

Ordinance No. 2214

AN ORDINANCE AMENDING CHAPTER 19.34 OF THE PRAIRIE VILLAGE MUNICIPAL CODE, ENTITLED "ACCESSORY USES" BY AMENDING SECTION 19.34.040(F)(i) ENTITLED "PERMANENT STANDBY GENERATORS"

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

**Section I. Planning Commission Recommendation.**

After having received a recommendation from the Planning Commission on application PC2009-13 and proper notice having been published and hearing held on October 6, 2009, as provided by law and under the authority of and subject to the provisions of the Zoning Regulations of the City of Prairie Village, Kansas, the Zoning Ordinance is amended as set forth in Section II.

**Section II. Amendment to Chapter 19.34**

Chapter 19.34 of the Prairie Village Municipal Code, entitled "Accessory Uses" is hereby amended by adding Section 19.34.040(F)(i) to read as follows:

**19.34.40 F.**

- i. Proposed locations of permanent standby emergency generators that do not meet Subsection d above, but are not located in a front yard may be submitted to the Building Official or his/her designee for review and approval.

The Building Official or his/her designee shall give consideration to the following criteria in approving or disapproving a location:

1. That there are special circumstances or conditions affecting the property.
2. That adequate distance exists between the location and adjacent property.
3. That the proposed location will be adequately screened from the street.
4. That the location will not cause significant adverse impact on adjacent properties.
5. That the Building Official or his/her designee may impose any conditions it deems necessary to mitigate any negative impacts of the proposed location.
6. If in the opinion of the Building Official or his/her designee, the proposed generator does not meet the criteria stated above, an application may be made to the Planning Commission for site plan approval.

**Section III. Effective Date**

This ordinance shall take effect and be in force from and after its passage, approval and publication as provided by law.

PASSED AND APPROVED THIS 19<sup>th</sup> day of October, 2009.

  
Ronald L. Shaffer, Mayor

ATTEST:

  
Joyce Hagen Mundy  
City Clerk

APPROVED AS TO FORM:

  
Catherine P. Logan  
City Attorney

I hereby certify that the foregoing is a true and correct copy of the original ordinance; that said ordinance was passed on the 19<sup>th</sup> day of Oct, 2009; that the record of the final vote on its passage is found on page 162 of journal 47; that it was published in the Legal Record on the 20 day of 20

  
City Clerk