

**CHAPTER 16. ZONING AND PLANNING**

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- Article 2. City Limits
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**ARTICLE 1. CITY PLANNING COMMISSION/  
BOARD OF ZONING APPEALS**

16-101. **COMMISSION RE-ESTABLISHMENT.** There is hereby re-established the St. Francis City Planning Commission which is composed of seven members of which five members shall be residents of the city and two members shall reside outside the city, but within the designated planning area of the city which is within at least three miles of the corporate limits of the city. The planning commission was originally created by Ordinance No. \_\_\_\_\_ which was passed and approved on \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.  
(Code 1994; Code 2003)

16-102. **MEMBERSHIP, TERMS, INTEREST AND COMPENSATION.** The members of the planning commission shall be appointed by the mayor with the consent of the governing body at the first regular meeting of the governing body in May of each year and take office at the next regular meeting of the commission. All members shall be appointed for staggered terms of three years each. The appointments shall be so made that the terms of office of the members residing outside of the corporate limits of the city do not expire within the same year. By the re-establishment of the commission, all current members continue to serve their present terms of office. In case of death, incapacity, resignation or disqualification of any member, appointment to such a vacancy on the commission shall be made of the unexpired term of the member leaving the membership. Should any member have a conflict of interest, either directly or indirectly, in any matter coming before the commission, he or she shall be disqualified to discuss or vote on the matter. The governing body may adopt rules and regulations providing for removal of members of the commission. Members of the commission shall serve without compensation, but may be reimbursed for expenses actually incurred in the performance of their duties as deemed desirable by the governing body.  
(Code 1994; Code 2003)

16-103. **MEETINGS, OFFICERS AND RECORDS.** The members of the planning commission shall meet at such time and place as may be fixed in the commission's bylaws. The commission shall elect one member as a chairperson and one member as vice-chairperson who shall serve one year and until their successors have been elected. A secretary shall also be elected who may or may not be a member of the commission. Special meetings may be called at any time by the chairperson or in the chairperson's

absence by the vice-chairperson. The commission shall adopt bylaws for the transaction of business and hearing procedures. All actions by the commission shall be taken by a majority of the entire membership of the commission; except that, a majority of the members present and voting at the hearing shall be required to recommend approval or denial of an amendment to the zoning regulations, a rezoning amendment or a special use permit. A proper record of all the proceedings of the commission shall be kept. The commission, from time to time, may establish subcommittees, advisory committees or technical committees to advise or assist in the activities of the commission.  
(Code 1994; Code 2003)

16-104.           **POWERS AND DUTIES.** The governing body and planning commission shall have all the rights, powers and duties as authorized in K.S.A. 12-741 et seq., and amendments thereto, which are hereby incorporated by reference as part of this section and shall be given full force and effect as if the same had been fully set forth. The commission is hereby authorized to make or cause to be made, adopted and maintained a comprehensive plan for the city and any unincorporated territory lying outside of the city but within Cheyenne County in which the city is located, which in the opinion of the commission forms the total community of which the city is a part. The commission shall also cause to be prepared, adopted and maintained zoning and subdivision regulations on all land within the jurisdiction designated by the governing body. The comprehensive plan and zoning and subdivision regulations are subject to final approval of the governing body by ordinance. Periodically, the governing body may request the commission to undertake other assignment related to planning and land use regulations.  
(Code 1994; Code 2003)

16-105.           **BOARD OF ZONING APPEALS.** The planning commission is hereby designated to also serve as the city’s board of zoning appeals with all the powers and duties as provided for in K.S.A. 12-759. The board shall adopt rules in the form of bylaws for its operation which shall include hearing procedures. Such bylaws shall be subject to the approval of the governing body. Public records shall be kept of all official actions of the board which shall be maintained separately from those of the commission. The board shall keep minutes of its proceedings showing evidence presented, findings of fact, decisions and the vote upon each question or appeal. A majority of the members of the board present and voting at the hearing shall be required to decide any appeal. Subject to subsequent approval of the governing body, the board shall establish a scale of reasonable fees to be paid in advance by the appealing party. The present membership of the board of zoning appeals shall be disbanded effective \_\_\_\_\_, 200\_\_\_\_.  
(Code 1994; Code 2003)

16-106.           **BUDGET.** The governing body shall approve a budget for the planning commission and make such allowances to the commission as it deems proper, including funds for the employment of such employees or consultants as the governing body may authorize and provide, and shall add the same to the general budget. Prior to the time that moneys are available under the budget, the governing body may appropriate monies for such purposes from the general fund. The governing body may enter into such contracts as it deems necessary and may receive and expend funds and moneys from the state or federal government or from any other resource for such purposes.  
(Code 1994; Code 2003)

## ARTICLE 2. CITY LIMITS

16-201.

CITY LIMITS OF ST. FRANCIS, KANSAS. The entire boundary of the City of St. Francis, Kansas, is hereby established and declared to be as follows:

Beginning at the Northeast corner of the Southwest Quarter (SW $\frac{1}{4}$ ) of Section Twenty-two (22), Township Three (3) South, Range Forty (40), West of the 6<sup>th</sup> P.M., in Cheyenne County, Kansas; thence running West along the North line of the Southwest Quarter (SW $\frac{1}{4}$ ) of said Section Twenty-two (22) to the Northwest corner of said Quarter Section; thence running West along the North line of the Southeast Quarter (SE $\frac{1}{4}$ ) of Section Twenty-one (21), in said Township and Range, to the Northwest corner of the East Half (E $\frac{1}{2}$ ) of the said Southeast Quarter (SE $\frac{1}{2}$ ) of said Section Twenty-one (21); thence South along the West line of said East Half (E $\frac{1}{2}$ ) of said Southeast Quarter (SE $\frac{1}{4}$ ) of said Section Twenty-one (21) to the Southwest corner of said East Half (E $\frac{1}{2}$ ) of said Southeast Quarter (SE $\frac{1}{4}$ ) of said Section Twenty-one (21); thence West at right angles Two Hundred Eight Feet (208'); thence South at right angles Two Hundred Eight Feet (208'); thence East at right angles Two Hundred Eight Feet (208') but in any event to the West line of the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$ ) of Section Twenty-eight (28), Township Three (3) South, Range Forty (40), West of the 6<sup>th</sup> P.M., Cheyenne County, Kansas; thence South along the said West line of said Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$ ) of said Section Twenty-eight (28) to the Southwest corner of said northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$ ) of said Section Twenty-eight (28); thence East along the South line of said Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$ ) of said Section Twenty-eight (28) One Hundred Forty-two Feet (142'); thence South and parallel with the East line of said Northeast Quarter (NE $\frac{1}{4}$ ) of said Section Twenty-eight (28) approximately Two Hundred Seventy Feet (270') but in any event to a point which is Two Hundred Feet (200') South from the South right of way line of U.S. Highway No. 36 as now laid out and established across the said Northeast Quarter (NE $\frac{1}{4}$ ) of said Section Twenty-eight (28); thence East, parallel with and Two Hundred Feet (200') South from said South right of way line of said U.S. Highway No. 36 a distance of Seven Hundred Forty-eight Feet (748') but in any event to a point Four Hundred Thirty Feet (430') West from the East line of the said Northeast Quarter (NE $\frac{1}{4}$ ) of said Section Twenty-eight (28); thence South, parallel with and Four Hundred Thirty Feet (430') West from the said East line of the said Northeast Quarter (NE $\frac{1}{4}$ ) of said Section Twenty-eight (28) and to the South line of said Quarter Section; thence East along said South line of said Quarter Section to the Southeast corner of said Northeast Quarter (NE $\frac{1}{4}$ ) of said Section Twenty-eight (28); thence East along the South line of the Northwest Quarter (NW $\frac{1}{4}$ ) of Section Twenty-seven (27), Township Three (3) South, Range Forty (40), West of the 6<sup>th</sup> P.M., Cheyenne County, Kansas, to the Southeast corner of said Quarter Section; thence North along the East line of said Northwest Quarter (NW $\frac{1}{4}$ ) of said Section Twenty-seven (27) to a point which is Six Hundred Ninety-two Feet (692') South from the South right of way line of U.S. Highway No. 36 as now laid out and established across said Quarter Section; thence East at right angles Six Hundred Sixty Feet (660') as to the established line between the

East half (E $\frac{1}{2}$ ) and the West Half (W $\frac{1}{2}$ ) of said West Half of the Northeast Quarter (W $\frac{1}{2}$ NE $\frac{1}{4}$ ) of said Section Twenty-seven (27) and to a point, in said line, which is Five Hundred Sixty-two Feet (562') South from the South right of way line of said U.S. Highway No. 36 as now laid out and established across said Quarter Section; thence North along said line lying between the said East Half (E $\frac{1}{2}$ ) and West Half (W $\frac{1}{2}$ ) of said West Half (W $\frac{1}{2}$ ) of said Northeast Quarter (NE $\frac{1}{2}$ ) of said Section Twenty-seven (27) to the North line of said Quarter Section; thence East along the North line of said Quarter Section a distance of Thirty-six and one-half Feet (36.5'); thence North and parallel with the West line of the Southeast Quarter (SE $\frac{1}{4}$ ) of Section Twenty-two (22), Township Three (3) South, Range Forty (40), West of the 6<sup>th</sup> P.M., Cheyenne County, Kansas, a distance of Four Hundred Eighteen Feet (418') and to the North line of Spencer Avenue of the City of St. Francis, Kansas, projected Eastward; thence East at right angles a distance of Sixty-two and one-half Feet (62.5'); thence North and parallel with the said West line of said Southeast Quarter (SE $\frac{1}{4}$ ) of Said Section Twenty-two (22) Nine Hundred Two Feet (902') and to the East-West line lying between the North Half (N $\frac{1}{2}$ ) and the South Half (S $\frac{1}{2}$ ) of said Southeast Quarter (SE $\frac{1}{4}$ ) of said Section Twenty-two (22); thence East along said line a distance of Three Hundred Two and Twenty-five Hundredths Feet (302.25'); thence North and parallel with the West line of said Southeast Quarter (SE $\frac{1}{4}$ ) of said Section Twenty-two (22) to the North line of said Quarter Section; thence West along said North line of said Southeast Quarter (SE $\frac{1}{4}$ ) of said Section Twenty-two (22) a distance of One Thousand Sixty-one and Two Tenths Feet (1,061.2') and to the point of beginning.

(Code 1978; Code 2003)

### ARTICLE 3. ZONING REGULATIONS

16-301. DEFINITIONS. Certain words in this article are defined for the purposes hereof as follows where the content so indicates as well as where the meaning so requires:

(a) Non-conforming use is one that does not comply with the regulations and restrictions for the use district in which it is situated.

(b) Public Notice of a hearing or proceeding means thirty (30) days' notice of the time and place thereof printed in the official city newspaper.

(c) Accessory use or building is a use or building or portion of the principal building customarily incident to and located on the same lot with another use or building, including a private garage, private storage building or private shop.

(d) Front yard is an open unoccupied space on the same lot with the building, between the front line of the building, and the front line of the lot.

(Code 1978, 17-301; Code 2003)

16-302. USE DISTRICT OR ZONES. For the purpose of regulating and restricting the location, erection, alteration and repair of buildings designed for specific uses, and the uses within each district or zone, all of the City of St. Francis, Kansas, is hereby divided into three classes of use districts termed and designated respectively as follows: "Business", "Residence", and "Business and Residence", and such zones or districts are hereby established.

(a) In the "Business" district, no building or premises shall be used, and no building shall be erected, which is arranged, intended or designed to be used except for a retail or

wholesale store, or commercial or business purpose or a dwelling used in connection with a business.

(b) In the "Residence" district, no building or premises shall be used, and no building shall be erected, which is arranged, intended or designed to be used except for a residence or dwelling use or purpose, (with the exception that churches, church related premises, public schools and public school related premises, and municipality owned and operated facilities and premises may be located in a "Residence" district). An accessory use customarily incident to a residence or dwelling district shall also be permitted in such district, provided such accessory use is located upon the same lot or tract with the building or use to which it is necessary.

(c) In the "Business and Residence" district, any building or premises therein may be used for such purposes as are permitted in the "Business" or "Residence" district. (Ord. 419; Code 2003)

16-302A. BUSINESS DISTRICT shall be constituted of and include the following tracts in said City:

Lots Seven (7), Eight (8), Nine (9) of Block Six (6); ALL of Blocks Sixteen (16), Seventeen (17) and Eighteen (18); the South Half (S½) of Block Nineteen (19); all of Block Twenty (20); the South Half (S½) of Block Twenty-one (21); the North Half (N½) of Blocks Twenty-six (26), Twenty-seven (27), Twenty-eight (28), Twenty-nine (29), Thirty (30) and Thirty-one (31); lots Seven (7), Eight (8), Nine (9) and Ten (10) and the South 65.5 Feet of Lots Five (5) and Six (6) of Block Fourteen (14); Lots Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11) and Twelve (12), Block Forty-four (44); in the original town, now City, of St. Francis, Kansas; Lots Twenty-one (21), Twenty-two (22), Twenty-three (23) and Twenty-four (24), Block Seven (7); Lots Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11) and Twelve (12) of Block Twenty-five (25); Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11) and Twelve (12) of Block Twenty-six (26); Lots Four (4), five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10) and Eleven (11) of Block Twenty-eight (28); Lots Five (5), Six (6), Seven (7), Eight (8), Nine (9), Ten (10), Eleven (11), Twelve (12) and the West 75 Feet of Lots Thirteen (13), Fourteen (14), Fifteen (15) and Sixteen (16) of Block Twenty-nine (29); Lots Nine (9), Ten (10), Eleven (11), Twelve (12), Thirteen (13), Fourteen (14), Fifteen (15) and Sixteen (16) of Block Thirty-one (31); The East 260 Feet of Block Thirty-one (31); Lots One (1), Two (2), Three (3), Four (4), Five (5), Six (6), Seven (7) and Eight (8) of Block Thirty-two (32), all in Park Hill Addition to the City of St. Francis, Kansas; all of that unplatted property South of Park Hill Addition to the City of St. Francis, Kansas and North of the North right-of-way line of U. S. Highway No. 36 from Lorraine Street on the East to River Street on the West; all of the property South of the South right-of-way line of U. S. Highway No. 36 from Lorraine to River Streets continued Southward contained within the city limits of St. Francis, Kansas as set out in Section 16-201 of this chapter; EXCEPT the following described property:

A tract of land in the Northwest Quarter (NW¼) of Section Twenty-seven (27), Township Three (3) South, Range Forty (40) West of the 6<sup>th</sup> P.M. in Cheyenne County, Kansas, more particularly described as follows:

Beginning at a point on the East Quarter Section Line which is Five hundred Ninety-two and Five Tenths Feet (592.5') North of the Southeast corner of the Northwest Quarter (NW $\frac{1}{4}$ ) of Section Twenty-seven (27), as established by Hanson Survey (December 1990), thence North on the Quarter Section Line a distance of Six Hundred Thirteen and Five Tenths Feet (613.5') to the South right-of-way line of U. S. Highway 36 as now constructed; thence West along the South right-of-way line a distance of Three Hundred Feet (300'); thence Southwesterly a distance of Six Hundred Twenty Feet (620'); thence East a distance of Three Hundred Sixty-three Feet (363') to the point of beginning. Said tract to contain 4.70 acres more or less; and

A tract of land in the Northwest Quarter (NW $\frac{1}{4}$ ) of Section Twenty-seven (27), Township Three (3) South, Range Forty (40) West of the 6<sup>th</sup> P.M., in Cheyenne County, Kansas, more particularly described as follows:

Beginning at a point on the South right-of-way line of U. S. Highway 36, as now constructed, said point being One Thousand Six Hundred Four and Four Tenths Feet (1,604.4') East of the West line of said Section; thence East along said right-of-way line a distance of One Hundred Thirty Feet (130'); thence South at a right angle a distance of One Hundred Thirty Feet (130'); thence West and parallel to the right-of-way line of U. S. Highway 36, a distance of One Hundred Thirty Feet (130'); thence North at a right angle a distance of One Hundred Thirty Feet (130') to the point of beginning; and together with an easement for the purposes of ingress to and egress from the above described tract, such easement described as follows: A strip Thirty Feet (30') in width from the North to South beginning at a point Fifty Feet (50') South of the Northeast corner of the property being conveyed and Fifty-eight Feet (58') in length to the East and in any event at the public road right-of-way that runs South from U. S. Highway No. 36 and which public road right-of-way is parallel with the East boundary line of the property being conveyed.

AND INCLUDING, the Industrial Park of the City of St. Francis, Kansas, and all of the C B & Q Railroad right-of-way contained within the city limits of St. Francis, Kansas as set out in Section 16-201 of this chapter.

(Ord 419 *in part*; Code 2003)

16-302B.

BUSINESS AND RESIDENCE district shall be constituted of and include the following tracts in said City:

Lots Five (5), Six (6), Seven (7) and Eight (8) in Block Four (4); Lots One (1), Two (2), Three (3) and Four (4), Block Six (6); the North Half (N $\frac{1}{2}$ ) of Block Nineteen (19); the North Half (N $\frac{1}{2}$ ) of Block Twenty-one (21); the North Half (N $\frac{1}{2}$ ) of Block Twenty-five (25); the North Half (N $\frac{1}{2}$ ) of Lot Thirteen (13), Block Twenty-seven (27); the South Half (S $\frac{1}{2}$ ) of Blocks Twenty-eight (28) and Twenty-nine (29), Blocks Fifty-three (53), Fifty-four (54) and Fifty-five (55); in the original town, now City, of St. Francis, Kansas; the South Half (S $\frac{1}{2}$ ) of Block Forty-eight (48); the North Half (N $\frac{1}{2}$ ) of Block Forty-nine (49); Lots Six (6) and Seven (7) of Block Fifty-two (52), in Henry's Addition to the City of St. Francis, Kansas; Lots Nine (9), Ten (10), Eleven (11), Twelve (12), Thirteen (13),

Fourteen (14), Fifteen (15) and Sixteen (16) of Block Twenty-seven (27); Lots One (1), Two (2), Three (3) and Four (4) of Block Twenty-nine (29); Lots Nine (9), Ten (10), Eleven (11), Twelve (12), Thirteen (13), Fourteen (14), Fifteen (15), Sixteen (16), Seventeen (17), Eighteen (18), Nineteen (19), Twenty (20), Twenty-one (21), Twenty-two (22), Twenty-three (23) and Twenty-four (24) of Block Thirty-two (32); the North 70 Feet of Lots Nineteen (19), Twenty (20), Twenty-one (21), Twenty-two (22), Twenty-three (23) and Twenty-four (24) and Lots Forty (40), Forty-one (41), Forty-two (42), Forty-three (43), Forty-four (44), Forty-five (45), Forty-six (46), Forty-seven (47) and Forty-eight (48) of Block Seventeen (17); Lots Twenty-two (22), Twenty-three (23) and Twenty-four (24) of Block One (1) and the East 20 Feet of Lot Two (2) of Block Two (2), all in Park Hill Addition to the City of St. Francis, Kansas; a tract of land from the East edge of College Street eastward, 217 Feet wide from Jackson Street northward to North Street; AND INCLUDING the following described property:

A tract of land in the Northwest Quarter (NW $\frac{1}{4}$ ) of Section Twenty-seven (27), Township Three (3) South, Range Forty (40) West of the 6<sup>th</sup> P.M. in Cheyenne County, Kansas, more particularly described as follows:

Beginning at a point on the East Quarter Section Line which is Five hundred Ninety-two and Five Tenths Feet (592.5') North of the Southeast corner of the Northwest Quarter (NW $\frac{1}{4}$ ) of Section Twenty-seven (27), as established by Hanson Survey (December 1990), thence North on the Quarter Section Line a distance of Six Hundred Thirteen and Five Tenths Feet (613.5') to the South right-of-way line of U. S. Highway 36 as now constructed; thence West along the South right-of-way line a distance of Three Hundred Feet (300'); thence Southwesterly a distance of Six Hundred Twenty Feet (620'); thence East a distance of Three Hundred Sixty-three Feet (363') to the point of beginning. Said tract to contain 4.70 acres more or less; and

A tract of land in the Northwest Quarter (NW $\frac{1}{4}$ ) of Section Twenty-seven (27), Township Three (3) South, Range Forty (40) West of the 6<sup>th</sup> P.M., in Cheyenne County, Kansas, more particularly described as follows:

Beginning at a point on the South right-of-way line of U. S. Highway 36, as now constructed, said point being One Thousand Six Hundred Four and Four Tenths Feet (1,604.4') East of the West line of said Section; thence East along said right-of-way line a distance of One Hundred Thirty Feet (130'); thence South at a right angle a distance of One Hundred Thirty Feet (130'); thence West and parallel to the right-of-way line of U. S. Highway 36, a distance of One Hundred Thirty Feet (130'); thence North at a right angle a distance of One Hundred Thirty Feet (130') to the point of beginning; and together with an easement for the purposes of ingress to and egress from the above described tract, such easement described as follows: A strip Thirty Feet (30') in width from the North to South beginning at a point Fifty Feet (50') South of the Northeast corner of the property being conveyed and Fifty-eight Feet (58') in length to the East and in any event at the public road right-of-way that runs South from U. S. Highway No. 36 and which public road right-of-way is parallel with the East boundary line of the property being conveyed; along with all of the unplatted area and located in the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{2}$ NE $\frac{1}{2}$ ) of Section Twenty-eight (28),

Township Three (3) South, Range Forty (40) West of the 6<sup>th</sup> P.M., located North of U. S. Highway 36 and contained within the city limits of St. Francis, Kansas, as set out in Section 16-201 of this chapter.

(Ord 419 *in part*; Code 2003)

16-302C. RESIDENCE district shall be constituted of and include all of the remaining lots, block and unplatted areas in said City, contained within the city limits of St. Francis, Kansas, as set out in Section 16-201 of this chapter.  
(Ord. 419; Code 2003)

16-303. USE DISTRICT EXCEPTIONS. The city council may, in the event of property being platted which was undeveloped at the time of this article being adopted, and in other specific cases, after public notice and hearing and subject to such conditions and safeguards as the council may establish, determine and interpret the application of the use district regulations herein established as follows:

(a) Permit the extension of a building or use into an adjoining use district immediately adjacent thereto but not more than fifty feet (50') beyond the boundary line of the district in which such building or use is authorized.

(b) Permit the extension of a non-conforming use or building existing upon the lot or tract occupied by such use of building at the time of the adoption of this article.

(c) Permit in a use district any use deemed by the council in general keeping with the uses authorized in such district.

(d) Grant, in undeveloped sections of the city, temporary and conditional permits, for not more than two (2) year periods, but not renewable, for structures and uses that do not conform to the regulations herein prescribed for the respective use districts in which they are to be located.

(e) Permit the location in any use district of any use, provided such use in such location will not, in the judgment of the council, substantially and permanently injure the appropriate use of neighboring property, provided the petitioning applicant for such permit files with the city clerk the consents, duly acknowledged, of the owners of eighty percent (80%) of the area of the land deemed by the Council to be immediately affected by the proposed use.

(Code 1978, 17-303; Code 2003)

16-304. NON-CONFORMING USES. A non-conforming use existing at the time of the adoption of this article may be continued, but shall not be extended except as authorized by the preceding section, but the extension of any use to any portion of a building, which portion was arranged or designed for such non-conforming use at the time of the adoption of this article, shall not be deemed the extension of a non-conforming use. A building designed or devoted to a non-conforming use at the time of the adoption of this article, may not be re-constructed or structurally altered to an extent exceeding the aggregate during any ten (10) year period, forty percent (40%) of the assessed value of the building, unless the use of said building is changed to a conforming use. A non-conforming use may not be changed unless changed to a more conforming use of the district in which situated. A non-conforming use if changed to a conforming use may not thereafter be changed back to any non-conforming use. A non-conforming use if changed to a more restricted non-conforming use may not thereafter be changed unless to a still more restricted use to conform to the use of the district.

(Code 1978, 17-304; Code 2003)

- 16-305. FRONT YARD OF RESIDENCE DISTRICT. The depth of the front yard measured back from the front line of each lot shall be not less than twenty-five feet (25'); and there shall be a side yard of not less than three feet (3') in width on each side of any building.  
(Code 1978, 17-305; Code 2003)
- 16-306. ACCESSORY USES IN RESIDENCE DISTRICT. A store, trade or business shall not be permitted as an accessory use except that the office of a physician, surgeon, dentist, musician or other professional person, or a cosmetologist, as his private residence, and except that any person carrying on a customary home occupation, may do so in a dwelling or apartment used by him or her as his private residence, provided no persons other than members of his own family or household are employed in such occupation and no sign exceeding two feet (2') square in area containing the name and occupation of the occupant of the premises shall be permitted in any residence district. In a dwelling or apartment occupied as a private residence, one or more rooms may be rented or table board furnished provided no window display or sign board is used to advertise such use exceeding in size that is described in this paragraph.  
(Code 1978, 17-306; Code 2003)
- 16-307. PUBLIC AND SEMI-PUBLIC USES. The following uses may be located in any use district where they will not seriously injure the appropriate use of neighboring property, provided their location is passed on and approved by the city council.
- (a) City Hall, Public Library, Schools, Community Building or public playground.
  - (b) Public Auditoriums, Churches, Hospitals.
  - (c) Lodge Hall, Public Recreation Building, Private Club or Funeral Home.
- (Code 1978, 17-307; Code 2003)
- 16-308. RESTORATION IN EVENT OF DISASTER. Nothing in this article shall prevent the restoration of a building wholly or partly destroyed by fire, explosion, act of God or act of the public enemy, subsequent to the adoption of this article or prevent a change of such existing use under the limitations of section 303 and 304 of this article.  
(Code 1978, 17-308; Code 2003)
- 16-309. BUILDING PERMITS. All building permits for the erection of any building shall be issued by the city clerk upon approval of the city council, but no such permit shall be issued unless there is first filed with the office of the city clerk by the applicant thereof, a plat, in duplicate, showing the location and the dimensions of the building to be erected, altered or enlarged, together with a true statement in writing, signed by the applicant, showing the use for which such building is arranged, intended, designed and furnished, and such other information as the council may require in the enforcement of the provisions of this article, and any failure to comply with the provisions of this article shall be good cause for the revocation of any such building permit by the mayor or city council. A record of such applications and plats shall be kept in the office of the city clerk and shall be subject to public inspection at reasonable hours.  
(Code 1978, 17-309; Code 2003)

16-310. **COMPLETION AND RESTORATION OF EXISTING BUILDINGS.** Nothing contained within this article shall require any change in the plans, specifications, construction or designated use of a building for which a building permit has been heretofore issued, and the construction of which shall have been diligently prosecuted within a reasonable time from the date of such permit.  
(Code 1978, 17-310; Code 2003)

16-311. **ENFORCEMENT; PENALTIES.** The provisions of this article shall be enforced by the mayor and city council under such rules and regulations as they may deem necessary. The owner or owners of any building, structure, premises or part thereof, where anything in violation of this article shall be placed, or shall exist or be maintained, and any architect, builder or contractor who may be employed to assist in the commission of any such violation and any person or corporation who shall violate or maintain any violation of any of the provisions of this article, or who shall fail to comply therewith, or with any requirements thereof, or who shall build in violation of any detailed statement or plans submitted thereunder, shall, for each and every violation or non-compliance, be guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than Five Hundred Dollars (\$500.00); and each day during which such violation shall continue shall constitute a separate offense.  
(Code 1978, 17-311; Code 2003)

#### **ARTICLE 4. SUBDIVISION REGULATIONS**

16-401. **REGULATIONS INCORPORATED.** There are hereby incorporated by reference, as if set out fully herein, certain regulations governing the subdivision of land located within the City of St. Francis, Kansas and certain surrounding area as described therein, as adopted by the governing body of the City of St. Francis, Kansas and prepared by \_\_\_\_\_. No fewer than three copies of the subdivision regulations marked "Official Copy as incorporated by the Code of the City of St. Francis" 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 hours.  
(Code 1994, 16-301; Code 2003)

#### **ARTICLE 5. AREA PLANNING COMMISSION**

16-501. **AREA PLANNING COMMISSION.** There is hereby created the Bird City-St. Francis-Cheyenne County Area Planning Commission (hereinafter referred to as the Area Planning Commission), as authorized by K.S.A. 12-716 to 12-724.  
(Code 1978, 17-101, Sec. 1; Code 1994, 16-401; Code 2003)

16-502. **MEMBERSHIP.** The Area Planning Commission shall consist of nine members, three of whom shall be appointed by the Mayor of the City of Bird City by and with the consent of the governing body of the City of Bird City, and three of whom shall be appointed by the Mayor of the City of St. Francis by and with the consent of the governing body of the City of St. Francis, and three of whom shall be appointed by the

Chairman of the Board of County Commissioners of Cheyenne County, by and with the consent of the Board of County Commissioners of Cheyenne County. All terms of office on the Area Planning Commission shall commence on January 1 and expire on December 31 and shall be for 3 years, other than terms of office of the initial appointees. The City of Bird City shall name, in the manner above provided for, one appointee whose term will expire December 31, \_\_\_\_\_; one appointee whose term will expire December 31, \_\_\_\_\_; and one appointee whose term will expire December 31, \_\_\_\_\_; such appointees shall reside within the corporate limits of said city. The City of St. Francis shall name, in the manner provided for, one appointee whose term will expire December 31, \_\_\_\_\_; one appointee whose term will expire December 31 \_\_\_\_\_; and one appointee whose term will expire on December 31, \_\_\_\_\_; such appointees shall reside within the corporate limits of said city. The County shall name, in the manner above provided for, one appointee whose term will expire December 31, \_\_\_\_\_, and who resides in Commissioner District Number One; one appointee whose term will expire December 31, \_\_\_\_\_, and who resides in Commissioner District Number Three, but none of said appointees shall reside in the corporate limits of either of said cities aforesaid. In case of the death, incapacity, resignation or disqualification of any member, the Board making the appointment of such member shall appoint another member for the unexpired term of such deceased, incapacitated, resigned or disqualified member from the area from which such member shall have qualified. No person shall be disqualified from continuing to serve on such planning commission by reason of changing his residence, provided such person continues to reside within Cheyenne County. All members including the Chairman, shall have the right to take part in all discussions, and to vote on any matter, except that any member who has a conflict of interest with regard to any discussion and voting thereon. Members of the Area Planning Commission shall serve without compensation, but may be reimbursed for actual expense incurred in the performance of their duties as members of the Area Planning Commission.

(Code 1978, 17-101, Sec. 2; Code 1994, 16-402; Code 2003)

16-503.

**MEETINGS.** The Area Planning Commission shall convene for its first meeting at such time and place as shall be fixed by the chairman of the board of County Commissioners and the Mayor of the City of Bird City, and the Mayor of the City of St. Francis, and shall thereupon proceed to organize and elect officers and to fix and determine times and places of future meetings, which said meetings shall be not less frequent than once each month. Said Planning Commission shall elect one member as chairman and one member as vice-chairman and whose terms of office shall be for one year and until their successors shall have been elected and qualified. Special meetings of the Area Planning Commission may be called by the chairman, or, in his absence, by the vice-chairman. A quorum of the Area Planning Commission shall consist of five members. The Area Planning Commission shall designate a secretary and may also designate an assistant secretary, neither of whom need be members of the Area Planning Commission. The secretary shall cause a proper record to be kept of all the proceedings of the Area Planning Commission, copies of which shall be properly furnished to all governing bodies.

(Code 1978, 17-101, Sec. 3; Code 1994, 16-403; Code 2003)

16-504.

**POWERS, DUTIES.** (a) The Area Planning Commission shall have such powers and duties as may be prescribed by law from time to time. As a primary function, the Area Planning Commission shall have the responsibility for the preparation, adoption and recommendation of a long-range comprehensive plan to guide the future physical development of the Bird City-St. Francis-Cheyenne County Area. Such comprehensive plan shall consist of, but not be limited to, a land use element, a circulation element and a public facilities element. The plan shall provide a statement of population distribution and density and proposed building intensities and other uses of land. The Planning Commission shall recommend development plans for specific public works projects and for urban renewal. Such development plans shall be related to the comprehensive plan and shall insure the integration of proposed land uses and matters of access and relationship to construction; development plans shall also contain analysis of methods of financing proposed public works.

(b) The Planning Commission shall cause to be prepared zoning studies and shall recommend the zoning of all land within their jurisdiction. The Area Planning Commission shall cause to be prepared recommendations governing the control of subdivisions within the area of their jurisdiction. The Area Planning Commission shall cause to be prepared annually for the jurisdiction that they represent a statement of the current and past growth and development trends, and anticipated growth for the succeeding year and for the succeeding years. Such annual statement of anticipated growth and development shall also contain an annual review of the status of the comprehensive plan and shall recommend adjustments in such plans. Such annual statement shall be transmitted to the administrative heads of the political jurisdictions involved on or before the first Monday in March of each year for the use by the respective jurisdictions in the preparation of their annual capital improvement budget. The Area Planning Commission shall cause to have reviewed annually the proposed capital improvement budgets of their respective jurisdictions, and shall comment upon the proposed budget in terms of its conformity to and furtherance of the comprehensive plan. The Area Planning Commission is empowered to carry into effect such provisions of State law relating to planning which are authorized for the Cities of Bird City and St. Francis and for Cheyenne County, and which each may, under existing laws, separately exercise and perform.

(Code 1978, 17-101, Sec. 4; Code 1994, 16-404; Code 2003)

16-505.

**PLANNING AND ZONING ACTIONS.** (a) All planning and zoning actions of every kind or character heretofore taken by the city council of Bird City or by the Board of County Commissioners of Cheyenne County shall be continued in full force and effect, and shall in no respect be affected by this joint resolution and ordinance. All petitions for zone changes, request for approved plats and dedications, and all other matters pending before the said city councils or board of county commissioners of Cheyenne County shall upon the effective date of this joint resolution and ordinance be transferred to and become the responsibility of the Area Planning Commission and its planning department.

(b) All zoning or planning action taken by the governing bodies of said cities or county after the effective date of this joint resolution and ordinance shall be first referred to the Area Planning Commission for its recommendations in writing.

(c) No amendment, supplement, change, modification or repeal of the zoning regulations or restrictions of said cities or county shall, after the effective date of this joint resolution and ordinance, be made by said cities or county except in conformity with K.S.A. Chapter 12, Article 7, and Chapter 19, Article 29, as passed and amended in relation thereto.  
(Code 1978, 17-101, Sec. 5; Code 1994, 16-405; Code 2003)

16-506. BUDGET AND INCOME EXPENDITURES. On or before the first Monday in June of each year, the Area Planning Commission shall submit to the board of county commissioners of Cheyenne County and to the mayors of the Cities of Bird City and St. Francis, a proposed budget of the income and expenditures for the ensuing years for the Area Planning Commission. Thereupon, the budget shall be considered by the governing bodies of the cities and county, and such budget as submitted or as the same may be amended shall be approved and adopted by all of said governing bodies. The division of funds to be furnished to the Area Planning Commission in said budget shall be divided 15 percent to the City of Bird City, 35 percent to the City of St. Francis, and 50 percent to Cheyenne County. The county treasurer of Cheyenne County is hereby designated as the custodian and disbursing agent for the total budget and the mayor and city councils of said cities shall direct their respective city treasurers to pay over directly to the county treasurer of Cheyenne County the portion of the budget which is due from their respective cities on each particular budget. The county treasurer shall keep separate books of account showing the income and expenditures of the Area Planning Commission.  
(Code 1978, 17-101, Sec. 6; Code 1994, 16-406; Code 2003)

16-507. EMPLOYEES. The Area Planning Commission may hire and provide such professional and clerical personnel as it shall deem necessary, and all employees of the Area Planning Commission shall serve at the pleasure of said Commission. The county clerk of Cheyenne County or his representative shall perform the duties of secretary to the Area Planning Commission.  
(Code 1978, 17-101, Sec. 7; Code 1994, 16-407; Code 2003)

16-508. EFFECTIVENESS OF AGREEMENT. This joint resolution and ordinances shall constitute an agreement between the City of Bird City, and the City of St. Francis, and Cheyenne County as contemplated by K.S.A. 12-716 and 718, and shall also constitute a resolution of the board of county commissioners of Cheyenne County and an ordinance of the City of Bird City and an ordinance of the City of St. Francis and shall be effective upon its passage and adoption by the board of county commissioners of Cheyenne County and by the city council of Bird City and by the city council for St. Francis, each acting separately and after its publication as provided by law. A fully executed and attested copy hereof shall be filed with the county clerk of Cheyenne County and with the city clerk of Bird City and with the city clerk of St. Francis.  
(Code 1978, 17-101, Sec. 8; Code 1994, 16-408; Code 2003)