

## 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.~~

**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.~~

~~**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.~~

### 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 [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

**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.

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

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

**A:** ..... Agricultural District  
**R-1:** ..... Low Density Residential District  
**R-2:** ..... Medium Density Residential District  
**R-3:** ..... High Density Residential District  
~~**CS:** ..... Countryside District~~  
**C-1:** ..... Office and Service Business District  
**C-2:** ..... Restricted Commercial District  
**C-3:** ..... General Commercial District  
**C-4:** ..... Central Business District  
**MHS:** .. Manufactured Home Subdivision  
**MP:** ..... Manufactured Home Park District

**I-1:** .....Light Industrial District  
**I-2:** .....Heavy Industrial District  
**P:** .....Public Use District  
**MU:** .....Mixed Use District  
**FP:** .....Floodplain Management District  
**C-O:** .....College Overlay District  
**PUD-O:** .Planned Unit Development Overlay District  
**HO-O:** ....Housing Opportunity Overlay District  
**HC-O:** ...Historic Conservation Overlay District  
**EH-O:** ...Elderly Housing Overlay District

**Commented [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. Three or more families.				C	C	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%). ~~Tiny Houses meeting the requirements of Section 20-11, shall not be required to meet these minimums. Where a lot has less area than required in Table 6-2 and was in existence as a separate legal lot prior to the effective date of these regulations, the provisions in Article 21 for nonconforming lots will govern.~~

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

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

**Article 7: Countryside District (CS)**

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

**Article 8: Public Use District (P)**

No Changes

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

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

USE	C-1	C-2	C-3	C-4
1. Ambulance service.			P	P
2. Amusement places, indoor.			P	P
3. Animal hospitals.			P <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	CP	CP	P
5. Artists, authors, composers, studios and galleries	P	P	P	P
6. Auditoriums, exhibition halls, fairgrounds, stadiums and similar uses.			P	P
7. Automobile and truck wash services.		P	P	C
8. Churches, similar places of worship.	P	P	P	P <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

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

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

**Commented [JW14]:** This footnote does not apply.

16.	Funeral, crematory and mortuary services		P	P	P
17.	Furniture repair, upholstery			P	P
18.	Garden supplies – nurseries, greenhouses.			P	P
19.	Golf driving ranges.			C	C
20.	Health and exercise spas, gymnasiums.	P	P	P	P
21.	Hospitals, clinics, laboratories.	P	P	P	P
22.	Hotels and motels.		C	P	P
23.	Industrial laundry and linen supply services.			C	C
24.	Kennels-boarding and breeding.			C	C
25.	Miniature golf, outdoor.		P	P	C
26.	Mini-storage, self-storage.		C(2)	C(2)	C(2)
27.	Manufactured home sales.			P	P
28.	Monument engraving and sales.			P	P
29.	Motor vehicle repair and body shops, provided all work shall be performed and all materials shall be stored within an enclosed building.		C	CP	CP
30.	Nursing homes, rest homes, convalescent homes and similar facilities.	P	P	P	P
31.	Offices: professional-business-educational-industrial-religious-philanthropic-public.	P	P	P	P
32.	Package liquor store.		C(4)	CP(4)	CP(4)
33.	Printing, including newspaper publishing.			P	P
34.	Private clubs.			P(4)	P(4)
35.	Race track and courses – vehicle and animal.			C	C
<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

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

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

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

44.	Schools:				
	a. Public and private elementary schools	C	C	C	C
	b. Public and private secondary schools	C	C	C	C
	c. Postsecondary educational institutions	P	P	P	P
	d. Business and training/vocational schools	C	C	P	P
45.	Storage or warehousing, except for products of a highly explosive, combustible or volatile nature.			C	C
46.	Taverns, bars and drinking establishments.			P <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 [JW18]:** The footnote related to parsonages does not apply in our regulations. The new footnote for mini-storage/self-storage was put in its place.

**TABLE 9-2**

District	Front Yard	Side Yard	Rear Yard(1)
C-1	25 ft.	5 ft. – 1 or 2 stories 8ft. – 3 stories	25 ft.
C-2	25 ft.	10 ft. where property adjoins any residential-zoned district. In all other cases – 0.	10 ft. where property adjoins any residential-zoned district.
C-3	10 ft.	10 ft. where property adjoins any residential-zoned district. In all other cases – 0.	10 ft. where property adjoins any residential-zoned district.
<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 [JW19]:** Due to footnote, this table for C-4 conflicts with Sec 10-402. Since C-4 has its own Article anyway, just remove.

**Section 9-601:**

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

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

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

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

Section 9-602: New section

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

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

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

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

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

**Article 10: Central Business District (C-4)**

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

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

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

No Changes

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

**TABLE 15-1**

**Industrial Zoned Districts  
Permitted and Conditional Uses**

P = Indicates Permitted Uses      C = Indicates Conditional Uses

USE		I-1	I-2
1.	Agricultural.	P	P
2.	Airplane hangars.	P	<del>P</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>P</del>

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



18.	Manufacturing, processing or fabrication establishments which are not noxious or offensive by reason of vibration, noise, dust fumes, gas, odor.		P
19.	Manufactured home production, storage and sales of units produced on-site.		P
20.	Motor vehicle repair or body shop.	P	P
21.	Offices and service yards for the Kansas Department of Transportation.	P	P
22.	Other uses which may be noxious or offensive by reason of the emission of odor, dust, smoke, gas, noise or vibration.		C
23.	Public utility and public service uses including: municipal power plants; substations; lift stations; railroads; telephone exchanges, microwave towers, radio towers, television towers, telephone transmission buildings; electric power plants; and public utility storage yards.	P	P
24.	Self-storage (mini-storage).	P <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 [JW25]:** This footnote is added to #24 to direct the developer to additional regulations in 15-302 regarding Self-storage (mini-storage).

**Section 15-302: New Section**

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

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

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

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

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

No Changes

## Article 18:Mixed Use District (MU)

### 18-602.

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

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

### Section 18-605: paragraphs c & h

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

## 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.

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

- 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:

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

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

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

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

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

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

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

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

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

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

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

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

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

## Article 20: Supplemental District Regulations

Section 20-401: New paragraph e.

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

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

Section 20-701: New Item under paragraph b.

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

~~(a) An ADU is a dwelling unit that is accessory to a principal single-family dwelling unit on the same lot. This includes a building or part of a building that provides complete independent living facilities for one (1) or more people, including a kitchen, living room, bathroom, and bedroom, either attached to a principal dwelling or a detached building on the same lot.~~

~~(b) ADUs are permitted as accessory to single-family dwelling units in the R-2 and R-3 districts. ADUs are a conditional use in the R-1 district.~~

~~(c) An ADU may be constructed as a new building, adapted from an existing accessory structure on the same lot or adapted from a portion of the principal dwelling unit.~~

~~(d) Only one ADU is allowed on a lot.~~

~~(e) Standards:~~

~~1. Attached ADUs must meet applicable district setbacks. Detached ADUs must conform to the yard regulations for accessory buildings in Section 20-8.~~

~~2. The principal dwelling unit or the ADU must be occupied by an owner of record of the property.~~

~~3. The architectural style of the ADU must conform to the architectural style and materials of the principal dwelling unit.~~

~~4. The ADU must not exceed a gross floor area of eight hundred (800) square feet or more than fifty (50) percent of the principal structure's floor area, whichever is less.~~

~~5. The ADU may not exceed the height of the principal dwelling unit.~~

~~6. The ADU must meet current building code requirements.~~

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

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

#### **20-703 Licensed Amateur Communications**

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

##### **a. Definitions**

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

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

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

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

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

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

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

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

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

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

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

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

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

**e. Antenna and Antenna Support Structure Standards**

**1. Number and Size**

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

**2. Setbacks**

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

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

**3. Lights**

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

**4. Construction Standards**

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

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

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

#### 5. Insurance

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

#### 6. Maintenance

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

#### 7. Amateur Radio License Requirements

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

#### 8. Discontinuance of Amateur Radio Operations

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

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

Commented [JW39]: Keep this italicized in final form

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- a. sheet metal.
- b. metal building siding and roofing materials.
- c. corrugated metal or fiberglass.
- d. chicken wire.
- e. plywood.
- f. scrap wood.
- g. scrap metal.
- h. canvas, nylon or other non-rigid material or fabric.
- i. cast-off, secondhand or other materials not originally intended to be used for constructing or maintaining a fence (including pallets); and
- j. stock fences (including cattle or hog panels) except in the Agricultural (A) District.
- k. ~~g. Barbed wire fences are prohibited inside the City limits, except:~~
  - 1. When property exclusively used for agricultural purposes is annexed into the City and the barbed wire fencing does not pose a risk to pedestrians. Risk to pedestrians shall be presumed when any barbed wire fencing is located within 10 feet of any pedestrian sidewalk, street or public thoroughfare.
  - 2. On top of perimeter fencing of storage areas in industrial and commercial district zones, provided that barbed wire atop such fences shall be at least 6 feet above the ground with a maximum fence height of 8 feet;
- l. ~~h. Electric charged fences are prohibited inside the City limits, except:~~
  - 1. An electric fence not exceeding 24 volts and completely contained within a landowner's fenced property shall be permitted if the landowner first obtains approval from City Code Enforcement;
  - 2. Electronic detector loops for animal containment systems shall not be classified as an electric charged fence;
- m. ~~i. Concertina wire or looped barbed-wire fences are prohibited inside the City limits.~~

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

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

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

**Commented [JW49]:** Moved up to the prohibited section

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

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

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

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

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



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

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

## **SECTION 20-11 BUILDING SETBACKS ~~TINY HOUSES~~**

**Commented [JW56]:** 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.~~

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

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

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

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

### **20-1102. Definitions**

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

### **20-1103. Where Permitted.**

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

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

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

d. Minimum structure size:

170 sq. ft. for one occupant

100 sq. ft. for each additional occupant

8.5-foot width

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

**SECTION 20-13 BUILDING SETBACKS**

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

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

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

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

**Commented [JW59]:** Add R-3 district.

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

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

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

**Article 21:Nonconformities**

No Changes

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

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

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.

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

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

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

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

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.

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

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

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</del> for each 2 employees per working shift. <u>seventy-five (75) percent of spaces otherwise required for accessory restaurants, assembly rooms and related facilities.</u>
15.	Motor vehicle repair or body shop	1 space for each 2 <u>per</u> employees, plus <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</u>

		<u>the most similar use. A parking analyses may be required if no similar use can be found.</u>
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\* NOTE: Where a use has different rooms of assembly with different maximum occupancies the parking space requirement will be based upon the capacity of the main place of assemblage, as determined by the Zoning Administrator.

Section 22-601: Paragraph e

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

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

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

No changes

Article 27:Signs

Section 27-301: Paragraph i. and j.

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

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

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

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

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

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

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

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

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

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

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

**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 [JW72]:** 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 [JW73]:** 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.