

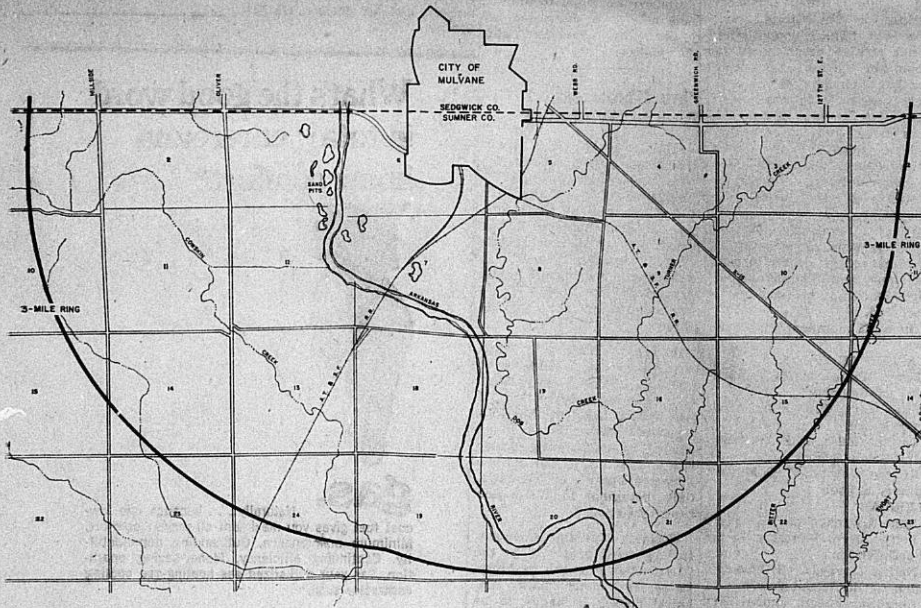
DR 70-18 - Mulvane 3-Mile Ring
Zoning (Sumner County)

ACTION

Mulvane Pkg Com.
COMMITTEE Approved DATE 9/14/70
Mulvane Ct. Council
MAPS. Approved 9/21/70

B.C.C./B. CO. C. _____

OFFICIAL ZONING MAP
3-MILE RING OF MULVANE, KANSAS
IN SUMNER COUNTY



PASSED AND ADOPTED - SEPTEMBER 21, 1970
 EFFECTIVE UPON PUBLICATION

(Published in The Mulvane News
 Thursday, Sept. 24, 1970)

ORDINANCE NO. 401

AN ORDINANCE ESTABLISHING ZONING UNDER THE PROVISIONS OF KSA 1969 SUPP. 12-715b, 12-715c AND 12-715d; AFFECTING LAND LOCATED OUTSIDE THE CITY LIMITS OF MULVANE BUT WITHIN THREE MILES THEREOF LOCATED IN SUMNER COUNTY.

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

SECTION 1—Intent and Purpose, Districts, General Regulations, Jurisdiction and Maps.

1) **Intent and Purpose.** This zoning ordinance is adopted pursuant to the provisions of KSA 1969 Supp. 12-715b through 12-715d and is intended to serve the following purposes:

To divide the unincorporated area in Sumner County lying within three miles of the City of Mulvane into one or more zones or districts; to regulate and restrict the location and use of buildings and the use of land within each district or zone; to restrict the use of buildings and land for agriculture, dwellings, business, industry, conservation, food plant and other purposes.

2) **Districts.** The following districts shall be established:

- “R-1”—Rural Residential and
- “R-0”—Rural Non-Residential.

3) **General Regulations.** All structures and use of land shall conform to the regulations of this ordinance after its effective date. A zoning permit shall be required for any structure to be built, remodeled or otherwise altered, or for the use of any land before such use shall commence. Such zoning permits shall be issued by the City Administrator of the City of Mulvane on such forms and under such procedures as may be directed by the Governing Body and/or the City Administrator. Fees may be established by motion of the Governing Body sufficient to cover the cost of administering and enforcing this ordinance. Changes and amendments to this ordi-

within three miles of the corporate limits of the City of Mulvane and which lie in Sumner County, Kansas.

6) **Exceptions.** These regulations shall apply to all lands and structures except as to agricultural uses on tracts of land three acres or larger.

SECTION 2—“R-1”—Rural Residential District.

This district is intended to provide for the development of land at low densities compatible with an agricultural community. The uses which are normally associated in open space activities and other residential activities and which can be accommodated in a rural area are permitted by conditional use permit as specified herein.

A) Permitted Uses:

1. Agriculture as defined by this ordinance.
2. Single-family dwelling units.
3. Public uses, including churches, parks, schools, township halls, hospitals, public service and public utility uses.
4. Recreational uses, and social facilities, including country clubs, swimming clubs, golf courses, privately owned dwellings for seasonal occupancy and not planned for use for permanent occupancy, such as summer homes and cottages.

B) Conditional Uses:

The following uses may be permitted after a public hearing held by the Planning Commission and upon specific approval of the Governing Body:

1. Airports.
2. Cemeteries.
3. Landfill operations.
4. Excavation, extraction or mining of sand, gravel or other raw materials.

5. Mobile home parks, subject to such conditions as to design, density, physical improvement as may be compatible to conventional residential subdivisions.

- C) Lot Size Requirements:**
 Minimum lot area—2 acres.
 Minimum lot width—150 feet.
 Minimum lot depth—150 feet.
- D) Bulk Regulations:**
 Maximum structure height — 25 feet.
 Front Yard Requirement 35

B) Lot Size Requirements:

Area requirements shall be the same as the “R-1” District.

C) Bulk Regulations:

Setbacks and height regulations shall be the same as the “R-1” District.

SECTION 4—Definitions

AGRICULTURE — The use of a tract of land of not less than three acres for the growing of crops in the open, pasturage, horticulture or the raising of poultry, including the structure necessary for carrying out farming operations and the residence or residences of those owning or operating the premises, a member of the family thereof or persons employed full-time thereon and the family thereof.

DWELLING — DETACHED — A dwelling or portion thereof, but not a mobile home designed for use for residential occupancy which is entirely surrounded by open space on the same lot.

GOVERNING BODY—The Mayor and Council of Mulvane, Kansas.

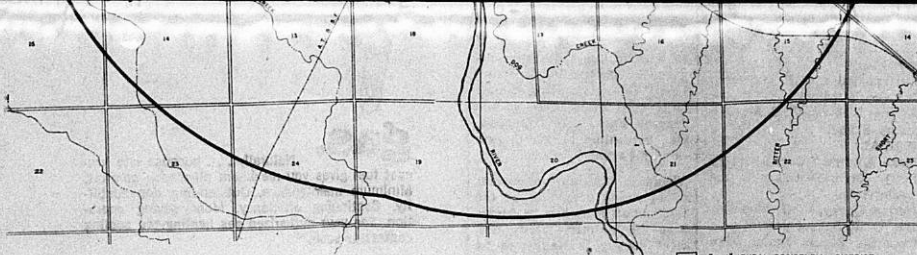
MOBILE HOME PARK—An area or premises on which mobile homes are parked or any premises on which spaces for the parking of mobile homes is rented or held out for rent, or which free occupancy or camping is granted to the owners or users of mobile homes for the purpose of securing their trade. The term “mobile home park” does not include sales lots on which unoccupied mobile homes, whether new or used, are parked for the purpose of storage, inspection, or sale.

MOBILE HOME—A vehicle, housecar, campcar or trailer or any portable or mobile vehicle on wheels, skids or rollers, blocks or permanent or temporary foundation, either self-propelled or propelled by other means, which is used or designed to be used permanently or temporarily, exclusively for living and sleeping purposes.

- “R-1” RURAL RESIDENTIAL DISTRICT
- ▨ “R-0” RURAL NON-RESIDENTIAL DISTRICT

of September, 1970.
 Robert O. Sullivan,
 Mayor

ATTEST:
 Glenn Klopfenstein,
 City Clerk
 (SEAL)



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EFFECTIVE UPON PUBLICATION

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2) **Districts.** The following districts shall be established:

"R-1"—Rural Residential and "R-O"—Rural Non-Residential.

3) **General Regulations.** All structures and use of land shall conform to the regulations of this ordinance after its effective date. A zoning permit shall be required for any structure to be built, remodeled or otherwise altered, or for the use of any land before such use shall commence. Such zoning permits shall be issued by the City Administrator of the City of Mulvane on such forms and under such procedures as may be directed by the Governing Body and/or the City Administrator. Fees may be established by motion of the Governing Body sufficient to cover the cost of administering and enforcing this ordinance. Changes and amendments to this ordinance shall be in accord with statutory requirements. Any applicant requesting a change of zoning or a conditional use permit shall assume all costs of notices, publication and changes of maps. A deposit to guarantee such payment may be required prior to processing such request.

4) **Zoning Maps.** The boundaries of the districts are as indicated on the zoning map(s), a copy of which is on file in the Office of the City Administrator, City Hall, Mulvane, Kansas. The said zoning map(s) with all notations, references and other matters shown thereon is as much a part of this zoning ordinance as if such notations, and other matters were specifically set forth herein.

5) **Jurisdiction.** This ordinance shall apply to all lands lying

within three miles of the corporate limits of the City of Mulvane and which lie in Sumner County, Kansas.

6) **Exceptions.** These regulations shall apply to all lands and structures except as to agricultural uses on tracts of land three acres or larger.

SECTION 2—"R-1"—Rural Residential District.

This district is intended to provide for the development of land at low densities compatible with an agricultural community. The uses which are normally associated in open space activities and other residential activities and which can be accommodated in a rural area are permitted by conditional use permit as specified herein.

A) **Permitted Uses:**

1. Agriculture as defined by this ordinance.
2. Single-family dwelling units.
3. Public uses, including churches, parks, schools, township halls, hospitals, public service and public utility uses.
4. Recreational uses, and social facilities, including country clubs, swimming clubs, golf courses, privately owned dwellings for seasonal occupancy and not planned for use for permanent occupancy, such as summer homes and cottages.

B) **Conditional Uses:**

The following uses may be permitted after a public hearing held by the Planning Commission and upon specific approval of the Governing Body:

1. Airports.
2. Cemeteries.
3. Landfill operations.
4. Excavation, extraction or mining of sand, gravel or other raw materials.
5. Mobile home parks, subject to such conditions as to design, density, physical improvement as may be compatible to conventional residential subdivisions.

C) **Lot Size Requirements:**

- Minimum lot area—2 acres.
- Minimum lot width—150 feet.
- Minimum lot depth—150 feet.

D) **Bulk Regulations:**

- Maximum structure height — 35 feet.
- Front Yard Requirement — 35 feet measured from the property line.
- Minimum side yard—10 feet.
- Minimum rear yard—25 feet.

SECTION 3—"R-O"—Rural Non-Residential District

This district will be used to provide for non-residential activities in the rural areas.

A) **Conditional Uses:**

The following uses may be permitted after a public hearing held by the Planning Commission and upon specific approval of the Governing Body:

1. Signs and billboards.
2. Retail commercial.
3. Wholesaling or manufacturing.

4. Such other uses which may be compatible with the area and when providing a service to the development of the Mulvane area.

B) **Lot Size Requirements:**

Area requirements shall be the same as the "R-1" District.

C) **Bulk Regulations:**

Setbacks and height regulations shall be the same as the "R-1" District.

SECTION 4—Definitions

AGRICULTURE — The use of a tract of land of not less than three acres for the growing of crops in the open, pasturage, horticulture or the raising of poultry, including the structure necessary for carrying out farming operations and the residence or residences of those owning or operating the premises, a member of the family thereof or persons employed full-time thereon and the family thereof.

DWELLING — DETACHED — A dwelling or portion thereof, but not a mobile home designed for use for residential occupancy which is entirely surrounded by open space on the same lot.

GOVERNING BODY—The Mayor and Council of Mulvane, Kansas.

MOBILE HOME PARK—An area or premises on which mobile homes are parked or any premises on which spaces for the parking of mobile homes is rented or held out for rent, or which free occupancy or camping is granted to the owners or users of mobile homes for the purpose of securing their trade. The term "mobile home park" does not include sales lots on which unoccupied mobile homes, whether new or used, are parked for the purpose of storage, inspection, or sale.

MOBILE HOME—A vehicle, housecar, campcar or trailer or any portable or mobile vehicle on wheels, skids or rollers, blocks or permanent or temporary foundation, either self-propelled or propelled by other means, which is used or designed to be used permanently or temporarily, exclusively for living and sleeping purposes.

PLANNING COMMISSION—The Mulvane Planning Commission.

SECTION 5—Board of Zoning Appeals.

The Board of Zoning Appeals of the City of Mulvane shall perform the statutory requirements for the area and jurisdiction of this ordinance.

SECTION 6—Severability Clause

If any court of competent jurisdiction shall adjudge any provision of this ordinance to be invalid, such judgment shall not affect any other provision of this ordinance.

SECTION 7—Effective Date.

This ordinance shall be in effect from and after its passage and due publication once in the official city paper, according to law.

PASSED AND ADOPTED at Mulvane, Kansas, this 21st day

of September, 1970.
Robert O. Sullivan,
Mayor

ATTEST:
Glenn Klopfenstein,
City Clerk
(SEAL)

Published in The Mulvane News on August 20, 1970.

OFFICIAL NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on Monday, September 14, 1970, the Mulvane Planning Commission in the City Building, Mulvane, Kansas, at 8:00 p.m. will consider the adoption of an ordinance establishing zoning and what zoning classifications should be established initially for the area within three miles of the City of Mulvane and being within Sumner County only.

It is proposed to establish two zoning districts, the "R-1" Rural Residential District, which is intended to provide for the development of land at low densities compatible with the agricultural community; and the "R-0" Rural Non-Residential District, which will be used to provide for non-residential activities in the rural areas. It is intended to map only the "R-1" District, however, the "R-0" District may later be permitted after a public hearing is held by the Planning Commission and upon specific approval of the Mayor and Council of Mulvane. The proposed map and ordinance are on exhibit in the Office of the City Clerk in the City Building, Mulvane, Kansas.

This area in the County of Sumner within three miles of the City of Mulvane, Kansas, will have zoning established thereon under the provisions of KSA 1969 Supp. 12-715b, 12-715c and 12-715d. The zoning ordinance to be established will be under the jurisdiction of the Mayor and Council of Mulvane, Kansas.

This hearing of the Mulvane Planning Commission may be recessed from time to time at places and dates to be announced at this hearing; then after such hearings are held, their recommendations for the establishment of zoning shall be submitted to the Mayor and Council of Mulvane, Kansas.

The Mulvane Planning Commission will hear the initial proposals on September 14, 1970, in the City Building, Mulvane, Kansas, at 8:00 p.m.; and if not deferred, the Mayor and Council of Mulvane, Kansas, will hear the recommendations on September 21, 1970, at 7:30 p.m. in the City Building, Mulvane, Kansas, and such Council shall then consider the adoption of the zoning ordinance as provided for by State statute.

All persons interested in this matter will be heard by the Mulvane Planning Commission concerning their views and wishes and any protests against the proposed zoning classifications which may be established will be considered by the Commission. Those interested may appear either in person or by agent or attorney, if they so desire.

WITNESS MY HAND AND SEAL this 19th day of August, 1970.

(SEAL)

Glenn Klopfenstein, Secretary
of the Mulvane Planning Commission

REGULAR MEETING

AGENDA

SEPTEMBER 21, 1970.

Call Meeting To Order

Roll Call

Invocation

Approve Minutes Of Previous Meetings

Items Tabled:

School Zone - - Plaza Lane
Sewer East Main St.

Approval Is Requested On The Following:
Payroll September 1st thru 15th
Appropriating Ordinance #671-A

Correspondence:
Fred Mauck

New Business:

Zoning Ordinance - - Sumner County
John Schroeder
Cereal Malt Beverage License Application
Bill Suter -- basement
Alley - - Block 7, College Hill Add.
Mobile Home Permit - - Holdeman
Mrs. L. J. Barnett - - driveway & sidewalk
Power Failure - - City's liability
Property South of Power Plant - - asking price
Police Equipment - - matching funds
Paul Nye - - Permit

*Approved as recommended by the
M.P.C. with the understanding
that existing uses may
continue. Unannounced.*

DRAFT COPY

8-17-70

Approved
MPC 9/14/70
MCC 9/21/70

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2) Districts. The following districts shall be established: "R-1" - Rural Residential and "R-0" - Rural Non-Residential.

3) General Regulations. All structures and use of land shall conform to the regulations of this ordinance after its effective date. A zoning permit shall be required for any structure to be built, remodeled or otherwise altered, or for the use of any land before such use shall commence. Such zoning permits shall be issued by the City Administrator of the City of Mulvane on such forms and under such procedures as may be directed by the Governing Body and/or the City Administrator. Fees may be established by motion of the Governing Body sufficient to cover the cost of administering and enforcing this ordinance. Changes and amendments to this ordinance shall

be in accord with statutory requirements. Any applicant requesting a change of zoning or a conditional use permit shall assume all costs of notices, publication and changes of maps. A deposit to guarantee such payment may be required prior to processing such request.

4) Zoning Maps. The boundaries of the districts are as indicated on the zoning map(s), a copy of which is on file in the Office of the City Administrator, City Hall, Mulvane, Kansas. The said zoning map(s) with all notations, references and other matters shown thereon is as much a part of this zoning ordinance as if such notations, and other matters were specifically set forth herein.

5) Jurisdiction. This ordinance shall apply to all lands lying within three miles of the corporate limits of the City of Mulvane and which lie in Sumner County, Kansas.

6) Exceptions. These regulations shall apply to all lands and structures except as to agricultural uses on tracts of land three acres or larger.

SECTION 2 - "R-1" - Rural Residential District.

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3. Landfill operations.
4. Excavation, extraction or mining of sand, gravel or other raw materials.
5. Mobile home parks, subject to such conditions as to design, density, physical improvement as may be compatible to conventional residential subdivisions.

C) Lot Size Requirements:

- Minimum lot area - 2 acres.
- Minimum lot width - 150 feet.
- Minimum lot depth - 150 feet.

D) Bulk Regulations

- Maximum structure height - 35 feet.
- Front Yard Requirement - 35 feet measured from the property line.
- Minimum side yard- 10 feet.
- Minimum rear yard - 25 feet.

SECTION 3 - "R-0" - Rural Non-Residential District

This district will be used to provide for non-residential activities in the rural areas:

A) Conditional Uses:

The following uses may be permitted after a public hearing held by the Planning Commission and upon specific approval of the Governing Body.

1. Signs and billboards.
2. Retail commercial.
3. Wholesaling or manufacturing.
4. Such other uses which may be compatible with the area and when providing a service to the development of the Mulvane area.

B) Lot Size Requirements:

Area requirements shall be the same as the "R-1" District.

C) Bulk Regulations:

Setbacks and height regulations shall be the same as the "R-1" District.

SECTION 4 - Definitions

AGRICULTURE - The use of a tract of land of not less than three acres for the growing of crops in the open, pasturage, horticulture or the raising of poultry, including the structure necessary for carrying out farming operations and the residence or residences of those owning or operating the premises, a member of the family thereof or persons employed full-time thereon and the family thereof.

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PLANNING COMMISSION - The Mulvane Planning Commission.

SECTION 5 - Board of Zoning Appeals

The Board of Zoning Appeals of the City of Mulvane shall perform the statutory requirements for the area and jurisdiction of this ordinance.

SECTION 6 - Severability Clause

If any court of competent jurisdiction shall adjudge any provision of this ordinance to be invalid, such judgment shall not affect any other provision of this ordinance.

SECTION 7 - Effective Date.

This ordinance shall be in effect from and after its passage and due publication once in the official city paper, according to law.

PASSED AND ADOPTED at Mulvane, Kansas, this _____ day of _____, 1970.

Mayor

ATTEST

Glenn Klopfenstein
City Clerk
(SEAL)

Revised
8-17-70

Schedule of Events for Establishing Zoning
in the 3-Mile Ring of Mulvane in Sumner County

Extra-Territorial Zoning
Act to Adopt Zoning

12-715b (d)
12-708

Tuesday, July 21, 1970	Notify Sumner County Commission of intent to establish zoning
Monday, July 20, 1970 Tuesday, July 21, 1970	Take Land Use
Monday, August 17, 1970	<u>Special Meeting</u> of Mulvane Planning Commission to discuss proposed ordinance
Tuesday, August 18, 1970	Deliver notice to newspaper
Thursday, August 20, 1970	Publish notice in official City newspaper
Monday, August 24, 1970	Deliver notice to residences and places of business (not to be placed in mail boxes)
Monday, September 14, 1970	Special Meeting of the Mulvane Planning Commission for public hearing to consider Zoning Ordinance and Maps
Monday, September 21, 1970	Mulvane City Council meeting to adopt ordinance
September 21, 1970	62 days after notice to Sumner County
Thursday, September 24, 1970	Ordinance published in official City newspaper

~~DRAFT~~

1+2

Published in The Mulvane News on August 20, 1970.

OFFICIAL NOTICE OF PUBLIC HEARING

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"EXHIBIT A"

This area in the County of Sumner within three miles of the City of Mulvane, Kansas, will have zoning established thereon under the provisions of KSA 1969 Supp. 12-715b, 12-715c and 12-715d. The zoning ordinance to be established will be under the jurisdiction of the ~~Mulvane City Council~~ *Mayor and Council of Mulvane, Kansas.*

* It is proposed to establish ^{zoning} two districts, the "R-1" Rural Residential District which is intended to provide for the development of land at low densities compatible with the agricultural community; and the "R-0" Rural Non-Residential District which will be used to provide for non-residential activities in the rural areas. It is intended to map only the R-1 District, however, the "R-0" district may ^{later} be permitted after a public hearing is held by the P.C. and upon specific approval of the governing Mayor and Council of Mulvane. The proposed map and ordinance are on exhibit in the office of the City Clerk in the City Building, Mulvane, Kansas.

This hearing of the Mulvane ~~City~~ Planning Commission may be recessed from time to time at places and dates to be announced at this hearing; then after such hearings are held, their recommendations for the establishment of zoning shall be submitted to the ^{Mayor and Council} ~~City Council~~ of Mulvane, Kansas.

The Mulvane ~~City~~ Planning Commission will hear the initial proposals on Sept 14, 1970, in the City Building, Mulvane, Kansas, at 8:00 p.m.; and if not deferred, the ^{Mayor and} ~~City~~ Council of Mulvane, Kansas will hear the recommendations on Sept 21, 1970, at 7:30 p.m. in the City Building, Mulvane, Kansas, and such Council shall then consider the adoption of the zoning ordinance as provided for by State statute.

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WITNESS MY HAND AND SEAL this 19th day of August, 1970.

Glenn Klopfenstein, Secretary of the
Mulvane ~~City~~ Planning Commission

(SEAL)

Revised
8/17/70

Schedule of Events for Establishing Zoning
In the 3-Mile Ring of Mulvane in Sumner County

Extra-Territorial Zoning 12-715b (d)
Act to Adopt Zoning 12-708

Tuesday, July 21, 1970	Notify Sumner County Commission of intent to establish zoning
Monday, July 20, 1970 Tuesday, July 21, 1970	Take Land Use
July 20-31, 1970	Two weeks to work with Ted Hill on text of Ordinance
Monday, August ¹⁷ 3 , 1970	<u>Special Meeting</u> of Mulvane Planning Commission to discuss proposed ordinance
Tuesday, August ¹⁸ 4 , 1970	Deliver notice to newspaper
Thursday, August ²⁰ 6 , 1970	Publish notice in official City newspaper
Monday, August ²⁴ 10 , 1970	Deliver notice to residences and places of business (not to be placed in mail boxes)
Monday, August 31, 1970 <i>Sept 14, 1970</i>	Special Meeting of the Mulvane Planning Commission for Public Hearing to consider Zoning Ordinance and Maps
Monday, Sept 21, 1970 Tuesday, September 8, 1970	Mulvane City Council meeting to Adopt Ordinance
September 21, 1970	62 days after notice to Sumner County
Thursday, September 24, 1970	Ordinance published in Official City newspaper

9-14-70 ~~Fill~~

Mulvane CPL - Public Hearing Re zoning 3 mile - Summer
to only. (in in Bell Plain Twp)
+ Give up

No one in favor of ordinance

* $\frac{1}{2}$ Acre if made available should be C-4 in R-1
with ~~25~~ ¹⁰⁰ min footage 100 wide x 200 depth.

Same as

* Summer, Co. not the adopting body.

Herb Mumballard if Sedg/Summer ^{Sedg Co} may be dumped

Sedg-

* ? on body shop vacant 5 yrs

DRAFT COPY

8-17-70

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5) Jurisdiction. This ordinance shall apply to all lands lying within three miles of the corporate limits of the City of Mulvane and which lie in Sumner County, Kansas.

6) Exceptions. These regulations shall apply to all lands and structures except as to agricultural uses on tracts of land three acres or larger.

SECTION 2 - "R-1" - Rural Residential District.

This district is intended to provide for the development of land at low densities compatible with an agricultural community. The uses which are normally associated in open space activities and other residential activities and which can be accommodated in a rural area are permitted by conditional use permit as specified herein.

A) Permitted Uses:

1. Agriculture as defined by this ordinance.
2. Single-family dwelling units.
3. Public uses, including churches, parks, schools, township halls, hospitals, public service and public utility uses.
4. Recreational uses, and social facilities, including country clubs, swimming clubs, golf courses, privately owned dwellings for seasonal occupancy and not planned for use for permanent occupancy such as summer homes and cottages.

B) Conditional Uses:

The following uses may be permitted after a public hearing held by the Planning Commission and upon specific approval of the Governing Body:

1. Airports.
2. Cemeteries.
3. Landfill operations.
4. Excavation, extraction or mining of sand, gravel or other raw materials.
5. Mobile home parks, subject to such conditions as to design, density, physical improvement as may be compatible to conventional residential subdivisions.

C) Lot Size Requirements:

Minimum lot area - 2 acres.

Minimum lot width - 150 feet.

Minimum lot depth - 150 feet.

D) Bulk Regulations

Maximum structure height - 35 feet.

Front Yard Requirement - 35 feet measured from the property line.

Minimum side yard- 10 feet.

Minimum rear yard - 25 feet.

SECTION 3 - "R-0" - Rural Non-Residential District

This district will be used to provide for non-residential activities in the rural areas:

A) Conditional Uses:

The following uses may be permitted after a public hearing held by the Planning Commission and upon specific approval of the Governing Body.

1. Signs and billboards.
2. Retail commercial.
3. Wholesaling or manufacturing.
4. Such other uses which may be compatible with the area and when providing a service to the development of the Mulvane area.

B) Lot Size Requirements:

Area requirements shall be the same as the "R-1" District.

C) Bulk Regulations:

Setbacks and height regulations shall be the same as the "R-1" District.

SECTION 4 - Definitions

AGRICULTURE - The use of a tract of land of not less than three acres for the growing of crops in the open, pasturage, horticulture or the raising of poultry, including the structure necessary for carrying out farming operations and the residence or residences of those owning or operating the premises, a member of the family thereof or persons employed full-time thereon and the family thereof.

DWELLING - DETACHED - A dwelling or portion thereof, but not a mobile home designed for use for residential occupancy which is entirely surrounded by open space on the same lot.

GOVERNING BODY - The Mayor and Council of Mulvane, Kansas.

MOBILE HOME PARK - An area or premises on which mobile homes are parked or any premises on which spaces for the parking of mobile homes is rented or held out for rent, or which free occupancy or camping is granted to the owners or users of mobile homes for the purpose of securing their trade. The term "mobile home park" does not include sales lots on which unoccupied mobile homes, whether new or used, are parked for the purpose of storage, inspection, or sale.

MOBILE HOME - A vehicle, housecar, campcar or trailer or any portable or mobile vehicle on wheels, skids or rollers, blocks or permanent or temporary foundation, either self-propelled or propelled by other means which is used or designed to be used permanently or temporarily, exclusively for living and sleeping purposes.

PLANNING COMMISSION - The Mulvane Planning Commission.

SECTION 5 - Board of Zoning Appeals

The Board of Zoning Appeals of the City of Mulvane shall perform the statutory requirements for the area and jurisdiction of this ordinance.

SECTION 6 - Severability Clause

If any court of competent jurisdiction shall adjudge any provision of this ordinance to be invalid, such judgment shall not affect any other provision of this ordinance.

SECTION 7 - Effective Date.

This ordinance shall be in effect from and after its passage and due publication once in the official city paper, according to law.

PASSED AND ADOPTED at Mulvane, Kansas, this ____ day of _____, 1970.

Mayor

ATTEST

Glenn Klopfenstein
City Clerk
(SEAL)

OFFICIAL NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED

NOTICE IS HEREBY GIVEN that on Monday, September 14, 1970, the Mulvane Planning Commission in the City Building, Mulvane, Kansas, at 8:00 p.m. will consider the adoption of an ordinance establishing zoning and what zoning classifications should be established initially for the area within three miles of the City of Mulvane and being within Sumner County only.

It is proposed to establish two zoning districts, the "R-1" Rural Residential District, which is intended to provide for the development of land at low densities compatible with the agricultural community; and the "R-0" Rural Non-Residential District, which will be used to provide for non-residential activities in the rural areas. It is intended to map only the "R-1" District, however, the "R-0" District may later be permitted after a public hearing is held by the Planning Commission and upon specific approval of the Mayor and Council of Mulvane. The proposed map and ordinance are on exhibit in the Office of the City Clerk in the City Building, Mulvane, Kansas.

This area in the County of Sumner within three miles of the City of Mulvane, Kansas, will have zoning established thereon under the provisions of KSA 1969 Supp. 12-715b, 12-715c and 12-715d. The zoning ordinance to be established will be under the jurisdiction of the Mayor and Council of Mulvane, Kansas.

This hearing of the Mulvane Planning Commission may be recessed from time to time at places and dates to be announced at this hearing; then after such hearings are held, their recommendations for the establishment of zoning shall be submitted to the Mayor and Council of Mulvane, Kansas.

The Mulvane Planning Commission will hear the initial proposals on September 14, 1970, in the City Building, Mulvane, Kansas, at 8:00 p.m.; and if not deferred, the Mayor and Council of Mulvane, Kansas, will hear the recommendations on September 21, 1970, at 7:30 p.m. in the City Building, Mulvane, Kansas, and such Council shall then consider the adoption of the zoning ordinance as provided for by State statute.

All persons interested in this matter will be heard by the Mulvane Planning Commission concerning their views and wishes and any protests against the proposed zoning classifications which may be established will be considered by the Commission. Those interested may appear either in person or by agent or attorney, if they so desire.

WITNESS MY HAND AND SEAL this 19th day of August, 1970.

SEAL)

Glenn Klopfenstein, Secretary of
the Mulvane Planning Commission

OFFICIAL NOTICE OF PUBLIC HEARING

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This hearing of the Mulvane Planning Commission may be recessed from time to time at places and dates to be announced at this hearing; then after such hearings are held, their recommendations for the establishment of zoning shall be submitted to the Mayor and Council of Mulvane, Kansas.

The Mulvane Planning Commission will hear the initial proposals on September 14, 1970, in the City Building, Mulvane, Kansas, at 8:00 p.m.; and if not deferred, the Mayor and Council of Mulvane, Kansas, will hear the recommendations on September 21, 1970, at 7:30 p.m. in the City Building, Mulvane, Kansas, and such Council shall then consider the adoption of the zoning ordinance as provided for by State statute.

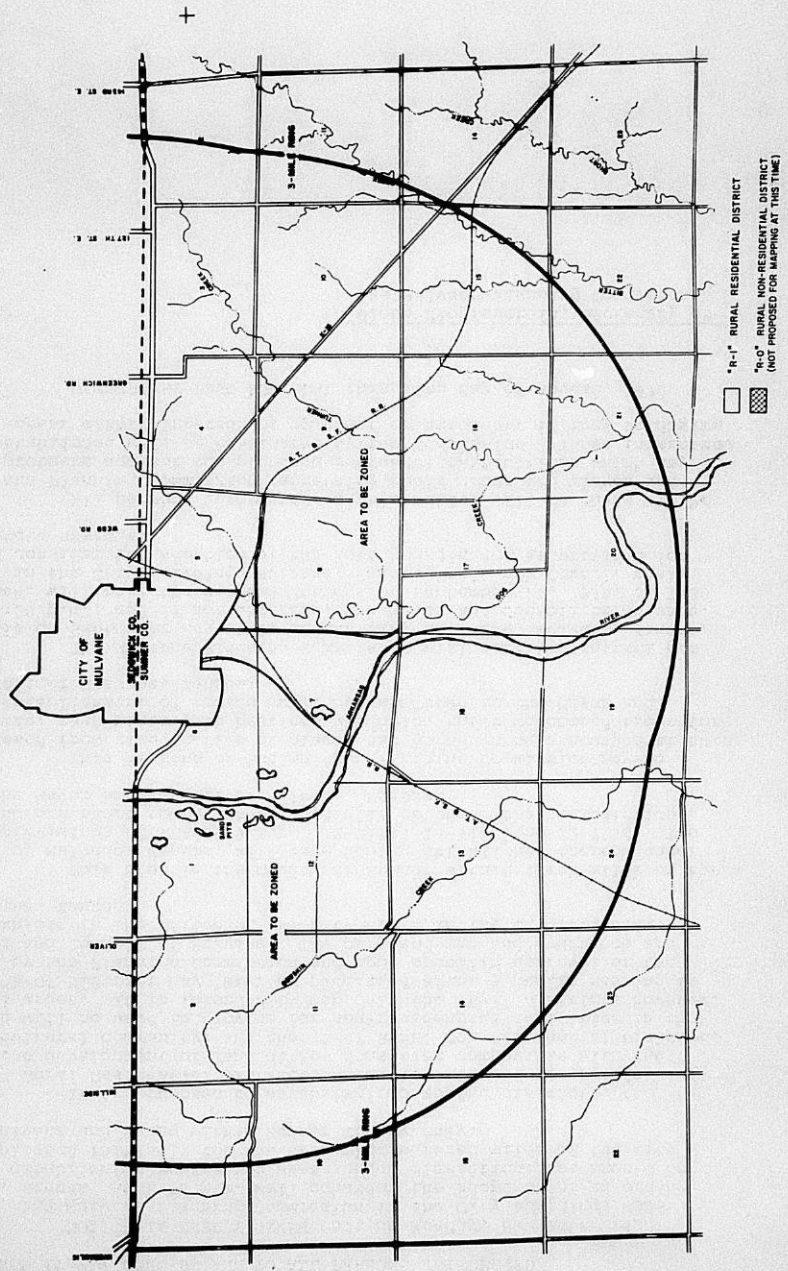
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WITNESS MY HAND AND SEAL this 19th day of August, 1970.

SEAL)

Glenn Klopfenstein, Secretary of
the Mulvane Planning Commission

PROPOSED ZONING MAP
3-MILE RING OF MULVANE, KANSAS
IN SUMNER COUNTY



Revised
8-17-70

Schedule of Events for Establishing Zoning
in the 3-Mile Ring of Mulvane in Sumner County

Extra-Territorial Zoning 12-715b (d)
Act to Adopt Zoning 12-708

Tuesday, July 21, 1970	Notify Sumner County Commission of intent to establish zoning
Monday, July 20, 1970	
Tuesday, July 21, 1970	Take Land Use
Monday, August 17, 1970	<u>Special Meeting</u> of Mulvane Planning Commission to discuss proposed ordinance
Tuesday, August 18, 1970	Deliver notice to newspaper
Thursday, August 20, 1970	Publish notice in official City newspaper
Monday, August 24, 1970	Deliver notice to residences and places of business (not to be placed in mail boxes)
Monday, September 14, 1970	Special Meeting of the Mulvane Planning Commission for public hearing to consider Zoning Ordinance and Maps
Monday, September 21, 1970	Mulvane City Council meeting to adopt ordinance
September 21, 1970	62 days after notice to Sumner County
Thursday, September 24, 1970	Ordinance published in official City newspaper

OFFICIAL NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED

NOTICE IS HEREBY GIVEN that on Monday, September 14, 1970, the Mulvane Planning Commission in the City Building, Mulvane, Kansas, at 8:00 p.m. will consider the adoption of an ordinance establishing zoning and what zoning classifications should be established initially for the area within three miles of the City of Mulvane and being within Sumner County only.

It is proposed to establish two zoning districts, the "R-1" Rural Residential District, which is intended to provide for the development of land at low densities compatible with the agricultural community; and the "R-0" Rural Non-Residential District, which will be used to provide for non-residential activities in the rural areas. It is intended to map only the "R-1" District, however, the "R-0" District may later be permitted after a public hearing is held by the Planning Commission and upon specific approval of the Mayor and Council of Mulvane. The proposed map and ordinance are on exhibit in the Office of the City Clerk in the City Building, Mulvane, Kansas.

This area in the County of Sumner within three miles of the City of Mulvane, Kansas, will have zoning established thereon under the provisions of KSA 1969 Supp. 12-715b, 12-715c and 12-715d. The zoning ordinance to be established will be under the jurisdiction of the Mayor and Council of Mulvane, Kansas.

This hearing of the Mulvane Planning Commission may be recessed from time to time at places and dates to be announced at this hearing; then after such hearings are held, their recommendations for the establishment of zoning shall be submitted to the Mayor and Council of Mulvane, Kansas.

The Mulvane Planning Commission will hear the initial proposals on September 14, 1970, in the City Building, Mulvane, Kansas, at 8:00 p.m.; and if not deferred, the Mayor and Council of Mulvane, Kansas, will hear the recommendations on September 21, 1970, at 7:30 p.m. in the City Building, Mulvane, Kansas, and such Council shall then consider the adoption of the zoning ordinance as provided for by State statute.

All persons interested in this matter will be heard by the Mulvane Planning Commission concerning their views and wishes and any protests against the proposed zoning classifications which may be established will be considered by the Commission. Those interested may appear either in person or by agent or attorney, if they so desire.

WITNESS MY HAND AND SEAL this 19th day of August, 1970.

SEAL)

Glenn Klopfenstein, Secretary of
the Mulvane Planning Commission

Revised DRAFT

Aug 17, 1970

AN ORDINANCE ESTABLISHING ZONING UNDER THE PROVISIONS OF KSA 1969 SUPP. 12-715b, 12-715c AND 12-715d; AFFECTING LAND LOCATED OUTSIDE THE CITY LIMITS OF MULVANE BUT WITHIN THREE MILES THEREOF LOCATED IN SUMNER COUNTY.

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

SECTION 1. Intent and Purpose, Districts, General Regulations, Jurisdiction and Maps.

1) Intent and Purpose. This zoning ordinance is adopted pursuant to the provisions of KSA 1969 Supp. 12-715b through 12-715d and is intended to serve the following purposes:

To divide the unincorporated area in Sumner County lying within three miles of the City of Mulvane into one or more zones or districts; to regulate and restrict the location and use of buildings and the use of land within each district or zone; to restrict the use of buildings and land for agriculture, ~~have bill book~~ ~~this as to the provisions of 12-715b~~ dwellings, business, industry, conservation, flood plain and other purposes.

2) Districts. The following districts shall be established: "R-1" - Rural Residential and "R-0" - Rural Non-Residential.

3) General Regulations. All structures and use of land shall conform to the regulations of this ordinance after its effective date. A zoning permit shall be required for any structure to be built, remodeled or otherwise altered, or for the use of any land before such use shall commence. Such zoning

permits shall be issued by the City Administrator of the City of Mulvane on such forms and under such procedures as may be directed by the ^{Governing Body} ~~City Council~~ and/or the City Administrator. Fees may be established by motion of the ^{Governing Body} ~~Council~~ sufficient to cover the cost of administering and enforcing this ordinance. Changes and amendments to this ordinance shall be in accord with statutory requirements. Any applicant ^{requesting a change of zoning or a conditional use permit} shall assume all costs of notices, publication and changes of maps. A deposit to guarantee such payment may be required prior to processing such request.

4) Zoning Maps. The boundaries of the districts are as indicated on the zoning map(s), a copy of which is on file in the Office of the City Administrator, City Hall, Mulvane, Kansas. The said zoning map(s) with all notations, references and other matters shown thereon is as much a part of this zoning ordinance as if such notations, and other matters were specifically set forth herein.

5) Jurisdiction. This ordinance shall apply to all lands lying within three miles of the corporate limits of the City of Mulvane and which lie in Sumner County, Kansas.

6) Exceptions. These regulations shall apply to all lands and structures except as to agricultural uses on tracts of land three acres or larger.

SECTION 2 - "R-1" - Rural Residential District.

This district is intended to provide for the development of land at low densities compatible with an agricultural community.

The uses which are normally associated in open space activities and other substantial activities and which can be ^{conditional use} accommodated in a rural area are permitted by ^{special} ~~special~~ permit as ^{specified herein.}

A) Permitted Uses:

1. Agriculture ^a as defined by this ordinance.
2. Single-family dwelling units.
3. Public uses, including ^{churches} parks, schools, township halls, hospitals, public service and public utility uses.

4. Recreational uses, and social facilities, including country clubs, swimming clubs, golf courses, privately owned dwellings for seasonal occupancy and not planned for use for permanent occupancy such as summer homes and cottages.

B) Conditional Uses:

The following uses may be permitted after a public hearing held by the Planning Commission and upon specific approval of the governing body:

1. Airports.
2. ~~2.~~ *Construction*
3. Landfill operations.
4. ~~4.~~ *Excavation, extraction or mining of sand, gravel or other raw materials.*
5. Mobile home parks, subject to such conditions as to design, density, physical improvement as may be compatible to conventional residential subdivisions.

C) Lot Size Requirements:

Minimum lot area - 2 acres.

Minimum lot width - 150 feet.

Minimum lot depth - 150 feet.

D) Bulk Regulations

Maximum structure height - 35 feet.

Front Yard Requirement - 35 feet measured from the property line.

Minimum side yard - 10 feet.

Minimum rear yard - 25 feet.

"R-O" - RURAL NON-RESIDENTIAL DISTRICT
SECTION 3 - ~~District "R-O" - Non-Residential.~~

This district will be used to provide for non-residential activities in the rural areas:

A) Conditional Uses:

The following uses ^{may} be permitted ^{after a public hearing held} when approved by the ~~Planning Commission~~ ^{and upon specific approval of the} ~~governing body.~~ ^{governing body.}

~~the city council.~~

1. Signs and billboards.
2. Retail commercial.
3. Wholesaling or manufacturing.
4. Such other uses which may be compatible with the area and when providing a service to the development of the Mulvane area.

- B) *Lot Size Requirements:*
C) Bulk Regulations: *area requirements shall be the same as the "R-1" District.*
Setbacks and height regulations shall be the same as the "R-1" District.

SECTION 4 - Definitions

AGRICULTURE - The use of a tract of land of not less than three

X
- definition - 3 ac.
- exception - 3 ac.
- min. lot
Area in R-1 - 3 ac

acres for the growing of crops in the open, pasturage, horticulture or the raising of poultry, including the structure necessary for carrying out farming operations and the residence or residences of those owning or operating the premises, a member of the family thereof or persons employed full-time thereon and the family thereof. (~~Ted - Shall we specifically exclude hog/cattle feed lots? I don't believe you can exclude these uses in Kansas.~~)

DWELLING - DETACHED - A dwelling or portion thereof, but not a mobile home designed for use for residential occupancy which is entirely surrounded by open space on the same lot.

GOVERNING BODY - *The Mayor & Council of Mulvane, Kansas*
MOBILE HOME PARK - An area or premises on which mobile homes

are parked or any premises on which spaces for the parking of mobile homes is rented or held out for rent, or which free occupancy or camping is granted to the owners or users of mobile homes for the purpose of securing their trade. The term "mobile home park" does not include sales lots on which unoccupied mobile homes, whether new or used, *are parked* for the purpose of *storage,* inspection, ~~or~~ sale.

MOBILE HOME - A vehicle, housecar, campcar or trailer or any portable or mobile vehicle on wheels, skids or rollers, blocks or permanent or temporary foundation, either self-propelled or propelled by any other means which is used or designed to be used permanently or temporarily, exclusively for living and sleeping purposes.

PLANNING COMMISSION - The Mulvane Planning Commission

SECTION 5 - Board of Zoning Appeals

The Board of Zoning Appeals of the City of Mulvane shall perform the statutory requirements for the area and jurisdiction of this ordinance.

SECTION 6 - Severability Clause
If any court of competent jurisdiction shall adjudge any provision of this ordinance to be invalid, such judgment shall not affect any other provision of this ordinance.

SECTION 7 - Effective Date

This ordinance shall be in effect from and after its passage and due publication once in the official city paper, according to law.

a Mulvane Plan

Passed and adopted this _____ day of _____
1970. at Mulvane, Kansas.

Attest

Mayor

Edmund Helppferster
City Clerk.

July 29, 1970

Mr. Mearle D. Mason
Hill & Mason
810 West Douglas
Wichita, Kansas 67203

Re: Mulvane Zoning Ordinance -
Sumner County 3-mile ring

Dear Mearle:

I appreciate your call offering to assist while Ted is tied up in Federal court. Attached is the draft of the ordinance which I think might work as an interim device just simply to prohibit the development of land except unless it is reviewed by the Planning Commission and City Council. The decision at Mulvane was that we would do something to this affect and then take the time, be it six or nine months or more, to develop a new zoning ordinance for the area within the City of Mulvane and to replace this interim ordinance for the 3-mile ring.

I am sure you may have some general questions on it. In particular, I am interested in any comments you might have concerning the proposal to define agriculture as a permitted use as it might relate to the provisions of the statute under which we are proceeding.

The other thing that I would like some advice on is as to how we should handle the Board of Zoning Appeals. The statutes that we are proceeding under say that the zoning shall be adopted in conformance with the general statutes for zoning for cities. The cities statutes do require that a board of zoning appeals be in existence and that its creation follow certain statutory requirements. Does the City of Mulvane have a Board of Zoning Appeals and does it meet the statutory requirements. If not, should we in this ordinance create a Board of Zoning Appeals for the 3-mile ring area and for the City of Mulvane?

Page 2 - Mr. Mearle D. Mason
July 29, 1970

I am also attaching a memo from Galbraith to me indicating the type of land use that we found in the field as we took land use in the 3-mile area. These, then, should relate to some degree the uses permitted or accommodated at least in the use list of the zoning ordinance. Also attached is a schedule which could be followed in establishing this zoning. We have completed the land use on our part and its my information that the Mulvane City Council did provide formal notice to the Sumner County Commission that they intend to establish zoning.

If you get a chance to look this over, and if you get a chance to work with Ted, please give me or Jack Galbraith a call and we will arrange to get over and discuss your comments with you. Even if this needs to be after work some night, we would be happy to arrange it. I will be out of town the week of August 10, however, Jack will be here.

If there are any questions, please give me a call.

Sincerely,

Robert A. Lakin
Director of Planning

RAL:ber

Attachments

cc: G. A. Wessels, Chairman
Mulvane City Planning Commission
RFD #1, Mulvane, Kansas 67110

Schedule of Events for Establishing Zoning
In the 3-Mile Ring of Mulvane in Sumner County

July 15, 70

Extra-Territorial Zoning
Act to Adopt Zoning

12-715b (d)
12-708

Tuesday, July 21, 1970

Notify Sumner County Commission of
intent to establish zoning

Monday, July 20, 1970
Tuesday, July 21, 1970

Take Land Use

July 20-31, 1970

Two weeks to work with Ted Hill
on text of Ordinance

Monday, August 3, 1970

Special Meeting of Mulvane Planning
Commission to discuss proposed ordinance

Tuesday, August 4, 1970

Deliver notice to newspaper

Thursday, August 6, 1970

Publish notice in official City
newspaper

Monday, August 10, 1970

Deliver notice to residences and
places of business (not to be placed
in mail boxes)

Monday, August 31, 1970

Special Meeting of the Mulvane
Planning Commission for Public Hearing
to consider Zoning Ordinance and Maps

Tuesday, September 8, 1970

Mulvane City Council meeting to Adopt
Ordinance

September 21, 1970

62 days after notice to Sumner County

Thursday, September 24, 1970

Ordinance published in Official City
newspaper

July 23, 1970

Robert A. Lakin, Director

Jack H. Galbraith, Chief Planner

DR 70-18 - Mulvane 3-Mile Ring Zoning (Sumner County)

On Tuesday and part of Wednesday of this week, Doyle King and Larry Schneider conducted a field survey to determine land uses in the 3-Mile Ring south of Mulvane in Sumner County.

In addition to rural farm operations and single family residences, the following uses were observed:

1. Active and inactive sand excavation pits
2. Cemeteries
3. Scattered Mobile homes
4. Two mobile home parks
5. Mobile home sales lot
6. Welding shop on South K-15
7. Numerous signs and billboards
8. Several two-family dwellings
9. Three-family dwelling and four-family dwelling
10. Junked cars at two locations
11. Body shop
12. Nursery
13. Mulvane City trash dump
14. Antique sales
15. Fruit and vegetable stand associated with orchard
16. Central school appears to have been converted to township maintenance yard

JHG:ls

Moulvane - Nearly the same as Cherry
Districts

Residence

Business & Residence

No distinction between single and
multiple family.

Business District has no use list

No Industrial District

No provisions for trailers or mobile home.

Has provision for Home Occupations

No reference to signs except for
permitted home occupations.

Limited section on nonconforming use

City Building Inspector has duty to
examine applications for building permits
and making recommendations to City
Council. Apparently, the CC issues
building permits.

No Board of Zoning Appeals.

Ordinance gives City Council authority
to grant specific use district
exceptions and other exceptions and
variances. May permit any use
in any district. ~~File~~ File a
consent of 80% of land deemed to
be duly affected.

Schedule of Events for
Establishing Zoning in the
3-mile ring of Souderton
in Sumner County -

Extra - Territorial Zoning 12-215b (d)
Act to adopt Zoning 12-708

Tuesday - July 21, 1970 Notify Sumner Co Com of
intent to establish zoning

Monday and Tuesday
July 20, 21 Take Land Use

July 20 - 31 Two weeks to work with
Ted Hill on text of Ordinance
and Maps

Monday Aug 3, 1970 Special Meeting of Souderton
Plan Com to discuss
proposed ordinance

Tuesday Aug ⁴(3), 1970 Deliver notice to newspaper

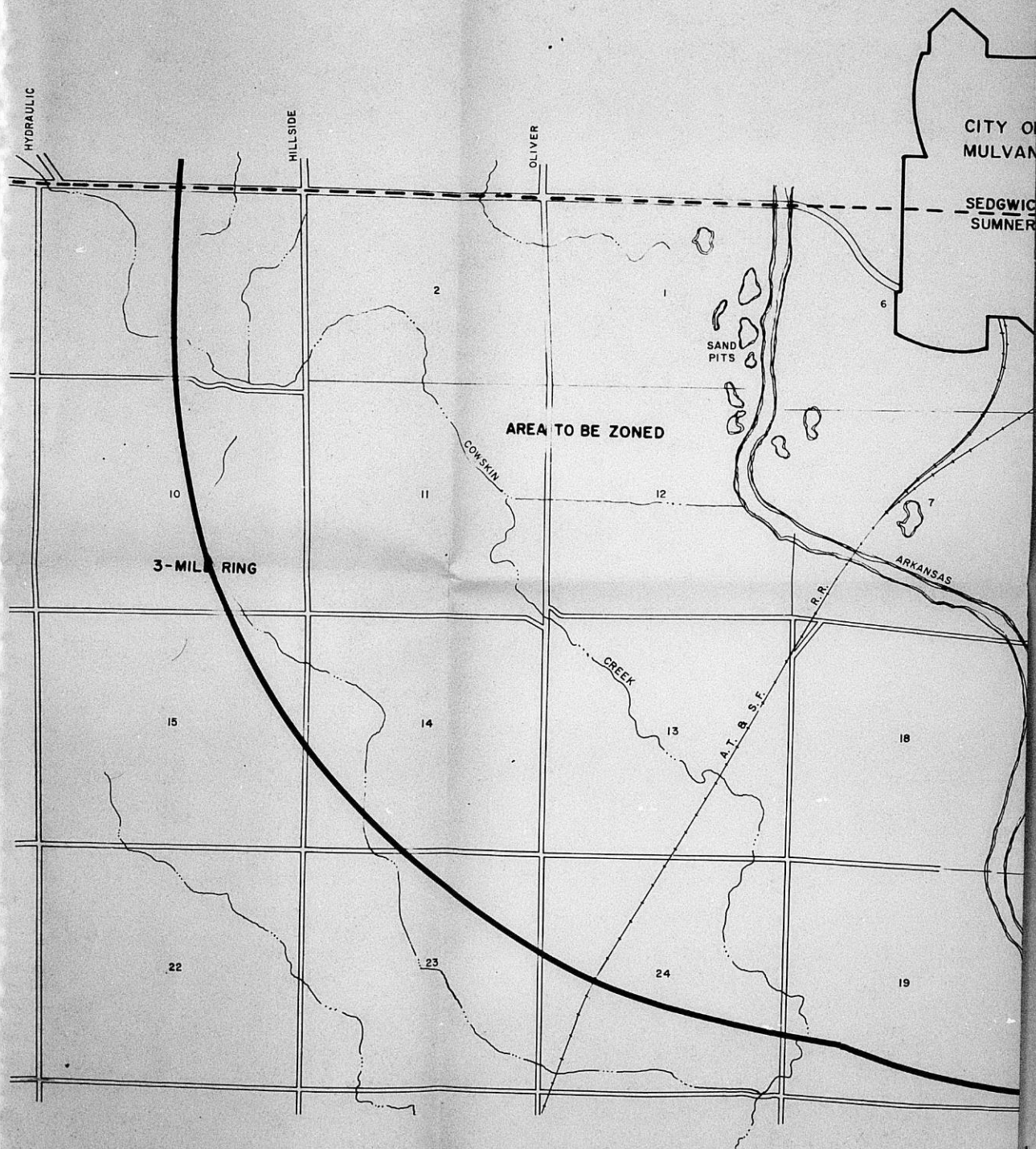
Thursday Aug 6, 1970 Publish notice in Official
City Newspaper

Monday Aug 10, 1970 Deliver notice to
residents and places of
business (not to be
placed on mail boxes)

Monday Aug 31, 1970 Special Meeting of the
Souderton Planning Com for
Public Hearing to
consider Zoning Ordinance
and Maps -

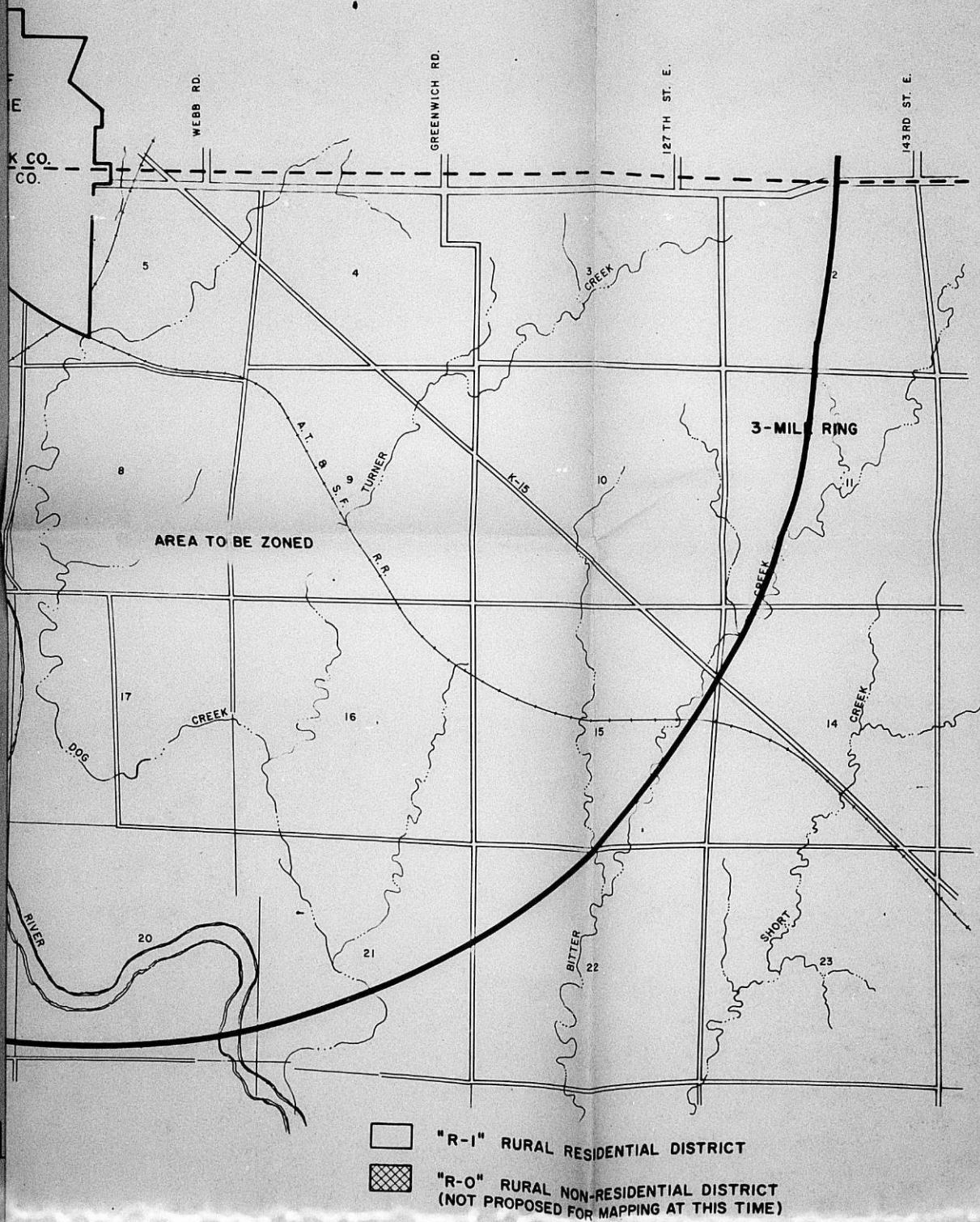
PROPOSED ZONING

3-MILE RING OF MAPPING IN SUMNER



ZONING MAP

MULVANE, KANSAS COUNTY



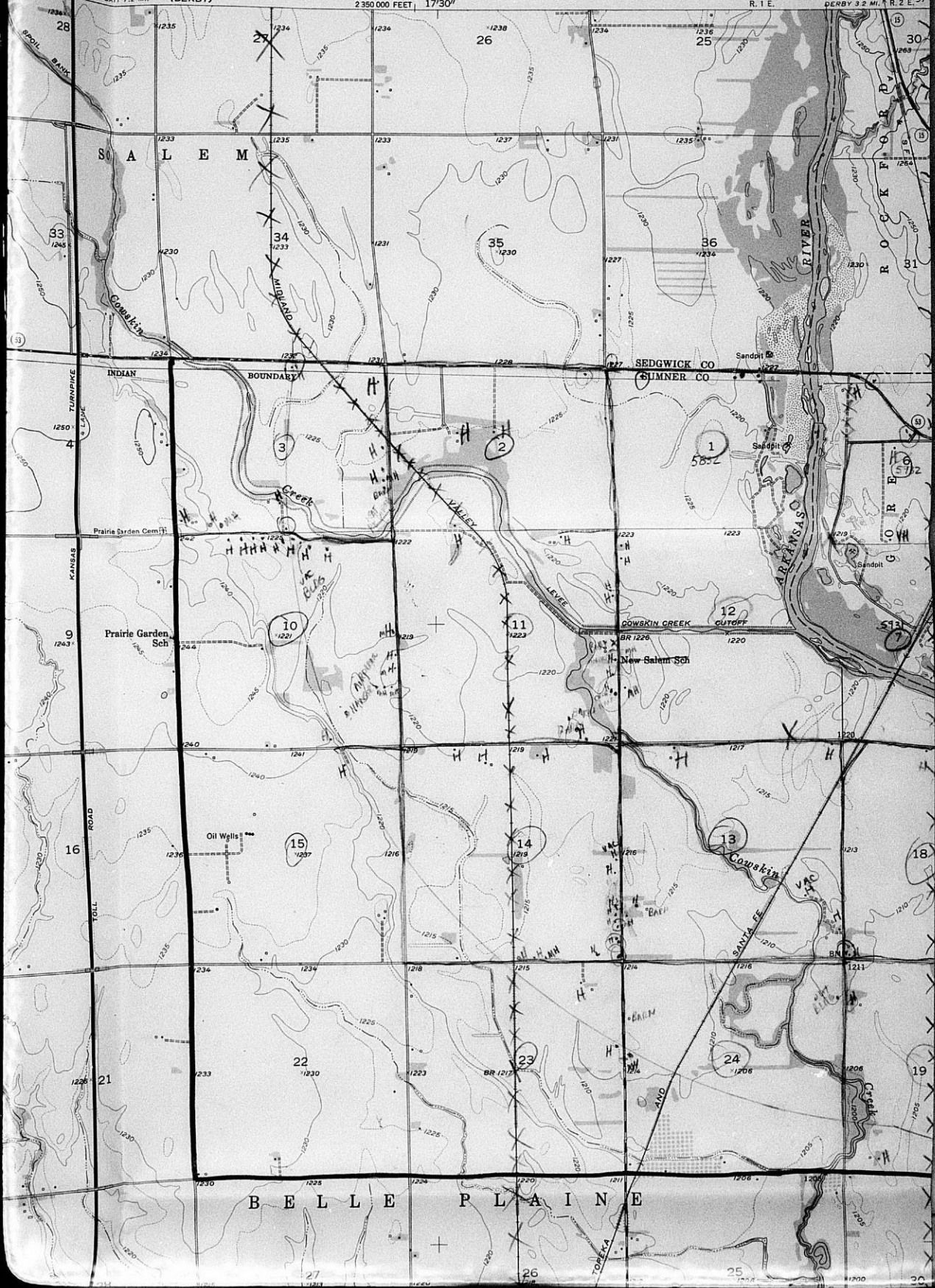
BELLE PLAIN QUADRANGLE
KANSAS

7.5 MINUTE SERIES (TOPOGRAPHIC)

R. 1 E. WICHITA (CH.) 15 MI. R. 2 E. 97°

EL DORADO EXIT 35 MI.
WICHITA EXIT 7.2 MI. (DERBY)

2350 000 FEET 17'30"



UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

12 MI. TO U.S. 54

12°30'

(ROSE HILL)



This file contained
the following aerial maps.

5832

6031

5931

6032

5932

6131

6132