



# City of Arkansas City

## PLANNING COMMISSION MEETING

### AGENDA

Tuesday, September 12, 2023 at 5:30 PM – 400 W Madison Ave, Arkansas City, KS

GoTo Meeting: <https://meet.goto.com/857299853> or call +1 (408) 650-3123 Access Code: 857-299-853

#### Call to Order

#### Roll Call

Dr. Tyson Blatchford  
 Kyle Lewis

Lloyd Colston  
 Cody Richardson

Brandon Jellings  
 Dotty Smith

Ian Kuhn  
 Tom Wheatley

#### Declaration

*At this time, Planning Commission members are asked to make a declaration of any conflict of interest or of any Ex parte or outside communication that might influence their ability to hear all sides on any item on the agenda so they might come to a fair decision.*

#### 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, **August 8, 2023 meeting.**

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#### Public Hearings

2. Hold a public hearing to consider the advisability of rezoning 425 W Quincy Avenue from an R-2 (Medium Density Residential District) to a C-2 (Restricted Commercial District).

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3. Hold a public hearing to consider the advisability of granting a conditional use permit to allow a self-storage facility in a C-2, Restricted Commercial District located at 425 W Quincy Avenue.

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**Consideration**

- 4. Subdivision and Zoning Regulations Amendments discussion

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**Other Items**

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**Adjournment**

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# City of Arkansas City

## PLANNING COMMISSION MEETING MINUTES

Tuesday, August 8, 2023 at 5:30 PM — 400 W Madison Ave, Arkansas City, KS

Vice Chair Tom Wheatley called the meeting to order at 5:30 PM.

### Roll Call:

Dr. Tyson Blatchford  
 Kyle Lewis

Lloyd Colston  
 Cody Richardson

Brandon Jellings  
 Dotty Smith

Ian Kuhn  
 Tom Wheatley

Also present was Mike Bellis, Building Official of Neighborhood Services, and Commissioner Canyon Gingher.

### 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.

Citizen came to the meeting to observe the meeting and listen to discussions about tiny homes. The citizen has a plot of land that he would like to develop with several tiny homes on the property.

### Consent Agenda

1. Meeting Minutes, July 11, 2023 meeting.

Lloyd Colston made the motion to approve the minutes and Cody Richardson made the second motion. Motion was carried.

### Consideration

2. Zoning Regulations Amendments discussion: Josh picked up discussions from last month starting with Article 18 of the Zoning Regulations.

- a. Article 18: Josh discussed with the commission some issues that went along with the Mixed Use District, such as some issues that came up when Family Dollar was built.
- b. Article 19: Wind Turbines: Tom Wheatley asked about the 100 ft tower height for wind turbines and using the same footage for radio towers.
- c. Article 20 Supplemental Regulations includes several topics;
  - i. Corner Visibility,
  - ii. Accessory dwelling units-800 sq.ft (anything larger requested, could ask for a variance), mother in law suite, R-2 or R-3 allows duplexes,
  - iii. Home Occupations: could be done in certain districts except R-3- Josh added R-3
  - iv. License Amateur Communications: Height Limitations- change 60 ft to 100 ft. may not need the part about zoning administrator; anything over 100 would require a conditional use permit.

- v. Fencing: Need to look at proposed changes, easement access must be maintained, fences can be built on easements, but if easement work should be done, it may be removed at owners expense. Tom asked about HOA and Covenants, Josh stated that covenants supersede zoning regulations. Simplify fence regulations, corner lot fence regulations can't be in the sight triangle, the zoning administrator determines what the front yard is. Institutional uses generally have taller fences such as daycares, churches etc they have different standards. Kanyon asked about having a 5 ft fence in the front yard because some animals can scale the fence at 4 ft. Cody stated that the visibility for that would have to be defined; Josh agreed that there would have to be percentage of visibility. After discussions, the commission decided to leave the 4 ft chain-link where it's at. Josh stated there is currently not a listing of what sort of fencing material is allowed. For example, using pallets for fencing, sheet metal, corrugated metal, chicken wire, stock (cattle) panel, etc. When constructing a privacy fence, the finished side should be on the outside.
  - vi. Tiny Houses were discussed a little last month. Josh felt a section was needed because a tiny home is a home and as long as it meets the basic regulations of the building code. A setback of a lot depends on the district the lot is in. Cody felt that if the 50% rule was used, he wouldn't have a problem with someone re-building on the nonconforming lot. Josh explained what he would have to do. After discussions, it was consensus of the commission to take the section out and instead alter Article 21 on Nonconformities.
- d. Article 22: Parking
- i. Single family home has to have two spaces, garage spaces count,
  - ii. Two Family has similar language – changed to two per duplex.
  - iii. Multi family: Having two per apartment would be too much, not really an issue in AC
  - iv. Non-residential; several items were simplified

#### Other Items:

Josh suggested that he would bring back the Article on Nonconformities to address the issues with nonconforming lots. If that is the only item for the agenda in September, he said we'd cancel that meeting. However, there may be a rezone application.

**Adjournment: Tom 1 and Lloyd 2<sup>nd</sup> voice vote carried the motion.**



# Planning Commission Agenda Item

**Meeting Date:** 9/12/23  
**From:** Josh White, Principal Planner  
**Item:** 425 W Quincy Ave Rezone

**Purpose:** Hold a public hearing to consider the advisability of rezoning 425 W Quincy Avenue from an R-2 (Medium Density Residential District) to a C-2 (Restricted Commercial District).

**Background:**

The subject property is located at 425 W Quincy Avenue. The surrounding area is comprised of residential and institutional uses. Single Family Residential surrounds the site. Churches are located both northwest and southeast of the site. The property consists of approximately 11.22 acres. The project will be to develop a self-storage facility. That use would also require a conditional use permit. The applicants are requesting a rezone from R-2, Medium Density Residential District to a C-2, Restricted Commercial District. The sale of the property to Chris Befort is contingent upon approval of this request. Staff tentatively recommend approval of the rezone request as a portion of the property was zoned commercial as recently as 2014 but also have some concerns that the proposed use does not match the Future Land Use map. Having a Conditional Use Permit as a requirement for the proposed use alleviates some of the concerns of staff but not all. Assuming the issues can be mitigated and the fact that a conditional use permit would have to be issued, it is the recommendation of staff that the requested rezoning R-2 to C-2 be approved based on the following conclusions:

- The property has remained underutilized for the past year or more.
- A portion of the area has been a commercial use in the recent past.
- The project should not adversely affect the neighboring properties with conditions imposed on it by the Conditional Use Permit.
- The public health, safety and general welfare should not be negatively impacted by this rezoning.

**Action:**

Hold a public hearing. After the public hearing is closed, make a motion to recommend the City Commission approve/disapprove the request to 425 West Quincy Ave from a R-2 Medium Density Residential District to a C-2 Restricted Commercial District.

**Attachments:**

Staff report

Presentation Link: <https://arcg.is/11u9Wr>



# STAFF REPORT

City of Arkansas City Neighborhood Services Division  
 Josh White, Principal Planner  
 118 W Central Ave, Arkansas City, KS 67005  
 Phone: 620-441-4420 Fax: 620-441-4403 Email: [jwhite@arkansascityks.gov](mailto:jwhite@arkansascityks.gov) Website: [www.arkcity.org](http://www.arkcity.org)

CASE NUMBER  
 RZ-2023-116

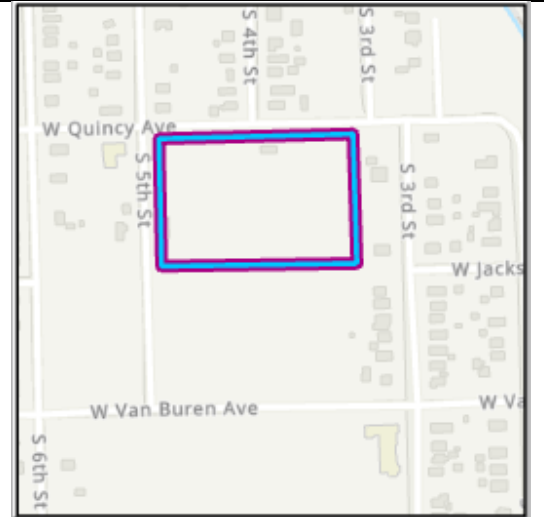
APPLICANT/PROPERTY OWNER  
 Chris Befort/Glenna Baker & Verna Welch

PUBLIC HEARING DATE  
 September 12, 2023

PROPERTY ADDRESS/LOCATION  
 425 W Quincy Ave

**SUMMARY OF REQUEST**

The subject property is located at 425 W Quincy Avenue. The surrounding area is comprised of residential and institutional uses. Single Family Residential surrounds the site. Churches are located both northwest and southeast of the site. The property consists of approximately 11.22 acres. The project will be to develop a self storage facility. That use would also require a conditional use permit. The applicants are requesting a rezone from R-2, Medium Density Residential District to a C-2, Restricted Commercial District. The sale of the property to Chris Befort is contingent upon approval of this request. Staff recommends tentatively approval of the rezone request as a portion of the property was zoned commercial as recently as 2014 but also have some concerns that the proposed use does not match the Future Land Use map. Having a Conditional Use Permit as a requirement for the proposed use alleviates some of the concerns of staff but not all.



Map data ©2023 Esri World Topographic map

EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	SIZE OF PROPERTY
R-2-Medium Density Residential	Agricultural	North-R-2; Residential East-R-2; Residential South-R-2; Residential/Institutional West-R-2; Residential/Institutional	Numerous Outbuildings Drainage ditch	11.22 acres

STAFF RECOMMENDATION

APPROVE

APPROVE WITH CONDITIONS

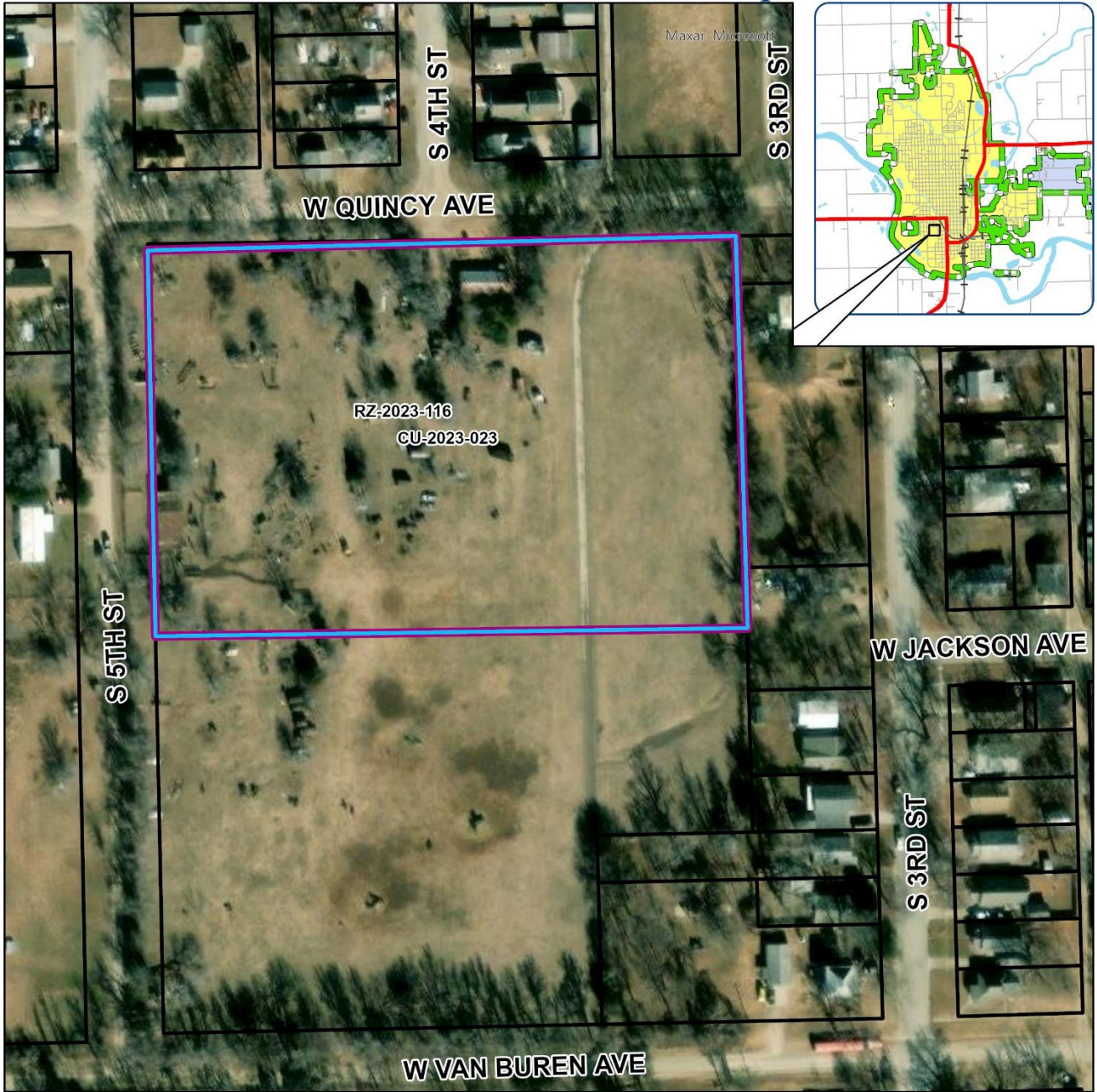
DENY

**COMPATIBILITY with the COMPREHENSIVE PLAN**  
 The Future Land Use portion of the Comprehensive Plan designates the subject property as residential use. The proposed use is commercial. There isn't a specific goal or action related to the proposed project other than it being a form of infill development of underutilized land instead of development along the fringe of the City.

**PROPERTY HISTORY**  
 The property has long been used as a pasture as well as a welding shop. In 1969, the area around the welding shop was rezoned from R-2 (Single Family Residential District, similar to our current R-2 district) to B-2 (General Business District, similar to our current C-3 district). In 2002, a front yard setback variance was issued for the construction of an accessory building with zero setback along 5<sup>th</sup> Street. The property designated as R-2 (Medium Density Residential District) in 2014 when the new zoning map was established as the welding shop had become inactive. The last time it was used as a welding shop was likely in 2007 with it mostly being used for storage or small projects since. In 2014, a rezone request to rezone the property from R-2 to A was denied and later withdrawn after the Planning Commission determined the rezone was unnecessary as the existing use had become legal non-conforming and would be allowed to continue.

**COMPATIBILITY with the ZONING ORDINANCE**  
 The surrounding area is comprised of residential and institutional uses. It is the intent of the commercial zoning districts to provide areas of compatible commercial and service businesses. The change in classification would be consistent with the intent and purpose of these regulations. The proposed district is also the most restrictive district that will allow the proposed use.

### Rezone/Conditional Use Permit Request



A request to rezone 425 W Quincy Avenue  
 from R-2 (Medium Density Residential District) to C-2 (Restricted Commercial District)  
 and

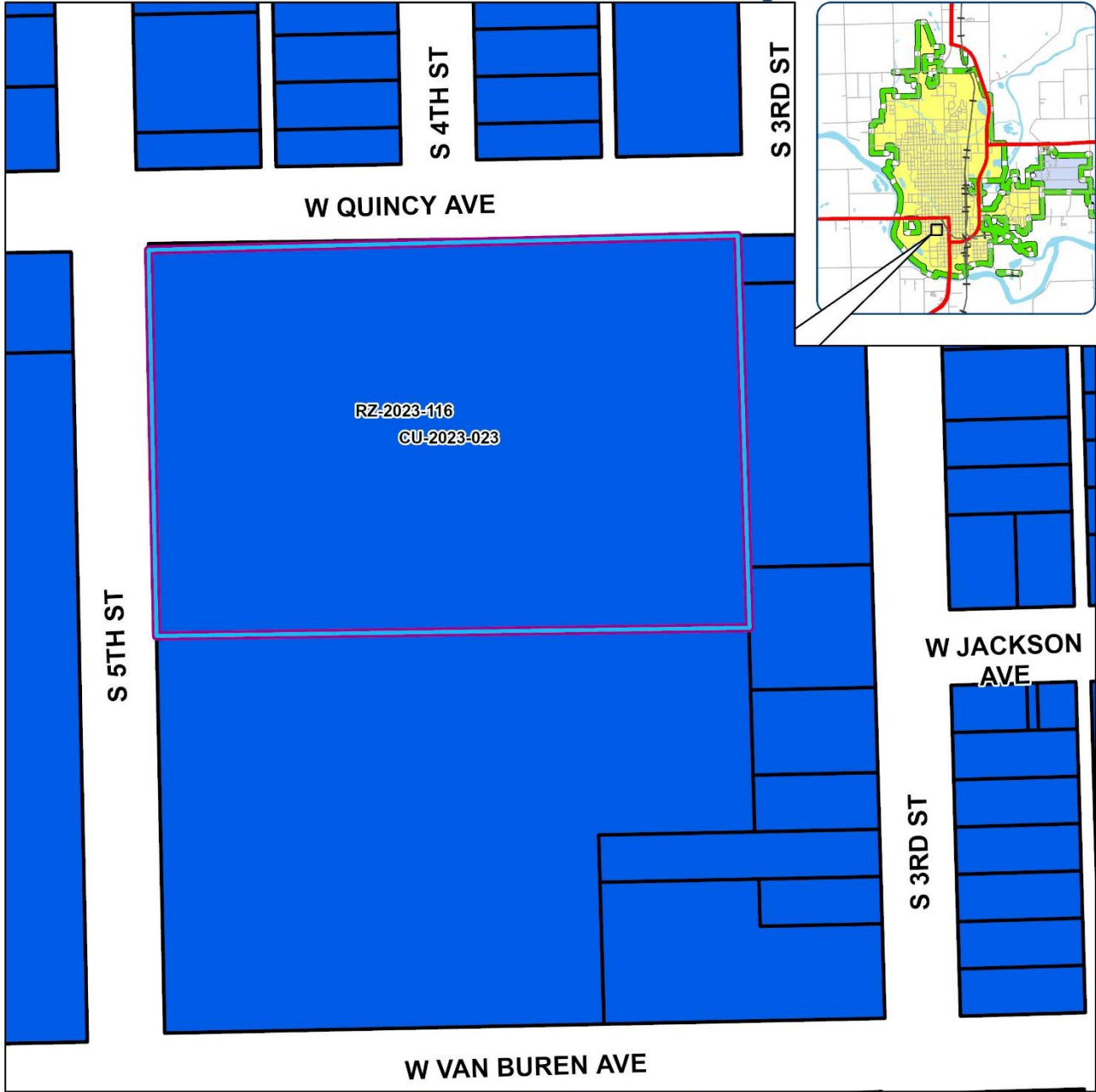
A request for a conditional use permit to build a self storage facility in a C-2 district at 425 W Quincy Avenue.

- Conditional Use
- Rezone
- Property Lines

Produced by the  
 City of Arkansas City GIS  
 using the best available  
 data to date.  
 Created: August 16, 2023



### Rezone/Conditional Use Permit Request



A request to rezone 425 W Quincy Avenue  
 from R-2 (Medium Density Residential District) to C-2 (Restricted Commercial District)  
 and  
 A request for a conditional use permit to build a self storage facility in a C-2 district at 425 W Quincy Avenue.

-  Conditional Use
-  Rezone
-  Property Lines
- Future Land Use**
-  Residential

Produced by the  
 City of Arkansas City GIS  
 using the best available  
 data to date.  
 Created: August 16, 2023





### Zoning map

## Rezone/Conditional Use Permit Request



A request to rezone 425 W Quincy Avenue  
 from R-2 (Medium Density Residential District) to C-2 (Restricted Commercial District  
 and

A request for a conditional use permit to build a self storage facility in a C-2 district at 425 W Quincy Avenue.

-  Conditional Use
-  Rezone
-  Property Lines
-  R-2, Medium Density Residential District

Produced by the  
 City of Arkansas City GIS  
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 Created: August 16, 2023



## Site Plan

A site plan was not provided but may be available at the public hearing.

## Findings

When a proposed amendment would result in a change of the zoning classification of any specific property, the recommendation of the Planning Commission, accompanied by a copy of the record of the hearing, shall contain statements as to the present classification, the classification under the proposed amendment, the reasons for seeking such reclassification, a summary of the facts presented, and a statement of the factors upon which the recommendation of the Planning Commission is based, using the following guidelines. Note that all references to agriculture in this report also include associated residential uses.

### 1. **Whether the change in classification would be consistent with the intent and purpose of these regulations;**

The surrounding area is comprised of residential and institutional uses. It is the intent of the commercial zoning districts to provide areas of compatible commercial and service businesses. The change in classification would be consistent with the intent and purpose of these regulations. The proposed district is also the most restrictive district that will allow the proposed use.

### 2. **The character and condition of the surrounding neighborhood and its effect on the proposed change;**

The surrounding area is comprised of residential and institutional uses. Single Family Residential surrounds the site. Churches are located both northwest and southeast of the site. Commercial development in this area should not negatively affect the neighborhood if certain conditions are applied to the development. The proposed use requires a conditional use permit where these issues can be addressed.

### Neighborhood Photos



Looking east along Quincy Ave. Google StreetView from March 2014.



Looking west along Quincy Ave. Google StreetView from March 2014



Looking east from 5<sup>th</sup> Street. Taken 7/11/2014 by Josh White



Welding Shop. Google StreetView from March 2014

**3. Whether the proposed amendment is made necessary because of changed or changing conditions in the area affected, and, if so, the nature of such changed or changing conditions;**

The current Residential Zoning District does not allow the proposed use. The C-2, Restricted Commercial District is the most restrictive district that allows the proposed use. The area in the past was partially zoned for commercial use but had been discontinued and in 2014 was designated as R-2, Medium Density Residential. The conditions of the area are not changing but are primed for some sort of development, whether residential or otherwise.

**4. The current zoning and uses of nearby properties, and the effect on existing nearby land uses upon such a change in classification;**

The area surrounding the property is all zoned R-2, Medium Density Residential Districts. All nearby uses comply with this designation. A couple of churches are present in the area but comply with the regulations as an institutional use. The area does not appear to be changing. The proposed use is similar to a previous use of the property.

**5. Whether every use that would be permitted on the property as reclassified would be compatible with the uses permitted on other property in the immediate vicinity;**

The proposed use of self-storage facility would be permitted under the C-2, Restricted Commercial District. This area surrounding the property is residential but is low density in this area. The site could be designed so that it has large setbacks and screened from the view of the residential properties in order to mitigate any issues.

**6. The suitability of the applicants property for the uses to which it has been restricted;**

The property is currently zoned for residential use; the property is mostly vacant, being used most recently as a cattle pasture approximately a year ago. The site could be developed as a residential site or could be modified as is proposed to be commercial. The 2022 Comprehensive Plan called for this area to be residential, which is likely the best use. Any commercial development must have conditions attached to it to mitigate any negative impacts it would have on the surrounding area.

**7. The length of time the subject property has remained vacant or undeveloped as zoned;**

The welding shop is still present but hasn't been used as a welding shop since approximately 2007. It has mostly been used for storage (with the occasional small project) since then. The balance of the property had been used as a cattle pasture as recently as about a year ago.

**8. Whether adequate sewer and water facilities, and all other needed public services exist or can be provided to serve the uses that would be permitted on the property if it were reclassified;**

All sewer, water and other utilities are readily available at or near the site. Police and Fire should be able to serve the building without any changes to services. The area's streets are gravel. The proposed use will generate some traffic but not a substantial amount. Additional grading frequency may be necessary or perhaps the street could have millings applied to it as has occurred with other gravel streets in the City.

**9. The general amount of vacant land that currently has the same zoning classification proposed for the subject property, particularly in the vicinity of the subject property, and any special circumstances that make a substantial part of such vacant land available or not available for development;**

There is other land that could be used for such a use but not necessarily in a place conducive to business for this particular company. The self-storage industry has also suggested that there is a high demand in our community for additional facilities, especially in this area.

**10. Whether the proposed amendment would be in conformance to and further enhance the implementation of the City's Comprehensive Plan;**

The Future Land Use portion of the Comprehensive Plan designates the subject property as residential use. The proposed use is commercial. There isn't a specific goal or action related to the proposed project other than it being a form of infill development of underutilized land instead of development along the fringe of the City.

**11. Whether the relative gain to the public health, safety, and general welfare outweighs the hardship imposed upon the applicant by not upgrading the value of the property by such reclassification; and,**

Public health, safety and general welfare should not be negatively impacted by this rezoning. The site should have adequate lighting and security measures to reduce the probability of crime in the area. Lighting should be focused away from residential areas.

**12. Such other factors as the Planning Commission may deem relevant from the facts and evidence presented in the application**

**13. The recommendations of professional staff;**

Staff tentatively recommend approval of the rezone request as a portion of the property was zoned commercial as recently as 2014 but also have some concerns that the proposed use does not match the Future Land Use map. Having a Conditional Use Permit as a requirement for the proposed use alleviates some of the concerns of staff but not all. Assuming the issues can be mitigated and the fact that a conditional use permit would have to be issued, it is the recommendation of staff that the requested rezoning R-2 to C-2 be approved based on the following conclusions:

- The property has remained underutilized for the past year or more.
- A portion of the area has been a commercial use in the recent past.
- The project should not adversely affect the neighboring properties with conditions imposed on it by the Conditional Use Permit.
- The public health, safety and general welfare should not be negatively impacted by this rezoning.



# Planning Commission Agenda Item

**Meeting Date:** 9/12/23  
**From:** Josh White, Principal Planner  
**Item:** 425 W Quincy Ave Conditional Use Permit

**Purpose:** Hold a public hearing to consider the advisability of granting a conditional use permit to allow a self-storage facility in a C-2, Restricted Commercial District located at 425 W Quincy Avenue.

**Background:**

The subject property is located at 425 W Quincy Avenue. The surrounding area is comprised of residential and institutional uses. Single Family Residential surrounds the site. Churches are located both northwest and southeast of the site. The property consists of approximately 11.22 acres. The applicant has submitted the request for a conditional use permit for a self-storage facility. The use must meet the requirements of Subdivision Regulations Section 13-702. In the C-2 District this use is only permitted with a conditional use permit. The sale of the property to Chris Befort is contingent upon approval of this request. Staff does have some concerns but having a Conditional Use Permit as a requirement for the proposed use alleviates some of these concerns. Assuming the issues can be mitigated by requiring certain conditions, it is the recommendation of staff that the conditional use permit for a self-storage facility be approved based on the following conclusions:

- The property has remained underutilized for the past year or more.
- A portion of the area has been a commercial use in the recent past.
- The project should not adversely affect the neighboring properties with conditions imposed on it by the Conditional Use Permit.
- The public health, safety and general welfare should not be negatively impacted by this conditional use permit.

**Recommended Conditions:**

- The project must meet the requirements of Subdivision Regulations Section 13-702
- The project must ensure its drainage plan does not negatively impact the existing drainage ditch on the property.
- Automotive Repair or related operations shall not be conducted on the site.

**Action:**

Hold a public hearing. After the public hearing is closed, make a motion to recommend the City Commission approve/disapprove the request for a conditional use permit to allow a self-storage facility in a C-2 Restricted Commercial District at 425 W Quincy Ave.

**Attachments:**

Staff report, Subdivision Regulations Section 13-702

Presentation Link: <https://arcg.is/OGTWmu>



# STAFF REPORT

City of Arkansas City Neighborhood Services Division  
 Josh White, Principal Planner  
 118 W Central Ave, Arkansas City, KS 67005  
 Phone: 620-441-4420 Fax: 620-441-4403 Email: [jwhite@arkansascityks.gov](mailto:jwhite@arkansascityks.gov) Website: [www.arkcity.org](http://www.arkcity.org)

CASE NUMBER  
 CU-2023-023

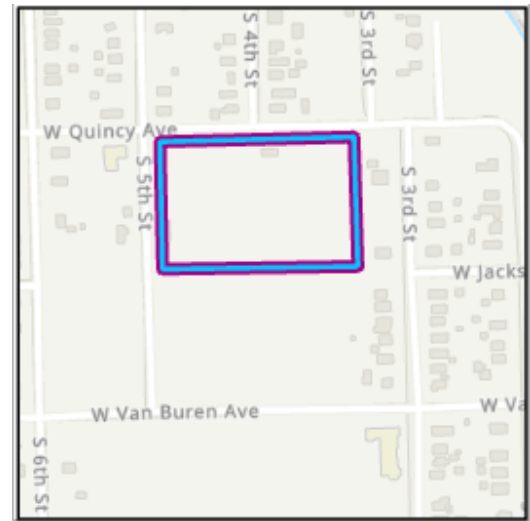
APPLICANT/PROPERTY OWNER  
 Chris Befort/Glenna Baker & Verna Welch

PUBLIC HEARING DATE  
 September 12, 2023

PROPERTY ADDRESS/LOCATION  
 425 W Quincy Ave

**BRIEF SUMMARY OF REQUEST**

The subject property is located at 425 W Quincy Avenue. The surrounding area is comprised of residential and institutional uses. Single Family Residential surrounds the site. Churches are located both northwest and southeast of the site. The property consists of approximately 11.22 acres. The applicant has submitted the request for a conditional use permit for a self-storage facility. The use must meet the requirements of Subdivision Regulations Section 13-702. In the C-2 District this use is only permitted with a conditional use permit. The sale of the property to Chris Befort is contingent upon approval of this request. Staff do have some concerns but having a Conditional Use Permit as a requirement for the proposed use alleviates some of the concerns of staff. Assuming the issues can be mitigated by requiring certain conditions, it is the recommendation of staff that the conditional use permit be approved.



Map data ©2023 Esri World Topographic map

<p><b>EXISTING ZONING</b>                  R-2-Medium Density Residential (subject of case RZ-2023-116 which would rezone the property to C-2-Restricted Commercial District)</p>	<p><b>EXISTING LAND USE</b>                  Agricultural</p>	<p><b>SURROUNDING ZONING &amp; LAND USE</b>                  North-R-2; Residential East-R-2; Residential South-R-2; Residential/Institutional West-R-2; Residential/Institutional</p>	<p><b>SITE IMPROVEMENTS</b>                  Numerous Outbuildings Drainage ditch</p>	<p><b>SIZE OF PROPERTY</b>                  11.22 acres</p>
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**STAFF RECOMMENDATION**

**APPROVE**

**APPROVE WITH CONDITIONS**

**DENY**

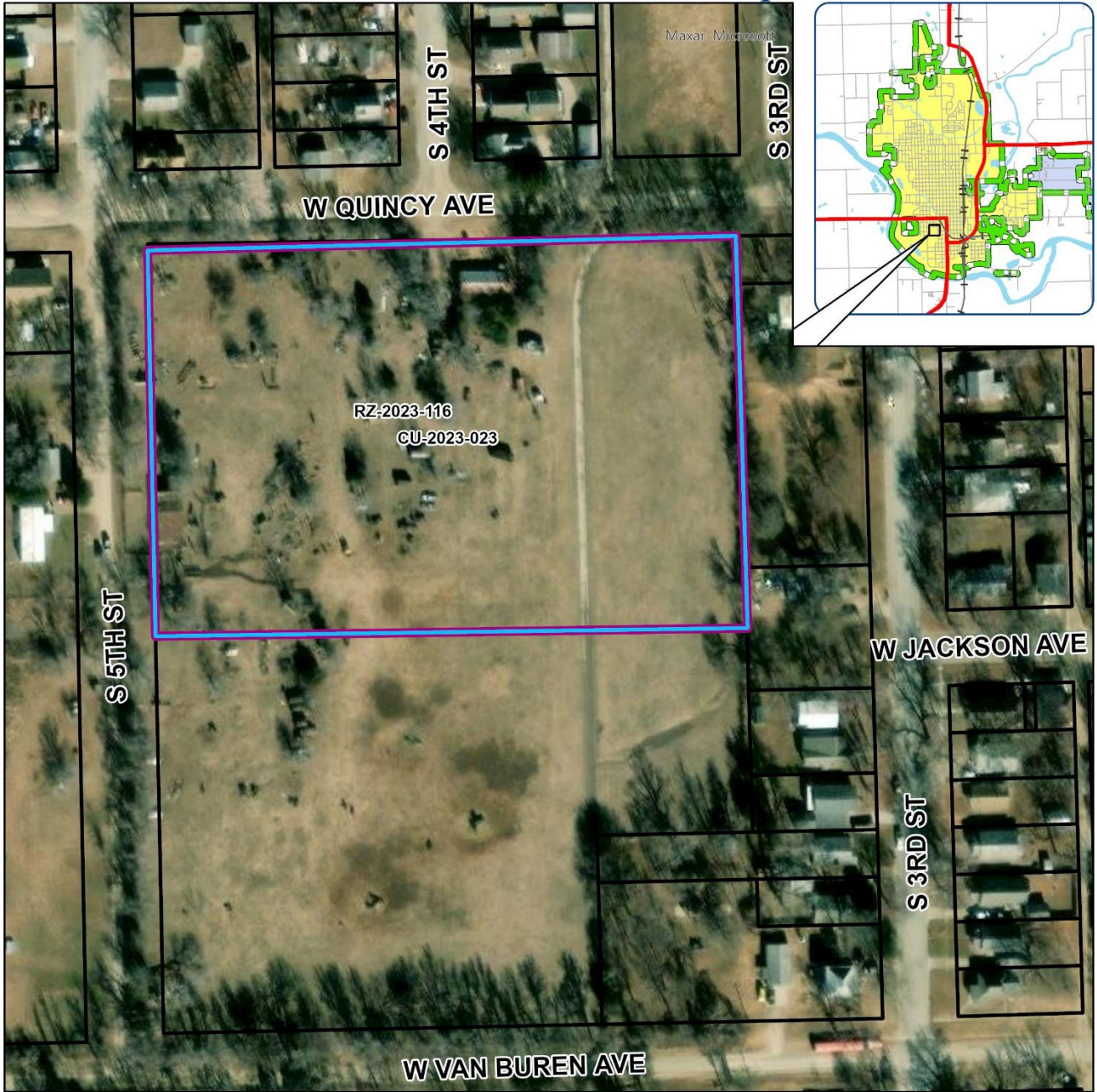
**COMPATIBILITY with the COMPREHENSIVE PLAN**  
 The Future Land Use portion of the Comprehensive Plan designates the subject property as residential use. The proposed use is commercial. There isn't a specific goal or action related to the proposed project other than it being a form of infill development of underutilized land instead of development along the fringe of the City. While the area is predominantly residential, commercial has been present on the property in the past and was partially zoned for it as recently as 2014.

**PROPERTY HISTORY**  
 The property has long been used as a pasture as well as a welding shop. In 1969, the area around the welding shop was rezoned from R-2 (Single Family Residential District, similar to our current R-2 district) to B-2 (General Business District, similar to our current C-3 district). In 2002, a front yard setback variance was issued for the construction of an accessory building with zero setback along 5<sup>th</sup> Street. The property designated as R-2 (Medium Density Residential District) in 2014 when the new zoning map was established as the welding shop had become inactive. The last time it was used as a welding shop was likely in 2007 with it mostly being used for storage or small projects since. In 2014, a rezone request to rezone the property from R-2 to A was denied and later withdrawn after the Planning Commission determined the rezone was unnecessary as the existing use had become legal non-conforming and would be allowed to continue. The property also has a rezoning case pending (RZ-2023-116) that would rezone it to C-2.

**COMPATIBILITY with the ZONING ORDINANCE**

The surrounding area is comprised of residential and institutional uses. It is the intent of the commercial zoning districts to provide areas of compatible commercial and service businesses. The change in classification would be consistent with the intent and purpose of these regulations. The proposed district is also the most restrictive district that will allow the proposed use.

### Rezone/Conditional Use Permit Request



A request to rezone 425 W Quincy Avenue  
 from R-2 (Medium Density Residential District) to C-2 (Restricted Commercial District)  
 and

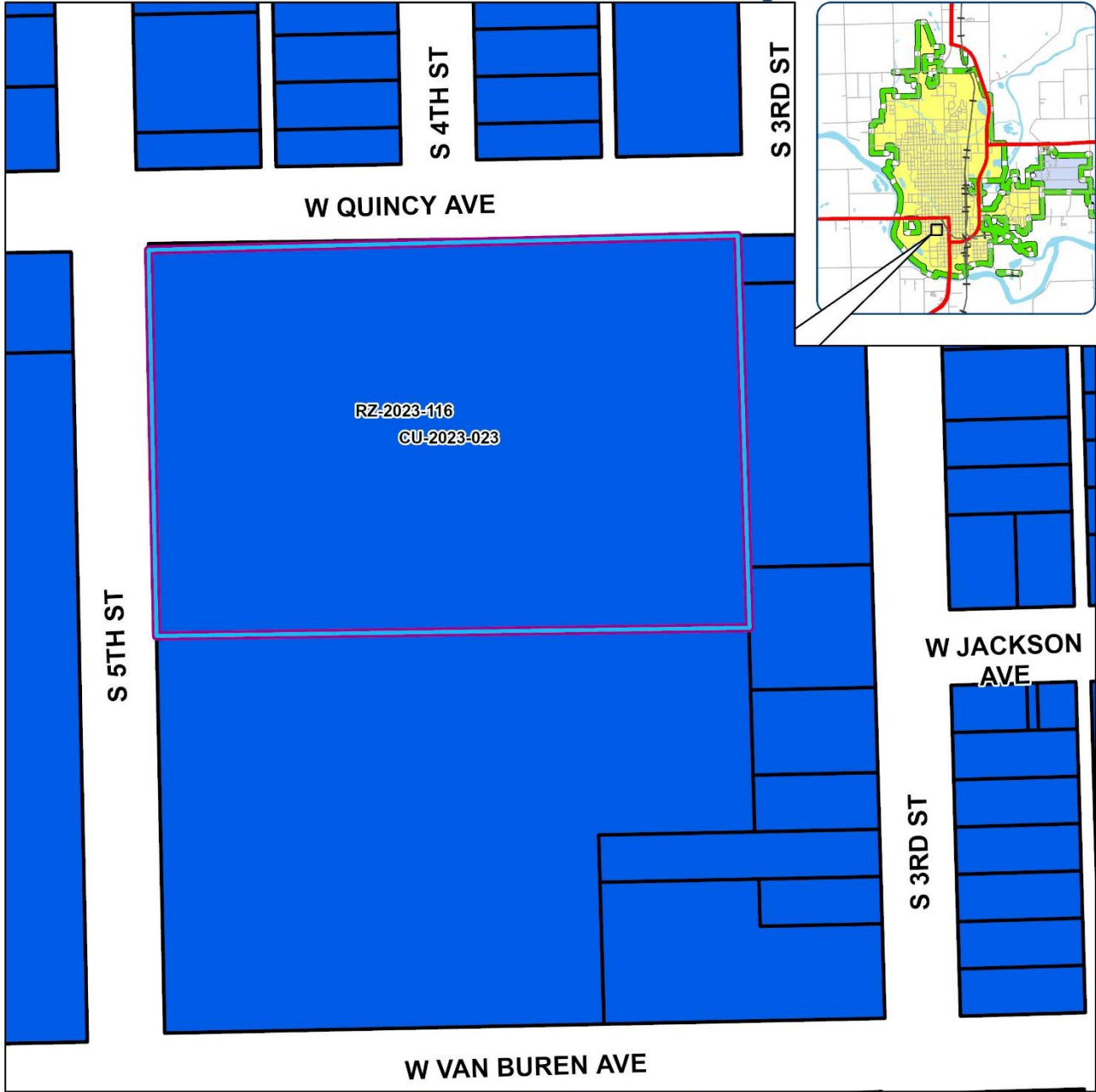
A request for a conditional use permit to build a self storage facility in a C-2 district at 425 W Quincy Avenue.

- Conditional Use
- Rezone
- Property Lines

Produced by the  
 City of Arkansas City GIS  
 using the best available  
 data to date.  
 Created: August 16, 2023



### Rezone/Conditional Use Permit Request



A request to rezone 425 W Quincy Avenue  
 from R-2 (Medium Density Residential District) to C-2 (Restricted Commercial District)  
 and  
 A request for a conditional use permit to build a self storage facility in a C-2 district at 425 W Quincy Avenue.

-  Conditional Use
-  Rezone
-  Property Lines
- Future Land Use**
-  Residential

Produced by the  
 City of Arkansas City GIS  
 using the best available  
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 Created: August 16, 2023





### Rezone/Conditional Use Permit Request



A request to rezone 425 W Quincy Avenue  
 from R-2 (Medium Density Residential District) to C-2 (Restricted Commercial District  
 and

A request for a conditional use permit to build a self storage facility in a C-2 district at 425 W Quincy Avenue.

-  Conditional Use
-  Rezone
-  Property Lines
-  R-2, Medium Density Residential District

Produced by the  
 City of Arkansas City GIS  
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 Created: August 16, 2023



## Findings

When a proposed amendment would result in a change of the zoning classification of any specific property, the recommendation of the Planning Commission, accompanied by a copy of the record of the hearing, shall contain statements as to the present classification, the classification under the proposed amendment, the reasons for seeking such reclassification, a summary of the facts presented, and a statement of the factors upon which the recommendation of the Planning Commission is based, using the following guidelines. Note that all references to agriculture in this report also include associated residential uses.

**1. Whether approval of the conditional use would be consistent with the intent and purpose of these regulations**

The surrounding area is comprised of residential and institutional uses. It is the intent of the commercial zoning districts to provide areas of compatible commercial and service businesses. The change in classification would be consistent with the intent and purpose of these regulations. The proposed district is also the most restrictive district that will allow the proposed use.

**2. Whether the location of the proposed use is compatible to other land uses in the surrounding neighborhood;**

The proposed use of self-storage facility would be permitted under the C-2, Restricted Commercial District. This area surrounding the property is residential but is low density in this area. The site could be designed so that it has large setbacks and screened from the view of the residential properties in order to mitigate any issues.

### Neighborhood Photos



Looking east along Quincy Ave. Google StreetView from March 2014.



Looking west along Quincy Ave. Google StreetView from March 2014



Looking east from 5<sup>th</sup> Street. Taken 7/11/2014 by Josh White



Welding Shop. Google StreetView from March 2014

**3. Whether the proposed use places an undue burden on the existing public infrastructure in the area affected and, if so, whether additional infrastructure can be provided;**

All sewer, water and other utilities are readily available at or near the site. Police and Fire should be able to serve the building without any changes to services. The area's streets are gravel. The proposed use will generate some traffic but not a substantial amount. Additional grading frequency

may be necessary or perhaps the street could have millings applied to it as has occurred with other gravel streets in the City.

**4. Whether the proposed use is made necessary or desirable because of changed or changing conditions in the area affected;**

The area does not appear to be changing and is not made necessary due to such changes. It is desirable to the buyer in order to make the most use of the property.

**5. The length of time the subject property has remained vacant or undeveloped as zoned;**

The welding shop is still present but hasn't been used as a welding shop since approximately 2007. It has mostly been used for storage (with the occasional small project) since then. The balance of the property had been used as a cattle pasture as recently as about a year ago.

**6. Whether the applicant's property is suitable for the proposed conditional use;**

The property is mostly vacant pasture. The development needs to be setback from the existing drainage ditch and is also large enough to be setback a fairly good distance from property lines.

**7. Whether the proposed conditional use would be in conformance to and further enhance the implementation of the City's Comprehensive Plan;**

The Future Land Use portion of the Comprehensive Plan designates the subject property as residential use. The proposed use is commercial. There isn't a specific goal or action related to the proposed project other than it being a form of infill development of underutilized land instead of development along the fringe of the City. While the area is predominantly residential, commercial has been present on the property in the past and was partially zoned for it as recently as 2014.

**8. Whether the proposed conditional use, if it complies with all the conditions upon which the approval is made contingent, will not adversely affect the property in the area affected;**

Provided the use meets the conditions, it should not adversely affect the property in the area. It must meet all of the requirements of Subdivision Regulations Section 13-702 for self-storage facilities. The regulations include such standards as off-street parking, screening and fencing, and architecturally compatible with the neighborhood. Door openings to units must be screened from view of public right-of-way or residential properties.

**9. For such uses as solid waste disposal facilities, including sanitary landfills, construction and demolition landfills and transfer stations, whether the proposed conditional use is consistent with any adopted Solid Waste Management Plan of Cowley County, and amendments thereto; and**

The proposed project does not require special disposal of solid waste. No operations such as automotive repair shall be conducted on the site.

**10. The recommendations of professional staff and advisors**

Staff does have some concerns but having a Conditional Use Permit as a requirement for the proposed use alleviates some of these concerns. Assuming the issues can be mitigated by requiring certain conditions, it is the recommendation of staff that the conditional use permit for a self-storage facility be approved based on the following conclusions:

- The property has remained underutilized for the past year or more.
- A portion of the area has been a commercial use in the recent past.
- The project should not adversely affect the neighboring properties with conditions imposed on it by the Conditional Use Permit specifically those regulations in Subdivision Regulations Section 13-702.
- The public health, safety and general welfare should not be negatively impacted by the issuance of the conditional use permit

**Conditions:**

- The project must meet the requirements of Subdivision Regulations Section 13-702
- The project must ensure its drainage plan does not negatively impact the existing drainage ditch on the property.
- Automotive Repair or related operations shall not be conducted on the site.

**11. Such other factors as the Planning Commission may deem relevant from the facts and evidence presented in the application**

Additional conditions may be recommended by the Planning Commission

**Subdivision Regulations pertaining to Mini-warehouse (Self-storage) facilities:**

**13-702.** Mini-warehouse 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 mini-warehouse 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.



# Planning Commission Agenda Item

**Meeting Date:** 9/12/23  
**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.

Last month we ended our discussion with Article 21 Nonconformities. The discussion was around tiny homes being placed on otherwise nonconforming lots. Upon further research, staff feels that the section has been misinterpreted. Lots that were split prior to the current regulations are buildable under Zoning Regulations Section 21-201. As we discussed at the meeting, setbacks would still have to be met as would maximum lot coverages as prescribed in Article 6. If the setbacks or maximum lot coverages cannot be met, the property owner would have to request a variance from the Board of Zoning Appeals. Therefore, staff does not recommend any further changes.

With that being said, staff believes we are ready to set a public hearing date which could be handled at the October meeting.

**Action:**

Discuss the proposed amendments and set a public hearing date.

**Attachments:**

**Summary of changes**

## Subdivision Amendments Executive Summary

The current Subdivision Regulations were adopted in 2014 shortly after the 2013 Comprehensive Plan was adopted. Since 2014 several amendments have been made to the regulations. In 2022, the Comprehensive Plan was updated again. In it, there were several recommendations for changes to the regulations. One of the major recommendations from the Plan was to move the Site Plan Review article contents to the Zoning Regulations for better visibility. There were also some embedded development standards that were moved into the appropriate district regulations as noted in the Zoning Amendments Executive Summary document. What follows is a highlight summary of the changes. A separate document outlines all the changes and each of the affected Articles is also available in full of proposed changes within them.

Throughout the Regulations there are numerous mentions of the Utility Advisory Committee. This committee was originally created by these regulations for comments on plats but morphed into a committee to do initial site plan reviews as well. As such, and due to the composition of the committee, it was changed to **Technical Advisory Committee**. Anywhere in the regulations that referred to the committee was changed to match Technical Advisory Committee.

One of the changes in the Zoning Regulations is to remove the **Countryside District** (see the Summary for the Zoning Regulations for more information regarding this). All references to the Countryside (CS) District in the Subdivision Regulations will be removed.

Article 4 contains the **Subdivision Design Standards**. Some language in Section 4-401 was changed both the match practice and to avoid conflicts with the Zoning Regulations. **Minimum lot width and depth** is spelled out in the Zoning Regulations and shouldn't be fully spelled out in the Subdivision Regulations as well as that introduces potential conflicts.

Article 6 discusses the procedures for **Submission and Approval of Plats**. The provisions were altered slightly to **better match existing practices and policies**. This mostly involved the number of copies required and how the documents are processed.

Article 11 covers **lot splits**. Like Article 6, it was edited to **better match existing practices and policies**.

Article 13 currently covers **Site Plan Review**. As noted above, this Article will be **completely removed** from the Subdivision Regulations and moved to the Zoning Regulations.

There are revisions to other Articles but these either are grammatical, edited for conciseness or have been discussed above. All are very minor in nature.

## Proposed Changes to Subdivision Regulations 2023

### Article 1:General Regulations

No Changes

### Article 2:Administration

Changed the Section headers to match the section name changes below.

Section 2-201: Changed sentence to remove “and every” as this is unnecessary and make the sentence more concise.

Section 2-501: Changed “insure” to “ensure”. Insure was inappropriately used in the original regulations.

Sections 2-6 and 2-7 Titles were changed from “Utility Advisory Committee” to “Technical Advisory Committee”.

Section 2-601 and 2-701: The name of the committee was changed from “Utility Advisory Committee” to “Technical Advisory Committee” to better match practice and clarify the scope of the committee. Note that this committee’s meetings are not typically open to the public as no quorum of any public body is present at them. The meeting is attended by city staff and utility company representatives as well as whoever the applicant chooses to invite to the meeting. While the meeting discusses utilities it also discusses the site plan or plat design and any notable building code requirements.

### Article 3:Definitions

No Changes

### Article 4:Subdivision Design Standards

Section 4-301:

Paragraph f 2. Simply needed to have the word “the” added.

Paragraph k 4. Had extra verbiage “a distance of generally”. The sentence was edited for conciseness by removing this phrase and the meaning of the sentence is unchanged.

Section 4-401:

a.....Minimum lot width shall be measured at the building setback line and shall not be less than required by the zoning regulations of the district in which the subdivision is located. ~~No residential lots shall be less than seventy (70) feet in width at the building line. Corner lots shall have a width at least twenty (20) feet greater than the minimum width.~~

**Commented [JW1]:** This sentence is unnecessary and it conflicts with the zoning regulations in several places. The first sentence explains how the minimum lot width is determined.

~~b.~~ b. Minimum lot depth shall be ~~one hundred and thirty (130) feet,~~ measured through the center of the lot and perpendicular to the property line, or radial to the property line or curved streets, ~~and shall not be less than required by the zoning regulations in which the subdivision is located.~~

**Commented [JW2]:** Same as a. above. This also better matches the sentence structure of a. (Also the b is crossed out because of a requirement of Microsoft Word related to the automatic lettering and formatting, no change is actually happening.)

~~c. Maximum depth of residential lots shall not exceed two and one half (2 1/2) times the width of the lot.~~

**Commented [JW3]:** Unnecessary with the wording a b. above. All the remaining paragraphs of Section 4-401 are now relettered.

Section 4-501:



b. All easements shall be shown on the plat. Permanent easements shall not be obstructed by structures or vegetation. No fences may be placed in storm drain drainage easements located along side lot lines. A property owner may otherwise erect fences and landscape the easement at his or her own risk of loss.

Commented [JW4]: Changed for consistency.

c. Drainage Easements. If a subdivision is traversed by a water course, drainage way or channel, then a stormwater easement or drainage right-of-way shall be provided. Such easement or right-of-way shall conform substantially to the lines of the natural water course and shall be of such width or construction, or both, as may be necessary to provide adequate stormwater drainage and for access for maintenance thereof. Parallel streets or parkways may be required in connection therewith. The City Engineer shall make a study and report his or her recommendation to the Planning Commission as to the desired width of such easement. Such study and report shall be based on the one-hundred-year flood depth (if known). Maintenance of stormwater easements and drainage right-of-way shall be the responsibility of the owners of property adjoining such easements or right-of-way.

Commented [JW5]: Floodplains shall always be known and shown on the plat to be in compliance with Section 4-801. The subdivider should be able to provide this information to the City Engineer for analysis.

Section 4-801:

- a. Land subject to intermediate regional flood shall not be subdivided for any use incompatible with such flooding. An intermediate regional flood is a flood having an average frequency of occurrence in the order of once in 100 years, although the flood may occur in any year or even in successive years. It is based on statistical analyses of stream flow records available for the watershed and analyses of rainfall and runoff characteristics in the general region of the watershed. Data on the flood characteristics for the planning area may be obtained from the Kansas Water Resources Board, Division of Water Resources, or the U.S. Army Corps of Engineers, U.S. Army, and or the Federal Emergency Management Agency, FEMA.
- c. Adequate drainage shall be provided so as to reduce exposure to flood hazards.
- d. All public utilities and facilities shall be located so as to minimize or eliminate flood damage.

Commented [JW6]: The names of the agencies are being corrected for clarity. Also it is important to avoid the use of acronyms and abbreviations in most cases.

Commented [JW7]: Removed for conciseness

Commented [JW8]: Removed for conciseness.

Article 5: Dedication or Reservation of Public Sites and Open Space

Section 5-201 & 5-202:

5-201. General Requirement. In subdividing or resubdividing land zoned and intended for residential use, the developer shall dedicate or reserve land for public park purposes, or pay a fee in lieu of dedication, or select a combination of dedication or reservation and a fee. The method chosen to meet this requirement shall be determined by the developer with consideration given to the standards set out in these regulations and the recommendation of the Planning Commission.

Commented [JW9]: redundant

5-202. Amount of Dedication. The number of acres of land required to be dedicated or reserved shall be determined as follows, based on the density of development as permitted by the zoning of the property being subdivided. The area required to be dedicated or reserved shall be exclusive of all street rights-of-way and stormwater easements.

Percent of Total Land Area Being Subdivided to be Dedicated or Reserved for Park Purposes: CS Countryside - 2%; R-1 Low Density Residential - 5%; R-2 Medium Density Residential - 6%; R-3 High Density Residential - 8%.

Commented [JW10]: The CS district is planned to be eliminated

Article 6: Submission and Approval of Plats

Section 6-301:

- Paragraph a. 2. The number of copies required of the preliminary plat was changed from five to three.
- Paragraph a. 3. Was removed as that is provided by staff using the GIS. This also causes the remaining paragraphs to be renumbered for a.
- Paragraph b. Utility Advisory Committee was changed to Technical Advisory Committee as in Article 2.

Section 6-401:

Paragraph a. 2. The number of prints required in addition to the mylar was changed from 5 to 2.

Paragraph b. 13. (d) & (e) Notary blocks were added for both of these. All signatures must be notarized except for the Register of Deeds. Letters (f) and (g) were removed because they are not required. That caused (h) to be changed to (f). Staff works with the surveyor to ensure that the certificates are all accurate prior to printing where possible.

Article 7:Improvements

Section 7-201:

Paragraph a. 1 (a) table has asterisks and an explanation statement below it that is redundant with the table headings

- (a) Pavement thickness shall be established by the *Standard Specifications for Road and Bridge Construction*, a publication of the Kansas Department of Transportation, *Standard Specifications and Design Criteria*, a publication of the Kansas City Metropolitan Chapter of the American Public Works Association.

Proposed pavement types and thicknesses shall be approved by the City Engineer.

Pavement Width	
Street Classification	Minimum Lane Width Not Including Curb & Gutter
Local Residential	12 feet*
Collector	14 feet*
Arterial	14 feet*

\* Lane widths do not include curb and gutter sections.

Commented [JW11]: This and the asterisks are unneeded based on the table heading

There are several situations where “Public Works Department” was changed to “City Engineer” specifically in paragraph i. Similarly in paragraphs k,l and m “Public Works Department” is changed to “Zoning Administrator”. The Public Works Department no longer exists in the form it existed when these regulations were originally written. Today that department is actually split into two departments and a division of another department. Public Works also covered the Zoning Administrator at that time. The appropriate people as defined in Article 3 replace it.

Article 8:Improvement Procedures

Section 8-201:

Edited for conciseness by removing the word “so” from the first sentence.

Section 8-401:

Changed “costs” to “cost” in the phrase cost estimates in the first sentence of paragraph a.

Section 8-501:

The City Engineer and other City staff shall review all engineering drawings in order to determine whether such drawings are consistent with the approved preliminary plat and comply with design standards. The cost attributable to all engineering drawing review shall be charged to and paid by the subdivider prior to the recording of the final plat. If such drawings are consistent and in compliance, the City Engineer shall forward to the Planning Commission a notice that such drawings do

~~so~~ conform and comply. ~~In the event that~~ If the drawings do not ~~so~~ conform and comply, the City Engineer shall notify the subdivider of the specific manner in which such drawings do not ~~so~~ conform or comply. The subdivider may then correct such drawings and resubmit the corrected drawings.

**Commented [JW12]:** This paragraph was edited for conciseness. There is still a bit of legalese left though but many more edits would not get the same message across.

Section 8-701:

Changed “Utility Advisory Committee” to “Technical Advisory Committee” to match the change in Article 2.

**Article 9:Guarantee of Installation of Improvements**

No Changes

**Article 10:Rule Exceptions**

No Changes

**Article 11:Lot Splits**

**11-201.** A request for lot split approval shall be made by the owner of the land to the Zoning Administrator. ~~Four (4) copies of a scale drawing of the lots involved if there are no structures thereon or, if structures are located on any part of the lot being split, four (4) copies of~~ A survey of the lot and the location of the structure(s) thereon together with the precise nature, location and dimensions of the proposed lot split, shall accompany the application. The application shall provide a legal description for the original lot and legal descriptions for each of the lots produced by the proposed lot split, and such legal description shall be certified by a registered land surveyor and monuments placed.

**Commented [JW13]:** This paragraph was edited to match practice. There is no need for multiple copies but a scale drawing is not acceptable for a lot split application. A survey must always be provided for approval.

**11-401.** The Zoning Administrator shall, in writing, either approve with or without conditions or disapprove the lot split within thirty (30) days of application. If approved, and after all conditions have been met, the Zoning Administrator shall sign and furnish a certificate of approval to be affixed to the lot split survey. ~~and a certified copy thereof shall be filed with the Cowley County Register of Deeds, the official designated to issue building or occupancy permits, and a copy shall be furnished to the applicant.~~

**Commented [JW14]:** Edited to match practice. Currently fees are being waived for lot split applications due to compliance issues. Since no fee is being charged the responsibility of filing the certificate with the Register of Deeds falls on the applicant.

**Article 12:Vacations and Corrections**

Section 12-101:

- a. Before any application for the vacation of any public right-of-way, street, alley, easement, plat, setback or access control shall be approved or recommended for approval by the Governing Body, the application shall be submitted to the Planning Commission for review and recommendation. Said recommendation shall include conditions which are appropriate to protect the best interests of the public, Governing Body and utilities. All vacation applications shall be submitted to the ~~Director of Public Works~~ **Technical Advisory Committee** for review and comments prior to the Planning Commission taking action.
- e. A written receipt shall be issued to the person(s) making such a payment and records thereof shall be kept in such a manner as prescribed by law. ~~No fee shall be required when said application is submitted by any agency.~~ No fee shall be refunded in the event of disapproval by the Planning Commission or Governing Body.

**Commented [JW15]:** This was changed to match practice.

**Commented [JW16]:** This is confusing. Agency isn't defined. In general the only time fees are waived is when the City is the applicant or would otherwise directly benefit from the vacation.

Section 12-401:

Paragraph 1 a. 2 & 3: Changed Utility Advisory Committee to Technical Advisory Committee as in Article 2.

**Article 13:formerly Site Plan Review and now [RESERVED FOR FUTURE USE]**

Removed in its entirety. Much of its contents will be relocated to Article 29 of the Zoning Regulations in accordance with Chapter 8 Section 8.5 of the 2022 Comprehensive Plan.

## Zoning Amendments Executive Summary

The current Zoning Regulations were adopted in 2014 shortly after the 2013 Comprehensive Plan was adopted. A major rewrite to the zoning regulations had not been done since 1964. Since 2014 several amendments have been made to the regulations. In 2022, the Comprehensive Plan was updated again. In it, there were several recommendations for changes to the regulations. Staff also noted several changes that needed to be made because of conflicts with interpretation and changing conditions. The Board of Zoning Appeals also expressed a desire to lessen the number of variances granted. In a perfect world, variances would never have to be granted because the regulations would be perfect. Unfortunately, there is no way to write regulations for every possible situation, but staff have attempted to rectify some of the situations. What follows is a highlight summary of the changes. A separate document outlines all the changes and each of the affected Articles is also available in full of proposed changes within them.

Article 2 is the main location for definitions for the regulations. Key changes include the definition of fences, short term rentals are also newly defined. The definition of permanent wall foundation is also slightly altered to add the required depth and the definition for sight distances was eliminated and is better defined in Section 20-4.

In the 2022 Comprehensive Plan, it was noted that the **Countryside (CS) district** is not used and since we have not adopted Extraterritorial zoning is unnecessary. All references throughout the regulations to the Countryside (CS) district will be removed. This also requires the removal of Article 7 in its entirety. The sections and articles removed are reserved for future use to avoid renumbering.

Article 6 covers our **Residential districts**. The only change there is to the **use table** by adding short-term rentals as a use and defining where this use is both a permitted use and one which would require a conditional use permit. It would be permitted in the R-3 district and would require a conditional use permit in the R-1 and R-2 districts. There was discussion of **tiny homes** but ultimately it was determined that tiny homes are just small single-family dwellings and don't require a separate definition. Some discussion was held about how to handle cases where lots don't meet the minimum size required for building a new dwelling but that is covered by Article 21 Nonconformities. If a lot was split prior to the current regulations that was too small, a home could still be built on the lot provided it would meet the required setbacks and cover no more than 50% of the lot.

Articles 9 & 10 cover our **Commercial Districts**. In Article 9 there were several changes. The first change was to the **use table**. Several uses were altered as to when they would be permitted or when they would require a conditional use permit. Many of the changes made the regulations a bit less stringent than before. Often permitting a use by right in a district where it had required a conditional use permit previously. Affected uses include public buildings, automobile and truck wash services, motor vehicle repair and body shops and package liquor store. Two uses mini-storage and package liquor stores also have footnotes added to the table to clarify the requirements for these uses. See the proposed changes document for a look at each of the uses and their proposed changes. The next change to Article 9 involves bringing some of the **development standards** from the Subdivision Regulations into the Zoning Regulations. See the Subdivision Regulations Summary for more details. Article 10 focuses on the Central Business District. A clarification that no **off-street parking** is required in the **Central Business District (C-4)** was made.

Article 15 covers our **Industrial Districts**. Like the Commercial District use table, a number of changes were made to the Industrial Districts **use table** much for the same reason. In this case the table was changed because a number of uses were more strictly regulated in the Heavy Industrial District than they were in the Light Industrial District. It is unclear to staff why that was the case originally. The general premise is that the heavier uses should be relegated to the Heavy Industrial (I-2) district while the less intense uses could be in the light industrial (I-1) district but that shouldn't preclude those less intense uses from being next to higher intensity uses in the I-2 district. See the proposed changes document for the specific changes. Also, in Article 15 some **development standards** were brought over from the subdivision regulations for the same reasons as in Article 9 mentioned above.

Article 18 covers our **Mixed Use district**. This district allows some residential and commercial districts to be side by side. In most cases this has worked well but staff have observed some problems and has proposed some changes. The **setbacks** were lessened to encourage buildings to be moved closer to the street while pushing parking back to the sides and rear of the lot. Some language was also added to **screen nearby residential properties from commercial uses**. Some of that language was there but was clarified.

Article 19 covers **Wind Energy Conversion Systems or wind turbines**. These are now allowed in the R-1, Low Density Residential District, the P, Public Use District, and the Industrial Districts. Most of the changes here involved clarification but also a provision for blade height was removed and a provision for security measures was added.

Article 20 covers our **Supplemental Regulations**. These regulations cover items that aren't district specific but nevertheless must be included as part of the regulations.

A definition for **Accessory Dwelling Units** was added. This allows an accessory dwelling to be added to a property if it meets certain criteria. This will lessen the requirement for a conditional use permit in the R-1 districts when a property owner wants to add a new unit for instance for an ailing parent or other family member that could also be rented out in the future. The criteria do require the owner to live in the primary dwelling.

Regulations for **Licensed Amateur Communications** were added. This section sets out the requirements for amateur radio operators to place antenna support structures on their property. If the support structure does not meet these requirements, it will be subject to the requirements of Article 23 Telecommunication Towers which require a conditional use permit to be built.

The **fence regulations** also received a major overhaul. **Allowed heights** for privacy fences were reduced from 8 feet to 6 feet in residential districts and clarification about how high fences could be in front and side yards was added. **A listing of permitted and prohibited fencing materials** was also added as was a provision requiring that the finished side of a fence should face outward. Staff will produce a document outlining these changes after they are adopted.

Article 22 covers our **Off-Street parking regulations**. Some clarification on when **hard surfacing** is required was added. The **table that states the required minimum off street parking** was also updated to match other cities' standards. Some of the standards seemed a bit arcane and needed to be updated. In many cases the minimum parking was lowered. The idea is to help induce development by lowering

some of the requirements while also ensuring that customers have adequate parking at each business. If a business disagrees with our standards, they can also provide a parking analysis which will be reviewed by the zoning administrator.

Article 27 covers **signs**. Some clarification about when and where **temporary signs** (including political signs) can be placed. A U.S. Supreme Court ruling, and a state statute have caused a lot of conflict in temporary sign regulations across Kansas. This causes us to have two sets of temporary sign regulations. One for the election cycle and one for all other times. Cities are not allowed to regulate signage based on content to protect First Amendment (free speech) rights according to the Supreme Court, so all temporary signs are regulated the same way. These proposed regulations would separate requirements into two categories, Residential and Non-Residential property. This greatly simplifies the regulations from what they are now while also loosening the regulations and making enforcement easier. They continue to protect the residential areas from large signs but also help those using the signs in high visibility areas to get their message out. Regulations for signs in both the **Public and Industrial Districts** were made **less stringent** due to recent variance and use cases. This involved increased allowed height, size and number of signs allowed. For specifics, please see the Proposed Changes document.

Article 29 was previously reserved. The 2022 Comprehensive Plan recommended moving the **Site Plan Regulations** from the Subdivision Regulations to the Zoning Regulations. Most of those regulations will now be in Article 29 while some of the embedded development standards were moved to either Article 9 (Commercial Districts) or Article 15 (Industrial Districts).

Finally, the Comprehensive Plan recommended several changes to both the future land use map and the **Zoning map**.

**SW Mixed Use area**-there is currently a Mixed Use District with some other districts interspersed in it in the southwest portion of the City, primarily between Tyler, Lincoln, 1<sup>st</sup> and 6<sup>th</sup>. 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 1<sup>st</sup> & 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**).

**W Radio Lane between 6<sup>th</sup> (from the alley behind this block) & 8<sup>th</sup> Streets** changed from Mixed use (**MU**) to Medium Density Residential District (**R-2**). This matches the new Future Land Use map.

## 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.

- |  |  |
|--|--|
| <b>A:</b> ..... Agricultural District                  | <b>I-1:</b> .....Light Industrial District               |
| <b>R-1:</b> ..... Low Density Residential District     | <b>I-2:</b> .....Heavy Industrial District               |
| <b>R-2:</b> ..... Medium Density Residential District  | <b>P:</b> .....Public Use District                       |
| <b>R-3:</b> ..... High Density Residential District    | <b>MU:</b> .....Mixed Use District                       |
| <del><b>CS:</b> ..... Countryside District</del>       | <b>FP:</b> .....Floodplain Management District           |
| <b>C-1:</b> ..... Office and Service Business District | <b>C-O:</b> .....College Overlay District                |
| <b>C-2:</b> ..... Restricted Commercial District       | <b>PUD-O:</b> .Planned Unit Development Overlay District |
| <b>C-3:</b> ..... General Commercial District          | <b>HO-O:</b> ....Housing Opportunity Overlay District    |
| <b>C-4:</b> ..... Central Business District            | <b>HC-O:</b> ...Historic Conservation Overlay District   |
| <b>MHS:</b> .. Manufactured Home Subdivision           | <b>EH-O:</b> ...Elderly Housing Overlay District         |
| <b>MP:</b> ..... 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			
<del>20.</del>	<del>Short term rentals (including Airbnb, VRBO, HomeAway, etc.).</del>	<del>C</del>	<del>C</del>	<del>P</del>			
<del>21.</del>	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%). 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.

**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 <sup>(1)</sup>	P <sup>(1)</sup>
4.	Any public building or land use by any department of the City, county, state or federal government	C	<del>CP</del>	<del>CP</del>	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 <sup>(2)</sup>
9.	Convenience stores.		P <sup>(3)</sup>	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

**Commented [JW10]:** This is a similar use to #13. It doesn't make sense that this use is more restricted in C-2 & C-3

**Commented [JW11]:** Better matches practice and is a compatible use in C-2.

**Commented [JW12]:** This footnote does not apply.

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
<b>USE</b>		<b>C-1</b>	<b>C-2</b>	<b>C-3</b>	<b>C-4</b>
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:	C	C	C	C

**Commented [JW13]:** Footnote reference added to further explain the requirements of placing mini-storage.

**Commented [JW14]:** 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 [JW15]:** 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.

	a. Public and private elementary schools	C	C	C	C
	b. Public and private secondary schools	P	P	P	P
	c. Postsecondary educational institutions	C	C	P	P
	d. Business and training/vocational schools				
45.	Storage or warehousing, except for products of a highly explosive, combustible or volatile nature.			C	C
46.	Taverns, bars and drinking establishments.			P <sup>(4)</sup>	C <sup>(4)</sup>
47.	Theaters, indoor.		P	P	P
48.	Theaters, outdoor.			C	C
49.	Travel trailer parks.			C <sup>(6)</sup>	
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 [JW16]:** 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.
<del>C-4</del>	<del>0</del>	<del>0</del>	<del>0</del>

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

**Commented [JW17]:** 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.
- 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.

**Commented [JW18]:** Adapted from the former Subdivision Regulations Section 13-701 paragraph a.

- 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 [JW19]:** 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.
- 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

**Commented [JW20]:** Adapted from the former Subdivision Regulations Section 13-702

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, ~~n~~ No off-street parking spaces shall be required of uses located in the C-4 District.

**Commented [JW21]:** 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	<del>CP</del>
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	<del>P</del>
7.	Car and truck wash establishments	P	<del>P</del>
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	<del>P</del>
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	<del>P</del>
16.	Machine shops, tool and die shops, and similar establishments	P	P
17.	Machinery sales and storage lots, including motor vehicles.	P	<del>CP</del>
18.	Manufacturing, processing or fabrication establishments which are not noxious or offensive by reason of vibration, noise, dust fumes, gas, odor.		P

**Commented [JW22]:** It is unclear why there are any cases in which I-2 would be more strict than I-1. These have all been adjusted.

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 <sup>(1)</sup>	P <sup>(1)</sup>
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 [JW23]:** 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 [JW24]:** 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.

**Commented [JW25]:** 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 [JW26]:** Same comment as for the front yard above.

**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]:** 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 [JW28]:** 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 [JW29]:** 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 [JW30]:** 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 [JW31]:** 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 [JW32]:** 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 [JW33]:** 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.

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

**Commented [JW34]:** 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.

**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.

**Commented [JW35]:** This section is new. It was discussed at the June 13, 2023 meeting.

**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 an 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**

No more than one attached antenna support structure, 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 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.

**Commented [JW36]:** Increased from 60 to 100 feet per direction of the Planning Commission at August meeting.

**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 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.

**Commented [JW37]:** For those structures built by the operator and not a manufacturer, they must meet the TIA-222 standard.

5. Insurance

The applicant must include a statement from their insurance company that lists the tower at 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 [JW38]: 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 [JW39]: 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 [JW40]:** 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 [JW41]:** 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 [JW42]:** 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 [JW43]:** 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 [JW44]:** 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 [JW45]:** 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 [JW46]:** 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.

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

**Commented [JW47]:** 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 [JW48]:** Moved up to the prohibited section

**Commented [JW49]:** Simply moved from its previous section, wording is the same.

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

**Commented [JW51]:** Simply moved from its previous section, wording is the same except for the removed redundancy.

**Commented [JW52]:** 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 [JW53]:** 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.

consisting of more than 50 percent of said existing fence or addition of a new fence shall meet the requirements of these regulations.

**Commented [JW54]:** This is new language. This section could help us with non-conforming fences.

**SECTION 20-11 BUILDING SETBACKS**

**Commented [JW55]:** Building Setbacks was moved to 20-13 with edits noted.

**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 [JW56R55]:** With the elimination of the proposed tiny homes section, moving this section doesn't make as much sense. Instead it will remain in its original section.

~~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.~~

**Commented [JW57]:** This language is already present in 9-601.

~~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.~~

**Commented [JW58]:** Canopies should meet applicable yard regulations for the district in which they are located.

**SECTION 20-12 HOME OCCUPATIONS**

**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:

**Commented [JW59]:** Remove reference to the CS-Countryside District and add R-3 District

**Article 21: Nonconformities**

**Commented [JW60]:** Add R-3 district.

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 [JW61]:** 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.

**Commented [JW62]:** This aligns better with Section 20-9 Fences.

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

**Commented [JW63]:** 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 <del>for residences on lots 50' or less in width and 3 spaces for residences on lots greater than 50' in width.</del> See Section 22-301.
	Two-family	2 spaces per unit <del>for residences on lots 50' or less in width and 3 spaces for residences on lots greater than 50' in width.</del> See Section 22-301.
	Multiple-family: Efficiency One or more bedroom	1 space per unit. <del>2 spaces per unit.</del>
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	<del>1 space for each 200 square feet up to 1,000 square feet, plus 1 space for each 400</del> <u>300</u> square feet. <del>thereafter.</del>
4.	Bowling alleys	<del>5</del> <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 <u>as determined by the fire marshal.</u> <del>plus 1 space per employee.</del>
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	<del>1 space for every 2 washing machines.</del> <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	<del>5 spaces for each doctor or dentist.</del> <u>1 space per 400 square feet</u>
14.	Motel and hotels	<del>1.2 spaces</del> <u>1 space</u> per rental unit plus <del>1 space for each 2 employees per working shift.</del> <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 <del>for each 2</del> <u>per</u> employees, plus <del>1</del> <u>2</u> spaces per service bay.
16.	Restaurants <del>with fixed seating</del> , provided that drive-up restaurants shall provide a minimum of <del>10 spaces</del> <u>1 space per employee on maximum shift.</u>	<del>3 spaces for each 5 seats</del> <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 <del>175</del> <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 <del>200</del> <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 the most similar use. A parking analyses may be required if no similar use can be found.</u>

\* 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 [JW64]:** 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 [JW65]:** Rewritten to add the language from KSA 25-2711 rather than simply guiding the reader to a non-listed statute.

**Commented [JW66]:** 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 [JW67]:** 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.~~

**Commented [JW68]:** 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.

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

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

**Commented [JW69]:** 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.

**27-1201.** The following signs shall be allowed in the Light Industrial District (I-1):

- a. One (1) wall sign per façade. The sign area shall not exceed ten percent (10%) of the wall upon which it is located.
- b. One (1) freestanding sign per 300 feet of street frontage shall be permitted for each industrial establishment. Such sign shall not exceed ~~ten (10)~~ fifteen (15) feet in height above the average grade, and the sign face shall not exceed fifty (50) square feet in area per face.

**Commented [JW70]:** This was a little too strict, this height matches the C-2 district. Also added the ability to have additional signs for larger properties.

**27-1202.** The following signs shall be allowed in the Heavy Industrial District (I-2):

- a. One (1) wall sign per façade. The sign area not to exceed fifteen percent (15%) of the wall upon which it is located.
- b. One (1) freestanding sign per 300 feet of street frontage shall be permitted for each industrial establishment. Such sign shall not exceed ~~ten (10)~~ twenty-five (25) feet in height above the average grade, and the sign face shall not exceed one hundred (100) square feet in area per face.

**Commented [JW71]:** New height matches the C-3 district. Also added the ability to have additional signs for larger properties with a lot of street frontage.

**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, 1<sup>st</sup> and 6<sup>th</sup>. 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 1<sup>st</sup> & 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).

W Radio Lane between 6<sup>th</sup> (from the alley behind this block) & 8<sup>th</sup> Streets changed from Mixed use (MU) to Medium Density Residential District (R-2). This matches the new Future Land Use map.

One other potential area that could be rezoned: E Kansas Ave near the future truck stop could be changed to General Commercial District (C-3). As of now, staff has chosen not to make this change.