

COPY

(First published in The Sabetha Herald February ____, 2002)

ORDINANCE _____

AN ORDINANCE AMENDING IN PART PORTIONS OF THE CURRENT CODE OF THE CITY OF SABETHA, KANSAS, REGULATING AND ESTABLISHING THE MEMBERSHIP OF THE CITY PLANNING COMMISSION FOR THE CITY OF SABETHA, KANSAS.

Be it ordained by the Governing Body of the City of Sabetha, Kansas:

Section 1. That Section 16-102, Chapter XVI, Article 1. of the Code of the City of Sabetha is hereby repealed and the following adopted in its place and stead, including any other provisions of said City Code which are inconsistent with the provisions herein.

Section 2. That Section 16-102 of the Code of the City of Sabetha shall read as follows:

Section 16-102. MEMBERSHIP. The planning commission shall consist of nine members, at least two of whom shall reside outside the city limits and within a limit of three miles from the city limits.

The members of the planning commission shall be appointed by the Mayor with the approval of the other city commission. The members of the planning commission first appointed shall serve respectively for terms of one year, two years, and three years, divided equally or as nearly equal as possible between these terms as one, two and three years. Thereafter, members shall be appointed for terms of three years each. Vacancies shall be filled by appointment for the unexpired term only. No member shall serve more than two terms or six years, whichever is longer. Members of the commission shall serve without compensation for their services.

Section 3. That this ordinance shall take effect and be in force from and after its publication once in the official city newspaper.

Passed and Approved by the Governing Body this ____ day of February, 2002.

Norman D. Schmitt, Jr., Mayor

ATTEST: _____
Linda Lehman, City Clerk

Original
to Mayor
2/1/02

(Published in The Sabetha Herald on the ___ day of September, 2005)

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 1396 AND AMENDING THE LAND DEVELOPMENT CODE OF THE CITY OF SABETHA, KANSAS, OCTOBER, 2004, EDITION, PREPARED BY THE SABETHA PLANNING COMMISSION

WHEREAS, the Governing Body of the City of Sabetha, Nemaha County, Kansas has previously passed Ordinance No. 1396 adopting zoning regulations and establishing zoning classifications for the City of Sabetha, Nemaha County, Kansas by the preparation of and adoption of the Land Development Code for the City of Sabetha, Kansas, October, 2004, Edition; and,

WHEREAS, an application for an amendment to the Land Development Code as adopted by the City of Sabetha has been filed with and approved on September 1, 2005 by the City Planning Commission after a public hearing and notice; and,

WHEREAS, the application along with the City Planning Commission recommendations now comes before the Governing Body of the City for consideration of the proposed amendment to the Land Development Code.

NOW THEREFORE, BE IT ORDAINED by the Governing Body of the City of Sabetha, Nemaha County, Kansas:

Section 1. That Section 25-103 **CONDITIONAL USES ENUMERATED**, of ARTICLE 25, of the Land Development Code of the City of Sabetha, is hereby deleted and the following adopted in its place and stead:

25-103 CONDITIONAL USES ENUMERATED

The following Conditional Uses may be approved by the Governing Body as provided in this Article:

1. Airports, aviation fields, helio-ports and/or landing fields, either publicly or privately held.
2. In property zoned "RP-2", apartment houses in any variety of design, including but not limited to garden apartments, townhouses or condominiums, provided sufficient on-site and off-site improvements are made to accommodate the density and intensity of the project. Sufficient restrictions, conditions and limitations may be imposed to maintain the residential character of the neighborhood.
3. Bed and breakfast facility.
4. Buildings, structures or premises for public utility services or public service corporations, including but not limited to; water treatment plants, wastewater treatment plants, pump stations, filter beds, water towers, substations, electric transmission lines, reservoirs and utility maintenance shops and yards. This shall include commercial wind generation facilities, except where permitted by right in the "AG" Agricultural District.

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- A. The applicant shall submit, as a part of the application, the plans for proposed facility giving the type of services to be rendered, the number of persons to be placed in the facility, the number of staff to be employed and other information that will help in determining the extent of services to be provided.
- B. A letter from the Nemaha County or Brown County Health Officer shall be submitted by the applicant, giving the current status of the applicant's license to operate the proposed facility and listing all requirements yet to be met in order for the proposed facility to be granted authorization to begin its operation.
- C. Off-street parking at a rate of one space per employee plus two additional spaces for guests.
- D. When operated out of an existing or proposed residential structure, the following standards shall be met:
 - 1) That only one non-illuminated ground or wall sign not more than 4 square feet in area is used to advertise the home occupation.
 - 2) Outside play areas shall be fenced.

18. Hospitals, nursing or convalescent homes, congregate care facilities and retirement housing.

19. Hospital or clinic for large or small animals, provided such hospital or clinic and treatment rooms be maintained within a completely enclosed, soundproof building and that such hospital or clinic be operated in such a way as to produce no objectionable odors outside its walls.

20. Judicial centers, jails, penal or correctional institutions.

21. Junkyards, sanitary landfills and all other landfills requiring permits from the State of Kansas.

22. Keeping of exotic birds or animals.

23. Kennels, either boarding or breeding, provided:

- A. Pens or open kennels shall be located at least 50 feet from the front lot line and at least 30 feet from any side or rear lot line.
- B. Open pens shall not be required to be served by sanitary sewer facilities unless soil conditions will not support adequate percolation.

24. A manufactured home on an individual lot in zones "AG", "RR", "SR" or "R-1" outside the corporate limits of the City of Sabetha where these regulations have jurisdiction or in zones "R-1A", "R-1B" or "RP-2" within the City of Sabetha, Kansas.

25. Manufactured home parks, subject to the standards established in the Manufactured Home and Recreational Vehicle Code of the City of Sabetha, Kansas.

26. Mortuaries and attendant accessory activities and facilities.

27. Parks and playgrounds.

28. Radio or television broadcasting towers and/or stations, microwave transmitting and/or receiving towers and/or stations, telecommunication towers or any tower or other similar structure 50 feet or more in height, whether publicly or privately owned, provided:

- A. The location of every tower must be such that it is at least a minimum distance from all property lines equal to $\frac{1}{2}$ the height of the tower. A plot plan shall be submitted with the application.
- B. Every tower shall be designed to provide co-location with a minimum of 3 users.
- C. No new tower location shall be approved unless the applicant shall show that there is not sufficient or usable space on existing or approved towers in the same service area.

29. Recreational or sports-related activity or facility, whether publicly or privately owned.

30. Recreational vehicle campground, subject to the standards established in the Manufactured Home and Recreational Vehicle Code of the City of Sabetha, Kansas.

31. Schools, preschools or kindergartens, either publicly or privately owned or operated.

32. Show arenas, rodeo arenas and/or similar facilities.

33. Truck stops and/or truck terminals.

34. Zoos, commercial aquariums or aviaries.

35. Any other use not specifically listed as a permitted and/or accessory use in any district in this Code or as a prohibited use.

Section 2. That all other portions of Ordinance No. 1396 are hereby ratified, except as amended herein.

Section 3. That this ordinance shall become effective and be in full force and effect upon publication in the official public newspaper.

PASSED BY THE GOVERNING BODY and signed by the Mayor of the City of Sabetha, Nemaha County, Kansas, this ____ day of September, 2005.

Dave Emert, Mayor

Attest: _____
Linda Lehman, City Clerk

(Published in The Sabetha Herald on _____)

ORDINANCE NO. _____

AN ORDINANCE INCLUDING AND INCORPORATING CERTAIN LAND WITHIN THE LIMITS AND BOUNDARIES OF THE CITY OF SABETHA, KANSAS, AND APPROVING A PETITION FOR WAIVER OF IMPROVEMENTS TO ROLLING HILLS SECOND ADDITION TO THE CITY OF SABETHA FOR TWENTY YEARS FROM THE DATE OF APPROVAL OF SAID PLAT.

WHEREAS, the City has received a Petition for Annexation and Waiver of Improvements from Danny R. Kellenberger, Trustee, the sole and only owner of the real estate hereinafter described; and,

WHEREAS, a portion of the real estate hereinafter described adjoins and touches the boundary line of the City of Sabetha, Kansas and the City has consented to annexation of said real estate; and,

WHEREAS, the real estate hereinafter described has met one or more of the qualifications for annexation as set forth in K.S.A. 12-520(a) and is therefore eligible for annexation pursuant thereto; and,

WHEREAS, by reason of the above-stated premises, the resolution and notice as required by K.S.A. 12-520a and the plan as required by K.S.A. 12-520b are not necessary prerequisites to the adoption of this ordinance annexing said real estate into the City of Sabetha; and,

WHEREAS, the City of Sabetha, Kansas, has the authority to waive the construction of certain improvements pursuant to Ordinance 1034 known as the Subdivision Regulations of the City of Sabetha, Kansas; and,

WHEREAS, the Governing Body of said City of Sabetha, Kansas, now finds that the waiver of construction of said improvements is beneficial and advisable.

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

Section 1. That the following described real estate, meeting one or more of the conditions for annexation as prescribed by K.S.A. 12-520(a) is hereby included and brought within the corporate limits of the City of Sabetha, Kansas, to wit:

A tract of land located in the Southeast Quarter of Section 2, Township 2 South, Range 14 East of the 6th P.M., Nemaha County, Kansas, described as follows: Commencing at the Northeast Corner of said Southeast Quarter, thence South 89°36'40" West (assumed bearing) along the North line of the Southeast Quarter 625.00 feet to the True Point of Beginning; thence South 0°02'31" West parallel to the East line of the Southeast Quarter 1688.41 feet, thence South 89°40'23" West 147.34 feet, thence North 58°36'55" West 485.61 feet, thence North 64°30'39" West 31.15 feet, thence North 0°13'19" West 938.91 feet thence North 89°36'40" East 60.00 feet, thence North 0°13'19" West 480.00 feet to the North line of the Southeast Quarter, thence North 89°36'40" East along said North line 536.76 feet to the Point of Beginning. Said tract containing 20.93 acres, more or less, and has been

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platted into lots known as "Rolling Hills Second Addition" to the City of Sabetha, Nemaha County, Kansas.

Section 2. That the petition submitted by the owner of the property more fully described in the plat known as "Rolling Hills Second Addition" to the City of Sabetha, Kansas, is hereby approved.

Section 3. That the required improvements consisting of paved streets is hereby waived for 20 years from the date of approval of the plat.

Section 4. That the City shall have the right and authority to construct and install said improvements 20 years from the date the plat of Rolling Hills Second Addition is approved, if not already constructed, and to assess the costs of said improvements against the property in Rolling Hills Second Addition.

Section 5. That this ordinance shall take effect and be in force from and after its adoption and publication in the official city paper.

Passed by the City Commission and approved by the Mayor of the City of Sabetha, Kansas, this ____ day of September, 2000.

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Norman D. Schmitt, Jr., Mayor

ATTEST:

Linda Lehman, City Clerk

ORDINANCE NO.

AN ORDINANCE AMENDING CHAPTER 16, ARTICLE 3 OF THE CODE OF THE CITY OF SABETHA, KANSAS, AND ADOPTING BY REFERENCE THE LAND DEVELOPMENT CODE OF THE CITY OF SABETHA, KANSAS, OCTOBER, 2004, EDITION, PREPARED BY THE SABETHA PLANNING COMMISSION.

WHEREAS, the Governing Body of the City of Sabetha has previously adopted Zoning Regulations to regulate new land uses within the corporate limits of the City of Sabetha, and has established the Sabetha Planning Commission to meet and recommend amendments to those Zoning Regulations, from time to time as needed; and,

WHEREAS, the Sabetha Planning Commission has reviewed the previously adopted Zoning Regulations and has recommended amendments to those regulations for the management and evaluation of new land uses within the corporate limits of the City of Sabetha, Kansas, and certain lands within the unincorporated areas of Brown County and Nemaha County within the extraterritorial jurisdiction of the City of Sabetha, Kansas, pursuant to rules and regulations adopted under the authority of K.S.A. 12-741 et seq; and,

WHEREAS, the Sabetha Planning Commission has prepared the Land Development Code for the City of Sabetha, Kansas, October, 2004, Edition; and,

WHEREAS, the Sabetha Planning Commission held a public hearing on October 7, 2004 for public comment on the proposed Land Development Code for the City of Sabetha, Kansas, pursuant to K.S.A. 12-757 with notice to the public as required by statute, and no protest petition has been filed to the proposed Land Development Code; and,

WHEREAS, pursuant to K.S.A. 12-3009, the City of Sabetha is authorized to incorporate a standard or model code or ordinance in booklet or pamphlet form by reference, which provisions shall be as much part of the ordinance as if the same had been set out in full in this ordinance;

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

SECTION 1. That existing Section 16-301, Chapter XVI, Article 3, of the Code of the City of Sabetha, Kansas is hereby repealed, including any other provisions of said City Code which are inconsistent with the provisions herein, and the following adopted in its place and stead.

SECTION 2. That Section 16-301 of the Code of the City of Sabetha, Kansas, shall read as follows:

Section 16-301. ZONING REGULATIONS INCORPORATED. The Land Development Code of the City of Sabetha, Kansas, and its extraterritorial

jurisdiction in certain portions of unincorporated Brown County and Nemaha County, Kansas, October, 2004, Edition, prepared by the Sabetha Planning Commission, is by reference incorporated in and by this publication made part of this chapter and article as fully as though set out at length herein and is adopted as the Zoning Regulations for the City of Sabetha, Kansas. No fewer than three copies of the Zoning Regulations, marked "Official Copy as incorporated by the Code of the City of Sabetha" and to which there shall be a published copy of this section attached, shall be filed with the City Clerk to be open for inspection and available to the public at all reasonable business hours.

SECTION 3. That new Section 16-302 of the Code of the City of Sabetha, Kansas, shall read as follows:

Section 16-302. ZONING DISTRICT BOUNDARY MAP INCORPORATED. The Zoning District Boundary Map of the City of Sabetha, Kansas, and its extraterritorial jurisdiction in certain portions of unincorporated Brown County and Nemaha County, Kansas, is by reference incorporated in and by this publication made part of this chapter and article as fully as though set out at length herein and is adopted as the Zoning District Boundary Map for the City of Sabetha, Kansas, and its extraterritorial jurisdiction.

SECTION 4. That this Ordinance shall be included in the Code of the City of Sabetha, Kansas, and shall be in full force and effect from and after its publication once in the official city newspaper.

PASSED AND ADOPTED BY THE GOVERNING BODY of the City of Sabetha, Kansas, this _____ day of October, 2004.

Norman D. Schmitt, Jr., Mayor

ATTEST:

Linda Lehman, City Clerk

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 16, ARTICLE 4 OF THE CODE OF THE CITY OF SABETHA, KANSAS, AND ADOPTING BY REFERENCE THE SUBDIVISION REGULATIONS OF THE CITY OF SABETHA, KANSAS, OCTOBER, 2004, EDITION, PREPARED BY THE SABETHA PLANNING COMMISSION.

WHEREAS, the Governing Body of the City of Sabetha has previously adopted Subdivision Regulations to regulate the creation of new building lots within the corporate limits of the City of Sabetha, and has established the Sabetha Planning Commission to meet and recommend amendments to those Subdivision Regulations, from time to time as needed; and,

WHEREAS, the Sabetha Planning Commission has reviewed the previously adopted Subdivision Regulations and has recommended amendments to those regulations for the management and evaluation of the creation of new building lots within the corporate limits of the City of Sabetha, Kansas, and certain lands within the unincorporated areas of Brown County and Nemaha County within the extraterritorial jurisdiction of the City of Sabetha, Kansas, pursuant to rules and regulations adopted under the authority of K.S.A. 12-741 et seq; and,

WHEREAS, the Sabetha Planning Commission has prepared a revision to the Subdivision Regulations for the City of Sabetha, Kansas, October, 2004, Edition; and,

WHEREAS, the Sabetha Planning Commission held a public hearing on October 7, 2004 for public comment on the proposed Subdivision Regulation for the City of Sabetha, Kansas, pursuant to K.S.A. 12-749 with notice to the public as required by statute, and no protest petition has been filed to the proposed Subdivision Regulation; and,

WHEREAS, pursuant to K.S.A. 12-3009, the City of Sabetha is authorized to incorporate a standard or model code or ordinance in booklet or pamphlet form by reference, which provisions shall be as much part of the ordinance as if the same had been set out in full in this ordinance;

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

SECTION 1. That existing Section 16-401 of the Code Chapter XVI, Article 4, of the Code of the City of Sabetha, Kansas is hereby repealed, including any other provisions of said City Code which are inconsistent with the provisions herein, and the following adopted in its place and stead.

SECTION 2. That Section 16-401 of the Code of the City of Sabetha, Kansas, shall read as follows:

Section 16-401. REGULATIONS INCORPORATED. The Subdivision Regulations of the City of Sabetha, Kansas, and its extraterritorial jurisdiction in certain portions of unincorporated Brown County and Nemaha County, Kansas, October, 2004, Edition, prepared by the Sabetha Planning Commission, is by reference incorporated in and by this publication made part of this chapter and article as fully as though set out at length herein and is adopted as the Subdivision Regulations for the City of Sabetha, Kansas. No fewer than three copies of the Subdivision Regulations, marked "Official Copy as incorporated by the Code of the City of Sabetha" and to which there shall be a published copy of this section attached, shall be filed with the City Clerk to be open for inspection and available to the public at all reasonable business hours.

SECTION 3. That this Ordinance shall be included in the Code of the City of Sabetha, Kansas, and shall be in full force and effect from and after its publication once in the official city newspaper.

PASSED AND ADOPTED BY THE GOVERNING BODY of the City of Sabetha, Kansas, this _____ day of October, 2004.

ATTEST:

Norman D. Schmitt, Jr., Mayor

Linda Lehman, City Clerk