

STATE OF KANSAS  
RENO COUNTY  
THE HIGHLANDS

**ORDINANCE NUMBER 2020-18**

**An ordinance regulating zoning within the City of The Highlands, Kansas, providing for the health, safety and general well being of residents; the protection and preservation of property values; and the repealing and replacement of Ordinance Number 2019-12 and Ordinance Number 2020-15 of said City.**

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

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

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

WHEREAS, the City is hereby declared to be zoned for low-density residential as provided for in this Ordinance, and this Ordinance and its provisions is hereby declared to effectively represent the City's comprehensive development plan; and

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

WHEREAS, the Architectural and Zoning Review Committee, established pursuant to Ordinance 2020-13 and herein called the 'AZRC', having been approved by a majority vote of the Governing Body of the city of The Highlands, shall review proposed property use and proposals for construction for conformity with this ordinance and shall make recommendation to the Governing Body for final determination; and

WHEREAS, the Governing Body desires to repeal Ordinance Number 2019-12, an ordinance related to zoning within the City, and replace the same with this ordinance;

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

## ARTICLE I. GENERAL PROVISIONS

### SECTION 1. REPEAL OF ORDINANCE NUMBER 2019-12

Ordinance Number 2019-12, related to zoning within the City is hereby repealed in its entirety. The provisions of this ordinance shall replace the same and apply to all property within the city limits of the City as of this ordinance's effective date.

### SECTION 2. PURPOSE AND INTENT

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

### SECTION 3. CONSTRUCTION AND INTERPRETATION.

In the interpretation and enforcement of this ordinance:

- a) All words other than those specifically defined in this ordinance have the customary dictionary definition unless a different meaning is clearly provided for or implied by the context in which they are used.
- b) Terms that are defined in this ordinance may be used either in capitalized or lowercase form, with both uses retaining the definitions that are provided for those terms herein.
- c) The words "shall", "will", and "must" are mandatory and the word "may" is permissive.

### SECTION 4. DEFINITIONS.

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

**Above Ground** means the condition of any referenced part of a subject structure is above grade level and not buried, surrounded or sheltered by earth to any degree. A walkout basement shall not be considered as above ground.

**AZRC** means the Architectural and Zoning Review Committee

**AZC** means Architectural and Zoning Coordinator.

**Basement** means a level of a dwelling, constructed below and subordinate to the main living level and primarily below ground level or earth sheltered, including walkout, view out and daylight basement styles.

**Berm Home** means an earth-sheltered dwelling where the main living level exists below grade level and is primarily surrounded by earth on one or more sides.

**Certificate of Occupancy** means a certificate issued by an ICC certified inspector to assure of health and safety regulations have been met following a reconstruction of a structure built prior to 1978.

**City** means the city of The Highlands, Kansas, a city of the third class and all properties, as incorporated on July 18<sup>th</sup>, 2017.

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

**Commercial** means an activity embracing any form of the purchase or sale of goods or providing services for a fee as an ongoing means of generating income.

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

**Contiguous** means lots that are touching, adjacent, sharing a common side property line and abutting the same roadway. A corner lot may be contiguous to either a lot sharing a side property line or a rear property line or both.

**County** means Reno County, Kansas

**Deck** means a level or tiered outdoor structure attached to or adjacent to a dwelling, elevated above ground and may be either open, covered or enclosed.

**Duplex** means two dwelling units, inseparably joined without open space between the two units and each dwelling being designed and purposed to be occupied by a single family.

**Dwelling** means any building or portion thereof, which is designed and used specifically for residential purposes. Dwelling shall be synonymous with the terms "residential structure" and "primary structure".

**Dwelling, Multi-Family** means two separate, single family dwellings that are designed and constructed to be adjoined as a single structure as in a twin home.

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

**Family** means:

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

**Foundation** means the poured concrete support for a structure. For a dwelling, the concrete foundation must encompass the entire area directly beneath the dwelling to have a fully stable and dry support for the dwelling. A basement having at least four poured concrete walls and floor for support, or at least three poured concrete walls and floor for a walkout style basement, shall constitute a foundation. Depending on size and location, secondary and utility structures may also be required by City Ordinance or at the request and discretion of the Governing Body to have a foundation.

**Garage** means an integral part of a dwelling structure that is used primarily to protect or store privately operated vehicles and not used for commercial repair, equipping of any vehicles or other commercial uses nor be used as living quarters. A garage must be permanently constructed, attached to a concrete foundation and be fully enclosed and secured to protect all contents from theft. A secondary structure may be considered as an additional garage but shall not be a substitute for a garage attached to the dwelling.

**Governing Body** means the Mayor and City Council of the City of The Highlands. The term shall, in general, refer to City Council members who are granted by Kansas State Statute, Chapter 15, Cities of the Third Class, the right to vote for ordinances or other legally binding documents and governing provisions for the City.

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

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

**Lot** means a portion of a subdivision intended as a unit for the purpose, whether immediate or future, or transfer of ownership or building development. The area is bounded by a front, rear and two or more side lot lines.

**Lot Consolidated** means a single lot formed from multiple and contiguous lots, all owned by one owner and having been re-platted into one single lot by a process of surveying, platting and recording a new plat map with the Reno County Register of Deeds or using a Warranty Deed to permanently join the said lots for perpetuity as a single unit which cannot be separated and sold individually and recording with the Reno County Register of Deeds.

**Lot Improved** means a lot, defined by the platted property lines as recorded in the Reno County Register of Deeds Office and that has a residential structure, or as permitted by this ordinance, a secondary structure constructed upon it.

**Lot Unimproved** means a lot defined by the platted property lines as recorded in the Reno County Register of Deeds Office that does not have a structure upon it. Land that is mowed, cleared of brush or leveled to any degree shall still be considered unimproved until a structure has been properly permitted and constructed on the lot.

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

**Low Density RI** means a zoning classification for wherein only one single family dwelling per lot or parcel is permitted.

**Main Living Level** means the first level of a dwelling that is constructed fully above ground on all sides of that level and above any basement. It would commonly be considered as the primary level for the dwelling's front entrance, living room, greeting room and kitchen.

**Manufactured Housing** means dwelling structures, transportable in one or more sections that are newly built in an off-site location and having not been inhabited in another location.

**Mobile Structure** means any structure or container with wheels or that is otherwise brought into the City by driving, towing, pulling or hauling.

**Out of Character** means a structure or feature that in itself may be pleasing in appearance or nature but placed in comparison with neighboring homes or properties of the community at large becomes odd, uncommon, abnormal, unorthodox, unseemly, unnatural, disruptive or unpleasant to the community taste and standards.

**Parcel** means, for the purpose of this ordinance, multiple lots that are contiguous, owned by the same owner and have been joined or consolidated together per the provisions of this ordinance, being duly recorded as such with the Reno County Register of Deeds.

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

**Porch** means an exterior appendage to a dwelling that provides an intermediate approach to the dwelling entrance. A porch may be an open or covered approach.

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

**Property Line, Front** means the platted property boundary line of a lot that abuts any public road. For a corner lot, with two boundary lines, each abutting a public road, the shorter of the two shall be considered the front except that the designated street address given in the public records of Reno County may determine the front property line.

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

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

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

**Proposal** means the plans provided with a building permit application to construct a new structure or modify an existing structure. A proposal shall include sketches, architectural plans, material lists, timelines and all details of the desired change or construction that might be necessary for the AZRC to review the proposed construction and the Governing Body's review and consideration of the same.

**Roof, Shed** means a style of roof that is flat and may have a slight angle for water run-off.

**Setback** means the distance between a Lot Line and the closest physical feature of any structure on that property. Setbacks will be held to the most restrictive requirements of this ordinance or the recorded plat map of the lot's subdivision.

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

- a) For a corner lot, the 1<sup>st</sup> point is the intersection of the lot lines abutting the roadways. The 2<sup>nd</sup> and 3<sup>rd</sup> points are located along the same lot lines and each at 25 feet from the 1<sup>st</sup> point.
- b) For a curved roadway the 1<sup>st</sup> and 2<sup>nd</sup> points are the end points of the front property line. The 3<sup>rd</sup> point is a point farthest from the front property line and located along the edge of the roadway paving. However, the maximum area of clear sight requirement shall be no more than 30 feet between point 3 and the line between points 1 and 2.

**Single-Family** means one family, as defined herein.

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

**Structure. Accessory** means a utility structure incidental to and subordinate to the dwelling, intended only for small item storage such as lawn mowers, lawn accessories or similarly small items and encompassing an area of no more than 240 square feet.

**Structure. Enclosed** means an accessory or secondary structure, fully enclosed, built for storing items that are not otherwise prohibited and that can be locked and secured to prevent the theft of items secured therein;

**Structure. Primary** means the first structure to be built upon a lot and designed and intended for use as a residential structure only. The term shall be synonymous to the term "dwelling".

**Structure. Residential** means a single building containing one or two single family dwellings designed for continuous use and occupancy. The term shall be synonymous to the term "dwelling".

**Structure. Secondary** means a storage building other than a residential unit.

**Underground Home** means a dwelling having a single or main living level which is primarily or completely constructed below ground level.

**Variance** means a special permit requested from the Board of Zoning Appeals exempting a requirement or provision of this ordinance to alleviate a significant hardship as provided for by K.S.A. 12-759(e) and City Ordinance Number 2019-09.

## SECTION 5. SEVERABILITY

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

## ARTICLE II. GENERAL USE OF PROPERTY

### SECTION 1. ZONING AND PLANNING.

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

- a) Building permits for a duplex structure with the intent of commerce (rental of both units) shall not be considered by the Governing Body. The Governing Body, upon request by a property owner, may offer a special permit to allow the construction of a duplex but such construction must comply with this ordinance and other applicable ordinances and regulations of the City. All information required for consideration of a requested permit should be provided to the Governing Body for consideration of the permit.
- b) Commercial and industrial facilities shall be prohibited within the City.
- c) Buildings or uses of property owned by the City and used primarily for the City's governmental purposes as determined by the City's Governing Body, are exempt from this ordinance.
- d) No lot may be split, divided or subdivided except by permit of the Governing Body. Multiple and contiguous lots, all owned by the same owner(s), may be consolidated following the Governing Body's approval and having been granted all duly authorized Permits and registrations required by the regulating laws of Reno County.
- e) The Board of Zoning Appeals, upon request by a property owner, shall review zoning provisions when a permit has been denied or a zoning violation has been cited and determine if an exception, or variance, should be issued in accordance with K.S.A. 12-759(e).
- f) Where the conditions imposed by any provision of this ordinance are either more restrictive or less restrictive than comparable conditions or circumstances imposed by any other laws, covenants, ordinances, statutes, or regulations of any kind, those regulations which are more restrictive or impose higher standards or requirements shall govern.

## **SECTION 2. PERMITS.**

Construction is prohibited without a permit issued by the Governing Body. Construction within the City without a permit or contrary to or inconsistent with an approved permit shall be a violation of this ordinance and subject to penalties and fees provided under this ordinance

- a) A permit will be valid for a period of time specified therein but in no event shall a permit be valid for more than twelve consecutive months. Dwelling structures must be deemed inhabitable and be inhabited within the time frame of the permit. If such conditions are not met, the dwelling shall be considered non-compliant and in violation of the provisions of this ordinance. All allowed penalties provided for within this ordinance will apply.
- b) A completed permit application shall be filed with the AZC prior to consideration thereof by the Governing Body. For an application to be deemed complete, the "Construction Health and Safety Agreement" must be completed and signed by the permit applicant and submitted with the permit application and the permit application must include supporting documents, proposal information and specifications for construction or modification of a structure and such other information as the Governing Body may require.



- c) The "CONSTRUCTION HEALTH and SAFETY AGREEMENT" shall be a legal and binding agreement with the property owner and required for the approval of all construction permits approved by the Governing Body.
- d) Any permits or subsequent inspections, required by the rules or regulations of Reno County and the State of Kansas, must be requested and granted each through their own process. The issuance of a permit by the Governing Body shall not be construed as a permit or act on behalf of any other federal, state or county regulating body.
- e) Upon approval of a permit by the Governing Body, all construction must comply with the City's ordinances and regulations in effect as of the date of the issuance of the permit by the City.
- f) Construction pursuant to a permit must begin within 180 days of the Governing Body's approval of the permit.
  - 1) Visual progress should at a minimum, include pouring a foundation or basement walls and the erection of main level walls per the structure's architectural plan.
  - 2) In the absence of such visual progress within 180 days of the Governing Body's approval of the permit, the permit will lapse and the applicant must apply for and receive a new permit from the Governing Body prior to continuing construction.
  - 3) Any construction activity that occurs after the permit lapses but prior to receiving a new permit from the Governing Body, will be deemed construction without a permit and the Governing Body may impose appropriate penalties under this ordinance.
- g) After a permit has been granted, all changes to the proposal and plans used in applying for that permit shall require approval of the Governing Body prior to incorporating those changes. If construction begins or is underway prior to Council approval of such changes, the Governing Body may revoke the permit and any construction will be deemed construction without a permit. The Governing Body may impose appropriate penalties under the provisions of this ordinance.
- h) The Governing Body shall assess a fee for a construction permit and if a permit has lapsed or been revoked, a new and additional fee may be assessed prior to granting a permit for continuation of the construction. The fee amount for any permit shall be set by and may be modified from time to time by resolution of the Governing Body.

### SECTION 3. SETBACKS, EASEMENTS AND SIGHT LINES

Structures shall not infringe upon setbacks which are no less than 40 feet from the Front Property Line, 30 feet from the Rear Property Line and 20 feet from the Side Property Lines, as platted and recorded with the Reno County Register of Deeds office. Where the recorded plat map shows a setback different from this ordinance, the plat map shall apply. Where an easement is shown on the recorded plat map, that easement shall apply regardless of any provision in this ordinance.

- a) Hedges, shrubs or other plantings or any Structures, including fencing, which obstructs Sight Lines at elevations between two and six feet above the crown of the roadway are prohibited on any corner lot.
- b) Construction subject to set backs shall include but not be limited to dwellings, secondary buildings, pools, patios, berm walls extending from a structure, terrace walls, or privacy walls. Fencing, of types that are allowed by ordinance, may also be included and, at the discretion of the Governing Body, be in violation of these provisions based on type, location and consideration the health, safety and welfare of neighboring dwellings.

## **ARTICLE III. DWELLING STRUCTURES**

### **SECTION 1. BUILDING CODES AND REGULATIONS**

Construction of any residential structure must comply with:

- a) The proposal and plans provided to and approved by the Governing Body with the permit application;
- b) All additional requirements and contingencies that are included in or with the permit issued by the Governing Body;
- c) The provisions of this ordinance; and
- d) All applicable building, health and safety codes which have been adopted by the City, Reno County or the State of Kansas at the time of the construction permit application. If any regulation, code or requirement conflicts with another, the most restrictive requirement shall apply.

### **SECTION 2. INHABITABLE STRUCTURE**

No person within the City shall occupy or reside in a temporary structure. A temporary structure is any structure other than a dwelling constructed in accordance with the City's ordinances and regulations and that is not permanently attached to the lot. Dwellings shall comply with all of the following requirements in order to be deemed inhabitable structures:

- a) Motor vehicles, including but not limited to, buses, motorhomes, campers trailers or tents shall not be used as a dwelling.
- b) No person may reside within a secondary or accessory structure, whether temporarily or permanently, nor in garages or any structure that does not otherwise meet the definition of a dwelling and the requirements in this ordinance for a residential structure. A secondary structure shall always be considered a utility structure and will be deemed uninhabitable.

- c) Structures built prior to 1978, many of which having used hazardous materials and that require significant reconstruction following storm damage or partial demolition must be inspected by a Kansas Department of Health and Environment certified inspector and hazardous material removal and abatement done by a State certified professional. Where the remodeling involves demolition and reconstruction, an inspection and certificate of occupancy must be completed to be deemed inhabitable and not be presenting a hazard to the occupants or the community.
- d) Dwellings shall encompass no less than 1,500 square feet of above ground, habitable living area as a single level or encompass at least 2,000 square feet of above ground, habitable living area for two levels. These requirements are exclusive of the area encompassed by any type of basement or other area that is not above ground, any garage, porch, deck or any secondary structure or accessory Structure. Homes having more than two above ground levels are prohibited. Berm homes or underground homes are prohibited.
- e) To be deemed inhabitable, all dwellings must be connected to and served by public water, electric and sewer systems. Privately owned water wells may be used for the sole purpose of lawn irrigation or geothermal cooling and heating. Waste water septic tanks that are not an integral part of the public sewer system are prohibited.
- f) All dwelling structures must be permanently affixed to a poured concrete foundation, whether a slab or a basement type, in accordance with the City's Ordinances and regulations.
- g) Each single-family dwelling unit of a duplex structure must satisfy all the requirements of this section to be deemed an inhabitable structure.

## ARTICLE IV. SECONDARY AND ACCESSORY STRUCTURES

### SECTION 1. SECONDARY STRUCTURE

Secondary structures, accessory structures or out-buildings of any type, for the purpose of storage, or other utility purposes, must be built or placed on a lot only after a dwelling structure has been completed on the same lot or parcel and only after being granted a permit for construction of such secondary structure by the Governing Body and only under the following provisions:

- a) Secondary Structures of any type are prohibited as a solitary structure on a lot. Where two lots are adjacent and contiguous with one having an existing dwelling structure and both lots are owned by the same person(s), the two lots may be joined and consolidated as one lot. Such lot consolidation must be requested of and approved by the Governing Body, surveyed as a single lot and the re-plat or Warranty Deed filed with the appropriate offices of Reno County. Multiple and contiguous lots (more than two lots) having been joined into a single platted lot by the same process and duly recorded with the appropriate offices of Reno County, shall be considered as one lot for the purpose of this ordinance provided a completed dwelling is in place on the consolidated lot prior to the construction or placement of any secondary structure.

- b) The Governing Body will have the right to deny a permit to set or construct a secondary structure, based on considerations of size and location of the proposed structure, lot size, proximity to property lines and neighboring homes, setbacks, sight lines, easements, public roads, public rights of way and the public health, safety and welfare.
- c) Mobile structures, manufactured housing, trailers, vehicles or a temporary structure of any type shall not be allowed as a secondary or accessory structure.
- d) Where a secondary structure is accessed directly from a public roadway, the access must be by a driveway that complies with the requirements for driveways provided in this ordinance or otherwise approved by the Governing Body.

## ARTICLE V. ARCHITECTURAL AND AESTHETICS

### SECTION 1. GENERAL

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

- a) In general, materials and designs used on a dwelling will be held to those that follow traditional aesthetic standards found commonplace on homes within the City and are not out of character with the neighborhood or community as a whole.
- b) Dwellings are not permitted to have a design with a similar appearance to a barn, shop or other agricultural or commercial or industrial building, whether in part or in full.
- c) Dwellings are not permitted to use metal siding that is a standing ridge or corrugated style except metal siding that has an appearance of a traditional horizontal lap or Dutch lap siding is allowed.
- d) Exposed concrete exterior siding such as cinderblocks or poured cement walls shall not be allowed except if for a retaining wall as used for a walkout basement or similar use.
- e) The architectural design of any structure must not incorporate a commercial intent or use, whether in part or in whole.
- f) A secondary structure must utilize a design with exterior materials and colors that reasonably match the dwelling structure.
- g) The Governing Body shall have the discretion of determining an allowable exterior material or design provided the intent of these provisions are maintained.

### Section 2. ROOFS

- a) Roofs shall be of a conventional design with a minimum pitch ratio of 5:12. Butterfly, A-frame and shed roofs, irrespective of the pitch ratio, are prohibited. The Governing Body shall have the right and responsibility to review any roof design that would be deemed uncommon or out of place in the community and may deny the approval of a permit which proposes using such a design.

- b) Materials for roofing and roofing systems must meet a U.L. fire resistant rating of class A.
- c) An exception to the provisions of this Section, may be granted where 1) remodeling or an expansion to the dwelling structure is being permitted and the existing roof style must be matched or similar to show consistency in the architecture and aesthetics of the overall dwelling or 2) damage repairs to a non-conforming roof are necessary on a pre-existing dwelling.

### **Section 3. GARAGES**

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

### **Section 4. DRIVEWAYS**

- a) All residential structures must include a driveway access from the public road to the garage. The driveway must be paved with concrete, asphalt, brick, stone or similar materials.
- b) Where a secondary structure is accessed directly from a public road, the access must be by a driveway which must be paved with concrete, asphalt, brick, stone or similar materials or as otherwise approved by the Governing Body.
- c) All driveways as described in this section shall have a culvert installed so as to maintain drainage and flow of storm waters that might otherwise create a flooding condition for neighboring properties, a public road, or cause erosion of the public right of way. All easements and locations of utilities shall be observed to avoid damage or interruption of services.

### **Section 5. FENCING**

- a) Fencing may be allowed under certain conditions and as determined by the Governing Body. Fencing may be allowed under extreme necessity and only by special permit and approval where it would exist in areas between a dwelling and its road frontage, areas of recorded easements or on setbacks.
- b) Fences shall be prohibited between the golf course and properties abutting that golf course property, where the location of such fence would inhibit the normal play of the game.
- c) Fencing shall not be of a nature that would inhibit a neighboring resident's free and clear view of the surrounding terrain and properties except where there is mutual acceptance between those neighbors.
- d) Fencing materials may be limited by the Governing Body to only types deemed appropriate for a proposed location or setting.
- e) The construction of any fence must preserve the intent of sightlines. Where a proposed location conflicts with lot setbacks or easements, the Governing Body will have discretion to determine a compliant location.

**ARTICLE VI. VIOLATIONS AND PENALTIES**

The construction or occupancy of any structure that does not comply with the provisions of this ordinance is prohibited and violations of this ordinance may be punished in any manner permitted by the laws of the State of Kansas

The City is authorized to remedy any violations of this Ordinance in accordance with K.S.A. 12-761 and K.S.A. 12-1617(e), as applicable, and as otherwise shall deemed necessary by the Governing Body.

Each act of violation and each day a violation exists, whether by failure, refusal, or neglect to comply with the provisions of this ordinance, will constitute a separate offense, punishable pursuant to this section and applicable laws of the State of Kansas.

**ARTICLE VII. EFFECTIVE DATE**

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

**THIS ORDINANCE IS ADOPTED AND APPROVED BY THE GOVERNING BODY OF THE HIGHLANDS, KANSAS THIS 28 day of May, 2020.**



Carol Moore  
Carol Moore, Mayor

ATTEST:

Nancy McConnell  
Nancy McConnell, City Clerk

Approved as to form: Stacy Tubbs  
City Attorney