accordance with the provision of Subsection G hereof. The final plat shall conform to the requirements of said Subsection G. No plat or replat shall be filed for record of or recorded in the office of the Register of Deeds in Clay County, Kansas, unless and until the approval of the County Board is endorsed thereon by the County Clerk, and no lot shall be sold from such plat or

replat unless and until approved by the County Board and filed for record in the office of the Register of Deeds.

D. Subdivision Design Standards:

1. Relation to Adjoining Street System. The arrangement of streets in new subdivisions shall make provision for the continuance of the existing streets in adjoining areas (or their proper projection where adjoining land is not subdivided) insofar as they may be deemed necessary for public requirements. The width of such streets in new subdivisions shall be not less than the minimum widths established herein. The street and alley arrangements shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access of it. Offset streets shall be avoided. The angle of intersection between minor streets and major streets shall not vary by more than ten degrees from a right angle. Streets obviously in alignment with existing streets shall bear the names of the existing streets. Proposed street names that are in conflict with existing street names shall not be approved.
2. Street and Alley Width.
 - a. The width of all major highways shall conform to the width of existing major highway, but in no case shall it be less than eighty (80) feet. When access routes are parallel the minimum width shall be two hundred (200) feet. All section lines and half section lines shall be eighty (80) feet minimum regardless of the type of highway, or if there is no highway.
 - b. The minimum width for minor streets shall be sixty (60) feet. When streets adjoin unsubdivided property a half street at least thirty (30) feet in width may be dedicated and whenever subdivided property adjoins a half street the remainder of the street shall be dedicated.
 - c. Alleys shall not be provided in a residential block. Alleys are required in the rear of all business lots and shall be at least twenty (20) feet wide.
3. Easements. Easements of at least six (6) feet in width shall be provided and dedicated on each side of all rear lot lines and along side lot lines, where necessary, for poles, wires, conduits, storm and sanitary sewers, gas water, or other mains. Easements of greater width may be required along or across lots where necessary for the extension of main sewers or other utilities or where both water and sewer lines are located in the same easement.
4. Blocks.
 - a. No blocks shall be longer than one thousand two hundred (1200) feet or shorter than four hundred (400) feet between cross walks. Blocks over one thousand (1000) feet in length shall have a crosswalk with a right-of-way of at least ten (10) feet in width near the center of the block.
 - b. In platting residential lots containing less than fifteen thousand (15,000) square feet, the depth of the block shall be between two hundred (200) feet and three hundred (300) feet.
 - c. Subdivisions need not follow normal street arrangement. Courts, dead-end streets or other arrangements, may be provided if proper access is given to all lots from a dedicated street or court. All dead-end streets

shall terminate in a dedicated street space having a minimum radius of fifty (50) feet and shall not exceed one thousand (1,000) feet in length.

5. Lots.
 - a. The lot arrangement and design shall be such that all lots will provide satisfactory and desirable building sites, properly related to topography and the character of surrounding development.
 - b. All sidelines of lots shall be at right angles to straight street lines and radial to curved street lines except where a variation of this rule will provide a better street and lot layout. Lots with double frontage shall be avoided.
 - c. No lot shall have a depth of less than one hundred (100) feet or a depth in excess of three times its width. No lot shall have an area or width less than that required by any zoning regulations.
 - d. Corner lots shall have extra width sufficient to permit the establishment of front building lines on both the adjoining streets.
 - e. Lots fronting on major street intersections and acute angle intersections of less than eighty-five (85) degrees shall have a radius of twenty (20) feet at the street corner. On business lots a chord may be substituted for the circular arc.
6. Building Lines. Building lines shall be shown on lots. Such building lines shall not be less than required by zoning or setback regulations, or in any event, less than forty (40) feet from the right-of-way of the street or highway upon which the lot fronts. Restrictions requiring buildings to be set back to such building lines shall be shown on the plat. Except where zoning regulations apply, restrictions shall also be made and shown on or referred to on the plat, requiring all residential buildings to be set at least ten (10) feet off each side lot line and not less than forty (40) feet from rear lot lines.
7. Easements Along Streams. Whenever any stream or important surface drainage course is located in any area which is being sub-divided, the subdivider shall provide an adequate easement as determined by the Administrative Officer along each side of the stream for the purpose of widening, deepening, sloping, improving or protecting the stream.

E. Preliminary Plan:

1. Preliminary, Where Filed, Exception. Any person proposing to subdivide land shall file three copies of the preliminary sketch plan of such proposed plat with the Planning Board. Hearing on such proposal shall be had before the Planning Board at its first regular meeting following filing, provided only that notice of the consideration of such plat and the time and place of hearing shall be given to all interested persons as hereinafter provided. Plats containing three (3) lots or less and not more than one (1) acre may be exempted from the provisions of this section, upon application to the Planning Board. The preliminary plan shall show thereon the information required by this Subsection E. At the time of filing the preliminary plan, a filing fee of One Dollar (\$1.00) per lot shall be paid to the County Treasurer and the Planning Board will not proceed with hearings or other considerations of a subdivision until this fee has been paid.

2. Notice of Hearing. No hearing shall be held by the Planning Board until notice thereof shall have been given by publication of notice of said hearing in a daily newspaper for a least one (1) insertion a week prior to the date of said hearing.
3. The Preliminary Plan Shall Show:
 - a. The location of the present property lines and section lines and streets, buildings, watercourses, and other existing features within the area to be subdivided and similar information regarding land immediately adjacent thereto.
 - b. The proposed location and width of streets, alleys, lots, building and setback lines and easements.
 - c. For small lot subdivisions existing sanitary and storm sewers, water mains, culverts, and other underground structures within the tract or on streets immediately abutting thereto; the location and size of the nearest water main and sewer outlet.
 - d. The title under which the proposed subdivision is to be recorded and the name of the subdivider platting the tract.
 - e. Contours with two (2) feet intervals.
 - f. North point, scale and date.
 - g. Plans or written and signed statements setting out the grades and profiles of the streets, the proposed grades and facilities for all required improvements and the subdivider's proposal for accomplishing their installation in accordance with Subsection F.
4. Approval of Preliminary Plan. If, after the hearing the Planning Board shall find such proposed plan to satisfy the requirements of these regulations, it shall approve said plan and recommend final approval by the County Board upon complying with the requirements of Subsection F and submitting a final plat in accordance with the provisions of Subsection G.

If, after the hearing, the Planning Board shall find that such proposed plan does not satisfy the requirements of these regulations, it shall specify in writing in the minutes of the hearing such objections as are found to such plan and may recommend the disapproval of such proposed plan, or recommend approval conditioned upon specific changes in the proposed plan, removing such objections and further compliance with Subsections F and G hereof.

One copy of the proposed plan, together with a copy of the findings of the Planning Board upon hearing, shall be filed by the Planning Board with the County Clerk, and any interested person may appeal to the County Board from any action of the Planning Board by filing notice of appeal with the County Clerk within seven (7) days following the filing of such findings. One (1) copy of the proposed plan and findings shall be retained by the Planning Board and one (1) copy and findings given the person offering the proposed plan.

F. Minimum Improvements:

1. Authority to Proceed with Final Plans. Receipt by the subdivider of the copy of the preliminary plan together with the approval of the Planning Board or the approval of the County Board, if appealed shall constitute authority for the subdivider to proceed with final plans and specifications for the installation of the required improvements and preparation of the final plat. Prior to the construction of any of the required improvements the subdivider shall submit such final plans and specifications to the Administrative Officer. If the Administrative Officer shall find such plans and specifications to be in accordance with applicable policies and standards of the County he shall authorize construction and determine the amount of bond, if required. Following the approval of the Administrative Officer, construction may be started, or the bond filed.
2. Requirements for Approval of Final Plat. No final or official plat of any subdivision shall be approved unless:
 - a. The improvements listed hereinafter have been installed prior to such approval, or
 - b. The subdivider shall have filed with the County Board a surety bond to insure the construction of the improvements listed in a satisfactory manner and within the period specified by the County Board such period not to exceed two (2) years. No such bond shall be accepted unless it is enforceable by or payable to the County in a sum at least equal to the cost of constructing the improvements as estimated by the Administrative Officer and in form with surety and conditions approved by the County Attorney.
3. Installation of Part of Improvements. The owner of a tract may prepare and secure approval of a preliminary subdivision plan of an entire area and may install the required improvements only in a portion of such area, but the improvements must be installed or provision for their installation in any portion of the area for which a final plat is approved for recording; provided, however, that trunk sewer and any sewage treatment plants shall be designed and built to serve the entire area owned by the subdivider or designed and built in such a manner that they can easily be expanded or extended to serve the entire area.
4. Survey Monuments. All subdivision boundary corners and the centers of all street intersections shall be marked with the permanent survey monuments. All Point of Tangency and Points of Curvature of all curves shall be marked with permanent monuments. A permanent monument shall be deemed to be concrete with a minimum dimension of four (4) inches extending below the frost line. Should conditions prohibit the placing of monuments on the line, offset marking will be permitted, provided, however, the exact off-set courses and distances are shown on the subdivision plat. Iron pipes or steel rods shall be set at all lot corners.
5. Street Improvement:
 - a. On small lot subdivisions all streets shall be graded to specifications and regulations, as required in Paragraph B of Subsection 5 herein.
 - b. On medium and large lot subdivisions the street cross section shall have the following dimensions:
 - (1) A surfaced width of twenty-four (24) feet.

- (2) A surface crown of one-fourth (1/4) inch per foot.
- (3) A shoulder width (both sides) of eight (8) feet.
- (4) Two side ditches at least eighteen (18) inches in depth below outside shoulder edge.
- (5) Side slopes of two (2) feet horizontal to one (1) vertical, maximum both fore and back.

The surfaced width of twenty-four (24) feet shall be a type surfacing approved by the Administrative Officer and may be any one of the following:

- (1) Read-mix bituminous concrete, with or without granular base.
- (2) Plant-mix bituminous concrete, with or without granular base.
- (3) Penetration bituminous macadam, with or without granular base.
- (4) Water-bound macadam base with double bituminous surface treatment.
- (5) Soil-cement base with double bituminous surface treatment.
- (6) Portland cement concrete.
- (7) Minimum of two (2) inches thickness of gravel or stone surfacing.

The minimum improved thickness shall be two (2) inches, including base.

Residential driveways shall be constructed for all residential lots. These shall have a minimum radius of ten (10) feet, the radius to begin at the outside shoulder line of the street. Each driveway shall have installed a concrete or corrugated metal pipe culvert of at least twelve (12) inches inside diameter, which culvert shall have headwall protection on each end, constructed of concrete and masonry.

- 6. Sidewalks. Concrete sidewalks four (4) feet wide and four (4) inches thick shall be constructed on both sides of major highways and one side of all other streets in small lot subdivisions and on one side of major highways in medium lot subdivisions. No sidewalks are required in large lot subdivisions. Concrete sidewalks in any subdivision may be omitted at the direction of the Planning Board. A Licensed Professional Engineer shall certify all surveys and plats.
- 7. Water Lines. A public water supply approved by the State Board of Health shall be provided serving all lots in small lot subdivisions. Fire hydrants shall be provided in all small lot subdivisions.
- 8. Sanitary Sewers. All lots in small lot subdivisions shall be provided with a connection to a public sanitary sewer having the approval of the State Board of Health. In medium and large lot subdivisions, deed restrictions shall require that each house erected on a lot of less than three (3) acres be provided with an individual sewage disposal system in compliance the County's Sanitary Code.

G. Final Plat:

1. Final Plat, Submit to County Board. The final plat shall comply with the subdivision design standards set out in Subsection D hereof and shall consist of an accurate map or plat designating specifically the land so laid out and particularly describing the lots, blocks, streets, avenues, alleys, public ways or other portions of the same intended to be dedicated for public use or for the use of the purchasers or owners of lots fronting thereon or adjacent thereto.

The final plat on tracing cloth and five prints thereof, together with copies of any deed restrictions where such restrictions are too lengthy to be shown on the plat, shall be submitted to the Planning Board. The final plat shall be drawn to a scale of not more than two hundred (200) feet to the inch from an accurate survey and on one or more sheets whose dimensions shall be twenty-four (24) inches by thirty-six (36) inches. If more than two (2) sheets are required, an index sheet of the same dimensions shall be filed showing the entire subdivision on one (1) sheet and the component areas shown on other sheets.

When the final plat conforms to the approved preliminary plan and the requirements of Subsections F and G have been accomplished, certification to this effect shall be endorsed on the final plat by the chairman of the Planning Board and the final plat submitted to the County Board for its approval or disapproval. Where the final plat does not conform to the approved preliminary plan, the Planning Board shall submit its recommendations to the County Board for approval or disapproval of the final plat.

2. Information Required. The final plat shall show:
 - a. The boundary lines of the area being subdivided with accurate distance and angles. The correct legal description of the property being subdivided shall be shown on the plat.
 - b. The liens of all proposed streets and alleys with their width and names. The 911 Coordinator should approve names of streets.
 - c. The accurate outline of any portions of the property intended to be dedicated or granted for public use.
 - d. The line of departure of one street from another.
 - e. The lines of all adjoining property and the lines of adjoining streets and alleys with their widths and names.
 - f. All lots shall be designated by numbers or letters and streets, avenues and other grounds by names, letters, or numbers.
 - g. The location of all easements provided for public use, services or utilities.
 - h. All dimensions, linear and angular, necessary for locating the boundaries of the subdivision, lots, streets, alleys, easements, and any other areas for public or private use. Linear dimensions are to be given to the nearest 1/100 of the foot.
 - i. The radii, arcs, chords, points of tangency and central angles for all curvilinear streets and radii for rounded corners.
 - j. The location of all survey monuments and bench marks together with their description.

- k. The names of the subdivision and the scale of the plat, points of the compass, and name of owner or owners or subdivider.
- l. The certificate of the Licensed Professional Engineer attesting the accuracy of the survey and the correct location of all monuments shown.
- m. Private restrictions and trusteeships be of such length as to make their lettering on the plat impracticable and thus necessitate the preparation of a separate instrument, reference to such instrument shall be made on the plat.
- n. Acknowledgment of the owner or owners of the plat and restrictions including dedication to public use of all streets, alleys, parks or other open spaces shown thereon and the granting of easements required.
- o. Certificate of approval by the County Board for Endorsement by the County Clerk.
- 3. Acknowledgments. Such plats shall be signed and acknowledged by the owner or owners of the land subdivided in the same manner and form as the acknowledgment of a deed conveying real estate, before same officer authorized to take the acknowledgments of deeds and shall contain a dedication of the streets, alleys and public grounds therein to the use and benefit of the public.
- 4. Surveyor's Certificate. The plat shall have appended thereto a survey made by a Licensed Professional Engineer, with a certificate attached certifying that he has accurately surveyed such subdivision and the correct location of all monuments shown, and that the lots, blocks, streets, avenues, alleys, public ways and grounds, and other grounds are well and accurately staked off and marked.
- 5. Approved Plat Filed with Register of Deeds. When such map or plat is so prepared, acknowledged and certified, and has been approved by the County Board, the same shall be filed and recorded in the office of the Register of Deeds of Clay County, Kansas, and thereupon such plat shall be equivalent to and operate as a deed in fee simple to the County from the owner of all streets, avenues, alleys, public ways and grounds and of such portions of lands as therein are set apart for public use.

H. Exceptions:

- 1. Modification of Requirements. Whenever the tract to be subdivided is of such unusual size or shape or is surrounded by such development or unusual conditions that the strict application of the requirements contained in these regulations would result in real difficulties or substantial hardship or injustice, the County Board, after report by the Planning Board, may very or modify such requirements so that the subdivider may develop his property in a reasonable manner, but so that at the same time the public welfare and interests of the County and surrounding area are protected and the general intent and spirit of these regulations preserved.

