



PLANNING COMMISSION MEETING AGENDA

Tuesday, November 11, 2025 at 5:30 PM – 400 W Madison Ave, Arkansas City, KS

GoTo Meeting: <https://meet.goto.com/300278293> or call +1 (571) 317-3122 **Access Code:** 300-278-293

Call to Order

Roll Call

- | | | | |
|--|--|---|--|
| ☐ Mike Bergagnini | ☐ Lloyd Colston | ☐ Brandon Jellings | ☐ Chris Johnson |
| ☐ Travis Pearman | ☐ Duane Oestman | ☐ Cody Richardson | ☐ Dotty Smith |

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.

Consent Agenda

1. Meeting Minutes, **October 14, 2025 meeting.**

Public Hearings

2. Front yard carports Amendments public hearing

Board of Zoning Appeals

3. Recess the Planning Commission and convene the Board of Zoning Appeals

4. Consider the advisability of granting a variance to reduce the front yard setback from 25 feet to 5 feet for the construction of a carport at 313 Meek Avenue.

5. Adjourn the Board of Zoning Appeals Sine Die and reconvene the Planning Commission

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.

Other Items

Adjournment

Planning Commission Meeting Minutes Tuesday, October 14, 2025

Meeting called to order at 5:34 PM by Dotty Smith

Present were Mike, Lloyd, Duane, Brandon, Cody, Chris, and Dotty. Travis was absent.

Lloyd Colston moved to approve the minutes from the September 9, 2025, regular meeting and Brandon Jellings made the second. Voice vote carried the motion.

Duane Oestman made the motion to recess the Planning Commission meeting and convene the Board of Zoning Appeals meeting at 5:36 PM and Lloyd Colston made the second motion. Voice vote carried the motion.

Dotty explained that even though there was already a chair and vice chair for the Planning Commission, there is not one for the Board of Zoning Appeals. Josh stated that in the past that the Chair and Vice-Chair of the Planning Commission have essentially switched roles for the Board of Zoning Appeals or the roles could be left the same. After discussion, Cody Richardson made the motion for the roles of the chair and vice chair from the Planning Commission to stay the same for the Board of Zoning Appeals (Chair Dotty Smith/Vice Chair Cody Richardson), and Dotty Smith made the second. Voice vote carried the motion.

Duane Oestman made the motion to open the public hearing to consider the advisability of granting a variance to reduce the front yard setback at 5:38 PM and Lloyd Colston made the second motion. Voice vote carried the motion. Josh made the presentation. Dotty asked the property owners questions of the house. The owners presented a list of supporting signatures that were filed with the record. Dotty stated that her concern was that the board had not had the opportunity to go over the proposed regulation amendments. Lloyd Colston asked if the variance set a precedent and asked where does the variance train stop? After discussion, Cody Richardson made the motion to table the variance until the next meeting and Lloyd Colston made the second motion, Voice vote carried the motion.

Cody Richardson made the motion to adjourn the Board of Zoning Appeals meeting and reconvene the Planning Commission meeting at 5:55 PM and Duane Oestman made the second motion. Voice vote carried the motion.

Josh explained the amendment to Article 20 discussing accessory structures. Dotty asked for clarification of the property line and setbacks. Duane asked about the possibility of an all-steel house – Josh stated that the material of the carport would have to match the material of the house. Dotty asked about the existing driveway – she felt that citizens should have a paved driveway but felt that a pre-existing one shouldn't be a requirement. Dotty disagreed with the 18' wide carport allowance, Brandon and Chris felt if a property owner wanted to pour that much concrete that they could. Cody asked if the house had a 2-car garage and they wanted a 2 car carport, wouldn't it need to be 18' wide? Dotty asked the board about the width of the carport, Brandon stated that leaving the width at 18' would allow the homeowner to match the roofline, and pour the concrete needed for that width. Consensus was to stay with the 18' width provision.

Josh said that he would make minor adjustments to the proposed amendments and set a public hearing for November 11, 2025.

Brandon made the motion to adjourn. Duane made the motion 2nd at 6:21 pm. Voice vote carried the motion.



Planning Commission Agenda Item

Meeting Date: 11/11/2025

From: Josh White, Principal Planner

Item: Front Yard carports Amendments public hearing

Purpose: Front yard carports Amendments public hearing

Background:

Due to the hailstorm that affected much of the community on June 17, 2025, there have been increased requests for carports to help protect cars from future storms. In some neighborhoods, the only feasible location for a carport is in the front yard. Our current regulations would not allow the placement of a carport in the front yard as it would violate the front yard setback. Staff propose creating a special exception with administrative approval for areas that do not have rear alley access. All areas with rear alley access would still be required to conform to the current regulations. Carports can be placed on the side of houses but would still be required to meet the standard side yard setback. In most areas of the city, this would require all carports and other accessory structures to be placed on the rear half of the lot.

The Planning Commission discussed these amendments at both the September and October meetings. At the October meeting, a public hearing date was set for this date. During the public hearing, staff will present the changes for open discussion including by members of the public. At the conclusion of the public hearing, Planning Commissioners should vote whether to recommend the City Commission approve the changes.

Action:

Hold a public hearing. At the conclusion of the public hearing make a motion to make a recommendation to the City Commission on whether to approve the proposed amendments.

Attachments:

Proposed Amendments

Proposed Changes to Zoning Regulations Regarding Carports

Due to the hailstorm that affected much of the community on June 17, 2025, there have been increased requests for carports to help protect cars from future storms. In some neighborhoods, the only feasible location for a carport is in the front yard. Our current regulations would not allow the placement of a carport in the front yard as it would violate the front yard setback. Staff propose creating a special exception with administrative approval for areas that do not have rear alley access. All areas with rear alley access would still be required to conform to the current regulations. Carports can be placed on the side of houses but would still be required to meet the standard side yard setback. In most areas of the city, this would require all carports and other accessory structures to be placed on the rear half of the lot.

Article 20: Supplemental District Regulations

SECTION 20-8 ACCESSORY USES; ADDITIONAL REQUIREMENTS IN RESIDENTIAL DISTRICTS

20-801.

- a. Detached accessory buildings shall not occupy a required yard other than a required rear yard if not located within five (5) feet of a rear property line or within three (3) feet of a side property line.
- b. Detached accessory buildings shall not be located within ten (10) feet of the primary structure and shall be located behind the front building line of the primary structure.
- c. Carports for single-family and two-family dwellings located on lots without a platted alley adjacent may project into a required front yard provided they meet the following conditions:
 1. All such carports shall be located only over a paved driveway
 2. No such carport shall be used for the storage of materials, equipment or goods, or the parking and/or storage of inoperable vehicles
 3. No such carport shall be enclosed at any time and must remain open on three (3) sides
 4. No such carport shall exceed eighteen (18) feet in width
 5. No such carport shall be permitted to extend closer than five (5) feet from the front property line and shall comply with all provisions of Section 20-401.
 6. All such carports shall be constructed of materials compatible and comparable to the primary structure and shall be attached to the principal where structurally feasible.

Commented [JW1]: This provision is to provide an exception to the regulations for those properties who would like protection for their vehicle but have no or limited access to their rear property. Derby used a construction cut-off date but we do not have a good cut-off date to use here. In their case, development patterns changed at a certain point.

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Commented [JW3]: Because these will stick out, it is necessary to have some standard of appearance so they don't look so out of place. Similar language was found in our previous regulations prior to 2014.

Alternatively, this text could be added to Section 25-502 instead, which would require the Board of Zoning Appeals to approve an exception using the same provisions as a guide. Staff feel that this would not be a necessary step due to the provision of requiring that there be no alley access. In most cases, this would apply only to Brad Meek Subdivision, the Hillside Additions along Highland Drive and areas along 1st Street and Summit Street between Birch and Kansas and again south of Madison Avenue. There are a few areas along North 6th & 7th Streets as well that would possibly be eligible to use this provision due to the old railroad alignment.

Article 20: Supplemental District Regulations

Sections:

- 20-1 General**
- 20-2 Height and Yard Regulations**
- 20-3 Number of Structures on a Lot**
- 20-4 Corner Visibility**
- 20-5 Screening for Commercial and Industrial-Zoned Property**
- 20-6 Temporary Uses**
- 20-7 Accessory Uses**
- 20-8 Accessory Uses; Additional Requirements in Residential Districts**
- 20-9 Fences**
- 20-10 Residential - Design Manufactured Housing Standards**
- 20-11 Building Setbacks**
- 20-12 Home Occupations**

SECTION 20-1 GENERAL

20-101. The regulations set forth in this article qualify or supplement, as the case may be, the district regulations appearing elsewhere in these regulations.

SECTION 20-2 HEIGHT AND YARD REGULATIONS

20-201

- a. Height. Chimneys, cooling towers, elevator headhouses, fire towers, monuments, stacks, water towers, or necessary mechanical appurtenances, usually required to be placed above the roof level and not intended for human occupancy, are not subject to the height limitations contained in the district regulations.
- b. Yard.
 1. *Front yards.* The front yards established by the district regulations are to be measured from the street right-of-way fronting a property, and shall be adjusted in the following cases:
 - (a) Where an official line has been established for the future widening or opening of a street or major thoroughfare upon which a lot abuts, the depth of a front or side yard shall be measured from such official line to the nearest line of the building.
 - (b) On through lots, the required front yard shall be provided on each street.
 - (c) Where a lot is located at the intersection of two (2) or more streets and there is a yard required on the side street, there shall be a yard of fifteen (15) feet on the side street. The yard on the side street shall not be greater than that of any other buildings on the side street within the same block, but the depth of the yard shall not be less than eight (8) feet on the side street.
 - (d) Open, unenclosed porches, platforms, or paved terraces, not covered by a roof or canopy and which do not extend above the level of the first floor of the building, may extend or project into the front and side yard not more than six (6) feet.
 - (e) Where twenty-five (25) percent or more of the street frontage or where twenty-five (25) percent or more of the street frontage within four hundred (400) feet of a property is improved with buildings that have a front yard that is six (6) feet greater or less than the required front yard in the district, no building shall project beyond the average front yard so established.

2. *Structural projections.* Every part of a required yard shall be open to the sky, unobstructed, except for accessory buildings or structures, and except for:
 - (a) Eave projections, sills, cornices and other ornamental features may project a maximum of twelve (12) inches into a required yard or setback.
 - (b) Open fire escapes, balconies opening onto a fire escape, chimneys and fireplaces may project no more than three and one-half (3.5) feet into a required side yard and five (5) feet into a required rear yard.
3. Additional setback requirements are set out at Section 20-11.

SECTION 20-3 NUMBER OF STRUCTURES ON A LOT

20-301. Where a lot is used for other than a single family residence, more than one principal use or structure may be located on such lot, provided that such buildings conform to all requirements for the district in which they are located, and all such buildings shall remain in single ownership unless such buildings and lots are certified as a condominium.

SECTION 20-4 CORNER VISIBILITY

20-401. Removal of Traffic Hazards. In all areas on public or private property at any corner formed by intersecting public streets, no traffic hazard shall be allowed by installing, setting out or maintaining or allowing the installation, setting out or maintenance of any sign, fence, hedge, shrubbery, natural growth or other obstruction to view, or the parking of any vehicle within that triangle formed as hereby described, such areas to be described as sight triangles:

- a. Uncontrolled Intersections – Local Street to Local Street: A sight triangle is the triangular area formed by the intersection of two streets bound by two lines extending from the point of intersection along the edge of traveled way for a distance of 50 feet.
- b. Uncontrolled Intersections – Local to Collector/Arterial: A sight triangle is the triangular area formed by the intersection of two streets bound by two lines extending from the point of intersection along the edge of traveled way for a distance of 50 feet on the local street and 60 feet on the collector or arterial street.
- c. Controlled Intersections – Partial Traffic Signalization/Signage: A sight triangle is the triangular area formed by the intersection of two streets bound by two lines extending from the point of intersection along the edge of traveled way for a distance of 25 feet on the street with the stop sign and 60 feet on the street with no traffic signage.
- d. Controlled Intersections – Full Traffic Signalization or 4 Way Stop Signs: A sight triangle is the triangular area formed by the intersection of two streets bound by two lines extending from the point of intersection along the edge of traveled way for a distance of 25 feet.
- 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.

20-402. Exceptions. The provisions of sight triangle shall not apply to those shrubs or bushes located within a designated sight triangle, the maximum height of which is less than three (3) feet measured from the established street level. For trees located within a sight triangle, a minimum height clearance for limbs and relative growth shall be trimmed for clearance of eight (8) feet from the established street level. Utility poles and equipment required for traffic control shall be exempt from this section's restrictions.

SECTION 20-5 SCREENING FOR COMMERCIAL AND INDUSTRIAL-ZONED PROPERTY

20-501. Commercial or industrial development adjacent to a residential zone shall be screened in accordance with the approved site plan.

SECTION 20-6 TEMPORARY USES

20-601.

- a. Only the following temporary uses may be permitted.
 1. Carnivals and circuses, located in a commercial or industrial zone or on public property, when located at least two hundred (200) feet from the boundary of a residential zone and for a time period not exceeding two (2) consecutive weeks.
 2. Contractor's office and equipment sheds on the site of a construction project only during the construction period.
 3. Model homes or development sales offices located within the subdivision or development area to which they apply, with such use to continue only until sale or lease of all units in the development.
 4. Outdoor temporary sales on private property and not incorporated or in partnership with the existing business located on this property in a commercial or industrial zone, including commercial sales, swap meets or similar activities providing they do not operate for more than ten (10) consecutive days and there are no more than four (4) such sales on any one property in any calendar year.
 5. One travel trailer or manufactured home to be used as a temporary office for any allowed use in an industrial or commercial zoning district, provided that such trailer or home shall not be used for more than a one year period starting the day the home is set upon the property.
- b. Persons seeking approval for a temporary use authorized by items 1,2 and 4 in subsection a. of this section shall make application to the Zoning Administrator at least ten (10) days in advance of the time desired for usage. The Zoning Administrator may issue a certificate of temporary use upon the payment of the temporary use permit fee imposed by the fee ordinance and upon finding:
 1. The temporary use will not impair the normal, safe and effective operation of any permanent use on the same or adjoining site.
 2. The temporary use will not impact the public health, safety, or convenience and will not create traffic hazards or congestion or otherwise interrupt or interfere with the normal conduct of use and activities in the vicinity.

SECTION 20-7 ACCESSORY USES

20-701. Accessory uses are permitted in any zoning district in connection with any permitted principal use, consistent with the provisions of this section and section 20-8.

- a. **Definitions.** An accessory use is a structure or use which:
 1. Is subordinate to and serves a principal building and principal use.
 2. Is subordinate in area, extent or purpose to the principal building or buildings served.
 3. Contributes to the comfort, convenience or necessity of occupants, business or industry in the principal building or principal use served.
 4. Is located on the same tract as the principal building or principal use served.
- b. **Permitted accessory uses.** Any structure or use that complies with the terms of subsection a. of this article may be allowed as an accessory use or structure. Accessory structures and uses include, but are not limited to, the following:
 1. Private garages and carports, whether detached or attached.
 2. A structure for storage incidental to a permitted use.

3. A children's playhouse.
4. A private swimming pool and bathhouse.
5. A guest house or rooms for guests in an accessory building, provided such facilities are used for the occasional housing of guests of the occupants of the principal building and not as rental units or permanent occupancy as house-keeping units.
6. Statuary, arbors, trellises, barbecue stoves, flagpoles, fences, walls, hedges and radio and television antennas.
7. Storm shelters.
8. Retail sales of products manufactured, processed or fabricated on site.
9. Storage of recreational equipment, such as boats, boat trailers, camping trailers and motor homes, provided no such equipment is occupied for dwelling purposes.
10. Restaurants, drug stores, gift shops, club and lounges and newsstands when located in a permitted hotel, motel or office building.
11. Offices for permitted business and industrial uses when the office is located on the same site as the business or industry to which it is an accessory.
12. The storage of retail merchandise when located within the same building as the principal retail business.
13. Accessory, open, and uncovered swimming pools and home barbecue grills may occupy a required rear yard; provided they are not located closer than five (5) feet to the rear lot line nor closer than three (3) feet to a side lot line.
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.

c. **Prohibited accessory uses.** None of the following shall be permitted as an accessory use:

1. Outdoor storage, except as specifically permitted in the district regulations.
2. Storage of containers typically transported by tractor-trailer rigs, in a residential district, except where completely enclosed within a structure.

20-702. Existing accessory buildings or structures which do not meet the minimum setbacks may be repaired, maintained or enlarged, providing those actions do not further decrease the existing setbacks.

20-703 Licensed Amateur Communications. The provisions of this section apply only to antennas and antenna support structures used in FCC Licensed Amateur Radio Service Communications. The provisions of this section shall control in the event of a conflict with the Height and Yard Regulations of the District Regulations in which the antenna support structure shall be placed. If said communications facilities do not comply with the following regulations, then a Conditional Use Permit as defined in Article 23 Telecommunications Towers shall be required unless such communications facilities are otherwise in compliance with and/or otherwise allowed under applicable district development standards.

a. **Definitions.** For the purposes of this section and notwithstanding any conflicting definitions under any other section of this Code:

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

Amateur Radio Antenna Support Structure. means a structure, such as a mast, tower, or pole, that is placed, erected, or constructed to support one or more antennas for the purposes of engaging in licensed Amateur Radio Communications. Buildings and associated roof mounted equipment alone shall not be considered 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 structures, whether guyed or unguyed, shall be permitted as a matter of right on a house or any other permitted structure on the subject property. Upon a reasonable showing of substantial need consistent with licensed Amateur Radio Communications, the Zoning Administrator shall have the right to administratively approve one or more additional attached antenna support structures on the subject property.

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

The maximum height for any Amateur Radio Communications antenna support structure in any district, whether attached or detached, shall be one hundred (100) feet. Any antenna support structure that exceeds one hundred (100) feet in height above the ground shall be allowed only with the approval of a Conditional Use Permit.

e. Antenna and Antenna Support Structure Standards

1. Number and Size

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

2. Setbacks

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

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

3. Lights

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

4. Construction Standards

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

5. Insurance

The applicant must include a statement from their insurance company that lists the tower 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.

SECTION 20-8 ACCESSORY USES; ADDITIONAL REQUIREMENTS IN RESIDENTIAL DISTRICTS

20-801.

- a. Detached accessory buildings shall not occupy a required yard other than a required rear yard if not located within five (5) feet of a rear property line or within three (3) feet of a side property line.
- b. Detached accessory buildings shall not be located within ten (10) feet of the primary structure and shall be located behind the front building line of the primary structure.
- c. Carports for single-family and two-family dwellings located on lots without a platted alley adjacent may project into a required front yard provided they meet the following conditions:
 1. All such carports shall be located only over a paved driveway
 2. No such carport shall be used for the storage of materials, equipment or goods, or the parking and/or storage of inoperable vehicles
 3. No such carport shall be enclosed at any time and must remain open on three (3) sides
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20-802.

- a. Accessory buildings in a zoning district having residences as a permitted use shall not collectively occupy more than 40% of the required yard spaces in the rear half of the lot.
- b. No single accessory building in a zoning district having residences as a permitted use shall occupy more than 30% of the required yard spaces in the rear half of the lot.
- c. No accessory building on a corner lot shall be located closer to the street side yard than the front yard abutting the street.

20-803. Garages shall not be constructed upon lots in residential-zoned districts upon which no principal dwelling is located.

20-804. Accessory buildings may be constructed with used materials, except the exterior shall be of new materials. Accessory buildings shall be of conventional wood or metal construction. Metal shipping containers, truck boxes, trailers, etc. are prohibited from use as detached accessory buildings on property located in residential (R) zoning districts.

SECTION 20-9 FENCES

20-901. No fence shall be constructed within the City unless it is constructed in conformance with the following requirements:

- a. 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:
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.
 2. Any fence that extends beyond the front wall of any principal structure shall not be more than four (4) feet in height.
 3. 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:
 - a. The fence shall not extend nearer to the front street lot line than the front wall of the principal building.
 - b. The fence shall not extend into any sight triangle as defined in these regulations.
 - c. The zoning administrator shall establish which yard is the side street front yard.
 4. For institutional uses in residential districts, such as schools, parks, hospitals and cemeteries, a fence may be constructed at a maximum eight (8) foot height provided it does not constitute a traffic hazard.
 5. 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.
 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).
 - j. stock fences (including cattle or hog panels) except in the Agricultural (A) District.
 - k. Barbed wire, 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. Electric charged, 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. Concertina wire or looped barbed-wire
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 consisting of more than 50 percent of said existing fence or addition of a new fence shall meet the requirements of these regulations.

SECTION 20-10 RESIDENTIAL-DESIGN MANUFACTURED HOUSING STANDARDS

20-1001.

- a. In order to be classified as a Residential-Design Manufactured Home a structure must be manufactured to the standards embodied in the National Manufactured Home Construction and Safety Standards generally known as the HUD Code established in 1976 pursuant to 42 U.S.C. Sec. 5403. Such structures shall provide all the accommodations necessary to be a dwelling unit and shall be connected to all utilities in conformance with applicable City regulations. Such a structure shall be on a permanent-type, enclosed perimeter foundation which has minimum dimensions of 22 body feet in width excluding bay windows, garages, porches, patios, pop-outs and roof overhangs; a pitched roof; siding and roofing materials which are customarily used on site-built homes; and which complies with the following architectural or aesthetic standards so as to ensure their compatibility with site-built housing:
1. The roof must be predominantly double-pitched and must be covered with material that is customarily used on site-built dwellings, including but not limited to approved wood, asphalt composition shingles, clay or concrete tile, slate or fiberglass, but excluding corrugated aluminum or corrugated fiberglass roof. The roof shall have a minimum eave projection and roof overhang on at least two sides of ten (10) inches which may include a gutter.
 2. Exterior siding shall be of a nonreflective material customarily used on site-built dwellings such as wood, composition, simulated wood, clapboards, conventional vinyl or metal siding, brick, stucco, or similar materials, but excluding smooth ribbed or corrugated metal or plastic panels. Siding material shall extend below the top of the exterior of the foundation or curtain wall or the joint between siding and enclosure wall shall be flashed in accordance with any applicable City-adopted building codes.
 3. The home shall be installed in accordance with the recommended installation procedure of the manufacturer and any applicable building code adopted by the City.
 4. The running gear, tongue, axles and wheels shall be removed from the unit at the time of installation. Either a basement or a continuous, permanent masonry foundation or curtain wall, unpierced except for required ventilation and access which may include walk-out basements and garages, shall be installed under the perimeter of the home.
 5. At the main entrance door there shall be a landing that is a minimum of twenty-five (25) square feet which is constructed to meet the requirements of any applicable City-adopted building codes.
 6. On level sites, the main floor shall be no greater than twenty-four (24) inches above the finished grade at the foundation. On sloping or irregular sites, the main floor at the side closest to grade level shall not be greater than twenty-four (24) inches above the finished grade at the foundation.
 7. Stairs, porches, entrance platforms, ramps and other means of entrance and exit to and from the home shall be installed or constructed in accordance with the standards set by the City-adopted building codes and attached permanently to the primary structure and anchored permanently to the ground.

8. Any attached addition to such a home shall comply with all construction requirements of the City-adopted building codes, unless designed and constructed by a manufactured home factory.
- b. For purposes of these regulations, the term "manufactured home", when used by itself, shall not include a "residential-design manufactured home".

SECTION 20-11 BUILDING SETBACKS

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.

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 MHS, R-1, R-2 and R-3 residential districts, subject to the following:

- a. **Restrictions and Limitations; All Home Occupations.** The following shall apply to any home occupation in existence at the time of, or commenced after, the effective date of these Regulations:
 1. No exterior alterations or other construction shall be made to the dwelling which changes the character or appearance from its primary residential use.
 2. No equipment or material shall be used which creates any noise, vibration, smoke or odors perceptible at the boundary lines of the property, which would be in excess of that ordinarily created by a single-family residential dwelling.
 3. No merchandise shall be displayed or sold on the premises to members of the general public, except craft or articles made by the person operating the home occupation. In no instance shall there be any outside display of such articles in connection with the home occupation. "Members of the general public" shall not include persons who have prior individualized invitation.
 4. The area of an accessory structure devoted to home occupations shall be limited to nine hundred (900) square feet.
- b. **Restrictions and Limitations; New Home Occupations.** The following shall apply to any home occupation commenced after the effective date of these Regulations:
 1. No more than one employee or volunteer shall engage in such home occupation in addition to the person occupying the dwelling unit as his or her place of residence.
 2. There shall be no outdoor storage of materials or equipment used in the home occupation.

20-1202. Power of Zoning Administrator. The Zoning Administrator is hereby authorized to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of Section 20-12, including the power to:

- a. Investigate any home occupation or alleged home occupation, to determine whether or not such is in compliance with these regulations.
- b. Enter upon premises for the purpose of making examinations: provided that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession, and obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted.

20-1203. Permitted home occupations are primarily of a service nature similar to, but not limited to, the following:

- a. Artists, sculptors and writers.
- b. Custom dressmaking, tailoring or sewing of fabrics.
- c. Giving of lessons of any type, provided instruction does not exceed five (5) pupils at a time. Such limitation shall not apply to recitals or other performances.
- d. Professional offices for architects, engineers, computer software engineers, planners, lawyers, accountants, bookkeepers, realtors, insurance agents, brokers, sales representatives, contractors, and similar occupations.
- e. Fabrication and/or assembly of handicraft or hobby articles.
- f. Occupations where business is conducted primarily or exclusively over the Internet.
- g. Photographic studios.
- h. Beauty or barber shops having one chair, stand or station.
- i. Multi-level marketing and home party product sales, including but not limited to, Avon, Mary Kay Cosmetics and Tupperware.
- j. Sales of farm or garden produce, bulbs, plantings or cut flowers when grown on the same premises as the residence.

20-1204. Except where allowed as a permitted or conditional use, home occupations shall not in any event include the following:

- a. Antiques, either retail or wholesale.
- b. Animal care other than grooming.
- c. Funeral homes or services.
- d. Retail sale or rental of any goods or products, other than where the commercial exchange constituting such sales or rental is accomplished by means of catalog orders, whether in written or electronic form.
- e. Automotive sales, repair or service of any type.
- f. Appliance repairs (other than for small electronic devices including computers and hand-held household appliances).
- g. Small-engine repairs.



Planning Commission Agenda Item

Meeting

Date: 11/11/2025

From: Josh White, Principal Planner

Item: Recess Planning Commission and convene the BZA

Purpose: Recess the Planning Commission and convene the Board of Zoning Appeals

Background:

At this time it is necessary to recess the Planning Commission and convene the Board of Zoning Appeals. Growth Area members should excuse themselves.

Action:

Make a motion to recess the Planning Commission and convene the Board of Zoning Appeals



Board of Zoning Appeals Agenda Item

Meeting

Date: 11/11/2025
From: Josh White, Principal Planner
Item: 313 Meek front yard variance

Purpose: Consider the advisability of granting a variance to reduce the front yard setback from 25 feet to 5 feet for the construction of a carport at 313 Meek Avenue.

Background:

Robert & Judy Jewell have requested a variance to allow the construction of a carport on the front yard setback at 313 Meek Avenue. The area surrounding the property is residential. The applicant wishes to construct a carport on their driveway on the front yard setback to protect their vehicle from inclement weather. The nature of this property does not allow for the placement of the carport on the rear property because there is no alley access. In order to allow the placement of the carport in the front yard, a variance would have to be granted.

It is the recommendation of staff that a variance for an encroachment onto the front yard for the construction of a carport with a 5 foot front yard setback be granted with certain conditions attached:

1. The carport shall be placed over the existing paved driveway and shall not exceed the width of the driveway
2. The carport shall not be used for the storage of materials, equipment or goods, or the parking or storage of inoperable vehicles
3. The carport shall not be enclosed and must remain open on three sides
4. The carport shall not extend closer than five (5) feet from the front property line
5. The carport shall be constructed of materials compatible and comparable with the primary structure and shall be attached where structurally feasible.

And based on the following:

- The lots in the neighborhood are narrow and there is no alley access
- The project will not adversely affect neighboring properties
- The project will not create any visual obstruction from the street or for the neighbors.
- The granting of the variance will not be opposed to the general spirit and intent of the zoning regulations or Comprehensive Plan objectives.

At the October meeting, this action was tabled pending the recommendation of amendments to the regulations regarding carports in front yards. Further action should now be taken to approve/disapprove or table the action once again.

Action:

Make a motion to approve/disapprove a variance to reduce the front yard setback from 25 feet to 5 feet for the construction of a carport at 313 Meek Avenue based on the conditions discussed.

Attachments:

Staff report Presentation Link <https://arcg.is/1XDuuv>

CASE NUMBER

BZA-2025-212

PUBLIC HEARING DATE

October 14, 2025

APPLICANT/PROPERTY OWNER

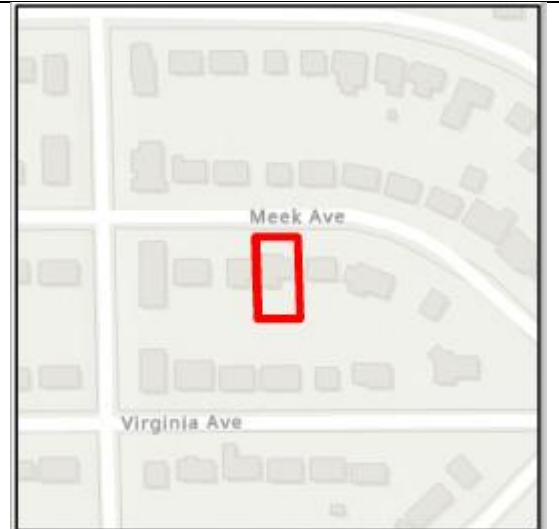
Robert & Judy Jewell

PROPERTY ADDRESS/LOCATION

313 Meek Ave

SUMMARY OF REQUEST

Robert & Judy Jewell have requested a variance to allow the construction of a carport on the front yard setback at 313 Meek Avenue. The area surrounding the property is residential. The applicant wishes to construct a carport on their driveway on the front yard setback to protect their vehicle from inclement weather. The nature of this property does not allow for the placement of the carport on the rear property because there is no alley access. In order to allow the placement of the carport in the front yard, a variance would have to be granted. Staff feel that this variance could be granted but it would need to have certain conditions attached including size, placement and storage provisions listed elsewhere in this report.



Map data ©2025 Esri World Topographic map

EXISTING ZONING
R-2 Medium Density
Residential District

EXISTING LAND USE
Single Family Residential

SURROUNDING ZONING
North-R-2
South-R-2
West-R-2
East-R-2

SITE IMPROVEMENTS
Single Family Dwelling and
small accessory structure

SIZE OF PROPERTY
60' X 115'
0.16 acres

STAFF RECOMMENDATION

☐ **APPROVE**

☒ **APPROVE WITH CONDITIONS**

☐ **DENY**

Staff feel that this variance could be granted with certain conditions attached:

1. The carport shall be placed over the existing paved driveway and shall not exceed the width of the driveway
2. The carport shall not be used for the storage of materials, equipment or goods, or the parking or storage of inoperable vehicles
3. The carport shall not be enclosed and must remain open on three sides
4. The carport shall not extend closer than five (5) feet from the front property line
5. The carport shall be constructed of materials compatible and comparable with the primary structure and shall be attached where structurally feasible.

DOES STRICT ADHERANCE TO THE REGULATIONS REPRESENT AN UNNECESSARY HARSHIP ON THE APPLICANT?

The rear yard is not readily accessible due to no alley access. The current regulations do not allow the placement of the carport in the front yard. The side yards are not wide enough for a vehicle to pass between the houses.

PROPERTY HISTORY

According to county records, the home was built in 1955, and the accessory building was added in 2020. No other land use records were found.

RELIEF SOUGHT:

- A variance to reduce the front yard setback to 5 feet for the construction of a carport at 313 Meek Avenue.

Findings

In order to consider a request for a variance, the Board of Zoning Appeals must make written findings of facts that the following conditions apply to the property in question.

1. Does the variance requested arise from a condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by action of the property owner or applicant?

Applicant: Yes, no alley

Staff: The rear yard is not readily accessible due to no alley access. The current regulations do not allow the placement of a carport in the front yard, and the side yards are not wide enough for a vehicle to pass between houses.

2. Will the granting of the variance adversely affect the rights of adjacent property owners?

Applicant: No

Staff: The granting of the variance should not adversely affect the rights of adjacent property owners.

3. Will the strict application of the provisions of the zoning regulations of which the variance is requested constitute unnecessary hardship upon the property owner represented in the application?

Applicant: Yes, the carport cannot be built on the property under the current provisions.

Staff: The strict application of the zoning regulations could constitute an unnecessary hardship upon the property owner as there are currently no accessible areas to construct a carport on the property.

4. Will the variance desired adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare?

Applicant: No

Staff: The variance desired will not affect public health, safety morals, order, convenience, prosperity or general welfare. It should not cause any visual obstructions along the street or for any neighboring properties.

5. Will the granting of the variance be opposed to the general spirit and intent of the zoning regulations and Comprehensive Plan objectives?

Applicant: No

Staff: The granting of the variance will not be opposed to the general spirit and intent of the zoning regulations or Comprehensive Plan objectives. Granting variances to setbacks is a common occurrence when specific provisions create a hardship on the applicant. Whether or not the hardship exists is for the Board to determine.

6. The recommendations of professional staff;

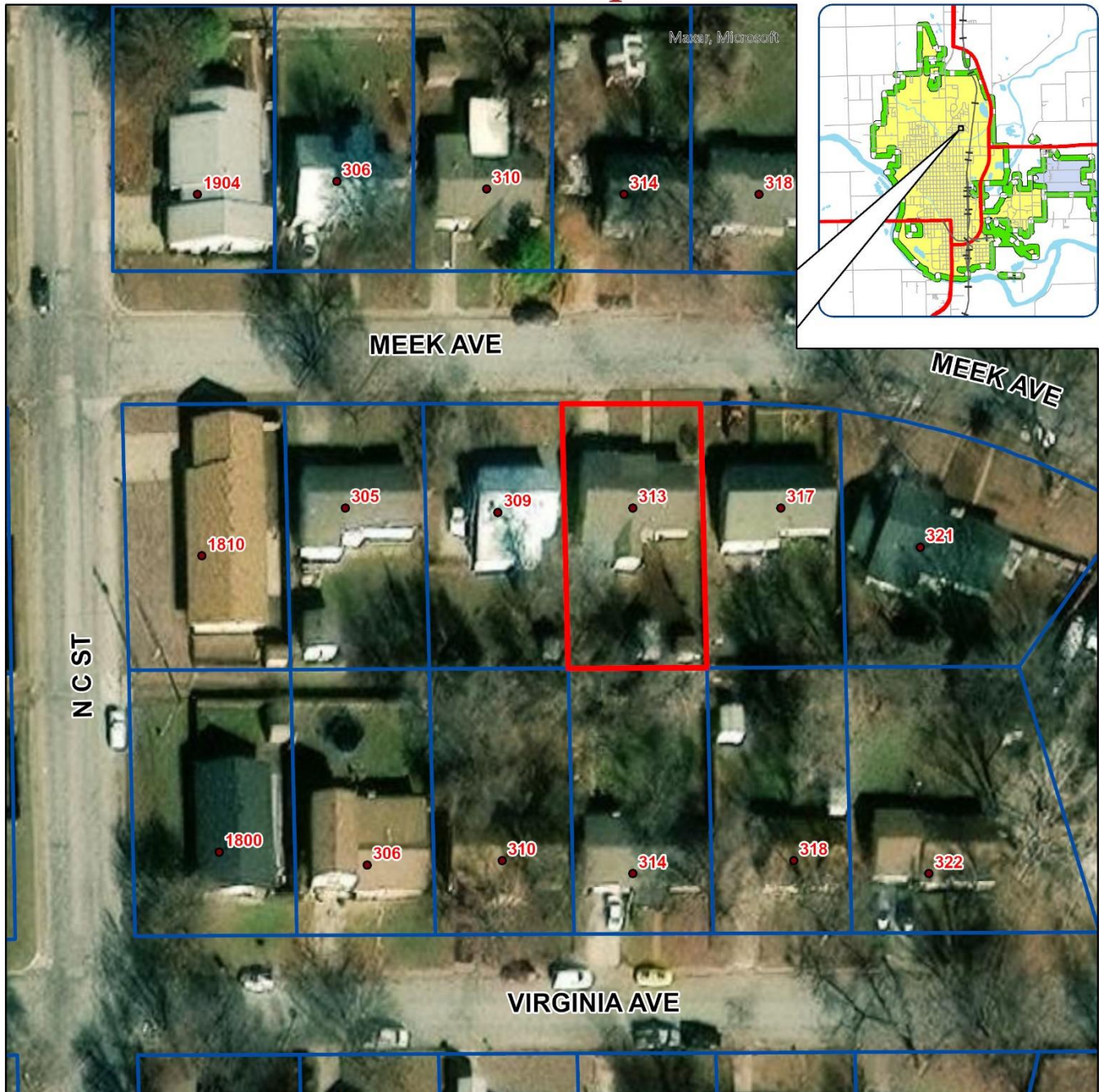
It is the recommendation of staff that a variance for an encroachment onto the front yard for the construction of a carport with a 5 foot front yard setback be granted with certain conditions attached:

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4. The carport shall not extend closer than five (5) feet from the front property line
5. The carport shall be constructed of materials compatible and comparable with the primary structure and shall be attached where structurally feasible.

And based on the following:

- The lots in the neighborhood are narrow and there is no alley access
- The project will not adversely affect neighboring properties
- The project will not create any visual obstruction from the street or for the neighbors.
- The granting of the variance will not be opposed to the general spirit and intent of the zoning regulations or Comprehensive Plan objectives.

Variance Request



A request for a variance to the front yard setback from 25 feet to 5 feet for the placement of a carport.

- BZA-Variance
- Property Lines

Produced by the
City of Arkansas City GIS
using the best available
data to date.
Created: September 16, 2025

Arkansas City
KANSAS

Neighborhood Photos



The subject property-Google Streetview October 2024



Looking east along Meek Avenue-Google Streetview October 2024



Looking west along Meek Avenue-Google Streetview October 2024



Board of Zoning Appeals Agenda Item

Meeting

Date: 11/11/2025

From: Josh White, Principal Planner

Item: Adjourn the BZA and reconvene the Planning Commission

Purpose:

Adjourn the Board of Zoning Appeals Sine Die and reconvene the Planning Commission

Background:

At this time, it is necessary to adjourn the Board of Zoning Appeals Sine Die and reconvene the Planning Commission

Action:

Make a motion to adjourn the Board of Zoning Appeals Sine Die and reconvene the Planning Commission. Growth area members may return.