



City of Arkansas City

PLANNING COMMISSION MEETING AGENDA

Tuesday, July 11, 2023 at 5:30 PM — 400 W Madison Ave, Arkansas City, KS

GoTo Meeting: <https://meet.goto.com/814393213> or call +1 (646) 749-3122 Access Code: 814-393-213

Call to Order: _____

Roll Call:

Dr. Tyson Blatchford
 Kyle Lewis

Lloyd Colston
 Cody Richardson

Brandon Jellings
 Dotty Smith

Ian Kuhn
 Tom Wheatley

Public Comments

Persons who wish to address the Planning Commission regarding items not on the agenda. Speakers will be limited to three (3) minutes. Any presentation is for information purposes only. No action will be taken.

Consent Agenda

1. Meeting Minutes, June 13, 2023 meeting.

Consideration

2. Zoning Regulations Amendments discussion: _____

Other Items: _____

Adjournment: _____



City of Arkansas City

PLANNING COMMISSION MEETING

MINUTES

Tuesday, June 13, 2023 at 5:30 PM — 400 W Madison Ave, Arkansas City, KS

Meeting was called to order at 5:30 PM.

Those present were Kyle Lewis, Dotty Smith, Ian Kuhn, Tom Wheatley, and Dr. Blatchford. Lloyd Colston was present by phone. Also present was Cesar Reyes.

Consent Agenda

1. Meeting Minutes, **April 11, 2023 meeting.**
Lloyd Colston Made the motion to approve the minutes as written and Tom Wheatley made the second. Voice vote carried the motion.
2. Recess the Planning Commission and convene the Board of Zoning Appeals
Dotty Smith made the motion to recess the Planning Commission meeting and convene the Board of Zoning Appeals meeting at 5:32 PM and Lloyd Colston made the second.
3. Elect a chair and vice-chair for 2023
DS made the motion to keep Tom Wheatley as chair and Ian Kuhn as vice chair and Kyle Lewis made the second. Motion carried.
4. Hold a public hearing to consider the advisability of granting a variance to allow construction of a home 1.75 feet below the required elevation of 1071.0 feet at 1020 W 5th Avenue.
Meeting was turned over to Josh for information for the variance. Josh explained that an error occurred when measuring for the flood level. After discussion, Lloyd Colston made the motion to table this for 180 days for the Contractor to contact FEMA for further information. Ian Kuhn made the second, Voice vote carried the motion.
5. Adjourn the Board of Zoning Appeals Sine Die and reconvene the Planning Commission.
Tom Wheatley made the motion to adjourn the Board of Zoning Appeals at 6:04 PM and Ian Kuhn made the second. The motion was carried.

Consideration

6. Amateur Radio Antenna Support Structure discussion
Josh handed out a proposed amendment for the amateur radio antenna. Josh proposed that since there are other amendments in the works, the board hold off on sending this to the City Commission, hold one public hearing.
7. Subdivision and Zoning Regulations Amendments discussion
Josh explained the changes in the subdivision and zoning regulations.

Other Items-

None

Ian Kuhn made the motion to adjourn the meeting at 6:46 PM and Tom Wheatley made the second. Motion carried.



Planning Commission Agenda Item

Meeting Date: 7/11/23
From: Josh White, Principal Planner
Item: Zoning Regulations Amendments discussion

Purpose: Zoning Regulations Amendments discussion

Background:

The recently completed Comprehensive Plan directs staff to amend the Subdivision and Zoning Regulations. Staff has begun the process of proposing amendments to the regulations both in response to the Comprehensive Plan directives and to modify some items based on practice and trends as well. This discussion is likely to take place over several meetings so as not to have too many items to discuss at one meeting.

The proposed amendments and summary of the changes is included in this packet. Last month we discussed the proposed changes to the Subdivision Regulations as well as the zoning regulations concerning site plan review and antenna support structure. This month we'll pick up with the zoning regulations. Staff recommends discussing Articles 1-18 (not all have changes) and next month could focus on the remaining articles (again not all have changes) as well as the proposed changes to the Zoning Map

Staff recommends that all proposed amendments to both sets of regulations should hold a public hearing conducted at the same meeting sometime later this summer or fall to help streamline the process. This could change based on direction from the Planning Commission. A public hearing could likely be held in September or possibly October based on the discussion and other public hearings that are a part of any of these meetings. That timeline would mean that the regulations could realistically go into effect before the end of the year.

Action:

Discuss the proposed amendments

Attachments:

Proposed amendments, Summary of changes

Proposed Changes to Zoning Regulations 2023

Article 1: Title and Purpose

No Changes

Article 2: Rules, Interpretations and Definitions

Section 2-301: Changes to Definitions

Fence. A free-standing structure intended to provide privacy, protection or confinement or to redirect a person’s direction of travel. ~~A fence may be constructed of but not limited to: wire, chain links, wood, stone or any standard building materials. A fence is not a structure unless it exceeds 80% visual blockage.~~

Commented [JW1]: Fences are better defined in Section 20-9 including acceptable fencing materials. The last sentence here is problematic. It does not match practice and would exclude chain-link fences from permitting.
Commented [JW2]: Additional information from the International Residential Code

Permanent wall foundation. An exterior wall designed to resist frost action ~~to a depth of thirty (30) inches below grade.~~ The wall must be continuous around the perimeter of the structure but may have such openings as required by any adopted Building Code of the City of Arkansas City. The wall must be designed as a footing and foundation wall and constructed in accordance with any applicable City-adopted building code.

~~**Short term rental.** A dwelling unit, portion of a dwelling unit, or sleeping unit, which is within a single family dwelling, and which is rented or leased for transient or temporary occupancy, for no more than 30 consecutive days per renter.~~

Commented [JW3]: The comprehensive plan mentioned we needed some regulations for these uses. This new definition is necessary. Table 6-1 in Article 6 will be updated to include this new use.

~~**Sight distances.** The area within which no sign, fence, wall, planting or other obstruction to vision shall be constructed, placed or maintained.~~

- ~~a. No such obstruction above three feet (3’) above the established street grade shall occur within the area of a corner lot between the lines of the intersecting streets and a straight line connecting them at points twenty feet (20’) distant from the intersection of the lot lines.~~
- ~~b. No wall or fence more than four feet (4’) in height may project into or enclose any required front yard. Walls or fences of up to seven feet (7’) in height may project into or enclose other required yards.~~
- ~~e. An area comprising a triangle with legs of five feet (5’) measured from the curbline shall be free from any visual obstruction at all points where alleys intersect with public streets.~~

Commented [JW4]: This is redundant with Section 20-4 Corner Visibility. To avoid conflicts between the two, it is best to remove this definition.

Article 3: Districts and Boundaries

3-101. In order to classify, regulate and restrict the locations of trades, industries, and the location of buildings designed for specified uses; to regulate and limit the height and bulk of buildings; to regulate and limit the intensity of the use of lots; to regulate and determine the area of yards and other open spaces surrounding buildings; and to regulate and restrict the density of population, the City is hereby divided into ~~sixteen (16)~~ districts and ~~five (5)~~ overlay districts which are designated as follows:

Commented [JW5]: Rather than having to keep changing these numbers, let’s just remove them and change only the districts below.

- | | |
|--|--|
| A: Agricultural District | I-1:Light Industrial District |
| R-1: Low Density Residential District | I-2:Heavy Industrial District |
| R-2: Medium Density Residential District | P:Public Use District |
| R-3: High Density Residential District | MU:Mixed Use District |
| CS: Countryside District | FP:Floodplain Management District |
| C-1: Office and Service Business District | C-O:College Overlay District |
| C-2: Restricted Commercial District | PUD-O: .Planned Unit Development Overlay District |
| C-3: General Commercial District | HO-O:Housing Opportunity Overlay District |
| C-4: Central Business District | HC-O: ...Historic Conservation Overlay District |
| MHS: .. Manufactured Home Subdivision | EH-O: ...Elderly Housing Overlay District |
| MP: Manufactured Home Park District | |

Commented [JW6]: Remove this district in response to the Comprehensive Plan Section 8-5.

Article 4:Intent of Districts

SECTION 4-5 “CS” COUNTRYSIDE DISTRICT [RESERVED FOR FUTURE USE]

~~4-501. The intent of the CS District is to provide area to accommodate a rural residential lifestyle, with limited future residential development which will provide adequate open space even after full development. The district is intended for one family detached dwellings and limited related residential and agricultural uses.~~

Commented [JW7]: Remove per Comprehensive Plan Sec 8-5

Also edit the Section header to match this change.

Article 5:Agricultural District (A)

No Changes

Article 6:Residential Zoned Districts (R-1:R-3)

**TABLE 6-1
Residential Zoned Districts
Permitted and Conditional Uses**

P = Indicates Permitted Uses **C** = Conditional Uses

USE		R-1	R-2	R-3
1.	Any public building or land use by any department of the City, county, state or federal government.	C	C	C
2.	Bed and breakfast inns.			P (1) / C
3.	Churches and similar places of worship	C	P	P
4.	Community recreation building owned and operated by a public agency.		P	P
5.	Day care facilities: adult day care homes, childcare centers, day care homes, family day care homes, group day care homes and preschools.	P (3)	P (3)	P (3) / C (1)
6.	Dormitories for students of colleges and theological institutions.	C (3)	C (3)	C (3)

7.	Dwellings:	P	P	P			
	a. Single family (including Modular home and Residential design manufactured home).				C	P	P
	b. Two family.				C	C	P
	c. Three or more families.			P			
8.	Fraternal organizations, lodges.	C	C	C			
9.	Golf courses.	P (5)	P (5)	P (5)			
10.	Group boarding homes for minors.			P (2) / C (4)			
11.	Group homes.	P (4)	P (4)	P (4)			
12.	Hospitals and related medical facilities including, but not limited to, medical, dental and health clinics.	C	C	C			
13.	Large group homes.		C (3)	P (2) / C (4)			
14.	Lodging houses.		C	P (1) / C			
15.	Nonprofit institutions of an educational, philanthropic or eleemosynary nature.			C			
16.	Nursing homes, rest homes, convalescent homes and similar facilities.		C	C			
17.	Rehabilitation houses.		C	C (5)			
18.	Safe houses.	P	P	P			
19.	Schools:						
	a. Public and private elementary schools	P	P	P			
	b. Public and private secondary schools	C	P	P			
	c. Post-secondary educational institutions	C	C	P			
20.	Short term rentals (including Aribnb, VRBO, HomeAway, etc.).		<u>C</u>	<u>P</u>			
21.	Telephone exchanges, electric substations and similar public utilities.			C			

Commented [JW8]: Its not all that helpful to have this added. It was originally added for clarification but looking at definitions and other sections of the regulations and we find that it is unnecessary.

Commented [JW9]: Added new use to accommodate short terms rentals as noted in Section 8-5 of the Comprehensive Plan. This provides greater control on where these can be placed. Conditions in R-2 may be on the length of stay, number of guests, owner occupied requirement, etc. Could make it Conditional in R-1 as well but then those conditions should really be included in the regulations.

**TABLE 6-1
Residential Zoned Districts**

Permitted Uses Footnotes:

- (1) When having nine (9) or fewer sleeping rooms.
- (2) When having twenty (20) or fewer residents, including staff.
- (3) When having twelve (12) or fewer children or twelve (12) or fewer adults for whom care is provided.
- (4) When having eight (8) or fewer residents plus no more than two (2) staff.
- (5) Excluding miniature golf and pitch and putt courses and commercially operated golf driving ranges.

Conditional Uses Footnotes:

- (1) For facilities having thirteen (13) or more children or thirteen (13) or more adults for whom care is provided.
- (2) For facilities having more than ten (10) residents, including staff.
- (3) When having more than ten (10) residents, including staff.

- (4) When having more than twenty (20) residents, including staff.
- (5) If property contains at least 500 sq. ft. of ground lot area per occupant.

**TABLE 6-2
MINIMUM LOT AREAS, PER DWELLING UNIT**

Use		R-1	R-2	R-3
1.	Single-family dwelling	6,000	5,600	5,600
2.	Two-family dwelling	4,000	3,000	3,000
3.	Three and four family dwelling	NA	2,000	2,000
4.	Five or more family dwelling	NA	2,000	1,500

Additional requirements:

Maximum lot coverage by principal buildings shall not exceed fifty percent (50%). The combined floor area of all accessory buildings constructed in accordance with these regulations shall not exceed twenty-five percent (25%). ~~Tiny Houses meeting the requirements of Section 20-11, shall not be required to meet these minimums. Where a lot has less area than required in Table 6-2 and was in existence as a separate legal lot prior to the effective date of these regulations, the provisions in Article 21 for nonconforming lots will govern.~~

Commented [JW10]: Added to note that in this situations the developer should refer to Section 20-11.

Commented [JW11]: This language is confusing. Regardless of status of the lot a new structure will not be allowed on a lot that is below the minimum lot size in this table except tiny houses above. Article 21 should always be the source of information in these cases as well.

Article 7: Countryside District (CS)

Article 7 is deleted in its entirety in response to the Comprehensive Plan Section 8-5 which called for the removal of the Countryside District. The Article is reserved for future use, so it doesn't cause the renumbering of the remaining Articles. In the future, a new district could replace this one.

Article 8: Public Use District (P)

No Changes

Article 9: Commercial Zoned Districts (C-1:C-4)

TABLE 9-1
P = Indicates Permitted Uses C = Indicates Conditional Uses

USE	C-1	C-2	C-3	C-4
1. Ambulance service.			P	P
2. Amusement places, indoor.			P	P
3. Animal hospitals.			P ⁽¹⁾	P ⁽¹⁾
4. Any public building or land use by any department of the City, county, state or federal government	C	CP	CP	P
5. Artists, authors, composers, studios and galleries	P	P	P	P
6. Auditoriums, exhibition halls, fairgrounds, stadiums and similar uses.			P	P
7. Automobile and truck wash services.		P	P	C
8. Churches, similar places of worship.	P	P	P	P ⁽²⁾
9. Convenience stores.		P ⁽³⁾	P	P
10. Day care facilities: childcare centers, day care homes, family day care homes, group day care homes and preschools.	P	P	P	P
11. Dry cleaners-laundries, including self-service.			P	P
12. Dwellings: When dwelling unit(s) located on other than ground floor of commercial structure.	P	P	P	P
13. Electric-telephone substations and similar public utility uses.		P	P	P
14. Food catering service, lockers-storage.			P	P
15. Fraternal-civic-social organizations.	P	P	P	P

Commented [JW12]: This is a similar use to #13. It doesn't make sense that this use is more restricted in C-2 & C-3

Commented [JW13]: Better matches practice and is a compatible use in C-2.

Commented [JW14]: This footnote does not apply.

16.	Funeral, crematory and mortuary services		P	P	P
17.	Furniture repair, upholstery			P	P
18.	Garden supplies – nurseries, greenhouses.			P	P
19.	Golf driving ranges.			C	C
20.	Health and exercise spas, gymnasiums.	P	P	P	P
21.	Hospitals, clinics, laboratories.	P	P	P	P
22.	Hotels and motels.		C	P	P
23.	Industrial laundry and linen supply services.			C	C
24.	Kennels-boarding and breeding.			C	C
25.	Miniature golf, outdoor.		P	P	C
26.	Mini-storage, self-storage.		C(2)	C(2)	C(2)
27.	Manufactured home sales.			P	P
28.	Monument engraving and sales.			P	P
29.	Motor vehicle repair and body shops, provided all work shall be performed and all materials shall be stored within an enclosed building.		C	CP	CP
30.	Nursing homes, rest homes, convalescent homes and similar facilities.	P	P	P	P
31.	Offices: professional-business-educational-industrial-religious-philanthropic-public.	P	P	P	P
32.	Package liquor store.		C(4)	CP(4)	CP(4)
33.	Printing, including newspaper publishing.			P	P
34.	Private clubs.			P(4)	P(4)
35.	Race track and courses – vehicle and animal.			C	C
USE		C-1	C-2	C-3	C-4
36.	Radio and television broadcasting studios (without transmission towers).	P	P	P	P
37.	Radio or television broadcasting studios (with transmission towers).		P	P	P
38.	Radio, television or telephone transmitting station or towers, subject to further regulations set out in Article 23.		C	C	C
39.	Recreation centers.			P	P
40.	Recreational vehicles – trailers, equipment sales.			P	P
41.	Restaurants.	C	P	P	P
42.	Retail sales and rental of goods and merchandise including, but not limited to: antiques; apparel; appliances; bakeries; bicycles; books and stationery; building materials; carpet and other floor coverings; cigarettes; clocks; farm machinery and supplies; florists; food and groceries; furniture; hardware; heating, plumbing, and air conditioning equipment; jewelry; musical instruments; motor vehicles, parts and supplies; pet shops; pharmacies; photographic supplies and cameras; office equipment and supplies; and service stations.	P/ C(5)	P	P	P
43.	Retail sales of services including, but not limited to: banks, barber and beauty shops; building contractors, including air-conditioning, heating, plumbing and electrical; cleaning and repair; interior decorating; lawn care and landscaping; locksmith; message service; outdoor advertising; pet grooming; photocopying and blueprinting; and stenographic, duplicating and mailing services.	P	P	P	P

Commented [JW15]: Footnote reference added to further explain the requirements of placing mini-storage.

Commented [JW16]: Made less restrictive to match existing conditions. A condition is already imposed by the use description. Further conditions are still likely needed for C-2 though.

Commented [JW17]: This better matches existing conditions. Adding the restriction of (4) eliminates the need for conditional use permits for C-3 and C-4. (4) provides a condition for C-2 but others may be needed.

44.	Schools:				
	a. Public and private elementary schools	C	C	C	C
	b. Public and private secondary schools	C	C	C	C
	c. Postsecondary educational institutions	P	P	P	P
	d. Business and training/vocational schools	C	C	P	P
45.	Storage or warehousing, except for products of a highly explosive, combustible or volatile nature.			C	C
46.	Taverns, bars and drinking establishments.			P ⁽⁴⁾	C ⁽⁴⁾
47.	Theaters, indoor.		P	P	P
48.	Theaters, outdoor.			C	C
49.	Travel trailer parks.			C ⁽⁶⁾	
50.	Wholesale establishment.			C	C

Permitted and conditional uses footnotes:

- (1) Providing all services, runs and pens are within an enclosed building.
- (2) ~~Parsonages and similar uses when located in the C-4 District must comply with the same floor area regulations as set out in Item 12 (Dwellings) of Table 9-1. Subject to requirements set out in Section 9-602.~~
- (3) Including the self-service dispensing of gasoline and related petroleum products, providing there is no motor vehicle repair or service.
- (4) Provided not located within 200 feet of: a church, a school or a hospital.
- (5) If display and/or sales area exceeds 2,000 sq. ft., regardless of number of stories.
- (6) Subject to requirements set out in Section 9-11.

Commented [JW18]: The footnote related to parsonages does not apply in our regulations. The new footnote for mini-storage/self-storage was put in its place.

TABLE 9-2

District	Front Yard	Side Yard	Rear Yard(1)
C-1	25 ft.	5 ft. – 1 or 2 stories 8ft. – 3 stories	25 ft.
C-2	25 ft.	10 ft. where property adjoins any residential-zoned district. In all other cases – 0.	10 ft. where property adjoins any residential-zoned district.
C-3	10 ft.	10 ft. where property adjoins any residential-zoned district. In all other cases – 0.	10 ft. where property adjoins any residential-zoned district.
C-4	0	0	0

(1) There shall be a thirty (30) foot rear yard for structures of three (3) stories or more in all zones.

Commented [JW19]: Due to footnote, this table for C-4 conflicts with Sec 10-402. Since C-4 has its own Article anyway, just remove.

Section 9-601:

- e. Rooftop equipment shall be screened from view from the ground near the building with vertical extensions of the building walls or with parapets or other architectural design features of the same materials used on the wall of the building. Where the topography permits, it is desirable to screen such equipment from adjacent property, but it is not the intent of this requirement to increase the height of the screening significantly above that of the equipment to screen it from view from tall buildings or from higher ground. Raised exterior walls or screen walls should be designed to enclose groups of equipment.
- f. The form and proportion of building should be consistent or compatible with the scale, form and proportion of existing development in the immediate area.

Commented [JW20]: Adapted from the former Subdivision Regulations Section 13-701 paragraph a.

- g. The rhythm of structural mass to voids, such as windows and glass doors, of a front facade should relate favorably to the rhythms established in adjacent buildings.
- h. Overly long horizontal facades (walls) should be articulated with variations in the building plane and parapet height, materials and colors, entrance canopies, landscaping and other design or site plan features. Parking lots along the facade can also relieve horizontally through the use of landscaped fingers and island containing trees and shrubs.
- i. Architectural design should create visual interest through the use of different textures, complementary colors, shadow lines and contrasting shapes. The use of walls in a single color, with little detailing or completely bland, is discouraged.
- j. Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form, and siting shall be used to provide visual interest.
- k. Careful consideration of durable materials, proportions, and shapes, emphasizing the importance of roofs as integral and embracing elements of the over-all design, is encouraged.
- l. Use of masonry materials (face brick, stucco, stone) is encouraged. The use of aluminum siding, metal ribbed panels, and extensive mirrored glass surfaces is discouraged. Evaluation of building materials shall be based on the quality of its design and relationship and compatibility to building materials in the immediate neighborhood. Corrugated metal facades should be complemented with abundant use of masonry, whether brick, stone, stucco or split-face block, especially along perimeter streets. Architectural metal panels may be an acceptable substitute for masonry. Appropriate landscaping can be used to complement and enhance a building's design, color and material.
- m. Architectural treatments (e.g., building material, colors, facade design, roof lines, screening) shall be consistent and compatible on all sides. Treatment that is uniform on all sides will be deemed to meet the requirements of this principle. Adjacent land uses, visibility from public streets, use of screening devices (walls, fences, berms, landscaping) are criteria to be considered when varying this treatment.

Commented [JW21]: Adapted from the former Subdivision Regulations Section 13-701 paragraphs c-j

Section 9-602: New section

9-602. Mini-storage facilities shall be developed in accordance with the following minimum standards:

- a. Off street parking shall be provided as follows:
 - 1. Parking shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least twenty feet (20') wide for one-way access lanes and at least twenty-five feet (25') wide for two-way access lanes.
 - 2. One parking space for every one hundred fifty (150) storage cubicles shall be located adjacent to the leasing office. A minimum of three (3) such spaces shall be required.
 - 3. Required parking spaces may not be rented as or used for vehicle storage, unless identified on the site plan or development plan.
- b. There shall be landscaped screening and fencing around the perimeter of the project. The fencing shall be a minimum of six feet (6') in height. When a development borders an arterial street, or adjoining residential or commercial development, the fence shall be constructed of decorative material approved by the Zoning Administrator along those sides. Chain link fencing may be used on sides that adjoin other industrial property of similar or greater intensity, as approved by the Zoning Administrator.

Commented [JW22]: Adapted from the former Subdivision Regulations Section 13-702

- c. The buildings shall be architecturally compatible with the existing neighborhood. To that end, newly constructed mini-storage units either shall (a) install a screen to shield door openings from residentially zoned property and public right-of-way, or (b) face door openings away from any residentially zoned property or public right-of-way.

Table 9-1 will also have a footnote that directs the reader to Section 9-602 for Mini Storage or Mini Warehouses

Article 10:Central Business District (C-4)

~~10-301. Other than for dwelling uses, as set out in Section 22-5 of these regulations, no off-street parking spaces shall be required of uses located in the C-4 District.~~

Commented [JW23]: The first part of this sentence conflicts with Section 22-201 and could be seen as a deterrent to developing housing in the district. There appears to be adequate public parking in the C-4 district as well as street parking on Summit Street.

Articles 11-14:MHS, EH-O, MP and HO-O Districts

No Changes

Article 15:Industrial Districts (I-1 and I-2)

TABLE 15-1

**Industrial Zoned Districts
Permitted and Conditional Uses**

P = Indicates Permitted Uses C = Indicates Conditional Uses

USE		I-1	I-2
1.	Agricultural.	P	P
2.	Airplane hangars.	P	P
3.	Animal hospitals, veterinarian clinics, and kennels.	P	P
4.	Automobile and truck wrecking or salvage yards, junk yards and scrap processing yards.		C
5.	Bottling works.	P	P
6.	Building material sales including lumber yards (except for ready-mix concrete and similar uses which emit dust, odor and smoke.)	P	P
7.	Car and truck wash establishments	P	P
8.	Carpenter, cabinet, plumbing or sheet metal shops.	P	P
9.	Contractor's office and equipment storage yard.	P	P
10.	Dry cleaning and/or laundry plants.	P	P
11.	Farm implement sales and services.	P	P
12.	Feed and seed stores, grain elevators.	C	P
USE		I-1	I-2
13.	Frozen food lockers.	P	P
14.	Greenhouses and nurseries, retail and wholesale.	P	P
15.	Light manufacturing, processing or fabrication operations, providing that such use is not noxious or offensive by reason of vibration or noise beyond the confines of the building or emission of dust, fumes, gas, odor, smoke or other particulate matter.	P	P
16.	Machine shops, tool and die shops, and similar establishments	P	P
17.	Machinery sales and storage lots, including motor vehicles.	P	P

Commented [JW24]: It is unclear why there are any cases in which I-2 would be more strict than I-1. These have all been adjusted.

18.	Manufacturing, processing or fabrication establishments which are not noxious or offensive by reason of vibration, noise, dust fumes, gas, odor.		P
19.	Manufactured home production, storage and sales of units produced on-site.		P
20.	Motor vehicle repair or body shop.	P	P
21.	Offices and service yards for the Kansas Department of Transportation.	P	P
22.	Other uses which may be noxious or offensive by reason of the emission of odor, dust, smoke, gas, noise or vibration.		C
23.	Public utility and public service uses including: municipal power plants; substations; lift stations; railroads; telephone exchanges, microwave towers, radio towers, television towers, telephone transmission buildings; electric power plants; and public utility storage yards.	P	P
24.	Self-storage (mini-storage).	P ⁽¹⁾	P ⁽¹⁾
25.	Service stations.	P	P
26.	Stockyards and slaughterhouses.		C
27.	Storage of bulk oil, gas, explosives and similar materials.		C
28.	Storage yards providing the storage yard is completely enclosed with a six foot fence or wall.		P
29.	Telecommunication towers.	C	C
30.	Truck and rail terminals.	P	P
31.	Warehouses or storage houses.	P	P
32.	Welding shops.	C	P

Permitted and conditional uses footnotes:

- (1) Subject to the requirements set out in Section 15-302.

Commented [JW25]: This footnote is added to #24 to direct the developer to additional regulations in 15-302 regarding Self-storage (mini-storage).

Section 15-302: New Section

15-302. Self-storage (Mini-storage) facilities shall be developed in accordance with the following minimum standards:

- a. Off street parking shall be provided as follows:
 - 4. Parking shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least twenty feet (20') wide for one-way access lanes and at least twenty-five feet (25') wide for two-way access lanes.
 - 5. One parking space for every one hundred fifty (150) storage cubicles shall be located adjacent to the leasing office. A minimum of three (3) such spaces shall be required.
 - 6. Required parking spaces may not be rented as or used for vehicle storage, unless identified on the site plan or development plan.
- b. There shall be landscaped screening and fencing around the perimeter of the project. The fencing shall be a minimum of six feet (6') in height. When a development borders an arterial street, adjoining residential or commercial development, the fence shall be constructed of decorative material approved by the Zoning Administrator along those sides. Chain link fencing may be used on sides that adjoin other industrial property of similar or greater intensity, as approved by the Zoning Administrator.
- c. The buildings shall be architecturally compatible with the existing neighborhood. To that end, newly constructed self-storage (mini-storage) units either shall (a) install a screen to shield door openings from residentially zoned property and public right-of-way, or (b) face door openings away from any residentially zoned property or public right-of-way.

Commented [JW26]: Adapted from the former Subdivision Regulations Section 13-702

Table 15-1 will also have a footnote that directs the reader to Section 15-302 for Mini-storage or mini-warehouses.

Articles 16-17:PUD-O and C-O Districts

No Changes

Article 18:Mixed Use District (MU)

18-602.

- a. Front yard.
 - 1. Front yards on arterial and collector streets and unplatted tracts on local streets shall conform with the provisions of Article 20.
 - 2. There shall be a front yard having a depth of not less than ~~thirty (30)~~ **fifteen (15)** feet or the established building line as defined in Article 20.
 - 3. No accessory building shall project beyond the front building setback line of any lot.

18-604. Rear yard. Except as otherwise required in Article 20, there shall be a rear yard having a depth of not less than ~~thirty (30)~~ **fifteen (15)** feet or twenty percent (20%) of the depth of the lot, whichever amount is smaller.

Section 18-605: paragraphs c & h

- c. ~~Parking lots~~ – Parking lots shall not dominate the frontage of pedestrian-oriented and image streets or conflict with pedestrian crossings. ~~No parking space shall be closer to the primary frontage street than the building.~~
- h. ~~Transition yards and landscaping~~ **screening** – Where a commercial ~~lot~~ **use** abuts a residential use, a landscaped yard consisting of, but not limited to, trees, vegetation, wood **privacy** fencing, landscaped earthen berm, or other plantings shall be provided for as a visual buffer that creates spatial separation. Front yard setback areas shall be landscaped. ~~Landscaping plans shall be submitted to the Zoning Administrator for approval.~~ **On through lots, the rear yard that is immediately across the street from a residential district shall also require screening.**

Commented [JW27]: 30 feet seems to contradict 18-605a which encourages setbacks to be minimized. 30 feet also encourages parking in the front which seems to contradict 18-605h. 30 feet is also greater than required in the R-2 and R-3 districts. 15 feet is the same setback that is required in the R-3 district (C-3 is only 10) and fits better. On the N Summit Mixed Use corridor many of the houses are closer to 15 or 20 feet setbacks.

Commented [JW28]: Same comment as for the front yard above.

Commented [JW29]: The requirement for no parking in the front actually creates a new issue along the Summit Street Mixed Use corridor. The other language is acceptable. Parking should be screened per h below as much as possible.

Commented [JW30]: These edits are for a bit of clarification but also the last new sentence was added to help deal with problems associated with the mixed use district along the N Summit corridor as it immediately borders a residential area but is separated by a street.

Article 19:Wind Energy Conversion Systems

19-101. The regulations set forth in this Article, or set forth elsewhere in these regulations when referred to in this Article, are the regulations governing the placement and operation of domestic Wind Energy Conversion Systems (WECS). The intent of this Article is to allow domestic WECS as accessory uses in the Agricultural (~~Article 5A~~), **Low Density Residential District (R-1)** ~~Countryside (Article 7)~~, Public Use (~~Article 12P~~), Light Industrial (~~Article 15 I-1~~), and Heavy Industrial (~~Article 15 I-2~~), Zoning Districts, subject to compliance with the relevant provisions for such use set forth in this Article.

Commented [JW31]: Remove Countryside since that district is being removed. Add R-1 which would be the most similar district.

19-301. ~~As an Accessory Use in the Agricultural District. In the "A" Agricultural District domestic WECS are allowed as an accessory use.~~

Commented [JW32]: This language is unnecessary as it is already spelled out in 19-101.

- a. **Domestic wind energy conversion systems.** The following conditions and restrictions shall apply to domestic wind energy conversion systems:
 - 1. **Spacing.** No system may be located within 300 feet of another domestic system.
 - 2. **Setbacks.** Every system shall meet the following minimum setbacks:

- (a) A setback from the nearest property line a distance equal to twice the height of the system, including the rotor blades.
- (b) A setback from the nearest public road right-of-way a distance equal to the height of the system, including the rotor blades, plus an additional 50 feet.

~~3. **Blade height.** The lowest point of the rotor blades shall be at least 50 feet above ground level at the base of the tower.~~

4. **3. Tower height.** A maximum of 100 feet.

5. ~~4. **Security.** All WECS must be secured to protect against trespass or unauthorized use of the property, tower or similar structures.~~

Commented [JW33]: While the premise behind minimum blade height is understood, this also forces all WECS to be more than 50 feet in height regardless of the height needed. I also did not see this in other cities' regulations.

Commented [JW34]: This is similar to the verbiage for Telecommunications Towers.

Remove Sections 19-302 & 19-303. The regulations are the same for all areas allowed and having them separated out makes little sense and just requires additional unnecessary reading to find out the regulations.

Article 20:Supplemental District Regulations

Section 20-401: New paragraph e.

Alley Intersections: A sight triangle is the triangular area formed by the intersection of the alley and the public street bound by two lines extending from the point of intersection along the edge of the traveled way for a distance of 5 feet.

Commented [JW35]: This was taken from the sight distances definition in Section 2-3. The definition in that section is removed.

Section 20-701: New Item under paragraph b.

14. **Accessory Dwelling Units (ADU):**

- ~~(a) An ADU is a dwelling unit that is accessory to a principal single-family dwelling unit on the same lot. This includes a building or part of a building that provides complete independent living facilities for one (1) or more people, including a kitchen, living room, bathroom, and bedroom, either attached to a principal dwelling or a detached building on the same lot.~~
- ~~(b) ADUs are permitted as accessory to single-family dwelling units in the R-2 and R-3 districts. ADUs are a conditional use in the R-1 district.~~
- ~~(c) An ADU may be constructed as a new building, adapted from an existing accessory structure on the same lot or adapted from a portion of the principal dwelling unit.~~
- ~~(d) Only one ADU is allowed on a lot.~~
- ~~(e) Standards:~~
 - ~~1. Attached ADUs must meet applicable district setbacks. Detached ADUs must conform to the yard regulations for accessory buildings in Section 20-8.~~
 - ~~2. The principal dwelling unit or the ADU must be occupied by an owner of record of the property.~~
 - ~~3. The architectural style of the ADU must conform to the architectural style and materials of the principal dwelling unit.~~
 - ~~4. The ADU must not exceed a gross floor area of eight hundred (800) square feet or more than fifty (50) percent of the principal structure's floor area, whichever is less.~~
 - ~~5. The ADU may not exceed the height of the principal dwelling unit.~~
 - ~~6. The ADU must meet current building code requirements.~~

Commented [JW36]: This is an all new accessory use. In an ongoing effort to provide additional housing options, this is a nationwide movement. Ark City currently has a number of so-called ADUs mostly within the R-3 district. If any of those do not meet these regulations, they would be allowed to continue as a nonconforming use per Section 21-4.

7. The ADU must obtain a separate address for emergency response.

20-703 Licensed Amateur Communications

The provisions of this section apply only to antennas and antenna support structures used in FCC Licensed Amateur Radio Service Communications. The provisions of this section shall control in the event of a conflict with the Height and Yard Regulations of the District Regulations in which the antenna support structure shall be placed. If said communications facilities do not comply with the following regulations, then a Conditional Use Permit as defined in Article 23 Telecommunications Towers shall be required unless such communications facilities are otherwise in compliance with and/or otherwise allowed under applicable district development standards.

a. Definitions

For the purposes of this section and notwithstanding any conflicting definitions under any other section of this Code:

Amateur Radio Antenna. means “antenna(s)” used for the purpose of receiving and/or transmitting licensed Amateur Radio Communications.

Amateur Radio Antenna Support Structure. means a structure, such as a mast, tower or pole, that is placed, erected or constructed to support one or more antennas for the purposes of engaging in licensed Amateur Radio Communications. Buildings and associated roof mounted equipment alone shall not be considered as antenna support structure.

Licensed Amateur Radio Communications. means any form of communication and/or testing, whether transmitted or received, that is licensed by the Federal Communication Commission under and pursuant to 47 C.F.R. Part 97, including all Operator and Station Licenses, under which communication/or testing is conducted by, or under the authority of, a licensed Amateur Radio Operator and Station holding a current valid Amateur Radio License.

Detached Antenna Support Structure. as applicable to Amateur Radio Antenna Support Structures shall mean those structures which are not physically attached to, or in any way supported by, a house or any other permitted structure on the subject property.

Attached Antenna Support Structure. as applicable to Amateur Radio Antenna Support Structures shall mean those structures which are physically attached to, or in any way supported by, a house or any other permitted structure on the subject property.

b. Maximum Number of Detached Antenna Support Structures in Residential Districts

No more than one detached guyed or freestanding antenna support structures shall be permitted as a matter of right in a residential district. Upon a reasonable showing of substantial need consistent with licensed Amateur Radio Communication, the Zoning Administrator shall have the right to administratively approve one or more additional detached antenna support structures on the condition that said additional structure(s) shall not create a risk of collapse on adjoining property not under the control of the Licensed Amateur Radio Operator requesting such additional structure(s).

c. Maximum Number of Attached Antenna Support Structures in Residential Districts

Commented [JW37]: This section is new. It was discussed at the June 13, 2023 meeting.

No more than one attached antenna support structures, whether guyed or unguyed, shall be permitted as a matter of right on a house or any other permitted structure on the subject property. Upon a reasonable showing of substantial need consistent with licensed Amateur Radio Communications, the Zoning Administrator shall have the right to administratively approve one or more additional attached antenna support structures on the subject property.

d. Height Limitations applicable to Amateur Radio Communications Antenna Support Structures

The maximum height for any Amateur Radio Communications antenna support structure in any district, whether attached or detached, shall be sixty (60) feet. Upon a reasonable showing of substantial need consistent with licensed Amateur Radio Communications, the Zoning Administrator shall have the right to administratively approve a maximum height of one hundred (100) feet. Any antenna support structure that exceeds one hundred (100) feet in height above the ground shall be allowed only with the approval of a Conditional Use Permit.

e. Antenna and Antenna Support Structure Standards

1. Number and Size

The number and/or size of antennas placed upon a properly erected antenna support structure used for licensed amateur radio communications shall not exceed the wind load requirements/limits for the supporting structure as specified by the manufacturer(s) of the antenna(s) and of the supporting structure, or in the absence of such specification, the wind load requirements contained in the current version of the City building codes if available, or under nationally recognized standards for wind loading determination.

2. Setbacks

Front Yards: Antenna support structures (including guy wires, foundations, anchor, and other components of the structure) shall not be permitted in required front yards. The Zoning Administrator may administratively approve the location of guy wires in a required front yard if it is demonstrated that there are limiting physical characteristics of the subject property that necessitate the location of guy wires in the front yard.

Side and Rear Yards: Guy wires shall be permitted in required side and rear yards. Minimum setbacks for antenna support structures (including guy wires, foundations, anchor, and other components of the structure) shall be the same as those required for accessory buildings in the applicable residential district and as for all buildings in nonresidential districts, except that side yard encroachments equal to that allowed for fireplaces or other allowed side yard encroachments under single family district regulations shall be permitted.

3. Lights

No lights shall be mounted on antenna support structures unless otherwise required by applicable State and/or Federal Regulations governing said structure. Any such lighting shall be as specified in said regulations.

4. Construction Standards

Antenna Support Structures shall be installed, maintained and/or modified in accordance with the support structures manufacturer's plans and specifications, or in accordance with engineering plans and specifications which meet or exceed the TIA-222 Standard for said structure prepared by and under the seal of a registered professional engineer of the State of Kansas. All installations and maintenance thereon

Commented [JW38]: For those structures built by the operator and not a manufacturer, they must meet the TIA-222 standard.

shall otherwise be performed in accordance with the usual and customary standards of care in the industry applicable to such installations in the State of Kansas.

5. Insurance

The applicant must include a statement from their insurance company that lists the tower on the address of construction as a covered item on the applicant's property or otherwise show proof of coverage.

6. Maintenance

All Antennas and antenna support structures shall be kept in good condition and properly maintained in accordance with manufacturers recommendations, the standards of the industry and any applicable Federal Amateur Radio License regulations. Antennas and Antenna support structures that have, due to damage, lack of repair, or other circumstances, become unstable, in danger of failure to support, or which no longer meet the applicable standards of installation and maintenance shall be removed or brought into repair within 90 days following notice given by an authorized representative to the City. Notwithstanding said 90-day repair deadline, said authorized representative shall have the power to order such immediate remedial action as necessary, including removal of any offending antenna and/or antenna support structure if it is deemed to constitute an imminent threat to public safety or property.

7. Amateur Radio License Requirements

No person, corporation, partnership, or other legal entity shall have any rights under, nor be subject to the provisions of this section except the person or entity to whom a current, valid Amateur Radio License has been issued by the F.C.C under the provisions of 47 C.F.R. Part 97.

8. Discontinuance of Amateur Radio Operations

Within 180 days of the date that Amateur Radio Operations have been discontinued at the subject property on which an antenna and/or antenna support structure is located the owner of said property shall remove, or cause to be removed, all such antennas and structures on the property excepting only if said antennas and/or structures are otherwise and independently authorized to be on the subject property under other provisions of these regulations or other applicable law unrelated to this section.

Discontinuance: Discontinuance of Amateur Radio Operations means voluntary termination of operation or termination of the legal right to operate an Amateur Radio Station, including but not limited to the following: F.C.C. revocation, suspension and or termination of Amateur Radio operator and/or station license; death of the license holder or termination of any legal entity holding said license; voluntary cessation of operation by the license holder; termination of ownership, lease, license or legal interest in the subject property by the license holder under which licensed Amateur Radio Operations were conducted on the subject property.

Commented [JW39]: Keep this italicized in final form

~~20-901. Except as otherwise specifically provided elsewhere in these regulations or other codes and regulations of the City the following restrictions shall apply to the construction of all fences or improvements, replacements or extensions of existing fences. No fence shall be constructed within the City unless it is constructed in conformance with the following requirements:~~

a. ~~No fence shall be constructed at a location where it would constitute a traffic hazard.~~ A fence or wall may project into or enclose any required front, side or rear yard subject to access requirements of any established easement and in accordance with the following:

Commented [JW40]: This wording was moved to the section regarding corner visibility. The new section includes the reference to the former b. about dedicated easement.

~~b. A property owner may install a fence within a dedicated easement at his or her own risk of having to remove or repair such fence due to the lawful activities of persons or entities under the easement.~~

Commented [JW41]: The easement is briefly noted in a. above

1. The maximum height of fences or walls erected in a residential district shall be no more than six (6) feet in height for any side or rear yards measured from the adjacent grade.

Commented [JW42]: This was previously 8 feet but an 8 feet fence triggers additional structural requirements. 7 feet may work but the standard size is 6.

2. Any fence that extends beyond the front wall of any principal structure shall not be more than four (4) feet in height.

Commented [JW43]: Some cities say 3 instead of 4. 4 feet is the current restriction. The language is also simplified. The previous language taking about requiring the height to be equal to the required depth of the front yard was confusing, this language would make fences more uniform in front yards at 4 feet.

3.e. ~~For corner lots in a residential district, a solid fence six (6) feet in height may be constructed in the side street front yard subject to the following: rules shall apply: All sides adjacent to a street shall be considered front yards, with the one on the non address side having the lesser setback requirement. The primary front yard shall meet the applicable district setback.~~

a. The fence shall not extend nearer to the front street lot line than the front wall of the principal building

Commented [JW44]: This is new wording, that is similar to 2 above. It should help with corner visibility and reduce traffic hazards. It also is clearer than the previous language or at least that is the intent.

b. The fence shall not extend into any sight triangle as defined in these regulations.

Commented [JW45]: This also covers the former a. about traffic hazards.

c. The zoning administrator shall establish which yard is the side street front yard.

4. ~~d. For institutional uses in residential districts, such as schools, parks, hospitals and cemeteries, a fence may be constructed in the front yard setback provided it complies with subsections b, d and e of this section, and has at a maximum eight (8) foot height provided it does not constitute a traffic hazard.~~

Commented [JW46]: This statement had to be removed due to section renumbering/organization

5. ~~e. A fence may be erected in a commercial district or industrial district to not more than eight (8) foot maximum height, except no fence shall have a height greater than six (6) feet in a required front yard, except where these Regulations provide otherwise.~~

~~f. A fence may be erected in a residential district to not more than eight (8) foot maximum height, provided a fence not more than four (4) feet in height may project into or enclose any required front yard to a depth from the street line equal to the required depth of the front yard.~~

Commented [JW47]: This was moved up to a.1. above

6. Except as otherwise set forth in these regulations, permitted materials for fences or walls on all properties shall include:

- a. new lumber and new wood boards (picket style);
- b. chain link;
- c. wrought iron and decorative aluminum;
- d. vinyl (picket or panel style);
- e. brick and masonry (including proper footing in accordance with the building codes);
- f. stone, rock and concrete block (including proper footing in accordance with the building codes);
- g. stucco (including proper footing in accordance with the building codes);
- h. any generally accepted fencing materials commonly used in the fencing industry as approved by the Zoning Administrator.

7. Prohibited materials shall include but not be limited to:

- a. sheet metal.
- b. metal building siding and roofing materials.
- c. corrugated metal or fiberglass.
- d. chicken wire.
- e. plywood.
- f. scrap wood.
- g. scrap metal.
- h. canvas, nylon or other non-rigid material or fabric.
- i. cast-off, secondhand or other materials not originally intended to be used for constructing or maintaining a fence (including pallets); and
- j. stock fences (including cattle or hog panels) except in the Agricultural (A) District.
- k. ~~g. Barbed wire fences are prohibited inside the City limits, except:~~

1. When property exclusively used for agricultural purposes is annexed into the City and the barbed wire fencing does not pose a risk to pedestrians. Risk to pedestrians shall be presumed when any barbed wire fencing is located within 10 feet of any pedestrian sidewalk, street or public thoroughfare.
2. On top of perimeter fencing of storage areas in industrial and commercial district zones, provided that barbed wire atop such fences shall be at least 6 feet above the ground with a maximum fence height of 8 feet;

- l. ~~h. Electric charged fences are prohibited inside the City limits, except:~~
 1. An electric fence not exceeding 24 volts and completely contained within a landowner's fenced property shall be permitted if the landowner first obtains approval from City Code Enforcement;
 2. Electronic detector loops for animal containment systems shall not be classified as an electric charged fence;

- m. ~~i. Concertina wire or looped barbed-wire fences are prohibited inside the City limits.~~

8. The zoning administrator may require a photograph or sketch of the proposed fence.

b. The finished surface of all fences shall face outward from the property. However, in the case of two or more property owners wishing to share a common fence line between their properties, said property owners shall jointly determine upon which side of the common fence line the finished face of the fence shall be placed. Such determination shall be consistent for the entire length of the common fence line.

Commented [JW48]: 6 and 7 were added to better define what is acceptable and not acceptable for fencing materials. This is new as the current regulations did not define this.

Commented [JW49]: Moved up to the prohibited section

Commented [JW50]: Simply moved from its previous section, wording is the same.

Commented [JW51]: Simply moved from its previous section, wording is essentially the same.

Commented [JW52]: Simply moved from its previous section, wording is the same except for the removed redundancy.

Commented [JW53]: New language that is especially helpful for interpreting 6h above. Notice the intentional use of the word "may" as this will not always be required.

Commented [JW54]: This is new language and is OPTIONAL. I wanted to add it because there is often issues with this. Generally speaking, whoever is constructing the fence should have the finished side facing outward but it can get interesting if the fence is on a shared property line.

- c. Any existing fence which was in conformity with the provisions of any previous ordinance and which was in place as of the date of adoption of these regulations may remain without change, notwithstanding same may be in conflict with one or more provisions of these regulations. However, any replacement or change consisting of more than 50 percent of said existing fence or addition of a new fence shall meet the requirements of these regulations.

Commented [JW55]: This is new language. This section could help us with non-conforming fences.

SECTION 20-11 BUILDING SETBACKS TINY HOUSES

20-1101. For purposes of determining the applicability of building setback lines established in these regulations whenever any two or more provisions in these regulations establish building setback lines that are applicable to a given building or structure, the regulation establishing the more restrictive standard shall be the regulation which controls.

Commented [JW56]: Building Setbacks was moved to 20-13 with edits noted.

20-1102. Where allowed, gasoline or other fuel dispensing pumps, excluding canopies, shall not be located less than twelve (12) feet from any right of way line or easement.

20-1103. Canopies covering gas or other fuel pumps shall be located so that no part of the structure is less than ten (10) feet from the property line. Such structures shall meet all other setback requirements in these regulations.

20-1101. It is the intent of this section to allow housing meeting certain qualifications to be located upon existing undersized lots and thereby accommodate in-fill development in residential neighborhoods which might not otherwise occur. Such accommodation not only promotes beneficial economic use of undeveloped lots but also promotes residential neighborhood stability and protection of property values while simultaneously providing wider housing stock choices for citizens.

Commented [JW57]: Having this section immediately following a similar type of use as 20-10 improves its visibility and clarity. This is an entirely new section in response to a number of requests for tiny homes within the City. This section will also help with the housing shortage identified in the Comprehensive Plan. When houses on substandard sized lots are demolished, the lots are unbuildable without a variance. This provides an option for redevelopment of these lots and also provides an affordable housing option. Section 8.5 of the Comprehensive Plan also suggests adding these regulations. This content was largely adapted from Winfield's regulations with some modifications to Section 20-1103 regarding where such homes would be permitted. This version is slightly more permissive than Winfield's.

20-1102. Definitions

- a. Tiny Houses are residential dwelling units which comply with the requirements of this section, and which are of such dimensions as to be able to be located upon lots with square footage less than that required by Table 6-2 and still comply with the height and yard requirements of Article 6.
- b. Tiny Houses on Wheels are Tiny Houses that have had their suspension/axle components removed and chassis permanently attached to an approved foundation and must be manufactured no more than five (5) years prior to placement.
- c. Both Tiny Houses and Tiny Houses on Wheels must be complete dwelling units containing a kitchen, sanitary and sleeping facilities within the unit, for the exclusive use of a single family maintaining a household.

20-1103. Where Permitted.

- a. Tiny Houses or Tiny Houses on Wheels are a permitted use in the R-2 and R-3 zoning districts and may be placed on either conforming or legal nonconforming lots.
- b. Tiny Houses or Tiny Houses on Wheels are a conditional use in the R-1 zoning district on either conforming lots or legal nonconforming lots that have 3,000 or more square feet.

20-1104. Requirements. All Tiny Houses and Tiny Houses on Wheels must meet the following requirements in order to be either a permitted or conditional use:

- a. Permanently attached on a City-approved foundation.
- b. Comply with the height and yard requirements of Article 6.
- c. Comply with the City-adopted building code.

d. Minimum structure size:

170 sq. ft. for one occupant

100 sq. ft. for each additional occupant

8.5-foot width

20-1201. Home occupations as defined in Article 2 of these regulations shall be permitted in the A District, and the ~~CS~~, MHS, R-1, ~~R-2~~ and ~~R-23~~ residential districts, subject to the following:

SECTION 20-13 BUILDING SETBACKS

~~**20-1301.** For purposes of determining the applicability of building setback lines established in these regulations whenever any two or more provisions in these regulations establish building setback lines that are applicable to a given building or structure, the regulation establishing the more restrictive standard shall be the regulation which controls.~~

~~**20-1302.** Where allowed, gasoline or other fuel dispensing pumps, excluding canopies, shall not be located less than twelve (12) feet from any right of way line or easement.~~

~~**20-1303.** Canopies covering gas or other fuel pumps shall be located so that no part of the structure is less than ten (10) feet from the property line. Such structures shall meet all other setback requirements in these regulations.~~

Commented [JW58]: Remove reference to the CS-Countryside District and add R-3 District

Commented [JW59]: Add R-3 district.

Commented [JW60]: This section was moved for clarity sake in its entirety from Section 20-11.

Commented [JW61]: This language is already present in 9-601.

Commented [JW62]: Canopies should meet applicable yard regulations for the district in which they are located.

Article 21:Nonconformities

No Changes

Article 22:Off-Street Parking, Loading and Unloading Requirements

22-305. Surfacing. All off-street parking facilities, loading areas, ~~vehicular storage areas and drives and access to and from such areas~~ shall be surfaced and maintained with four (4) inches of asphalt, or concrete to create a permanent all-weather, dust-free surface. Such paving must be completed prior to occupancy of the facility that the paving is intended to serve, unless temporary occupancy approval is received from the Zoning Administrator. An exception to the surfacing requirements may be granted by the Zoning Administrator in instances where the off-street areas take access from a graveled public street.

Commented [JW63]: This better matches practice and allows some additional flexibility in parking design. There are some situations in which paved surfacing is unnecessary. In general, required parking spaces should be paved but certain circumstances make gravel surfaces acceptable. Paving everything also can cause additional run-off concerns.

Gravel areas in existence prior to the effective date of these regulations may be maintained with six (6) inches of gravel, including base, as an alternative to these surfacing requirements.

The Zoning Administrator may, upon receiving a specific written request from an owner of a property, authorize temporary occupancy for a time period not to exceed twelve (12) months prior to accomplishing the required paving or a portion thereof.

In reviewing a request for temporary occupancy prior to accomplishing required paving, the Zoning Administrator shall consider the following criteria:

- a. Season of the year.
- b. Affect on the adjoining property.
- c. Surfacing of the connecting street.
- d. Surfacing of existing adjoining parking facilities.

Should the owner receive approval of the Zoning Administrator for a delay in paving, the owner shall, prior to occupancy, present written verification to the Zoning Administrator that guarantees all paving shall be complete prior to the deadline given by the Zoning Administrator.

22-308. Parking facilities in residential districts. Any parking facilities for eight (8) or more vehicles (1) when in residential zoning districts and (2) which are adjacent to a residential or manufactured home-zoned district, shall have a screened fence or wall to prevent the passage of vehicular lights and to prevent the blowing of debris. Such fence or wall shall be at least six (6) feet in height and have a visual density of not less than seventy percent (70%). Whenever a fence shall be required along a required front yard, such fence shall not be more than forty-eight (48) inches in height.

22-501. Off-street parking spaces shall be provided as follows:

Commented [JW64]: This aligns better with Section 20-9 Fences.

Commented [JW65]: Staff compared the minimum parking requirements for Andover, Derby, Olathe, Salina and Wichita and modified this chart based on an average of these cities. Winfield was also consulted but theirs is nearly identical to ours.

RESIDENTIAL USES:		MINIMUM OFF-STREET PARKING SPACES:
1.	Single-family	2 spaces per unit for residences on lots 50' or less in width and 3 spaces for residences on lots greater than 50' in width. See Section 22-301.
	Two-family	2 spaces per unit for residences on lots 50' or less in width and 3 spaces for residences on lots greater than 50' in width. See Section 22-301.
	Multiple-family: Efficiency One or more bedroom	1 space per unit. 2 spaces per unit.
2.	Dormitories	1 space for each 2 persons based on maximum design capacity.
3.	Lodging houses, rental sleeping rooms in a dwelling unit	1 space for each 2 tenants
4.	Nursing home, rest home, similar facilities	1 space for each 3 beds based on maximum design.
5.	Manufactured home park or subdivision	2 spaces per unit.
6.	Bed and breakfast inns	1 space per rental unit.
NONRESIDENTIAL USES:		MINIMUM OFF-STREET PARKING SPACES:
1.	Automobile, truck, recreation vehicle, mobile home sales and rental lots	1 space per 3,000 square feet of display area, plus 1 space per employee.
2.	Automobile or truck wash	3 holding spaces for each stall, plus 1 drying space per stall.
3.	Banks, business or professional offices	1 space for each 200 square feet up to 1,000 square feet, plus 1 space for each 400 <u>300</u> square feet. thereafter.
4.	Bowling alleys	5 <u>4</u> spaces for each lane or alley <u>plus seventy-five (75) percent of spaces required for accessory uses such as restaurants or game rooms.</u>
5.	Community college or high school	1 space for each 3 employees, plus 1 additional space for each 45 students enrolled.
6.	Day care or nursery schools	1 space for each 15 students enrolled.

NONRESIDENTIAL USES:		MINIMUM OFF-STREET PARKING SPACES:
7.	Elementary, junior high schools, and equivalent	2 spaces per classroom.
8.	*Funeral homes and mortuaries	1 space for each 4 seats based on maximum design capacity as determined by the fire marshal. plus 1 space per employee. <u>as determined by the fire marshal.</u>
9.	Furniture and appliance stores	1 space per 400 square feet of floor area
10.	Hospitals	1 space for each 3 beds plus 1 space for each 2 employees on a maximum shift.
11.	Laundromats	1 space for every 2 washing machines. <u>1 space per 300 square ft.</u>
12.	Manufacturing, processing, assembly plants	1 space for each 1.5 workers on a maximum shift.
13.	Medical and dental clinics	5 spaces for each doctor or dentist. <u>1 space per 400 square feet</u>
14.	Motel and hotels	1.2 spaces <u>1 space</u> per rental unit plus 1 space for each 2 employees per working shift. <u>seventy-five (75) percent of spaces otherwise required for accessory restaurants, assembly rooms and related facilities.</u>
15.	Motor vehicle repair or body shop	1 space for each 2 <u>per</u> employees, plus 1 <u>2</u> spaces per service bay.
16.	Restaurants with fixed seating, provided that drive-up restaurants shall provide a minimum of 10 spaces. <u>1 space per employee on maximum shift.</u>	3 spaces for each 5 seats <u>1 space per 2.5 seats</u> based on maximum occupancy as determined by the Fire Marshal.
17.	Retail stores and shops	1 space per 175 <u>300</u> square feet of retail area.
18.	Service stations	1 space for each employee, plus 2 spaces per service bay.
19.	Taverns, private clubs	1 space for each 3 persons based on maximum design capacity as determined by the Fire Marshal.
20.	*Theaters, auditoriums, churches and other places of assembly having fixed seating	1 space for each 4 seats.
21.	*Theaters, auditoriums, churches and other assembly places without fixed seating	1 space for each 4 persons based on maximum capacity as determined by the Fire Marshal.
22.	Trade, commercial schools	1 space for each 3 students and employees.
23.	Warehouse, storage, wholesale establishments	1 space for each 2 employees.
24.	All other uses not specified above	1 space per each 200 <u>300</u> square feet of gross floor area or 1 space for each 4 persons based on maximum occupancy as determined by the Fire Marshal, whichever is the lesser <u>or as otherwise determined by the Zoning Administrator based on</u>

the most similar use. A parking analyses may be required if no similar use can be found.

* NOTE: Where a use has different rooms of assembly with different maximum occupancies the parking space requirement will be based upon the capacity of the main place of assemblage, as determined by the Zoning Administrator.

Section 22-601: Paragraph e

Screening. A fence (such as solid-wall masonry, wood, louvered wood, metal or other similar materials) at least six (6) feet high and having a density of not less than seventy (70) percent per square feet, shall be erected along any property line adjacent to or adjoining any dwelling district to eliminate the passage of light from vehicles and to prevent the blowing of debris. Whenever a fence shall be required along a front yard, such fence shall not be higher than forty-eight (48) inches. ~~and such fence shall be located within one foot of the front yard setback line. Fences along said yards shall not extend nearer to the street than the front yard setback line.~~

Commented [JW66]: Confusing and somewhat conflicting statement. Fences should follow the regulations in Section 20-9.

Articles 23-26: Telecommunication Towers, HC-O District, Administration and Amendment Procedures

No changes

Article 27:Signs

Section 27-301: Paragraph i. and j.

- i. ~~Temporary signs used during the 45-day period prior to any election and the two-day period following any such election a public voting cycle will follow the State of Kansas statute in accordance with K.S.A 25-2711.~~
- 1. ~~Signs in AG, C S & I districts placed on non-residential property shall not exceed (6) six feet in height, (32) thirty-two square feet. In all other districts, Signs placed on residential property shall not exceed four (4) six (6) sq. feet in area, and two (2) feet in height.~~
- 2. Signs shall not be: placed, erected or maintained on or in public buildings or structures, including libraries, recreational centers, parking structures, city hall, or on or in public parks, lawns, vehicles, trees, fences, or fire hydrants, ~~or rights of way.~~
- 3. Signs shall not be placed, erected or maintained so as to pose a visibility hazard to pedestrian or motor vehicle traffic along streets, sidewalks, or at street corners.
- j. Temporary Signs: A sign that either (1) is used in connection with a circumstance, situation, or event that is designed, intended, or expected to take place or to be completed within a reasonably short or definite period after the erection of such sign at such a time the event is complete the sign will be removed, or (2) is intended to remain on the location where it is erected or placed for a period of not more than 15 days. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be regarded as temporary.
 - 1. Signs shall not be placed, erected or maintained so as to pose a visibility hazard to pedestrian or motor vehicle traffic along streets, sidewalks, or at street corners.
 - 2. Signs shall not be lighted.
 - 3. Signs ~~in AG, C S & I districts shall not exceed (6) six feet in height,~~ placed on non-residential property shall not exceed (32) thirty-two square feet in area. ~~In all other districts, temporary signs~~ Signs placed on residential property shall not exceed ~~four (4)~~ six (6) sq. feet in area, ~~and two (2) feet in height.~~

Commented [JW67]: Rewritten to add the language from KSA 25-2711 rather than simply guiding the reader to a non-listed statute.

Commented [JW68]: This section has been difficult to enforce and provided no means for the larger signs to be placed in commercial districts. The non-residential/residential status will still protect residential areas by limiting the size of the signs. This does propose a small increase in size for residential. Height is not really an issue with this sort of sign. Regulations from Andover, Concordia, Derby and Winfield were consulted.

Commented [JW69]: K.S.A 25-2711 allows signs to be placed on the unpaved right-of-way as long as they do not impede sight lines or sight distance for safety reasons. This does not include the right-of-way immediately adjacent to anything on the list in paragraph 2 however.

Section 27-7: All contents should be removed since the CS district is being eliminated. The section number will be reserved for future use.

27-901. In the P District the following regulations apply:

a. Any number or combinations of signs are permitted in b. below, provided that the cumulative square footage of signs shall not exceed ~~400~~ 200 sq. ft.

b. Sign permitted in the P District, and maximum square footage:

Wall	Maximum 15% of façade
Pole/pylon	Maximum 50 75 sq ft/face Height 40 15 feet
Monument	Maximum 50 75 sq ft/face Height 10 feet

Commented [JW70]: In line with the maximum for C-1 district but not as high as the C-2 or C-3. This limit also needs to increase with increases in b.

Commented [JW71]: These limits were increased in response to BZA-2021-208. It is still a little lower than C-2 and C-3. Had these limits been in place at the time of that case, no variance would have been required.

Article 28:Floodplain Management

No Changes

Article 29:Site Plan Review

This article is entirely new content to the Zoning Regulations. The text was largely adopted from Article 13 Site Plan Review of the Subdivision Regulations. Some of the content from that Article was removed and placed in Articles 9 & 15. Where that happens in those articles, it will be noted. These changes are occurring in accordance with Section 8-5 of the 2022 Comprehensive Plan.

Also since this is entirely new content staff has chosen not to use the red underline for the draft so that it is not overwhelming to the reader. The reader should treat all of this content as if it was red underlined with the exception of the title at the top.

Article 30:Enforcement, Violation and Penalty

No Changes

Zoning Map

In response to the 2022 Comprehensive Plan, some areas of the zoning map need to be adjusted. Additional areas could also be changed at the direction of the Planning Commission

SW Mixed Use-previously there was a Mixed Use District with some other districts interspersed in it in the southwest portion of the City, primarily between Tyler, Lincoln, 1st and 6th. The proposed map would change any district in this area that is currently a Mixed Use District (MU) to a Medium Density Residential District (R-2). All other zoning districts in this area would remain unchanged.

Former railroad right of way along future Hike-Bike Trail-There is a city owned area along what will eventually become the Hike-Bike Trail along the Mill Canal from the 300 block of W Madison to the intersection of 1st & Jackson Ave. Because this was formerly railroad right of way, it was unzoned. This change would designate this property as a Public Use District (P).

Two other potential areas that area currently zoned Mixed Use: one along E Kansas Ave near where the future truck stop will be as well as on W Radio Lane between 6th (likely from the alley behind this block) & 8th Streets. The E Kansas area could be changed to General Commercial District (C-3) and the W Radio Lane area could be changed to Medium Density Residential District (R-2). As of now, staff has chosen not to make these proposed changes.

Article Two: Rules, Interpretations and Definitions

Sections:

- 2-1 Rules and Interpretations
- 2-2 Separability
- 2-3 Definitions

SECTION 2-1: RULES AND INTERPRETATIONS

2-101.

- a. Rules.
1. In the construction of these regulations, the provisions and rules of this section will be followed, except when the context clearly requires otherwise:
 - (a) Words used in the present tense shall include the future.
 - (b) Words in the singular number include the plural number, and words in the plural number include the singular number.
 - (c) The words “use,” “used,” “occupy” or “occupied” as applied to any land or building shall be construed to include the words “intended,” “arranged” or “designed” to be used or occupied.
 - (d) The words “shall” and “must” are mandatory.
 - (e) The word “may” is permissive.
 - (f) The word “person” includes individuals, firms, corporations, associations, governmental bodies and agencies, and all other legal entities.
 - (g) Unless otherwise specified, all distances shall be measured horizontally.
 2. Any word or phrase which is defined in this article or elsewhere in these regulations shall have the meaning as so defined whenever the word or phrase is used in these regulations, unless such definition is expressly limited in its meaning or scope.

Unless specifically provided, in computing any period of time prescribed or allowed by these regulations, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed is to be included, unless it is Saturday, Sunday or a legal holiday. When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation. “Legal holiday” includes any day designated as a holiday by the Congress of the United States or by the Kansas legislature. Whenever a notice, petition or other document is required to be filed within a specified time period, the notice, petition or document must be filed with the appropriate city official or in the appropriate city office not later than 5:00 p.m. on the last day of the period as computed.
- b. Interpretations.
1. **Minimum requirements.** In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of public health, safety, morals and welfare.
 2. **Overlapping or contradictory regulations.** Where the conditions imposed by any provision of these regulations upon the use of land or structures are either more restrictive or less restrictive than comparable conditions imposed by any other provision of these regulations or of any other law, rule or regulation of any kind, the regulations which are more restrictive shall govern unless otherwise excepted.

3. **Private agreements.** These regulations are not intended to abrogate, annul or otherwise interfere with any easement, covenant or any other private agreement of legal relationship; provided, however, that where the provisions of these regulations are more restrictive (or impose higher standards or requirements) than such easements, covenants or other private agreements or legal relationships, the provisions of these regulations shall govern.
4. **Unlawful structures and uses.** No structure or use which was not lawfully existing at the time of the adoption of these regulations shall become or be made lawful solely by reason of the adoption of these regulations; and to the extent that, and in any respect that, said unlawful structure or use is in conflict with the requirements of these regulations, said structure or use remains unlawful hereunder.

SECTION 2-2: SEPARABILITY

2-201. It is hereby declared to be the intention of the City that the several provisions of these regulations are separable, in accordance with the following rules:

- a. If any court of competent jurisdiction shall adjudge any provisions of these regulations to be invalid, such judgment shall not affect any other provisions of these regulations.
- b. If any court of competent jurisdiction shall adjudge invalid the application of any provision of these regulations to a particular property or structure the judgment shall not affect the applicability of the provisions to any other property or structure.

SECTION 2-3 DEFINITIONS

2-301. For the purposes of these regulations, certain terms or words used herein shall be interpreted or defined as follows, unless the context clearly indicates otherwise:

Abandonment. The cessation or discontinuance of a use or activity without intent to resume, as distinguished from short term interruptions such as periods of remodeling or maintenance or normal periods of vacation or seasonal closure.

Abutting. Adjoining, adjacent or bordering, touching or contiguous.

Accessory building. A building subordinate in size and function, located on the same lot or groups of lots as a main building, and which serves a function customarily incidental to the main use. Customary accessory buildings include detached garages, carports and small storage sheds, but not structures used for dwelling purposes.

Accessory use. A subordinate use which serves an incidental function to that of, or which is customarily found in connection with, the main use of the premises. Customary accessory uses include tennis courts, swimming pools, barbecue ovens, air conditioners, fireplaces and satellite dishes.

Agricultural use. The use of property for the production of plants, animals, or horticultural products, including but not limited to: forages; grains and feed crops; dairy animals and dairy products; beef cattle; sheep; swine; poultry, and horses; bees and apiary products; trees and forest products; fruits, nuts, and berries; vegetables; or nursery, floral, ornamental, or greenhouse products. Land used for agricultural purposes shall **not** include the following:

- Land which is used for recreational purposes; residential suburban property; home sites and yard areas whose primary function is for residential or recreational purposes even though such properties may produce or maintain some of the plants listed above.
- The operation or maintenance of greenhouses, nurseries, or hydroponics farms operated at retail.
- Wholesale or retail sales as an accessory use except the seasonal retail sale of produce.
- The operation or maintenance of a commercial stockyard, feedlot, or other confined livestock feeding operation.
- The operation of auction sales yards.
- The operation of a bed and breakfast.
- The operation of junk, scrap, or salvage yards.

- The operation of kennels.
- The establishment of additional dwelling site for any purpose except as accessory dwellings for bona fide farm help employed on the premises.

Airport or heliport. Any landing area, runway or other facilities designed, used or intended to be used either publicly or privately by any person or persons for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage, tie-down areas, hangers, other necessary uses, and open spaces.

Alley. A dedicated public right-of-way, other than a street, which provides only a secondary means of access to abutting property.

Alter or alteration. Any change, addition or modification in construction or use of an existing structure.

Amendment. The change or alteration to the Zoning Regulations in one of the following forms:

- A comprehensive revision or modification of the zoning text and/or maps.
- A text change in the zone requirements.
- The approval of a Conditional Use Permit as provided in these regulations.
- A change in the zoning maps, also known as a “rezoning”.

Animal clinic or hospital. Any building or structure designed for examination, observation, treatment, board or care of animals by a Doctor of Veterinary Medicine.

Apartment. See *Dwelling, multiple*.

Applicant. The owner of a tract of land, or his or her duly designated representative, for which an amendment has been requested. Consent shall be required from the legal owner of the premises if the applicant is other than the owner.

Architectural projections. Architectural features and accessories which are deemed desirable or necessary for the health or safety of the public, such as, but not limited to: cornice and eaves, architectural decorations (sills, pediments, etc.), ornamental columns (pillars, columns, moldings, etc.), entrance steps, decks, porches, balconies, permanent awnings and canopies, marquees, and bay windows. The term architectural projection, however, does not include any architectural feature which may be removed or retracted at will from the primary structure, such as a flag pole, retractable awnings, or gutter.

Assisted living facility. Any place or facility caring for six or more individuals not related within the third degree of relationship to the administrator, operator or owner by blood or marriage and who, by choice or due to functional impairments, may need personal care and may need supervised nursing care to compensate for activities of daily living limitations and in which the place or facility includes apartments for residents and provides or coordinates a range of services including personal care or supervised nursing care available 24 hours-a-day, seven days-a-week for the support of resident independence. The provision of skilled nursing procedures to a resident in an assisted living facility is not prohibited by these regulations.

Automotive service station. Any building, structure or land used for the dispensing, sale or offering for sale at retail any motor vehicle fuels, oils, or accessories, including lubrication of motor vehicles and replacement or installation of minor parts and accessories.

Automobile, truck and trailer sales and service. A building or premises used for the display and/or sales of new or used automobiles, trucks or trailers and where only incidental, minor repair work is performed.

Basement. That portion of a building that is partly or completely below grade plane for more than one-half of its perimeter. See *Story*.

Bed and breakfast inn. A residential structure other than a hotel or lodging house, where for compensation and by pre-arrangement for definite short-term periods, sleeping rooms and meals are provided for one or more persons who are guests at the inn.

Block. A piece or parcel of land entirely surrounded by public highways, streets, streams, railroad rights-of-way, parks, or a combination thereof.

Board of Zoning Appeals. The City of Arkansas City Board of Zoning Appeals.

Boarding house. See *Lodging house*.

Buildable width. The width of that part of a lot not included within the open spaces required in these Regulations.

Building. A structure having a roof supported by columns or walls intended, designed, used or suitable for use for the support, enclosure, shelter or protection of persons, animals or property; and when separated by firewalls each portion of such structure so separated shall be deemed a separate building.

Building, height. The vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or the average height of the highest gable of a pitched or hipped roof. The reference datum is the elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of the exterior wall of a building.

Building line. The building line is equivalent to the building setback line.

Building, principal. A non-accessory building in which a principal use of the lot on which it is located is conducted.

Building setback line. A line within a lot or other parcel of land indicating the limit beyond which a building or structure may not be erected. See *Yard*.

Bulk regulations. Regulations controlling the size of structures and the relationships of structures and uses to each other and to open areas and lot lines. Bulk regulations include regulations controlling:

- a. Maximum height.
- b. Maximum lot coverage.
- c. Minimum size of yards and setbacks.

Canopy. A structure, movable or stationary, attached to and deriving its support from framework, posts or other means independent of a connected structure for the purpose of shielding a platform, stoop or sidewalk from the elements; or, a roof-like structure of permanent nature which projects from the wall of a structure and overhangs the public way.

Cellar. A story having more than one-half of its height below grade.

Childcare facilities. See *Day care facilities*.

Church. An establishment, the principal use of which is religious worship, but which may include accessory uses in the main structure or in separate buildings such as Sunday School rooms, child-care facilities, assembly rooms, kitchens, recreational facilities and libraries.

City. The City of Arkansas City, Kansas.

City Commission. The Arkansas City City Commission.

Club, Class A. Premises owned or leased by a corporation, partnership, business trust or association and operated thereby as a bona fide nonprofit social, fraternal or war veterans' club, as determined by the State of Kansas, for the exclusive use of the corporate stockholders, partners, trust beneficiaries or associates and their families and guests accompanying them.

Club, Class B. Premises operated for profit by a corporation, partnership or individual, to which members of such club may resort for the consumption of food or alcoholic beverages and for entertainment.

Club or lodge. See *Fraternal, civic and social organizations*.

Compatible use. A land use which is congruous with, tolerant of, and has minimal adverse effects on existing neighboring uses. Compatibility may be affected by pedestrian or vehicular traffic generation, volume of goods handled and environmental elements such as noise, dust, odor, air pollution, glare, lighting, debris generated, contamination of surface or ground water, aesthetics, vibration and electrical interference.

Comprehensive plan. The currently adopted Comprehensive Plan for the City of Arkansas City.

Conditional use. A use of any building, structure or parcel of land that, by its nature, is perceived to require special care and attention in siting so as to assure compatibility with surrounding properties and uses.

Conditional use permit. A written document of certification permitting the construction, alteration or establishment of a conditional use created after the effective date of these regulations.

Condominium. A building containing two (2) or more dwelling units which are designed and intended to be separately owned in fee under the Townhouse Ownership Act (K.S.A. 58-3710 *et seq.*) of the State of Kansas.

Convalescent homes. See *Nursing homes, retirement homes or convalescent homes.*

County Board or County Commission. The Board of County Commissioners of Cowley County, Kansas.

Court. An open space which may or may not have direct street access and around which is arranged a single building or a group of related buildings.

Day care facilities. Definitions for those of the following facilities which provide care for children and adults are established by state law and promulgated by regulations of the Kansas Department of Health and Environment (KDHE) and the Kansas Department of Children and Families (DCF). Standards for such definitions may be periodically amended by changes to state regulations and such changes are incorporated by reference herein.

- a. **Adult day care home.** A facility for adults having some or all of the characteristics of homes for the elderly, whether operated for profit or not, which through its operation provides one (1) or more personal services for five (5) or more persons not related by blood or marriage to the owner or operator, for periods of time of less than twenty-four (24) hours. Personal services are in addition to housing and food service, and include but are not limited to: personal assistance with bathing, dressing, housekeeping, eating, supervision of self-administered medication, individual or group activities, and assistance in securing health care from appropriate sources.
- b. **Childcare center.** A facility operating in accordance with K.A.R. 28-4-420 *et seq.* which provides care and educational activities for thirteen (13) or more children two (2) weeks to sixteen (16) years of age for more than three (3) and fewer than twenty-four (24) hours per day including daytime, evening and nighttime care; or which provides before and after school care for school-age children and licensed by the State as a child care center. A facility may have fewer than thirteen (13) children and be licensed as a center if the program and building meet child care center regulations as defined by the State of Kansas.
- c. **Day care home.** A home in which care is provided for a maximum of ten (10) children in compliance with the definitions and regulations of the State of Kansas, and licensed by the State as a day care home in accordance with K.A.R. 28-4-113 *et seq.* or a maximum of twelve (12) children regulated as a licensed group day care home by the State of Kansas in accordance with K.A.R. 28-4-113 *et seq.*
- d. **Family day care home.** A home maintained for the purpose of providing children with day-care away from such children's homes, for fewer than twenty-four (24) hours a day, provided that not more than seven (7) children cared for at such place are under kindergarten age and not more than three (3) of the children cared for at such place are less than eighteen (18) months of age, or a maximum of ten (10) children under sixteen (16) years of age operated in compliance with the definitions and regulations of the State of Kansas, and licensed by the State as a family day care home.
- e. **Group boarding home.** A facility which operates in accordance with K.A.R. 28-4-268 *et seq.*, which provides residential care for not less than five (5) nor more than ten (10) persons unrelated to the caregivers, and which provides residents access to the surrounding community and includes emergency shelters and maternity homes. There are specific criteria for meeting this definition as administered by KDHE.
- f. **Group day care home.** A home in which care is provided for a maximum of twelve (12) children under sixteen (16) years of age, in compliance with the definitions and regulations of the State of Kansas and licensed by the State as a group day care home. (K.A.R. 28-4-114(f)(1).)
- g. **Preschool.** A day-care facility in compliance with the definitions and regulations of the State of Kansas, and licensed by the State as a preschool which:
 1. Provides learning experiences for children who have not attained the age of eligibility to enter kindergarten prescribed in K.S.A. 72-1107(c), and any amendments thereto, and who are thirty (30)

months of age or older.

2. Conducts sessions not exceeding three (3) hours per session;
3. Does not enroll any child in more than one (1) session per day; and
4. Does not serve a meal.

The term “preschool” shall include all educational preschools, nursery schools, church-sponsored schools, and cooperatives. A “preschool” may have fewer than thirteen (13) children and shall operate in compliance with the definitions and regulations of the State of Kansas and licensed by the State as a preschool.

Development. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

Disability. Shall mean, with respect to a person:

- a. A physical or mental impairment which substantially limits one or more of such person’s major life activities; or
- b. Having a record of having such an impairment; or
- c. Being regarded as having such an impairment.

Such term does not include current illegal use of or addiction to a controlled substance as defined in Section 102 of the Controlled Substances Act (21 U.S.C. Sec. 802).

Distance. Horizontal distances unless otherwise designated.

Drinking establishment. Premises licensed as a drinking establishment by the State of Kansas, open to the public and selling alcoholic liquor by the individual drink, for consumption on the licensed premises, in accordance with K.S.A. 41-2642 and amendments thereto. For purposes of these regulations a drinking establishment shall be regulated the same as a tavern.

Drive-in service. The service of food or other goods, services or entertainment where patrons remain in their motor vehicles which are parked in spaces provided on the premises for that purpose.

Drive-through service. Service where patrons are served through a window or other device while remaining in their motor vehicles and where products served to patrons are normally not consumed on the premises.

Dwelling. A building or portion thereof which is designed or used for residential occupancy including a condominium, but not an Earth-sheltered dwelling, group home, residential-design manufactured home or a manufactured home.

Dwelling, attached. A residential building which is joined to another dwelling at one or more sides by a party wall or walls, including walls of an attached garage. Separate ownership of attached dwelling units shall be in compliance with K.S.A. 58-3701 et seq. and accompanied by a duly recorded lot split. All utilities and facilities must be independent of each other unless ownership and maintenance are provided by an association of townhouse owners.

Dwelling, detached. A residential building which is entirely surrounded by open space on the same lot.

Dwelling, multiple family. A residential building having accommodations for and occupied by more than two (2) families, independently.

Dwelling, single-family. A residential building having accommodations for and occupied exclusively by one (1) family.

Dwelling, two-family or duplex. A residential building having accommodations for and occupied exclusively by two (2) families independently.

Dwelling unit. One or more rooms in a residential building or residential portion of a building which are arranged, designed, used or intended for use by not more than one family, and which includes cooking space and sanitary facilities reserved for the occupants thereof.

Earth-sheltered dwelling. A single-family dwelling constructed so that 50% or more of the exterior surface area of the building, excluding garages and other accessory structures, is covered with earth. Such a dwelling is a complete

structure that does not serve just as a foundation or substructure for above-grade construction. A partially completed building shall not be considered earth sheltered. Bulk regulations shall be measured from the structural part of the dwelling as distinguished from the earth covering.

Easement. An interest in land that is held by someone other than the owner that entitles the holder to a specific limited use or right.

Enlargement. The expansion of a building, structure or use in number, volume, size, area, height, length, width, depth, capacity or ground coverage.

Established building line. A building setback line generally parallel to the street right-of-way line established by existing principal buildings in a block.

Exception. An exception from a provision of these regulations, which may be granted by the Board of Zoning Appeals only when such exception is specifically authorized in these regulations.

Family. One or more persons related by blood, marriage or adoption, or pursuant to legal guardianship; living together as a single housekeeping unit; or a group of not more than four (4) unrelated persons living together as a single housekeeping unit.

Feedlot, commercial. A livestock feedlot or feed yard as defined by K.S.A. 47-1501 as amended from time to time, licensed by and operated under standards set forth by the State of Kansas.

Fence. A free-standing structure intended to provide privacy, protection or confinement or to redirect a person's direction of travel. ~~A fence may be constructed of but not limited to: wire, chain links, wood, stone or any standard building materials. A fence is not a structure unless it exceeds 80% visual blockage.~~

Commented [JW1]: Fences are better defined in Section 20-9 including acceptable fencing materials. The last sentence here is problematic. It does not match practice and would exclude chain-link fences from permitting.

Floor area. For the purpose of applying the requirements of off-street loading and parking based on "floor area," floor area shall mean the floor area used or intended to be used by tenants, or for the service to the public as customers, patrons, clients, or patients, including areas occupied by fixtures and equipment for display or sale of merchandise. It shall not include areas used for nonpublic purposes such as storage, incidental repair, processing or packaging of merchandise, utilities and kitchens.

Fraternal, civic and social organizations. A corporation, partnership, business trust or association which is nonprofit, which has been exempted from the payment of federal income taxes and for which the sale of alcoholic beverages to members and their guests may be allowed under the Class A club definition of the state statutes provided it is secondary and incidental to the promotion of some other common objective of the organization. Said organizations may include, but are not limited to the following: V.F.W., Eagles, Elks, Knights of Columbus, American Legion, Masonic Lodges and Moose Lodges.

Frontage. All the property on one side of a street between two (2) intersecting streets (crossing or terminatings) measured along the line of the street. Where a street is dead-ended, the frontage shall be considered as all that property abutting on one side between an intersecting street and the dead-end of the street.

Garage, private. Any detached accessory building or portion of a principal building designed or used for the housing and storage of motor vehicles and other property which belong to, or are provided for the exclusive use of, the occupants of the lot or premises upon which such building is located and having no provisions for the commercial repair or upkeep of such vehicles.

Garage, public. A building or portion thereof, other than a private or storage garage, or auto body repair garage as defined in this chapter, designed or used for equipping, servicing, repairing, hiring, selling, or storing motor driven vehicles.

Garage, storage. A building or portion thereof, designed or used exclusively for storage of motor driven vehicles and at which motor fuels and oils may be sold without exterior advertising and where motor driven vehicles are not equipped, repaired, hired or sold.

Governing body. The Arkansas City Mayor and City Commission.

Grade. A reference plane representing the average finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the

lowest point(s) within the area between the building and the property line, or when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.

Group boarding home for adults. A residential dwelling unit for persons, eighteen (18) years of age or over, not constituting a “family” as defined in this section provided however, that this definition shall not include an existing or proposed use of a residential dwelling unit which is in compliance with the definition of “group home” as defined in K.S.A. 12-736. Such latter use shall be considered to be a single-family residential use and shall not be considered a “group boarding home for adults.”

Group boarding home for minors. A residential dwelling unit for persons under 18 years of age who do not constitute a “family” as defined in this section, who for various reasons cannot reside in their natural home and where 24-hour adult care, supervision and consultation exists under license of the Kansas Secretary of the Department of Health and Environment or the Secretary of the Department of Aging and Disabilities Services; provided, however, that this definition shall not include an existing or proposed use of a residential dwelling unit which is in compliance with the definition of “group home” as defined in K.S.A. 12-736. Such latter use shall be considered to be a single-family residential use and shall not be considered to be a “group boarding home for minors.”

Group home. Any dwelling occupied by not more than ten (10) persons, including eight (8) or fewer persons with a disability, which is a physical or mental impairment as defined by K.S.A. 12-736, who need not be related by blood or marriage and not to exceed two (2) staff residents who need not be related by blood or marriage to each other or to the residents of the home. Such a dwelling must be licensed as a group home by the Kansas Department of Children and Families or the Kansas Department of Health and Environment. See also **Large group home**.

~~**Guest house.** Living quarters within a detached accessory building located on the same premises with the main building for use by temporary guests of the occupants of the premises, such quarters having no kitchen facilities or separate utilities and not rented or otherwise used as a separate dwelling.~~

Hard surface. Any permanently applied asphalt or concrete surface of an approved thickness, or other approved surface, ~~excluding asphalt millings with or without a slurry seal,~~ and excluding crushed rock, gravel, loose fill material, grass, sand and dirt.

Home occupation. An accessory occupational use conducted entirely within a dwelling unit by the occupants thereof, which is clearly incidental to the use of the structure for residential purposes and does not change the residential character of the site.

Hospital. A building or group of buildings having room facilities for one or more abiding patients, used for providing services for the in-patient medical and surgical care of sick or injured humans, and which may include related facilities such as laboratories, pharmacies, out-patient departments, training facilities, central service facilities, and staff offices; provided, however, that such related facilities must be incidental and subordinate to the main use and must be an integral part of the hospital operation.

Hotel. A building or structure which is kept, used, maintained, advertised or held out to the public as a place where sleeping accommodations are offered for pay primarily to transient guests and in which four (4) or more rooms are used for the accommodation of such guests.

Impervious surface. A surface that has been compacted or covered with a layer of material making the surface highly resistant to infiltration by water, such as conventionally surfaced streets, sidewalks, parking lots, driveways and the roofs of buildings.

Improvements. Any structure, grading, street surface, curbs and gutters, sidewalks, bike-ways, cross-walks, water mains, sanitary sewers, storm sewers, drainage ditches, culverts, bridges, trees and other additions or deletions from the natural state of land which increase its utility or habitability.

Infrastructure. Facilities and services needed to sustain industry, residential, commercial, and other land-use activities, including water lines, sewer lines, and other utilities, streets and roads, communications, and public facilities such as parks, schools, etc.

Junk. Materials that include, but are not limited to: scrap copper, brass; rope; rags; batteries; paper; trash; rubber; debris; waste; junked, dismantled, scrapped or wrecked motor vehicles or parts thereof; iron; steel; or other old or scrap ferrous or nonferrous material or similar materials.

Commented [JW2]: Removed due to addition of Accessory Dwelling Unit (ADU) language in 20-701. Dwelling unit and is accompanying terms in this section also are sufficient when paired with the language in 20-701(b)(14). 20-701(b)(14) also would conflict with this definition's use of "temporary". The temporary use would be difficult to enforce.

Commented [JW3]: Asphalt millings can be an acceptable alternative if they have the slurry seal. That could fall under "other approved surface". There are also two exclusion statements which seem redundant.

Junk yard. See *Salvage yard*.

Kennel. Any place, area, building or structure where dogs (including those under one year of age) and other domesticated animals are boarded, housed, cared for, fed, or trained by other than the owner, or where more than three (3) domesticated animals, six (6) months of age or older, are kept for purposes of breeding, raising or as pets.

Landowner. The legal or beneficial owner or owners of a lot or tract. The holder of a contract to purchase or other person having an enforceable proprietary interest in a lot or tract shall be deemed a landowner.

Large group home. A group home occupied by more than ten (10) residents, including staff.

Laundry (self-service). An establishment equipped with individual coin- and/or card-operated washing, drying and/or dry-cleaning machines.

Laundry. An establishment where commercial laundry and dry-cleaning work is undertaken.

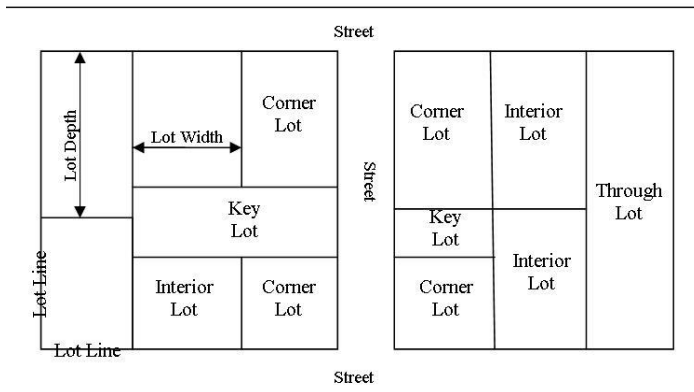
Licensed provider. Shall mean a person or agency who provides mental health services and is licensed by:

- a. The Department of Aging and Disabilities Services pursuant to K.S.A. 75-3307b or K.S.A. 65-425 et seq., and amendments thereto; or
- b. The Behavioral Sciences Regulatory Board pursuant to K.S.A. 75-5346 et seq. or K.S.A. 74-5301 et seq., and amendments thereto; or
- c. The State Board of Healing Arts pursuant to K.S.A. 65-2801 et seq., and amendments thereto.

Loading or unloading space. An off-street space or berth, on the same tract and contiguous with the principle building or group of buildings for the temporary parking of commercial vehicles for loading and unloading of merchandise or materials.

Lodging house. A building other than a hotel or motel, where, for compensation and by prearrangement for definite periods, meals, or lodging and meals, are provided. Individual cooking facilities are not provided.

Lot. A parcel or tract of land (legally described or platted) which is on record in the office of the Cowley County Register of Deeds. For the purposes of these regulations, a lot shall have a frontage upon a public street right-of-way.



Lot area. The area of a horizontal plane bound by the front, side and rear lot lines, excluding any road right-of-way or road easements. The total area within the property lines of a lot or tract.

Lot, corner. A lot abutting upon two (2) or more streets at their intersection. A corner lot shall be deemed to front upon that street on which it has its least dimension. A corner tract made up of more than one platted lot shall conform to all requirements established for a corner or other lot and shall be deemed to front upon that street on which one or more of such platted lots, which would individually not be classified as corner lots, front.

Lot coverage. The total area of building expressed as a percentage of the total lot, plot or tract.

Lot, depth of. The mean horizontal distance between the front and rear lot lines.

Lot, double frontage. A lot having a frontage on two (2) nonintersecting streets as distinguished from a corner lot.

Lot, interior. A lot whose sideline or lines do not abut upon any street.

Lot, key. A lot having its side lot lines coincident on one or both sides with the rear lot lines of adjacent lots.

Lot lines. The lines bounding a lot as defined herein.

Lot of record. A lot which is a part of a subdivision, which has been recorded in the office of the Register of Deeds of Cowley County or a lot described by metes and bounds, the description of which has been recorded in the office of the Register of Deeds of Cowley County, prior to the effective date of Arkansas City Ordinance No. 4360.

Lot split. The division of a single lot into not more than two (2) tracts without having to re-subdivide said lot, providing that the resulting lots shall not again be divided without re-platting.

Lot, through. An interior lot having frontages on two (2) streets.

Lot width. The horizontal distance between the side property lines measured at the front property line as it abuts the street or along the street right-of-way line on unplatted streets, except that on cul-de-sac lots, the lot width shall be measured at the required front yard setback line.

Lot, zoning. A parcel or tract of land used, developed, or built upon as a unit under single ownership or control. Said parcel or tract may consist of one or more lots of record, one or more portions of a lot or lots of record, or any combination thereof.

Manufactured home. A structure consisting of one or more mobile components manufactured to the standards embodied in the federal Manufactured Home Construction and Safety Standards Act generally known as the HUD Code, established pursuant to 42 U.S.C. 5403. Such structure shall have been constructed after June 15, 1976. Such units shall provide all of the accommodations necessary to be a dwelling unit and shall be connected to all utilities in conformance with applicable regulations. For purposes of these regulations, the term "manufactured home," when used by itself, shall not include a "residential-design manufactured home" as defined in these regulations.

Manufactured home lot. A plot of ground for the placement of one manufactured home for single-family occupancy and the exclusive use of its occupants, and which provides the necessary utility services for water, sewage and electricity.

Manufactured home park. An area, parcel, tract or plot of ground equipped as required by these regulations for support of manufactured homes and used or intended to be used by two or more occupied manufactured homes, but under no circumstances shall the manufactured home spaces be sold or offered for sale individually.

Manufactured home skirting. The enclosing of the area between the manufactured home and the ground with a material designed to obscure from view the chassis of a manufactured home.

Manufactured home space. A plot of ground within a manufactured home park, which can accommodate one manufactured home and which provides the necessary utility services for water, sewerage, gas and electricity.

Manufacturing. Any method of processing, developing, fabricating, or assembling, either raw materials, semi-finished materials, or parts into a semi-finished or finished product.

Manufacturing, light. Manufacturing which does not result in the emission of odor, dust, vibration, smoke, gas or noise offensive to the use and enjoyment of adjoining properties.

Medical, dental or health clinic. Any building designed for use by more than one person lawfully engaged in the diagnosis, care and treatment of physical or mental diseases or ailments of human beings and in which no patients are lodged overnight, but which may include a pharmacy.

Mobile home. A transportable, factory-built structure designed to be used as a year-round residential dwelling, which does not meet or was built prior to enactment of the National Manufactured Home Construction and Safety Standards Act, which became effective June 15, 1976. For purposes of these regulations a mobile home is not a manufactured home. Mobile homes are not permitted inside the City limits.

Modular home. A residential building located on a permanent foundation and connected to public utilities, consisting of pre-selected, prefabricated units or modules, and transported and/or assembled on the site of its foundation; excluding a dwelling structure which is custom-built on the site of its permanent location; and also excluding a manufactured/mobile home, either single-width, double-width or multi-width, located on a permanent foundation. In general, such modular home shall have exterior building materials and somewhat similar appearance to custom-built single-family dwellings and meet the standards of the City building codes.

Motel. See *Hotel*.

Motor home. A portable dwelling designed and constructed as an integral part of a self-propelled vehicle used for recreation.

Motor vehicle. A motorized vehicle with rubber tires for use on highways, including passenger cars, pick-ups and trucks.

Motor vehicle body shop. A building or premises used for vehicle body repair including painting.

Motor vehicle repair service. A building or premises used for the repair and servicing of motor vehicles excluding body and paint work.

Motor vehicle storage yard. A building or premises where operable, inoperable, abandoned, wrecked or junked vehicles are stored while awaiting final disposition.

Nonconforming lot of record. A lot, whether with or without improvements, which is part of a recorded subdivision or a parcel of land, the deed to which was recorded prior to the adoption of subdivision regulations and neither said lot nor parcel complies with the lot width or area requirements for any permitted uses in the district in which it is located. See also *Lot of record*.

Nonconforming structure. An existing structure which does not comply with the lot coverage, height or yard requirements which are applicable to new structures in the zoning district in which it is located.

Nonconforming use. An existing use of a structure or of land which does not comply with the use regulations applicable to new uses in the zoning district in which it is located.

Nursing facility. Any place or facility operating 24 hours-a-day, seven days-a-week, caring for six or more individuals not related within the third degree of relationship to the administrator or owner by blood or marriage and who, due to functional impairments, need skilled nursing care to compensate for activities of daily living limitations.

Nursing facility for mental health. Any place or facility operating 24 hours-a-day, seven days-a-week caring for six or more individuals not related within the third degree of relationship to the administrator or owner by blood or marriage and who, due to functional impairments, need skilled nursing care and special mental health services to compensate for activities of daily living limitations.

Nursing homes, retirement homes or convalescent homes. A building operated by an institution or agency licensed by the State of Kansas for the reception, board, care or treatment of three (3) or more unrelated individuals, but not including facilities for the care and treatment of mental illness, or alcohol or narcotics addiction.

Owner. Any person, agent, firm or corporation having a legal or equitable interest in the property.

Parcel. A lot or contiguous group of lots in single ownership or under single control, usually considered a unit for purposes of development.

Penal rehabilitation facility. Sometimes known as a "half-way house" or a "community-based correctional service facility" or a "non-medical resident care facility," means a facility wherein a person convicted of a crime is accepted for supervision, or residential living, or detention, or care, or treatment after having been released, granted probation, or paroled by appropriate authority.

Premises. A lot, together with all buildings and structures thereon.

Permanent wall foundation. An exterior wall designed to resist frost action **to a depth of thirty (30) inches below grade**. The wall must be continuous around the perimeter of the structure but may have such openings as required by any adopted Building Code of the City of Arkansas City. The wall must be designed as a footing and foundation wall and constructed in accordance with any applicable City-adopted building code.

Commented [JW4]: Additional information from the International Residential Code

Permitted use. A use by right which is specifically authorized in a particular zoning district.

Planning Commission. The City of Arkansas City Planning Commission.

Plat. A map depicting the division or subdivision of land into lots, blocks, parcels, tracts or other portions thereof.

- a. **Plat, Final** means a drawing of a permanent nature showing the precise location and dimension of such features as streets, lots, easements and other elements pertinent to transfer of ownership and prepared for permanent record.
- b. **Plat, Preliminary** means a drawing showing the proposed general patterns of streets, lots and land uses within a tract to be subdivided.

Premises. A lot, together with all buildings and structures thereon.

Private club. An association organized and operated for profit or not for profit for persons who are bona fide members paying annual dues, which owns, hires, or leases premises, the use of which premises is restricted to such members and their guests. Alcoholic beverages may be served or sold to members and their guests provided such service or sale of alcoholic beverages is in compliance with all federal, state and local laws.

Professional office. Any building or part thereof used by one or more persons engaged in the practice of a recognized profession, included but not limited to accounting, medicine and law.

Prohibited use. Any use of land or a structure other than legal nonconforming, which is not listed as a permitted use, conditional use or special use within a zoning district.

Public utility. Any business of which the purpose is to furnish any of the following to the general public:

- a. Telephone and other telecommunication services.
- b. Telegraph service.
- c. Electricity.
- d. Natural gas.
- e. Water or stormwater control.
- f. Transportation of persons or property.
- g. Cable television.
- h. Sanitation control.
- i. Any other business so affecting the public interest as to be subject to supervision or regulation by a governmental agency.

Recreational vehicle. A vehicular-type unit built on or for use on a chassis and designed as living quarters, both permanent and temporary, for recreational, camping or travel use, and which has its own motive power, or is mounted on, or which can be drawn by another vehicle. The term recreational vehicle shall include, but not be limited to, motor homes, travel trailers, camper trailers, pickup truck campers, hauling trailers, and camper buses.

Rehabilitation home. A residential building which is used by an organized group licensed or regulated by the State of Kansas to supervise the rehabilitation of the individual occupants. Sometimes such homes are known as "halfway houses" for the rehabilitation of wayward juveniles, drug or alcohol addicts or former offenders.

Residential building. A building all or part of which contains one or more dwelling units, including single-family dwellings, two-family dwellings, multiple-family dwellings, earth-sheltered housing, lodging houses, dormitories, sororities and fraternities, as well as modular homes.

Residential center. A facility which operates in accordance with K.A.R. 28-4-268 *et seq.* which provides residential care for more than ten (10) persons unrelated to the caregivers, and which provides residents access to the surrounding community and includes emergency shelters and maternity homes. There are specific criteria for meeting this definition as administered by KDHE.

Residential design manufactured home. A manufactured home on a permanent wall foundation which has minimum dimensions of twenty-two (22) body feet in width, a pitched roof, and siding and roofing materials which are customarily used on site-built homes. See *Permanent wall foundation*.

Restaurant. A public eating establishment except drive-ins in which the primary function is the preparation and serving of food on the premises.

Restaurant, drive-in. An establishment whose primary purpose is the sale, dispensing or serving of food, refreshments or beverages in automobiles, including those establishments where customers may serve themselves, except that this shall not be construed as to include a cafeteria.

Retirement homes. See *Nursing homes, retirement homes* or *convalescent homes*.

Safe house. A facility providing 24-hour residential care for persons unrelated to the care givers. Emergency shelter and maternity care may be provided.

Sale, retail. The sale of goods, merchandise and/or commodities to the ultimate consumer.

Sale, wholesale. The sale of goods for resale, or the sale of goods produced or processed from raw materials which require bulk delivery of the product.

Salvage yard. A building or premise where junk, waste, inoperable motor vehicles, airplanes, boats and similar discarded and salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled, crushed, handled or prepared for recycling.

School. Any public or private elementary, junior high, high school, college, university, post-graduate, technical or vocational school, offering courses in general instruction at least five days per week and seven months per year.

Service, gas or filling station. A building or group of buildings and adjacent surfaced area where motor vehicles are or may be refueled and serviced. Self-service pumps without buildings shall also be included.

Setback. The distance between a building and the lot line or street right-of-way line, whichever is applicable.

Setback line, front yard. The line which defines the depth of the required front yard. This line shall be measured from and parallel to the street right-of-way line or highway setback line when one has been established.

Setback line, rear yard or side yard. The line which defines the width or depth of the required rear or side yard. This line shall be measured from and parallel to the property line.

Short term rental. A dwelling unit, portion of a dwelling unit, or sleeping unit, which is within a single family dwelling, and which is rented or leased for transient or temporary occupancy, for no more than 30 consecutive days per renter.

~~**Sight distances.** The area within which no sign, fence, wall, planting or other obstruction to vision shall be constructed, placed or maintained.~~

~~a. No such obstruction above three feet (3') above the established street grade shall occur within the area of a corner lot between the lines of the intersecting streets and a straight line connecting them at points twenty feet (20') distant from the intersection of the lot lines.~~

~~b. No wall or fence more than four feet (4') in height may project into or enclose any required front yard. Walls or fences of up to seven feet (7') in height may project into or enclose other required yards.~~

~~e. An area comprising a triangle with legs of five feet (5') measured from the curbline shall be free from any visual obstruction at all points where alleys intersect with public streets.~~

Storage area/storage yard. An off-street area used for the placement, keeping and storage of inoperable vehicles, vehicles awaiting repair, and parts thereof; building materials, supplies and equipment; trailers; heavy construction equipment and other motorized vehicles and equipment; but not for junkyard or salvage yard purposes.

Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor or roof next above. If the finished floor level directly above a basement or unused underfloor space is six feet (6') or more above grade as defined herein for more than fifty percent (50%) of the total perimeter or is eight feet (8') or

Commented [JW5]: The comprehensive plan mentioned we needed some regulations for these uses. This new definition is necessary. Table 6-1 in Article 6 will be updated to include this new use.

Commented [JW6]: This is redundant with Section 20-4 Corner Visibility. To avoid conflicts between the two, it is best to remove this definition.

more above grade for a total lineal distance of twenty feet (20') or more, such basement or unused underfloor space shall be considered as a story.

Story above grade plane. Any story having its finished floor surface entire above grade plane, except that a basement shall be considered as a story above grade plane where the finished surface of the floor above the basement is:

- a. More than six (6) feet above grade plane.
- b. More than six (6) feet above the finished ground level for more than fifty percent (50%) of the total building perimeter; or
- c. More than twelve (12) feet above the finished ground level at any point.

Street. A right-of-way, dedicated to the public use, which provides principle vehicular and pedestrian access to adjacent properties.

Street line or street right-of-way line. A dividing line between a lot, tract or parcel of land and the contiguous street.

Structural alterations. Any change in the supporting members of a building, including but not limited to bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

Structure. Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Structures do not include fences but do include, but are not limited to, buildings, walls, sheds and towers.

Subdivision. The division of a tract of land into one or more lots or parcels for the purpose of transfer of ownership or building development, or, if a new street is involved, any division of a parcel of land. The term "subdivision" includes re-subdivision and the term "re-subdivision," as used herein, shall include any further subdivision of a lot or parcel of land previously subdivided, for sale, use or other purposes, which varies from the latest, approved subdivision of the same.

Subdivision regulations. The City of Arkansas City Subdivision Regulations, as adopted by the City Governing Body and as amended from time to time.

Tavern. An establishment in which the primary function is the public sale and serving of cereal malt beverages for consumption on the premises. For purposes of these regulations a drinking establishment shall be a tavern.

Townhouse. A single-family dwelling constructed as part of a series of dwellings, all of which are either attached to the adjacent dwelling or dwellings by party walls or are located immediately adjacent thereto with no visible separation between walls or roofs.

Townhouse building. A grouping of two (2) or more townhouses.

Tract. A plot or parcel of land, other than a lot in a subdivision which is recorded in the office of the Cowley County Register of Deeds.

Travel trailer. A structure, not to exceed nine feet in width, designed to provide temporary living quarters for recreational, camping or travel use, constructed with integral wheels to make it mobile and/or towable by a motor vehicle.

Use. The purpose or activity for which the land, or building thereon, is designed, arranged or intended, or for which it is occupied or maintained.

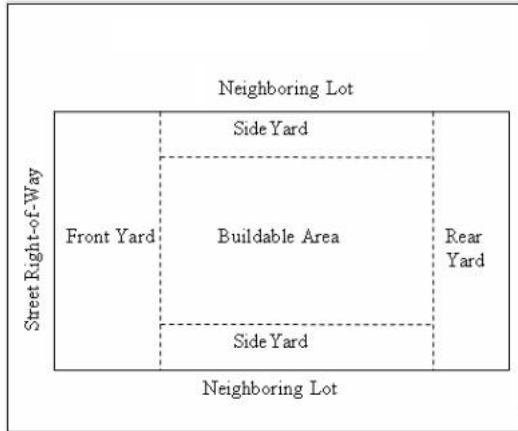
Use, permitted. Any land use allowed as a use by right within a zoning district.

Use, principal. The main use of land or buildings as distinguished from a subordinate or accessory use. The principal use may be either a permanent or a special use.

Variance. A specific variation granted by the Board of Zoning Appeals from the specific terms of these regulations which will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of these regulations will, in an individual case, result in unnecessary hardship.

Wall. A barrier which encloses, or partially encloses, and which is built of any materials or combination of materials erected to enclose or partially enclose areas of land or portions of a structure.

Yard. A space on the same lot with a main building, open, unoccupied, and unobstructed by buildings or structures from the ground to the sky, except as otherwise provided in these zoning regulations.



Yard, front. A yard extending across the full width of the lot, the depth of which is the least distance between the street right-of-way and the building setback line.

Yard, rear. A yard extending across the full width of the lot between the rear of the main building and the rear lot line, the depth of which is the least distance between the rear lot line and the rear of such main building.

Yard, side. A yard between the main building and the side lot line, extending from the front lot line to the rear lot line.

Zone or district. A section of the zoning area for which uniform regulations governing the use, height, area, size, and intensity of use of buildings, land, and open space are herein established.

Zoning administrator. The person or persons authorized and empowered by the Governing Body to administer the requirements of these zoning regulations.

Zoning area. The area to be zoned as set out on the official zoning map filed of record.

Zoning map. The official zoning map adopted by the City pursuant to K.S.A. 12-753.

Zoning regulations. The term zoning regulations or this or these regulations shall mean the requirements set forth in these regulations.

Article 3: Districts and Boundaries

Sections:

- 3-1 District Classifications
- 3-2 Zoning District Maps
- 3-3 Annexation
- 3-4 Rules Where Uncertainty May Arise
- 3-5 Variances and Exceptions Required
- 3-6 Violations Continue

SECTION 3-1: DISTRICT CLASSIFICATIONS

3-101. In order to classify, regulate and restrict the locations of trades, industries, and the location of buildings designed for specified uses; to regulate and limit the height and bulk of buildings; to regulate and limit the intensity of the use of lots; to regulate and determine the area of yards and other open spaces surrounding buildings; and to regulate and restrict the density of population, the City is hereby divided into ~~sixteen (16)~~ districts and ~~five (5)~~ overlay districts which are designated as follows:

- | | |
|--|--|
| <ul style="list-style-type: none"> A:Agricultural District R-1:Low Density Residential District R-2:Medium Density Residential District R-3:High Density Residential District CS:Countryside District C-1:Office and Service Business District C-2:Restricted Commercial District C-3:General Commercial District C-4:Central Business District MHS: ...Manufactured Home Subdivision MP:Manufactured Home Park District | <ul style="list-style-type: none"> I-1:Light Industrial District I-2:Heavy Industrial District P:Public Use District MU:Mixed Use District FP:Floodplain Management District C-O:College Overlay District PUD-O: .Planned Unit Development Overlay District HO-O:Housing Opportunity Overlay District HC-O: ...Historic Conservation Overlay District EH-O: ...Elderly Housing Overlay District |
|--|--|

Commented [JW1]: Rather than having to keep changing these numbers, let's just remove them and change only the districts below.

Commented [JW2]: Remove this district in response to the Comprehensive Plan Section 8-5.

SECTION 3-2: ZONING DISTRICT MAPS

3-201.

- a. The boundaries of the zoning districts established by these Zoning Regulations are shown on a map or series of maps designated as the "Official Zoning District Map of Arkansas City, Kansas" which together with all legends, symbols, notations, references, district boundaries, and other information thereon, is adopted and made a part of these Zoning Regulations as fully as if it were set out herein in detail. For convenience the map is also referred to in these Regulations as the "Zoning Map".
- b. Original copies of the Zoning Map, which shall constitute the official record, are maintained in the office of the Zoning Administrator. In case of any dispute regarding the zoning classification of property subject to these Zoning Regulations, the maps maintained by the Zoning Administrator shall control.
- c. Changes in the boundaries of any zoning district shall be reflected on the Zoning Map promptly upon approval of the amendment by the City Commission. It shall be the responsibility of the Zoning Administrator to update the Zoning Map as amended by ordinance.

- d. If there is a difference, either real or apparent, between the Zoning Map(s) adopted by these Zoning Regulations and previous zoning map(s), regardless of whether the real or apparent differences appear or are found to be the result of errors or omissions, the Zoning Map(s) adopted with these Zoning Regulations shall prevail and establish the zoning for all real property.

SECTION 3-3: ANNEXATION

3-301. Land hereafter annexed into the City shall receive, upon annexation, the zoning district classification as set forth in this section, until such time procedures are followed and finalized to amend that zoning classification consistent with state law and these regulations. Unless already subject to the City's zoning regulations, and zoned in accordance with those regulations, land shall be classified as R-1, low-density residential development, effective upon the effective date of the annexation. Provided, however, that if the owner of the land to be annexed submits a request, in writing, to the office of the City Clerk at least 15 days prior to the effective date of the annexation, that such land be zoned A, Agricultural, upon its annexation, the land will have A zoning classification.

SECTION 3-4: RULES WHERE UNCERTAINTY MAY ARISE

3-401. It is the intent of these regulations that every part of the incorporated area of the City of Arkansas City, other than streets, highways and railroad lines, shall be included in one of the zoning districts established herein. The boundaries of the specific zoning districts are to scale on the zoning map and are to be interpreted by the corresponding measurements on the map. The following rules shall apply in the determination of the boundaries of any district shown on the Zoning Map.

- a. Whenever a lot is divided by a zoning district boundary, the zoning regulations applicable within each district shall apply equally to each portion of the lot situated in a separate district. The dimensions of the zoning district(s) on the lot shall be determined by scaled measurements of the zoning district boundaries on the Zoning Map.
- b. Where boundaries approximate blocks and lots, street and alley lines or other identifiable property or boundary lines, such lines shall be construed to be the district boundary. Where such boundaries are shown as being within street and alley lines or within identifiable rights-of-way or waterways, the centerline thereof shall be construed to be the district boundary.
- c. Where a district boundary divides an unsubdivided parcel, the location of the district boundary shall be determined by the use of the scale appearing on the Zoning Map unless indicated by dimensions.
- d. Map codes or symbols indicating the classification of property on the Zoning Map apply to the entire area within the district boundaries.
- e. Where a street, alley or right-of-way is lawfully vacated or abandoned, the zoning designation of the abutting property shall apply to the centerline of the vacated or abandoned street, alley or right-of-way.
- f. Should any uncertainty remain about the location or meaning of a boundary indicated on the Zoning Map, the uncertainty shall be resolved by the Zoning Administrator, whose decision may be appealed to the Board of Zoning Appeals.

SECTION 3-5: VARIANCES AND EXCEPTIONS REQUIRED

3-501. Except as hereinafter provided for by variance or exception granted by the Board of Zoning Appeals as specifically authorized by these regulations:

- a. No building shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building or land be used except for a purpose permitted in the district in which the building or land is located.
- b. No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit herein established for the district in which the building is located.
- c. No building shall be erected, converted, enlarged, reconstructed, or structurally altered except in conformity with the area regulations of the district in which the building is located.
- d. The minimum yards and other open spaces required by these zoning regulations for each and every building existing at the time of passage of these zoning regulations or for any building hereafter erected shall not be encroached upon or considered as yard or open space requirements for any other building, nor shall any lot area be reduced beyond the district requirements of these zoning regulations.

SECTION 3-6: VIOLATIONS CONTINUE

3-601. Violations Continue. Any violation of the previous City zoning or subdivision regulations shall continue to be a violation under these regulations and shall be subject to penalties and enforcement, unless the use, development, construction or other activity is consistent with the express terms of these regulations, in which case enforcement action shall cease, except to the extent of collecting penalties for violations that occurred before the effective date of these regulations.

Article 4: Intent of Districts

Sections:

- 4-1 "A" Agricultural District
- 4-2 "R-1" Low Density Residential District
- 4-3 "R-2" Medium Density Residential District
- 4-4 "R-3" High Density Residential District
- 4-5 ~~"CS" Countryside District~~ **[Reserved for Future Use]**
- 4-6 "MHS" Manufactured Home Subdivision District
- 4-7 "MP" Manufactured Home Park District
- 4-8 "EH-O" Elderly Housing Overlay District
- 4-9 "C-O" College Overlay District
- 4-10 "C-1" Office and Service Business District
- 4-11 "C-2" Restricted Commercial District
- 4-12 "C-3" General Commercial District
- 4-13 "C-4" Central Business District
- 4-14 "I-1" Light Industrial District
- 4-15 "I-2" Heavy Industrial District
- 4-16 "P" Public Use District
- 4-17 "MU" Mixed Use District
- 4-18 "PUD-O" Planned Unit Development Overlay District
- 4-19 "FP-O" Floodplain Management District
- 4-20 "HO-O" Housing Opportunity Overlay District
- 4-21 "HC-O" Historic Conservation Overlay District

Commented [JW1]: Remove per Comprehensive Plan Section 8-5

SECTION 4-1 "A" AGRICULTURAL DISTRICT

4-101. It is the intent of the A District to preserve and protect agricultural uses and resources by regulating density and land use. The district is not intended to serve the homeowner who lives on a small suburban lot, but is designed to accommodate agricultural operations on substantial acreage. Intense urban usage is usually premature and undesirable in the A District, due to lack of infrastructure. Uses within this district are mostly related to agricultural activities. Uses that might have nuisance characteristics, if intermingled in developed residential areas, are permitted on the basis that they are no more offensive than normal agricultural uses.

SECTION 4-2 "R-1" LOW DENSITY RESIDENTIAL DISTRICT

4-201. The intent of the R-1 District is to provide primarily for one-family dwellings with accommodation for two-family dwellings and related residential uses such as churches and certain public uses which tend to be located at the edge of higher density, and more centrally located residential areas. The district is intended to accommodate a low population density for specified types of dwelling units on large to medium sized lots with emphasis on adequate open space around buildings.

SECTION 4-3 "R-2" MEDIUM DENSITY RESIDENTIAL DISTRICT

4-301. The intent of the R-2 District is to provide for one- and two-family dwellings with some accommodations for three-plus family dwellings as conditional uses and also related residential uses and certain public uses. This district allows for a moderate density for these types of dwelling units.

SECTION 4-4 “R-3” HIGH DENSITY RESIDENTIAL DISTRICT

4-401. The intent of the R-3 District is to provide for a full range of dwelling units, from one-family to apartments and for related residential and certain public uses. This district is located primarily where moderate to high residential density will be compatible with surrounding uses and development patterns.

SECTION 4-5 “CS” COUNTRYSIDE DISTRICT RESERVED FOR FUTURE USE

~~**4-501.** The intent of the CS District is to provide area to accommodate a rural residential lifestyle, with limited future residential development which will provide adequate open space even after full development. The district is intended for one-family detached dwellings and limited related residential and agricultural uses.~~

Commented [JW2]: Remove per Comprehensive Plan Sec 8-5

SECTION 4-6 “MHS” MANUFACTURED HOME SUBDIVISION DISTRICT

4-601. The intent of the MHS District is to provide area for low-density manufactured housing, recognizing the need and demand for alternative housing choices. This district also recognizes that alternative housing types often function best, and maintain optimum property value, when part of a well-planned development. It is intended that this district be established to accommodate manufactured homes on permanent foundations where lots are owned by manufactured home owners.

SECTION 4-7 “MP” MANUFACTURED HOME PARK DISTRICT

4-701. The intent of the MP District is to provide manufactured home park developments which are compatible with the character of the surrounding neighborhood in which they are located. Manufactured home parks are residential uses and should be located in areas where services and amenities are available such as those found in areas comprised of site-built housing. This district is intended for those areas where the owner proposes to develop and rent or lease individual manufactured home sites.

SECTION 4-8 “EH-O” ELDERLY HOUSING OVERLAY DISTRICT

4-801. The intent of the EH-O District is to provide area for, and otherwise encourage, housing and related facilities developed for independent living opportunities for senior citizens.

SECTION 4-9 “C-O” COLLEGE OVERLAY DISTRICT

4-901. The intent of the C-O District is to provide for the use of Cowley College as a special zoning district where development may occur in conformance with an approved master development plan, if the College elects to present one. This is an overlay district intended to be used only with R-3 or P as the underlying district.

SECTION 4-10 “C-1” OFFICE AND SERVICE BUSINESS DISTRICT

4-1001. The intent of the C-1 District is to provide for areas for public, quasi-public, institutional, social, philanthropic organizations or societies, professional service and office types of uses, as well as for retail sales and services. Density and intensity of use may be considered moderate. This zone is primarily used to allow for non-residential uses which provide a direct service to the total community and still be compatible with adjoining residential districts.

SECTION 4-11 “C-2” RESTRICTED COMMERCIAL DISTRICT

4-1101. The intent of the C-2 District is to provide for areas of convenient shopping facilities located to serve one or more residential neighborhoods. The types of uses permitted include the basic retail, office and service uses that are customarily located in a shopping center.

SECTION 4-12 “C-3” GENERAL COMMERCIAL DISTRICT

4-1201. The intent of the C-3 District is to allow basic retail, service and office uses located at specific points on major streets outside the central and neighborhood business districts. This district is also intended to provide locations for commercial activities that do not require a central location downtown, but do require a location easily accessible to downtown shoppers, therefore it is particularly appropriate adjoining a major highway. Business uses needing large floor areas, particularly those of a service nature, not compatible with Central Business District uses, are included in this district.

SECTION 4-13 “C-4” CENTRAL BUSINESS DISTRICT

4-1301. The intent of the C-4 District is to encourage the location of major business services and retail business activity in the central business district in order to maintain that area as the core retail, government and entertainment district for the community. The intent is also to encourage residential use in the C-4 District under terms and conditions where such use complements commercial uses.

SECTION 4-14 “I-1” LIGHT INDUSTRIAL DISTRICT

4-1401. The intent of the I-1 District is primarily to provide locations for those manufacturing industries and related industrial activities in which the production performance of the manufacturing industries characteristically produces a finished product which is generally produced from semi-finished materials and requires little or no outside material storage. The effect of the production process upon surrounding areas is normally that of traffic generated by the receipt and delivery of materials and goods and traffic generated by employees. The District is not intended to create obnoxious noise, glare, dust or odor or create intensive lot or land coverage. Commercial uses permitted in this district are generally those which serve the convenience of industrial establishments and their employees.

SECTION 4-15 “I-2” HEAVY INDUSTRIAL DISTRICT

4-1501. The intent of the I-2 District is to provide locations for basic or primary industries and related industrial activities. Many of these industries characteristically store bulk quantities of raw or scrap materials for processing to semi-finished products. Commercial uses permitted in this district are generally those which serve the convenience of industrial establishments and their employees. Certain obnoxious or hazardous uses are allowed only upon the issuance of a conditional use permit.

SECTION 4-16 “P” PUBLIC USE DISTRICT

4-1601. The intent of the P District is to provide locations for public ownership that are used for major public facilities.

SECTION 4-17 “MU” MIXED USE DISTRICT

4-1701. The intent of the MU District is to encourage compatible mixed use residential and commercial uses of low to moderate intensity, complementing neighborhood residential areas with high quality development and urban design standards.

SECTION 4-18 “PUD-O” PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT

4-1801. The intent of the PUD Overlay District is to encourage innovation in residential, commercial and industrial development by allowing greater variety in type, design, and layout of buildings; to encourage a more efficient use of land reflecting changes in the technology of land development; to encourage the expansion of urban areas incorporating the best features of modern design while conserving the value of land; and to provide a procedure which relates the type, design, and layout of development to the particular site and the particular demand at the time of development in a manner consistent with the preservation of property values within established neighborhoods.

SECTION 4-19 “FP-O” FLOODPLAIN MANAGEMENT DISTRICT

4-1901. The intent of the Floodplain Management Overlay District is to protect public health, safety and welfare by minimizing loss of life and property in areas subject to flooding.

SECTION 4-20 “HO-O” HOUSING OPPORTUNITY OVERLAY DISTRICT

4-2001. The intent of the HO-O District is to encourage the development or redevelopment of residential lots in the older areas of the City, where lots contain less area and have less frontage than required in new residential districts.

SECTION 4-21 “HC-O” HISTORIC CONSERVATION OVERLAY DISTRICT

4-2101. The intent of the HC-O Overlay District is to establish development regulations which will promote the conservation, preservation and restoration of landmarks, historic properties and other structures, areas and neighborhoods.

Article 6: Residential Zoned Districts (R-1: R-3)

Sections:

- 6-1 Intent**
- 6-2 Residential Zoning Districts**
- 6-3 Permitted and Conditional Uses**
- 6-4 Home Occupations**
- 6-5 Intensity of Use**
- 6-6 Height and Yard Regulations**
- 6-7 Accessory Uses**
- 6-8 Sign Regulations**
- 6-9 Parking Regulations**
- 6-10 Supplemental Regulations**
- 6-11 Removal and Relocation of Manufactured Homes**

SECTION 6-1 INTENT

6-101. It is the intent of the residential zoning districts to provide for areas of low, medium and high density residential development including certain public or private uses which are compatible with residential development.

SECTION 6-2 RESIDENTIAL ZONING DISTRICTS

6-201. The following three residential zoning districts are hereby created: R-1, Low Density Residential District; R-2, Medium Density Residential District; and R-3, High Density Residential District.

SECTION 6-3 PERMITTED AND CONDITIONAL USES

6-301. In the residential zoning districts the uses listed in Table 6-1 within the designated zoning districts are permitted uses or conditional uses as designated. Conditional uses require the issuance of a Conditional Use Permit in accordance with the provisions of Article 26. No building or land shall be used and no building or structure shall be hereafter erected, enlarged or altered unless otherwise provided for in these zoning regulations, except as listed in Table 6-1.

**TABLE 6-1
Residential Zoned Districts
Permitted and Conditional Uses**

P = Indicates Permitted Uses C = Conditional Uses

USE		R-1	R-2	R-3
1.	Any public building or land use by any department of the City, county, state or federal government.	C	C	C
2.	Bed and breakfast inns.			P (1) / C
3.	Churches and similar places of worship	C	P	P
4.	Community recreation building owned and operated by a public agency.		P	P
5.	Day care facilities: adult day care homes, childcare centers, day care homes, family day care homes, group day care homes and preschools.	P (3)	P (3)	P (3) / C (1)
6.	Dormitories for students of colleges and theological institutions.	C (3)	C (3)	C (3)
7.	Dwellings:	P	P	P
	a. Single family (including Modular home and Residential design manufactured home).		P	P
	b. Two family.	C	C	P
	c. Three or more families.			P
8.	Fraternal organizations, lodges.	C	C	C
9.	Golf courses.	P (5)	P (5)	P (5)
10.	Group boarding homes for minors.			P (2) / C (4)
11.	Group homes.	P (4)	P (4)	P (4)
12.	Hospitals and related medical facilities including, but not limited to, medical, dental and health clinics.	C	C	C
13.	Large group homes.		C (3)	P (2) / C (4)
14.	Lodging houses.		C	P (1) / C
15.	Nonprofit institutions of an educational, philanthropic or eleemosynary nature.			C
16.	Nursing homes, rest homes, convalescent homes and similar facilities.		C	C
17.	Rehabilitation houses.		C	C (5)
18.	Safe houses.	P	P	P
19.	Schools:			
	a. Public and private elementary schools	P	P	P
	b. Public and private secondary schools	C	P	P
	c. Post-secondary educational institutions	C	C	P
<u>20.</u>	<u>Short term rentals (including Aribnb, VRBO, HomeAway, etc.).</u>		<u>C</u>	<u>P</u>
20.	Telephone exchanges, electric substations and similar			

Commented [JW1]: Its not all that helpful to have this added. It was originally added for clarification but looking at definitions and other sections of the regulations and we find that it is unnecessary.

Commented [JW2]: Added new use to accommodate short terms rentals as noted in Section 8-5 of the Comprehensive Plan. This provides greater control on where these can be placed. Conditions in R-2 may be on the length of stay, number of guests, owner occupied requirement, etc. Could make it Conditional in R-1 as well but then those conditions should really be included in the regulations.

21.	public utilities.				C
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**TABLE 6-1
Residential Zoned Districts**

Permitted Uses Footnotes:

- (1) When having nine (9) or fewer sleeping rooms.
- (2) When having twenty (20) or fewer residents, including staff.
- (3) When having twelve (12) or fewer children or twelve (12) or fewer adults for whom care is provided.
- (4) When having eight (8) or fewer residents plus no more than two (2) staff.
- (5) Excluding miniature golf and pitch and putt courses and commercially operated golf driving ranges.

Conditional Uses Footnotes:

- (1) For facilities having thirteen (13) or more children or thirteen (13) or more adults for whom care is provided.
- (2) For facilities having more than ten (10) residents, including staff.
- (3) When having more than ten (10) residents, including staff.
- (4) When having more than twenty (20) residents, including staff.
- (5) If property contains at least 500 sq. ft. of ground lot area per occupant.

SECTION 6-4 HOME OCCUPATIONS

6-401. Home occupation regulations for the residential districts are set out in Article 20, Section 12.

SECTION 6-5 INTENSITY OF USE

6-501. Every dwelling structure erected, enlarged, relocated or reconstructed in the residential districts shall be upon lots or tracts containing the following minimum areas measured in square feet per dwelling unit.

**TABLE 6-2
MINIMUM LOT AREAS, PER DWELLING UNIT**

	Use	R-1	R-2	R-3
1.	Single-family dwelling	6,000	5,600	5,600
2.	Two-family dwelling	4,000	3,000	3,000
3.	Three and four family dwelling	NA	2,000	2,000
4.	Five or more family dwelling	NA	2,000	1,500

Additional requirements:

Maximum lot coverage by principal buildings shall not exceed fifty percent (50%). The combined floor area of all accessory buildings constructed in accordance with these regulations shall not exceed twenty-five percent (25%). **Tiny Houses meeting the requirements of Section 20-11, shall not be required to meet these minimums.** ~~Where a lot has less area than required in Table 6-2 and was in existence as a separate legal lot prior to the effective date of these regulations, the provisions in Article 21 for nonconforming lots will govern.~~

Commented [JW3]: Added to note that this situations the developer should refer to Section 20-11.

Commented [JW4]: This language is confusing. Regardless of status of the lot a new structure will not be allowed on a lot that is below the minimum lot size in this table except tiny houses above. Article 21 should always be the source of information in these cases as well.

SECTION 6-6 HEIGHT AND YARD REGULATIONS

6-601. Height Regulations. No building or structure shall exceed three (3) stories or thirty-five (35) feet in height except in the R-3 district where a building or structure may:

- a. Be up to fifty (50) feet in height with the written approval of the Zoning Administrator subject to additional front, rear and side yard setbacks required at a rate of one (1) additional foot of yards for every two (2) feet of height above thirty-five (35) feet; or
- b. Be higher than fifty (50) feet upon approval of the Board of Zoning Appeals and with additional front, rear and side yard setbacks as required in (a) above for all height above thirty-five (35) feet.

6-602. Yard Regulations. Front, side and rear yards shall conform with Table 6-3.

**TABLE 6-3
MINIMUM YARD REGULATIONS**

District	Front (1) (feet)	Side (2) (feet)	Rear (3) (feet)
R-1	25	20	30
R-2	25	10	20
R-3	15	10	20

Footnotes:

- (1) Front yards on arterial or collector streets shall comply with Article 20.
- (2) Where a lot is located at the intersection of two or more streets, there shall be a setback from the side street of the lot of one-half of the required front yard setback; except that when lots have been platted facing said side street, the setback from the side street shall be no less than five (5) feet less than the required front yard setback of the lots platted on the same street.
- (3) Or twenty (20) percent of the depth of the lot whichever is less.

6-603. Additional yard regulations are set out in Article 20.

SECTION 6-7 ACCESSORY USES

6-701. All accessory uses or structures shall be located in the side and/or rear yard only.

6-702. Regulations relating to accessory uses and structures in residential districts are set out in Article 20.

SECTION 6-8 SIGN REGULATIONS

6-801. Sign regulations for the residential districts are set out in Article 27.

SECTION 6-9 PARKING REGULATIONS

6-901. Parking regulations for the residential districts are set out in Article 22.

SECTION 6-10 SUPPLEMENTAL REGULATIONS

6-1001. Additional supplemental regulations for the residential districts are set out in Article 20.

6-1002. Screening of Property in the R-3 District. Except where otherwise provided in this section, when R-3 zoned property abuts property in the R-1 District, a solid or semi-solid fence or wall from six (6) to eight (8) feet in height and having a visual density of not less than ninety percent (90%) per square foot shall be erected upon the property zoned R-3, within three feet of the property line(s) abutting the property zoned R-1. Plantings may be used for screening subject to the approval of the Zoning Administrator as to type, size and number of plants. All required screening shall be maintained by the owner of the property zoned R-3. The requirements of this section are not required of a property within the R-3 District which has as its only use single-family residences.

6-1003. Zero Lot Line.

- a. Zero lot line concept is where a one or two (2) family dwelling has one exterior wall on or within one (1) foot of a side property line and the remaining side yard is double the normal side yard required by district regulations. Zero lot line developments may be built under the following conditions:
1. When submitted as part of a new subdivision plat or an amendment to an existing subdivision and each lot to be developed using the zero lot line concept is so designated showing which lot line is the zero lot line.
 2. On an existing lot in a partially developed subdivision when submitted to and approved by the Board of Zoning Appeals as a variance under Article 25 of these regulations.
- b. On any lot approved for the zero lot line concept, the following stipulations shall apply:
1. A maintenance easement of at least four (4) feet in width shall be provided and recorded on the property adjoining the designated zero lot line.
 2. There shall be no door or window openings on the side of the house which is built on the zero lot line.
 3. No portion of a roof, gutter or other part of the structure shall project past the zero lot line and all roof drainage will be installed so as to keep all run-off water off of the adjoining property.
 4. If an owner or builder does not build on a designated zero lot line, the double side yard must still be observed.

6-1004. Attached single-family, townhouses and condominiums. Attached single-family dwellings, townhouses and condominiums may be built by applying for and building as a planned unit development pursuant to Article 16 of these regulations or upon existing tracts by meeting the following stipulations:

- a. Definitions.
1. Attached single-family dwellings. A series of no more than four (4) single-family dwelling structures which are joined at one or more sides by a common wall and where the units are completely independent of each other, including the parcel of land upon which each unit is built.
 2. Townhouse. A series of three (3) or more single-family residential dwelling structures joined together at one or more sides by a common wall and where the units are independent of each other, including the immediate parcel of land upon which each unit is built, and where portions of the land are held in common ownership with other units in the project.
 3. Condominium. Multi-unit structures with each unit under separate ownership and each owner owning only air space occupied by his or her unit. All owners jointly own all common areas and land.
- b. Conditions.
1. Attached single-family dwellings, as defined in this section, may be erected within the R-2 and R-3 districts subject to district regulations and the following conditions:
 - (a) No individual unit shall have less than twenty-two (22) feet frontage upon a public street.
 - (b) The intensity of use for all structures shall be no less than required by the district in which the structures are erected.

- (c) Each unit shall be separated from other units at common party walls which are of two (2) hour fire resistive construction, or comply with requirements of the City-adopted fire code, whichever standard is greater.
 - (d) Party wall agreements in the form of restrictive covenants which run with the land to define ownership, use and responsibility for maintenance and use of such party wall must be provided.
 - (e) Parking shall be as required for single-family residences in Article 22.
 - (f) Utility services to each unit shall be separately metered and utilities served from the side or rear of the tract shall be run in a utility easement ten (10) feet wide and extending from the utility easements to within ten (10) feet of the building. An additional ten (10) foot wide utility easement shall extend out from the rear of the building behind each unit for the establishment of individual lines. Water services from the street side may be run in a common line from the main to the property line and then branch off to each individual metered unit. Other utilities serving the structure from the front or street side shall be from an easement arrangement as required for the rear of side-yard utilities.
2. Townhouses may be erected within the R-2 and R-3 Districts subject to the applicable district regulations and the following conditions:
- (a) The intensity of use for all structures shall be no less than required by the district in which the structures are erected.
 - (b) Each unit shall be separated from other units at common party walls which are of two (2) hour fire resistive construction or comply with requirements of the City-adopted fire code, whichever standard is greater.
 - (c) Utility services to each unit shall be separately metered and utilities served from the side or rear of the tract shall be run in a utility easement ten (10) feet wide and extending from the utility easements to within ten (10) feet of the building. An additional ten (10) foot wide utility easement shall extend out from the rear of the building behind each unit for the establishment of individual lines. Water services from the street side may be run in a common line from the main to the property line and then branched off to each individual metered unit. Other utilities serving the structure from the front or street side shall be from an easement arrangement as required for the rear of side-yard utilities.
 - (d) All common open space shall be jointly owned by the owners of the individual structures and agreements setting forth the responsibilities of external maintenance of common areas and facilities and setting forth restrictions shall be filed with the application for permit and recorded with the Cowley County Register of Deeds. Such agreements shall be in accordance with K.S.A. 58-3101 *et seq.*
 - (e) Parking shall be as required for multiple-family residences in Article 22.
3. Condominiums may be erected within the R-3 District subject to the district regulations and the following conditions:
- (a) The intensity of use for all structures shall be no less than required by the district in which the structures are erected.
 - (b) Each unit shall be separated from each other as required for multiple family unit provisions of the building code.
 - (c) Utility services to each unit shall be separately metered and utilities served from the side or rear of the tract shall be run in a utility easement ten (10) feet wide and extending from the

utility easements to within ten (10) feet of the building. An additional ten (10) foot wide utility easement shall extend out from the rear of the building behind each unit for the establishment of individual lines. Water services from the street side may be run in a common line from the main to the property line and then branched off to each individual metered unit. Other utilities serving the structure from the front or street shall be from an easement arrangement as required for the rear of side-yard utilities.

- (d) All common open space shall be jointly owned by the owners of the individual units and agreements setting forth the responsibilities of both external and internal common areas and facilities and setting forth restrictions shall be filed with the application for permit and recorded with the Cowley County Register of Deeds. Such agreements shall be in accordance with K.S.A. 58-3101 *et seq.*
- (e) Parking shall be as required for multiple-family residences in Article 22.

SECTION 6-11 REMOVAL AND RELOCATION OF MANUFACTURED HOMES

6-1101. The removal and relocation of nonconforming manufactured homes, other than residential-design manufactured homes, shall be governed by the provisions of Article 21, Section 5 of these regulations.

Article 7: Countryside District (CS) ~~[RESERVED FOR FUTURE USE]~~

Sections:

- ~~7-1 Intent~~
- ~~7-2 Permitted Uses~~
- ~~7-3 Parking Regulations~~
- ~~7-4 Sign Regulations~~
- ~~7-5 Height, Area and Yard~~

~~SECTION 7-1 INTENT~~

~~7-101. The “CS” Countryside District is intended to reduce the number of nonconforming properties, both undeveloped and developed, which would otherwise result from the application of these regulations to newly annexed property and to properties in unincorporated Cowley County which are within the City's zoning jurisdiction. The CS district will provide a rural residential lifestyle where residents have adequate open space by which to preserve that character. This district is particularly suited for cluster subdivisions developed in accordance with the City's subdivision regulations.~~

~~The district is also intended to allow for limited future single family residential development without encouraging the premature loss of open space or the loss of land used for agricultural purposes.~~

~~7-102. Following the effective date of these Regulations, to be eligible for zoning classification as Countryside, land should be considered on a section (640 acres) basis. Only sections of land which: (1) were comprised of 16 or more tracts, parcels or lots, and each conforming to the relevant zoning regulations and subdivision regulations in effect prior to the effective date of these Regulations and (2) have a minimum of three miles of public roads through or abutting the section, should be zoned Countryside. Land which does not itself meet the above criteria, but which is surrounded by sections of land zoned Countryside, may also be zoned Countryside.~~

~~7-103. New lots shall be created within the Countryside District only if constituting 10 or more acres, as provided in Section 7-5.~~

~~SECTION 7-2 PERMITTED USES~~

~~7-201. In the Countryside District no building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for the following uses:~~

- ~~a. Agricultural purposes.~~
- ~~b. Grain storage structures.~~
- ~~e. One family dwellings.~~
- ~~d. Subdivisions for one family dwellings.~~

~~SECTION 7-3 PARKING REGULATIONS~~

~~7-301. Two (2) off street parking spaces shall be provided for each dwelling unit.~~

~~7-302. Additional parking requirements are contained in Article 22 of these Regulations.~~

Commented [JW1]: This entire Article is being removed and reserved for future use. Comprehensive Plan Section 8-5 called for the removal of the Countryside District.

SECTION 7-4 SIGN REGULATIONS

~~7-401.~~ Sign regulations for the CS district are set out in Article 27.

SECTION 7-5 HEIGHT, AREA AND YARD

~~7-501.~~ Height: Buildings or structures other than those actually used for agricultural purposes shall not exceed 35 feet and/or two and one-half (2 1/2) stories in height.

~~7-502.~~ In the Countryside District, the minimum dimensions of lots and yards shall be as follows:

- a. ~~Lot Area:~~ For every lot created after May 20, 2014, the minimum lot area shall be 10 acres with 600 feet or more of frontage on a public road. In cases where unusual lot configuration or dedications for public uses have created a lot of less than 10 acres, the Zoning Administrator shall determine whether the lot area nonetheless meets the spirit and intent of this requirement.
- b. ~~Lot Dimensions:~~ For every lot created after May 20, 2014, the minimum width of a lot shall be 600 feet. The minimum depth of a lot shall be 600 feet. There shall not be a lot depth to width ratio greater than 4:1 (i.e. the depth of a lot cannot be greater than 4 times its width). In the event of unusual lot configurations, the Zoning Administrator shall determine whether the lot dimensions nonetheless meet the spirit and intent of this requirement.

Article 9: Commercial Zoned Districts (C-1:C-4)

Sections:

- 9-1 Intent**
- 9-2 Commercial Zoning Districts**
- 9-3 Permitted and Conditional Uses**
- 9-4 Intensity of Use**
- 9-5 Height and Yard Regulations**
- 9-6 Development Standards**
- 9-7 Sign Regulations**
- 9-8 Parking Regulations**
- 9-9 Off-Street Loading and Unloading Regulations**
- 9-10 Supplemental Regulations**
- 9-11 Travel Trailer Parks**

SECTION 9-1 INTENT

9-101. It is the intent of the commercial zoning districts to provide for areas of compatible commercial and service businesses.

SECTION 9-2 COMMERCIAL ZONING DISTRICTS

9-201. The following commercial zoning districts are hereby created: C-1, Office and Service Business District; C-2, Restricted Commercial District; C-3, General Commercial District; and C-4 Central Business District. Additional C-4 Central Business District regulations are set out in Article 10.

SECTION 9-3 PERMITTED AND CONDITIONAL USES

9-301. In the commercial zoning districts the uses listed in Table 9-1 within the designated zoning districts are permitted uses or conditional uses when so designated. Conditional uses require the issuance of a Conditional Use Permit in accordance with the provisions of Article 26.

No building or land shall be used and no building or structure shall be erected, altered or enlarged, which is arranged, intended or designed for other than one of the uses indicated in the following Table 9-1.

TABLE 9-1
P = Indicates Permitted Uses C = Indicates Conditional Uses

USE	C-1	C-2	C-3	C-4
1. Ambulance service.			P	P
2. Amusement places, indoor.			P	P
3. Animal hospitals.			P ⁽¹⁾	P ⁽¹⁾
4. Any public building or land use by any department of the City, county, state or federal government	C	CP	CP	P
5. Artists, authors, composers, studios and galleries	P	P	P	P
6. Auditoriums, exhibition halls, fairgrounds, stadiums and similar uses.			P	P
7. Automobile and truck wash services.		P	P	C
8. Churches, similar places of worship.	P	P	P	P ⁽²⁾
9. Convenience stores.		P ⁽³⁾	P	P
10. Day care facilities: childcare centers, day care homes, family day care homes, group day care homes and preschools.	P	P	P	P
11. Dry cleaners-laundries, including self-service.			P	P
12. Dwellings: When dwelling unit(s) located on other than ground floor of commercial structure.	P	P	P	P
13. Electric-telephone substations and similar public utility uses.		P	P	P
14. Food catering service, lockers-storage.			P	P
15. Fraternal-civic-social organizations.	P	P	P	P
16. Funeral, crematory and mortuary services		P	P	P
17. Furniture repair, upholstery			P	P
18. Garden supplies – nurseries, greenhouses.			P	P
19. Golf driving ranges.			C	C
20. Health and exercise spas, gymnasiums.	P	P	P	P
21. Hospitals, clinics, laboratories.	P	P	P	P
22. Hotels and motels.		C	P	P
23. Industrial laundry and linen supply services.			C	C
24. Kennels-boarding and breeding.			C	C
25. Miniature golf, outdoor.		P	P	C
26. Mini-storage, self-storage.		C ⁽²⁾	C ⁽²⁾	C ⁽²⁾
27. Manufactured home sales.			P	P
28. Monument engraving and sales.			P	P
29. Motor vehicle repair and body shops, provided all work shall be performed and all materials shall be stored within an enclosed building.		C	CP	CP
30. Nursing homes, rest homes, convalescent homes and similar facilities.	P	P	P	P
31. Offices: professional-business-educational-industrial-religious-philanthropic-public.	P	P	P	P
32. Package liquor store.		C ⁽⁴⁾	CP⁽⁴⁾	CP⁽⁴⁾
33. Printing, including newspaper publishing.			P	P
34. Private clubs.			P ⁽⁴⁾	P ⁽⁴⁾
35. Race track and courses – vehicle and animal.			C	C

Commented [JW1]: This is a similar use to #13. It doesn't make sense that this use is more restricted in C-2 & C-3.

Commented [JW2]: Better matches practice and is a compatible use in C-2.

Commented [JW3]: This footnote does not apply.

Commented [JW4]: Footnote reference added to further explain the requirements of placing mini-storage.

Commented [JW5]: Made less restrictive to match existing conditions. A condition is already imposed by the use description. Further conditions are still likely needed for C-2 though.

Commented [JW6]: This better matches existing conditions. Adding the restriction of (4) eliminates the need for conditional use permits for C-3 and C-4. (4) provides a condition for C-2 but others may be needed.

USE		C-1	C-2	C-3	C-4
36.	Radio and television broadcasting studios (without transmission towers).	P	P	P	P
37.	Radio or television broadcasting studios (with transmission towers).		P	P	P
38.	Radio, television or telephone transmitting station or towers, subject to further regulations set out in Article 23.		C	C	C
39.	Recreation centers.			P	P
40.	Recreational vehicles – trailers, equipment sales.			P	P
41.	Restaurants.	C	P	P	P
42.	Retail sales and rental of goods and merchandise including, but not limited to: antiques; apparel; appliances; bakeries; bicycles; books and stationery; building materials; carpet and other floor coverings; cigarettes; clocks; farm machinery and supplies; florists; food and groceries; furniture; hardware; heating, plumbing, and air conditioning equipment; jewelry; musical instruments; motor vehicles, parts and supplies; pet shops; pharmacies; photographic supplies and cameras; office equipment and supplies; and service stations.	P/ C(5)	P	P	P
43.	Retail sales of services including, but not limited to: banks, barber and beauty shops; building contractors, including air-conditioning, heating, plumbing and electrical; cleaning and repair; interior decorating; lawn care and landscaping; locksmith; message service; outdoor advertising; pet grooming; photocopying and blueprinting; and stenographic, duplicating and mailing services.	P	P	P	P
44.	Schools: a. Public and private elementary schools b. Public and private secondary schools c. Postsecondary educational institutions d. Business and training/vocational schools	C C P C	C C P C	C C P P	C C P P
45.	Storage or warehousing, except for products of a highly explosive, combustible or volatile nature.			C	C
46.	Taverns, bars and drinking establishments.			P(4)	C(4)
47.	Theaters, indoor.		P	P	P
48.	Theaters, outdoor.			C	C
49.	Travel trailer parks.			C(6)	
50.	Wholesale establishment.			C	C

Permitted and conditional uses footnotes:

- (1) Providing all services, runs and pens are within an enclosed building.
- (2) ~~Parsonages and similar uses when located in the C-4 District must comply with the same floor area regulations as set out in Item 12 (Dwellings) of Table 9-1. Subject to requirements set out in Section 9-602.~~
- (3) Including the self-service dispensing of gasoline and related petroleum products, providing there is no motor vehicle repair or service.
- (4) Provided not located within 200 feet of: a church, a school or a hospital.
- (5) If display and/or sales area exceeds 2,000 sq. ft., regardless of number of stories.
- (6) Subject to requirements set out in Section 9-11.

Commented [JW7]: The footnote related to parsonages does not apply in our regulations. The new footnote for mini-storage/self-storage was put in its place.

SECTION 9-4 INTENSITY OF USE

9-401. (Reserved)

SECTION 9-5 HEIGHT AND YARD REGULATIONS

9-501.

- a. *Height:* Except as otherwise provided in Article 20, no building or structure shall exceed forty-five (45) feet in height in the C-1, C-2 or C-3 zoning districts.
- b. *Yard:* Front, side and rear yards shall be measured from the property line and shall comply with Table 9-2. Additional yard regulations are set out in Section 20-2.

TABLE 9-2

District	Front Yard	Side Yard	Rear Yard(1)
C-1	25 ft.	5 ft. – 1 or 2 stories 8ft. – 3 stories	25 ft.
C-2	25 ft.	10 ft. where property adjoins any residential-zoned district. In all other cases – 0.	10 ft. where property adjoins any residential-zoned district.
C-3	10 ft.	10 ft. where property adjoins any residential-zoned district. In all other cases – 0.	10 ft. where property adjoins any residential-zoned district.
C-4	0	0	0

(1) There shall be a thirty (30) foot rear yard for structures of three (3) stories or more in all zones.

SECTION 9-6 DEVELOPMENT STANDARDS

9-601.

- a. C-1 zoning district: All business, storage, service of goods shall be located completely within an enclosed structure.
- b. C-2, C-3 zoning districts: All outdoor storage shall be screened from public view by at least ninety percent (90%) density screening, unless such goods are for resale to the public.
- c. All commercial zones: Where allowed, gasoline or other fuel dispensing pumps, excluding canopies, must be located at least twelve (12) feet from any property line.
- d. All new commercial development or redevelopment that exceeds 50 percent of the fair market value of the existing development shall include a public sidewalk with minimum width of four (4) feet and a minimum thickness of four (4) inches. Such sidewalk shall be placed on the public right-of-way along any arterial or collector street frontage. The Board of Zoning Appeals may grant an exception in instances where sufficient right-of-way is not available for construction of sidewalk or where this requirement would create an undue hardship upon the property owner.
- e. Rooftop equipment shall be screened from view from the ground near the building with vertical extensions of the building walls or with parapets or other architectural design features of the same materials used on the wall of the building. Where the topography permits, it is desirable to screen such equipment from adjacent property, but it is not the intent of this requirement to increase the height of the screening significantly above that of the equipment to screen it from view from tall buildings or from higher ground. Raised exterior walls or screen walls should be designed to enclose groups of equipment.

Commented [JW8]: Due to footnote, this table for C-4 conflicts with Sec 10-402. Since C-4 has its own Article anyway, just remove.

Commented [JW9]: Adapted from the former Subdivision Regulations Section 13-701 paragraph a.

- f. The form and proportion of building should be consistent or compatible with the scale, form and proportion of existing development in the immediate area.
- g. The rhythm of structural mass to voids, such as windows and glass doors, of a front facade should relate favorably to the rhythms established in adjacent buildings.
- h. Overly long horizontal facades (walls) should be articulated with variations in the building plane and parapet height, materials and colors, entrance canopies, landscaping and other design or site plan features. Parking lots along the facade can also relieve horizontally through the use of landscaped fingers and island containing trees and shrubs.
- i. Architectural design should create visual interest through the use of different textures, complementary colors, shadow lines and contrasting shapes. The use of walls in a single color, with little detailing or completely bland, is discouraged.
- j. Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form, and siting shall be used to provide visual interest.
- k. Careful consideration of durable materials, proportions, and shapes, emphasizing the importance of roofs as integral and embracing elements of the over-all design, is encouraged.
- l. Use of masonry materials (face brick, stucco, stone) is encouraged. The use of aluminum siding, metal ribbed panels, and extensive mirrored glass surfaces is discouraged. Evaluation of building materials shall be based on the quality of its design and relationship and compatibility to building materials in the immediate neighborhood. Corrugated metal facades should be complemented with abundant use of masonry, whether brick, stone, stucco or split-face block, especially along perimeter streets. Architectural metal panels may be an acceptable substitute for masonry. Appropriate landscaping can be used to complement and enhance a building's design, color and material.
- m. Architectural treatments (e.g., building material, colors, facade design, roof lines, screening) shall be consistent and compatible on all sides. Treatment that is uniform on all sides will be deemed to meet the requirements of this principle. Adjacent land uses, visibility from public streets, use of screening devices (walls, fences, berms, landscaping) are criteria to be considered when varying this treatment.

Commented [JW10]: Adapted from the former Subdivision Regulations Section 13-701 paragraphs c-j

9-602. Mini-storage facilities shall be developed in accordance with the following minimum standards:

- a. Off street parking shall be provided as follows:
 - 1. Parking shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least twenty feet (20') wide for one-way access lanes and at least twenty-five feet (25') wide for two-way access lanes.
 - 2. One parking space for every one hundred fifty (150) storage cubicles shall be located adjacent to the leasing office. A minimum of three (3) such spaces shall be required.
 - 3. Required parking spaces may not be rented as or used for vehicle storage, unless identified on the site plan or development plan.
- b. There shall be landscaped screening and fencing around the perimeter of the project. The fencing shall be a minimum of six feet (6') in height. When a development borders an arterial street, or adjoining residential or commercial development, the fence shall be constructed of decorative material approved by the Zoning Administrator along those sides. Chain link fencing may be used on sides that adjoin other industrial property of similar or greater intensity, as approved by the Zoning Administrator.

Commented [JW11]: Adapted from the former Subdivision Regulations Section 13-702

- c. The buildings shall be architecturally compatible with the existing neighborhood. To that end, newly constructed mini-storage units either shall (a) install a screen to shield door openings from residentially zoned property and public right-of-way, or (b) face door openings away from any residentially zoned property or public right-of-way.

SECTION 9-7 SIGN REGULATIONS

9-701. Sign regulations for the commercial districts are set out in Article 27.

SECTION 9-8 PARKING REGULATIONS

9-801. Parking regulations for the commercial districts are set out in Article 22.

SECTION 9-9 OFF-STREET LOADING AND UNLOADING REGULATIONS

9-901. Off-street loading and unloading regulations for the commercial districts are set out in Article 22.

SECTION 9-10 SUPPLEMENTAL REGULATIONS

9-1001. Supplemental regulations for the commercial districts are set out in Article 20.

SECTION 9-11 TRAVEL TRAILER PARKS

9-1101. Definition. As used in this article, the term travel trailer park means a campground for travel trailers, motor homes, camping trailers, recreational vehicles, camping tents and accessory service buildings and facilities for campgrounds.

9-1102. Where Permitted. A travel trailer park shall be allowed to locate only in the C-3 District and only upon issuance of a Conditional Use Permit issued in accordance with the provisions of this Article and Article 26.

9-1103. General Requirements.

- a. Any tract of land permitted as a travel trailer park after the effective date of these regulations must be at least five (5) acres in area.
- b. The applicant for a conditional use permit for a travel trailer park shall prepare and submit a schedule of construction, which shall provide for commencement of construction within a period of one (1) year following the approval of the permit by the Governing Body, and which shall provide that construction shall be completed within a period of two (2) years.
- c. The applicant shall prepare or cause to be prepared a development plan and shall present five (5) copies of said plan for review by the Planning Commission and Governing Body. This plot plan shall show the proposed development and shall conform with the following requirements:
 1. The travel trailer park shall be located on a well-drained site that is not subject to objectionable noise, smoke, odors, or other objectionable influences including unpredictable or sudden flooding. Exposed ground surfaces in all parts of the park shall be paved, covered with stone or other solid materials or protected with a vegetative growth capable of preventing and eliminating dust.
 2. Travel trailer parks shall have a maximum density of twenty (20) trailer spaces per acre. A minimum of one thousand two hundred fifty (1,250) square feet shall be provided for each trailer space.
 3. Each travel trailer space shall be at least twenty (20) feet wide and fifty (50) feet deep and shall have a clearly defined or marked border.

4. Trailers shall be placed on each space so that there is at least a ten (10) foot clearance between trailers. No trailer or other structure shall be located closer than twenty (20) feet from any building within the park or from any property line surrounding the park, except where such property line is a public street. No trailer or other structure shall be located closer than twenty-five (25) feet from any public street.
5. All parks shall be provided with safe and convenient vehicular access to each trailer space. Surfacing and maintenance shall provide a smooth, hard and dense surface which should be well drained and shall meet the following requirements:
 - (a) One-way, no parking, 15-foot width.
 - (b) One-way, parking on one side only, 20-foot width.
 - (c) Two-way, no parking, 24-foot width.
 - (d) Two-way, parking on one side only, 27-foot width.
 - (e) Two-way, parking on both sides, 30-foot width.
6. All roadways and walkways within the travel trailer park shall be hard-surfaced and adequately lighted at night with electric lamps.
7. A recreation area shall be provided at a central location in the park. The size of such recreation area shall be no less than two hundred (200) square feet for each trailer space in the park.
8. A solid or semi-solid fence, wall, or evergreen hedge six (6) feet in height and having a visual density of at least ninety (90) percent shall be installed and maintained by the owner when the district abuts a residential zoning district except that said fence, wall, or hedge shall be reduced to forty-two (42) inches in height when located in a front yard. A district shall not be considered as abutting if it is separated by a street or alley right-of-way.
9. One dwelling unit which may be a mobile home may be permitted on the site for the park operator.
10. Travel trailer spaces shall be rented by the day or week only, and the occupant of a travel trailer space shall remain in the same travel trailer park area no more than thirty (30) days.

9-1104. Water Supply. An accessible, adequate, safe and potable supply of water shall be provided in each travel trailer park. Where a public supply of water is available, connection shall be made thereto and its supply used exclusively. The public health agency having jurisdiction shall approve all private sources of water.

9-1105. Sewage Systems. An approved sewage system shall be provided within each travel trailer park. Where a public sewage system is located within 500 feet of the boundary of the park, connection shall be made thereto. The appropriate health authority shall approve all private sewage systems. A sanitary disposal station shall be provided at the rate of one such station for every hundred (100) trailer spaces and shall be approved by the zoning administrator. Such stations shall be screened from other activities by visual barriers such as fences, walls, or natural growth and shall be separated from any trailer or adjoining property by a distance of at least fifty (50) feet.

9-1106. Electrical. Electrical wiring systems shall be installed in accordance with applicable City- adopted electrical codes. Main power lines not located underground shall be suspended at least eighteen (18) feet above the ground. There shall be a minimum of eight (8) feet of vertical clearance between any trailer and the overhead wiring.

9-1107. Service Buildings. One or more service buildings shall be provided, meeting the following requirements:

- a. Be located not nearer than twenty-five (25) feet from a trailer or a property line.

- b. Be so located that any trailer which it serves shall not be parked more than two hundred (200) feet from the building.
- c. Be of permanent type moisture-resistant construction to permit frequent washing and cleaning and be adequately lighted.
- d. Have one (1) flush type toilet, one lavatory and one (1) shower or bathtub for females; and one flush type toilet, one (1) lavatory, one (1) shower or bathtub for males for up to nine (9) trailers. One additional unit of the above plumbing facilities shall be provided for each sex for each ten (10) additional trailers served or major fraction thereof. All lavatories, bathtubs and showers shall be connected with both hot and cold running water.
- e. Have adequate heating facilities to maintain a temperature of seventy degrees Fahrenheit (70F.) in the building and provide hot water one hundred forty degrees Fahrenheit (140F.) at a minimum rate of eight (8) gallons per hour for the required fixture units.
- f. Have all rooms well ventilated with all openings effectively screened.
- g. Have an accessible, adequate, safe and potable water supply of cold water.
- h. Have at least one (1) water closet or other facility suitable for the cleaning and sanitizing of bedpans or other waste receptacles.
- i. Comply with all applicable chapters of the City's Building Code regarding the construction of buildings and the installation of electrical, plumbing, heating, and air conditioning systems.
- j. Be maintained in a clean, sanitary condition and kept free of any condition that will menace the health of any occupants of the public or constitute a nuisance.

9-1108. Storm Shelters. Each travel trailer park shall provide a storm shelter for those persons living within the park. The shelter shall be based upon the following criteria or a protection plan approved by the Arkansas City Civil Defense Director or representative of the Director.

- a. Storm shelters shall be provided one (1) shelter for each forty (40) trailer spaces. A minimum of one (1) shelter shall be provided for each park.
- b. A minimum of five hundred (500) cubic feet of air space shall be provided in the storm shelter for each trailer space and shall be provided with an auxiliary forced air ventilation system.
- c. Storm shelter plans shall be approved by the Building Inspector before the shelter is constructed.

9-1109. Solid Waste. The storage, collection and disposal of refuse in the travel trailer park shall be conducted so as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution. All refuse shall be stored in flytight, watertight, rodent-proof containers, which shall be located not more than one hundred fifty (150) feet from any trailer space. All refuse shall be collected at least twice weekly.

9-1110. Open Fires. Cooking shelters, barbecue pits, fireplaces, wood-burning stoves and incinerators shall be so located, constructed, maintained and used as to minimize fire hazard and smoke nuisance both on the property on which used and on neighboring properties. No open fire shall be permitted, except in facilities provided by the park operator. No open fire shall be left unattended. No fuel shall be used and no material burned which emits dense smoke or objectionable odors.

9-1111. Register of Occupants. It shall be the duty of the park operator to keep a register containing a current record of all trailer owners and occupants located within the park. The register shall contain the following information:

- a. The name and address of each trailer owner or tenant.
- b. The name and address of each owner of a motor vehicle.

- c. The date of arrival and departure of each trailer.
- d. The license tag number of each motor vehicle.

The park owner, manager or caretaker shall keep the register available for inspection at all times by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register.

Article 10: Central Business District (C-4)

Sections:

- 10-1 Intent
- 10-2 Use Regulations
- 10-3 Parking Regulations
- 10-4 Height, Area and Yard Regulations
- 10-5 Sign Regulations
- 10-6 Window Regulations

SECTION 10-1 INTENT

10-101. The regulations set forth in this section, or set forth elsewhere in these regulations, when referred to in this section, are the regulations in the C-4 Central Business District. This district includes the commercial uses in the central business district which provide the major focus of retail, government and business services facilities for the entire community.

SECTION 10-2 USE REGULATIONS

10-201. In the Central Business District, no building, land or premises shall be used and no building or structure shall be hereafter erected or altered unless otherwise provided for in these zoning regulations, except for the following uses:

- a. The permitted and conditional uses as designated at Table 9-1 of these Regulations.
- b. Accessory buildings and uses customarily incidental to the above uses, provided there shall be no manufacture, processing or compounding of products other than such that are customarily incidental and essential to such permitted use. Accessory buildings and uses shall be constructed in a style and manner similar to a principal building or use.
- c. If such land placed in this district is adjacent to a district in which single-family residencies are a permitted use, no article or material stored or offered for sale in connection with uses permitted above shall be stored or displayed outside the building unless it is so screened by permanent ornamental walls, fences or plantings that it cannot be seen from adjoining streets or lots when viewed by a person standing on ground level.

SECTION 10-3 PARKING REGULATIONS

10-301. ~~Other than for dwelling uses, as set out in Section 22-5 of these regulations, n~~ No off-street parking spaces shall be required of uses located in the C-4 District.

Commented [JW1]: The first part of this sentence conflicts with Section 22-201 and could be seen as a deterrent to developing housing in the district. There appears to be adequate public parking in the current C-4 district as well as street parking on Summit Street.

SECTION 10-4 HEIGHT, AREA AND YARD REGULATIONS

10-401. Height. Buildings or structures shall not exceed seventy-five (75) feet or seven (7) stories in height.

10-402. Yards. There are no minimum yards in the C-4 District.

10-403. Lot Dimensions. The minimum width of a lot shall be twenty-two (22) feet. The minimum depth of a lot shall be fifty (50) feet.

10-404. Maximum Lot Coverage. A building, structure or use may occupy 100 percent (100%) of the zoning lot.

10-405. Exemption from Fencing and Landscaping Requirements. If a structure occupies the entire lot of record or zoning lot, no landscaping or screening otherwise required by these zoning regulations shall be necessary.

SECTION 10-5 SIGN REGULATIONS

10-501. Sign regulations for the C-4 District are set out in Article 27.

SECTION 10-6 WINDOW REGULATIONS**10-601. Window Regulations.**

- a. Every window frame or other opening in the wall of a structure for a window (hereafter collectively "window frame") that faces a city street, not including an alleyway, shall be filled, in compliance with applicable building, zoning, and housing codes, with material that closes and seals the entire window frame to bar access to the structure from weather, pests, rodents, insects, birds, or other animals, and consists of (1) a rigid and transparent material, excluding plexiglas or its equivalent, (2) a decorative or tinted pane or panes of glass, or (3) the same material as contained in the original construction of the structure, or a modern, improved material that has the same appearance as that in the original construction.
- b. If otherwise in compliance with applicable building, zoning, and housing codes, in lieu of the materials mandated for window frames in subsection a above, window frames may be permanently removed so that the exterior wall does not appear to contain the window frame by (1) closing the opening with the same material and color as the surrounding exterior of the building, or (2) creating a solid exterior wall without an opening for the window frame, such entire exterior wall covered with one material designed and intended for use on the exterior of a structure.
- c. Any window and/or window frame removed prior 2008 by permanently closing and sealing the opening with material other than plywood or similar wood products, metal, or corrugated material, shall not require action to comply with this section.

Article 15: Industrial Districts (I-1 and I-2)

Sections:

- 15-1 Intent
- 15-2 Permitted and Conditional Uses
- 15-3 Development Standards
- 15-4 Height and Yard Regulations
- 15-5 Sign Regulations
- 15-6 Parking Regulations
- 15-7 Screening Requirements

SECTION 15-1 INTENT

15-101. It is the intent of the industrial districts to provide for areas of light and heavy industrial uses and for other compatible uses. Light Industrial (I-1) uses generate few effects felt off-site, such as smoke, noise or odor. Heavy Industrial (I-2) uses tend to be basic or primary industries which do often produce vibration, smoke, noise, odor, glare, dust and other effects that travel off-site.

SECTION 15-2 PERMITTED AND CONDITIONAL USES

15-201. In the industrial zoning districts the uses listed in Table 15-1 within the designated zoning districts are permitted uses or conditional uses as designated. Conditional uses require the issuance of a Conditional Use Permit in accordance with the provisions of Article 26. No building, land or premises shall be used and no building or structure shall be hereafter erected or altered unless otherwise provided for in these regulations, except as listed in Table 15-1.

TABLE 15-1

**Industrial Zoned Districts
Permitted and Conditional Uses**

P = Indicates Permitted Uses **C** = Indicates Conditional Uses

USE		I-1	I-2
1.	Agricultural.	P	P
2.	Airplane hangars.	P	P
3.	Animal hospitals, veterinarian clinics, and kennels.	P	P
4.	Automobile and truck wrecking or salvage yards, junk yards and scrap processing yards.		C
5.	Bottling works.	P	P
6.	Building material sales including lumber yards (except for ready-mix concrete and similar uses which emit dust, odor and smoke.)	P	P
7.	Car and truck wash establishments	P	P
8.	Carpenter, cabinet, plumbing or sheet metal shops.	P	P
9.	Contractor's office and equipment storage yard.	P	P
10.	Dry cleaning and/or laundry plants.	P	P
11.	Farm implement sales and services.	P	P
12.	Feed and seed stores, grain elevators.	C	P

Commented [JW1]: It is unclear why there are any cases in which I-2 would be more strict than I-1. These have all been adjusted.

USE		I-1	I-2
13.	Frozen food lockers.	P	P
14.	Greenhouses and nurseries, retail and wholesale.	P	P
15.	Light manufacturing, processing or fabrication operations, providing that such use is not noxious or offensive by reason of vibration or noise beyond the confines of the building or emission of dust, fumes, gas, odor, smoke or other particulate matter.	P	<u>P</u>
16.	Machine shops, tool and die shops, and similar establishments	P	P
17.	Machinery sales and storage lots, including motor vehicles.	P	<u>CP</u>
18.	Manufacturing, processing or fabrication establishments which are not noxious or offensive by reason of vibration, noise, dust fumes, gas, odor.		P
19.	Manufactured home production, storage and sales of units produced on-site.		P
20.	Motor vehicle repair or body shop.	P	P
21.	Offices and service yards for the Kansas Department of Transportation.	P	P
22.	Other uses which may be noxious or offensive by reason of the emission of odor, dust, smoke, gas, noise or vibration.		C
23.	Public utility and public service uses including: municipal power plants; substations; lift stations; railroads; telephone exchanges, microwave towers, radio towers, television towers, telephone transmission buildings; electric power plants; and public utility storage yards.	P	P
24.	Self-storage (mini-storage).	<u>P(1)</u>	<u>P(1)</u>
25.	Service stations.	P	P
26.	Stockyards and slaughterhouses.		C
27.	Storage of bulk oil, gas, explosives and similar materials.		C
28.	Storage yards providing the storage yard is completely enclosed with a six foot fence or wall.		P
29.	Telecommunication towers.	C	C
30.	Truck and rail terminals.	P	P
31.	Warehouses or storage houses.	P	P
32.	Welding shops.	C	P

Permitted and conditional uses footnotes:

(1) Subject to the requirements set out in Section 15-302.

SECTION 15-3 DEVELOPMENT STANDARDS

15-301.

- a. Except as otherwise provided in section 15-4, a building, structure or use, allowed in either or both the I-1 and I-2 Districts, may occupy all that portion of a lot except for the area required for off-street parking, off-street loading and unloading and their access roads and/or arterial or collector streets as otherwise required in this Article or Article 22.
- b. Except as otherwise provided in section 15-4, when the required off-street parking and/or required loading and unloading will be provided within the building or structure, the building or structure may cover the entire lot except as otherwise required for arterial and/or collector streets in Article 20.
- c. No retail sales or service shall be permitted except when incidental or accessory to a permitted use or except when specifically permitted pursuant to this Article. Further, the portion of the building or structure used for such retail sales or service shall not exceed 35% of the total square footage of the building or structure.

Commented [JW2]: This footnote is added to #24 to direct the developer to additional regulations in 15-302 regarding Self-storage (mini-storage).

- d. No building shall be used for residential purposes, except a watchman may reside on the premises.
- e. Except where otherwise expressly prohibited by these regulations, outside storage may be maintained provided the view of non-retail storage areas is screened from streets and residential areas by a solid or semi-solid fence, wall or vegetation at least six (6) feet in height and having a visual density of at least ninety percent (90%).

15-302. Self-storage (mini-storage) facilities shall be developed in accordance with the following minimum standards:

- a. Off street parking shall be provided as follows:
 - 1. Parking shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least twenty feet (20') wide for one-way access lanes and at least twenty-five feet (25') wide for two-way access lanes.
 - 2. One parking space for every one hundred fifty (150) storage cubicles shall be located adjacent to the leasing office. A minimum of three (3) such spaces shall be required.
 - 3. Required parking spaces may not be rented as or used for vehicle storage, unless identified on the site plan or development plan.
- b. There shall be landscaped screening and fencing around the perimeter of the project. The fencing shall be a minimum of six feet (6') in height. When a development borders an arterial street, adjoining residential or commercial development, the fence shall be constructed of decorative material approved by the Zoning Administrator along those sides. Chain link fencing may be used on sides that adjoin other industrial property of similar or greater intensity, as approved by the Zoning Administrator.
- c. The buildings shall be architecturally compatible with the existing neighborhood. To that end, newly constructed self-storage (mini-storage) units either shall (a) install a screen to shield door openings from residentially zoned property and public right-of-way, or (b) face door openings away from any residentially zoned property or public right-of-way.

Commented [JW3]: Adapted from the former Subdivision Regulations Section 13-702

SECTION 15-4 HEIGHT AND YARD REGULATIONS

15-401.

- a. **Height.**
 - 1. When a building or structure is within one hundred fifty feet (150) of property within any zoning district which allows residential uses, said building or structure shall not exceed forty-five (45) feet in height.
 - 2. When a building or structure is more than one hundred fifty (150) feet from property within any zoning district which allows residential uses, said building or structure shall not exceed one hundred fifty (150) feet or the maximum height for any applicable airport approach zone, whichever is the lesser.
- b. **Yard.**
 - 1. *Front Yards.* There shall be a front yard having a depth of not less than twenty (20) feet. Lots fronting on arterial or collector streets shall comply with the front yard requirements provided in Article 20.
 - 2. *Side Yards.* No side yard shall be required except where a use adjoins a residential district, in which case there shall be a required fifteen (15) feet of side yard on the side of the lot

abutting the residential district.

3. *Rear Yards.* When the rear lot line adjoins an area which is not zoned for commercial or industrial use, there shall be a rear yard for buildings as follows:
 - (a) One and two-story buildings shall have a rear yard of twenty-five (25) feet or twenty (20) percent of the depth of the lot, whichever is the smaller.
 - (b) Three story or more buildings shall have a rear yard of not less than thirty (30) feet.

SECTION 15-5 SIGN REGULATIONS

15-501. Sign regulations for the I-1 and I-2 Districts are set out in Article 27.

SECTION 15-6 PARKING REGULATIONS

15-601. Parking regulations for the I-1 and I-2 Districts are set out in Article 22.

SECTION 15-7 SCREENING REQUIREMENTS

15-701. Regulations for the screening of industrial uses from adjacent residential land are set out in section 20-5.

Article 18: Mixed Use District (MU)

Sections:

- 18-1 Intent**
- 18-2 Permitted Uses**
- 18-3 Conditional Uses**
- 18-4 Home Occupations**
- 18-5 Accessory Uses**
- 18-6 Height and Yard Regulations; Design Standards**
- 18-7 Sign Regulations**
- 18-8 Parking Regulations**
- 18-9 Minimum Lot Size**

SECTION 18-1 INTENT

18-101. It is the intent of the MU District to encourage a compatible mixed use environment, utilizing the character of a particular area. This district facilitates compatible mixed use activity within a residential neighborhood. The district includes a balance of compatible residential, office, civic, and neighborhood commercial retail/service uses of low to moderate intensity that complement and support neighborhood residential areas and pedestrian usage with quality urban design. The objectives of the district include:

- a. Retention and attraction of businesses, workplaces and residences through adaptive reuse and rehabilitation of existing buildings; and
- b. Redeveloping vacant and under-utilized properties through appropriately scaled in-fill development; and
- c. High quality development and urban design standards that maintain a sense of history, human scale, and pedestrian-orientation.

18-102. Applicability of Mixed Use Districts. The MU District shall only be permitted on an area that merits special design considerations, involving a variety of property owners and uses within a developed urban environment. The MU District shall be sufficiently cohesive and substantial to achieve objectives identified in the City's comprehensive plan.

SECTION 18-2 PERMITTED USES

18-201. In the MU District no building, land or premises shall be used and no building or structure shall be hereafter erected or altered unless otherwise provided for in these regulations, except for the following uses:

- a. Any use permitted in the R-2 or R-3 zoning districts.
- b. Any use permitted in the C-1 or C-2 zoning districts.

SECTION 18-3 CONDITIONAL USES

18-301. In the MU District the following uses are allowed upon the issuance of a Conditional Use Permit in accordance with the provisions of Article 26 of these regulations:

- a. Any use allowed as a conditional use in the R-2 or R-3 zoning districts.
- b. Any use allowed as a conditional use in the C-1 or C-2 zoning districts.

SECTION 18-4 HOME OCCUPATIONS

18-401. Regulations relating to home occupations in the MU District shall be the same as those for the R-2 zoning district, as set out in Article 20.

SECTION 18-5 ACCESSORY USES

18-501. Regulations relating to accessory uses in the MU District are set out in Article 20.

SECTION 18-6 HEIGHT AND YARD REGULATIONS; DESIGN STANDARDS

18-601. No building in the MU District shall exceed thirty-five (35) feet in height, except as otherwise provided in Article 20.

18-602.

- a. Front yard.
 - 1. Front yards on arterial and collector streets and unplatted tracts on local streets shall conform with the provisions of Article 20.
 - 2. There shall be a front yard having a depth of not less than ~~thirty (30)~~ fifteen (15) feet or the established building line as defined in Article 20.
 - 3. No accessory building shall project beyond the front building setback line of any lot.

Commented [JW1]: 30 feet seems to contradict 18-605a which encourages setbacks to be minimized. 30 feet also encourages parking in the front which seems to contradict 18-605h. 30 feet is also greater than required in the R-2 and R-3 districts. 15 feet is the same setback that is required in the R-3 district (C-3 is only 10) and fits better. On the N Summit Mixed Use corridor many of the houses are closer to 15 or 20 feet setbacks.

18-603. Side yard. Except as otherwise provided in Article 20, there shall be a side yard of not less than eight (8) feet on each side of a building.

18-604. Rear yard. Except as otherwise required in Article 20, there shall be a rear yard having a depth of not less than ~~thirty (30)~~ fifteen (15) feet or twenty percent (20%) of the depth of the lot, whichever amount is smaller.

Commented [JW2]: Same comment as for the front yard above.

18-605. Design Standards. All new development, including permitted commercial, office, institutional, residential uses, or combination thereof, or change of uses with exterior modifications shall be consistent with the following applicable design standards:

- a. *Setbacks, massing, and form* – Minimize building setbacks within neighborhood or downtown district settings so as to reflect and align with existing setbacks of buildings on the block or facing block. Massing and form of building shall also be compatible with buildings on block, facing block, or neighborhood.
- b. *Building types* – Permitted building types shall include a rear yard building that occupies the front of its lot at full width, a side yard building that occupies one side of the lot at full depth, or a courtyard building that occupies all or most of the edges of its lot while internally defining one or more private spaces.
- c. *Parking lots* – Parking lots shall not dominate the frontage of pedestrian-oriented and image streets or conflict with pedestrian crossings. ~~No parking space shall be closer to the primary frontage street than the building.~~
- d. *Facades* – Blank walls in excess of 50 feet shall be avoided. Buildings with multiple storefronts should be unified in character and compatible with any upper floors.
- e. *Outdoor activity* – Buildings should accommodate outdoor activity with balconies, arcades, terraces, decks and courtyards for patrons’, residents’, or workers’ interaction to the extent reasonably feasible.
- f. *Outdoor cafes* – Restaurants should be encouraged to operate outdoor cafes on sidewalks, within buildings setbacks or courtyard provided that pedestrian circulation and access to store entrances is not impaired, the space is well-kept, and street furniture/coverings are compatible with architectural character of the building/block.
- g. *Pedestrian circulation* – Adequate pedestrian circulation must be maintained at all times. Pedestrian linkages between parking lots, alleys, parks, and the street or building fronts shall be provided for within the public right-of-way or by dedicated easement.
- h. *Transition yards and landscaping screening* – Where a commercial ~~lot~~ use abuts a residential use, a landscaped yard consisting of, but not limited to, trees, vegetation, wood privacy fencing, landscaped earthen berm, or other plantings shall be provided for as a visual buffer that creates spatial separation. Front yard setback areas shall be landscaped. ~~Landscaping plans shall be submitted to the Zoning Administrator for approval.~~ On through lots, the rear yard that is immediately across the street from a residential district shall also require screening.
- i. *Open storage* – Any open storage visible from the street, adjacent to residential uses shall be screened to substantially reduce visual impact by fencing, landscaping, or other appropriate means.
- j. The Zoning Administrator may waive any of the above-listed design standards if he or she determines it to be unnecessary to the scope and nature of the proposed development.

Commented [JW3]: The requirement for no parking in the front actually creates a new issue along the Summit Street Mixed Use corridor. The other language is acceptable. Parking should be screened per h below as much as possible.

Commented [JW4]: These edits are for a bit of clarification but also the last new sentence was added to help deal with problems associated with the mixed use district along the N Summit corridor as it immediately borders a residential area but is separated by a street.

SECTION 18-7 SIGN REGULATIONS

18-701. Sign regulations for the MU District are set out in Article 27.

SECTION 18-8 PARKING REGULATIONS

18-801. Parking regulations for the MU District are as follows:

- a. Residential dwellings: One space per dwelling unit.
- b. Private clubs, drinking establishments, and restaurants with 50 percent of gross income in food sales: One space per four occupants permitted.
- c. Private clubs, drinking establishments, and restaurants with 50 percent of gross income in alcohol or cereal malt beverage sales: One space per three occupants permitted.
- d. Retail and office uses: One space per 300 square feet of floor area.
- e. All other uses not specified shall be consistent with parking requirements as set out in Article 22.
- f. Minimum off-street parking requirements for uses within the MU District may be exempted by the Zoning Administrator for any change of use or expansion of an existing building provided adequate off-street or on-street parking can be demonstrated, and such exemption does not impose an unreasonable hardship on a residential neighborhood.
- g. A maximum number of off-street parking spaces for a particular use may be imposed by the Zoning Administrator to conserve open space, or to prevent unnecessary demolition of buildings and damage to the historic integrity of a district.

SECTION 18-9 MINIMUM DISTRICT SIZE

18-901. No area shall be zoned as MU District, unless it comprises an entire city block or three (3) acres, whichever is the lesser.

