

RESOLUTION NO. R-2025-37

**A RESOLUTION ESTABLISHING BYLAWS FOR THE
CONDUCT OF BUSINESS BY THE PLANNING
COMMISSION OF THE CITY OF BEL AIRE, KANSAS.**

BE IT RESOLVED by the Planning Commission of the City of Bel Aire, Kansas:

ARTICLE 1: CREATION, MEMBERSHIP, AUTHORITY AND DUTIES

SECTION 1. CREATION. Pursuant to City ordinance and state law the Bel Aire City Planning Commission, hereinafter referred to as the “Commission,” was established by Ordinance No. 11 which was published on May 8, 1981. The Commission was re-established with new parameters by the Governing Body by the adoption of Ordinance No. 195 which was passed and approved and became effective on January 1, 1992. Ordinance 275 amended Ordinance 195 to designate the Commission to serve as the City Board of Zoning Appeals. Ordinance 357 amended Ordinance 275 to address how to appoint and remove members from the Planning Commission and Board of Zoning Appeals which was passed and approved and became effective on January 15, 2002.

SECTION 2. MEMBERSHIP. The Commission consists of seven members serving staggered three-year terms of whom five shall be residents of the City of Bel Aire, Kansas and two such members shall reside outside of the City, but within three miles of the corporate limits of the City. Members are appointed by the Mayor with the consent of the City Council. After the appointment, members will take office at the next regular meeting of the Commission.

In the event of a vacancy on the Planning Commission the Mayor shall select an individual to fill such vacancy for the remainder of the term in accordance with the same procedures used to select the original Commissioner.

A Commissioner may be removed by the Mayor. Selection of a new Commissioner shall be in accordance with the same procedures used to select the original Commissioner.

In the event a Commissioner resigns a successor shall be selected in the same manner used to select the original Commissioner.

Policies and Procedures for Appointment and Removal of Members of the Planning Commission shall be in accordance with Ordinance 357.

SECTION 3. ATTENDANCE. Regular attendance is an important responsibility for membership. Maintaining a quorum for voting purposes is especially important. Any member that absences themselves for three consecutive regular meetings or misses a total of five meetings during a calendar year, the Secretary will provide written notice to the City Manager, and the Mayor who may elect to remove the member.

SECTION 4. CONFLICT OF INTEREST. Members of the Commission shall be aware at all times of their responsibility to the citizenry of the City of Bel Aire and to the residents of the surrounding Planning Area and shall refrain from any recommendation or action that would benefit individuals or special interest groups rather than serve the best interest of the entire community. In furtherance of this responsibility, members shall refrain from recommending or acting on any matter before the Commission in which they have, either directly or indirectly, any financial interest or use their influence or position to show favoritism that could lead to the development of a clientele at a later date.

If a member is asked if they have a conflict of interest on a matter before the Commission, that member shall publicly announce the conflict and excuse themselves from the meeting room until the matter has been addressed by the remaining Commission members. If there is a question or a real or perceived conflict of interest, the affected member should contact the Secretary and City Attorney for an interpretation of the situation prior to the meeting.

A member is automatically disqualified when they or their spouse own property in the notification area of a zoning application.

SECTION 5. AUTHORITY. The Commission is vested with the duties and responsibilities prescribed in Kansas Statutes Annotated K.S.A. 12-741, et seq., as amended, and 12-736.

SECTION 6. DUTIES. As provided for by the statutes referred to in Section 5, the duties of Commission shall be:

1. Make or cause to be made, adopt and maintain an official Comprehensive Development Plan for the City and any unincorporated territory lying outside the City but within Sedgwick County which in the Commission's opinion forms the total community of which the City is part, subject to the approval of the Governing Body by ordinance (K.S.A. 12-747);
2. Annually review or reconsider the Comprehensive Plan at least once a year at the November meeting to determine if the Plan or any portion thereof has become obsolete and to report such status to the Governing Body or propose remedial amendments, extensions or additions to the plan (K.S.A. 12-747[d]);
3. Determine the conformance to the Comprehensive Plan of public improvements, facilities or utilities of a type embraced within the recommendations of the Plan which are proposed for construction or authorization and to report upon such conformance or nonconformance within 60 days to the Governing Body unless conformance is

otherwise determined by reviewing the City's capital improvement program (K.S.A. 12-748).

4. Prepare, adopt and maintain Zoning Regulations for the City to recommend the approval of such regulations to the Governing Body; and to hold hearings and make recommendations on all amendments thereto and zoning applications including zoning cases in the Metropolitan Area Planning Commission (MAPC) Urban Area of Influence (K.S.A. 12-753 through 12-759 and 12-763).
5. Prepare, adopt and maintain Subdivision Regulations for the City and extraterritorial jurisdiction; to recommend the approval of such regulations by the Governing Body; and to process and approve plats and to transmit them to the Governing Body for the acceptance of dedications thereon (K.S.A. 12-749, 751(a), 752 and 764).
6. Prepare and approve plans for neighborhoods and special project areas;
7. Maintain planning reference files of plans, reports, maps ordinances, regulations and policies accessible to officials, developers and citizens;
8. Maintain cooperation and coordination with the trustees of the surrounding township(s), U.S.D. #259, USD #375, the Wichita-Sedgwick County Metropolitan Area Planning Commission and Department and with such other county, regional and state planning entities as may be deemed appropriate; and
9. Make recommendations to the Wichita-Sedgwick County Metropolitan Area Planning commission on all plats proposed in the Bel Aire planning area outside the City and on all zoning items proposed for hearings within the MAPC Zoning Area of Influence as well as for any proposed revisions to County rules or regulations which might affect the development of the planning area; and
10. Hold hearings, provide plans for and/or make recommendations on such other matters as may be periodically assigned to the Commission by the Governing Body.
11. Ensure productive meetings by requiring members to read all pre-circulated materials and be ready to participate actively in discussions related to agenda items. Failure to do so may impact participating in discussions or voting on matters requiring informed consent.

SECTION 7. COMPENSATION. Members of the Commission shall serve without compensation for their services; however, the members may request reimbursement for their out-of-pocket expenses including travel when related to attendance at external conferences and/or meetings subject to approval of the Governing Body.

ARTICLE II: OFFICERS, ELECTIONS AND DUTIES

SECTION 1. OFFICERS. The officers of the Commission shall consist of a Chairperson, Vice-Chairperson and Secretary. The Chairperson and Vice Chairperson shall be members of the Commissions. The Secretary shall be the City of Bel Aire Zoning Administrator and shall provide duties in support of the Planning Commission (K.S.A. 12-745).

SECTION 2. ELECTIONS. At the regular Commission meeting in October of each year, the officers shall be nominated and those persons receiving the highest number of votes shall be deemed elected. Officers shall take office at the next regular scheduled meeting of the Commission and serve for one year. Officers may serve for more than one term.

SECTION 3. DUTIES. The duties of the officers shall be:

1. The Chairperson shall preside over all meetings of the Commission. In the absence of the Chairperson, the Vice-Chairperson shall preside. In the absence of both the Chairperson and the Vice-Chairperson, the Senior Commissioner (the person serving the longest period of time on the Commission) shall act in the manner and capacity of the Chairperson. The Chairperson shall sign all minutes and other official papers and documents to indicate that they have been approved by the Commission. The Chairperson shall represent the Commission at all meetings with other groups unless another member is designated to perform that function.
2. The Vice-Chairperson shall act in the manner and capacity as the Chairperson in the absence of the Chairperson.
3. The Secretary, or their designee, shall perform the following duties:
 - a. Prepare the minutes of each Commission meeting and submit them to the Commission for approval. Commission meetings are recorded and once the Commission has approved the minutes the recording is deleted. When the Secretary attests to the approved minutes the Secretary is attesting that the votes of the members are accurate from that specific meeting.
 - b. Maintain the official minutes as approved and signed by the Chairperson and the Secretary or their designees and post minutes to the City of Bel Aire website or such other repository as may be established from time to time;
 - c. Attest to resolutions and certificates adopting the Comprehensive Plan and amendments thereto and to maintain the official Comprehensive Plan documents and accompanying adoption materials and ordinances;
 - d. Distribute to each Commission member all current materials relating to the Comprehensive Plan, Zoning and Subdivision Regulations and Zoning Map and maintain official copies of the same pursuant to City Code and state law; and
 - e. Prepare and distribute agendas for each Commission meeting in coordination with the Chairperson. (See Article III, Section 7 on Agendas).

ARTICLE III: MEETINGS

SECTION 1. REGULAR MEETINGS. Regular meetings of the Commission will be on the second Thursday of every month, unless changed by the Commission. All meetings shall be held in the Council Room of City Hall beginning at 6:30 p.m.; provided, however, that the Commission may vote to adopt another hour, date, or place of meeting. Any such change shall be published for the convenience of persons having business before the

Commission.

SECTION 2. SPECIAL MEETINGS. Special meetings may be called by the Chairperson or in the Chairperson's absence by the Vice-Chairperson or Senior Commissioner upon written request of any three members of the Commission. When a special meeting is called, reasonable notice as to date, time, place, manner and purpose for the meeting shall be given by the Chairperson to the Secretary at least five (5) business days before the meeting by hand delivery. The announcement of a special meeting at a regular meeting shall constitute notice to those persons present. Commission members and the Governing Body shall be notified by the Secretary including all persons designated to receive agendas on a regular basis. (See Article III, Section 7 on Agendas.). No items other than those identified in the notice shall be considered at a special meeting.

SECTION 3. ADJOURNED MEETINGS. If the business before the Commission is not completed, the Commission by motion may adjourn the meeting or a specific agenda item to a specified date, time and place until the matters on the original agenda or the specified item are acted upon. When such a motion is made known to those persons in attendance, no further notice need be given.

SECTION 4. OPEN MEETINGS AND CLOSED SESSIONS. Pursuant to the Kansas Open Meetings Act, all meetings of the Commission except for executive sessions are open to the public. Closed sessions, if deemed necessary, may be held in accordance with the provisions of the Kansas Open Meeting Act. The motion to recess for a closed/executive session shall be placed in the minutes and include (a) a statement describing the subjects to be discussed; (b) the statutory justification for closing the meeting; and (c) the time and place at which the open meeting will resume, all in accordance with the Kansas Open Meetings Act, K.S.A. 75-4317 *et seq.* In such closed sessions, no binding vote or action may be taken.

SECTION 5. WORKSHOP SESSIONS. The Commission may meet at a regular or special meeting in a workshop session for a general discussion on one or more topics or for a training session; however, the Kansas Open Meetings Act applies, and no binding action may be taken. While regular minutes are not required, a record of attendance and a summary of the subject(s) discussed should be made.

SECTION 6. QUORUM. A quorum for the conduct of business shall be four members. In the absence of a quorum at any meeting the presiding officer after consultation with the members present may announce the meeting will not take place. The presiding officer will wait ten (10) minutes and then make the announcement. The Secretary will note which Commissioner's were present and note that no action was taken on any of the agenda items. In addition, the Secretary will note anyone present at the meeting and specifically what agenda item(s) they were present for.

If there is a loss of a quorum during a meeting, the presiding officer after consultation with those members present, may adjourn the meeting to a specified date, time and place or similarly table any unheard an agenda item. When such information is made known to

those persons in attendance, no further notice needs to be given. The Secretary will note which Commissioner's left the meeting and note that no action was taken on any of the agenda items yet to be heard. In addition, the Secretary will note anyone present at the meeting and specifically what agenda item(s) they were present for.

Members abstaining from voting may be counted when determining whether a quorum is present; however, members having a conflict of interest or who are disqualified from voting may not be counted as part of the quorum for the item where they have a conflict of interest or are otherwise disqualified from voting.

If a majority of Commissioners have a conflict of interest on a specific agenda item, they will request that the Governing Body hear the item in a public hearing format. The agenda item will require renotification to all required individuals.

SECTION 7. AGENDAS. The Secretary shall oversee the preparation of an agenda of all matters to come before the meeting and to have it posted on the City of Bel Aire website with the link shared, via email, to the Commission members in advance of the meeting. Copies of the agenda shall be posted to the City of Bel Aire website, or such other repository as may be established from time to time and be furnished to each party having an item on the agenda and to any person requesting an agenda or a notice of the date, time and place of a regular or special meeting of the Commission under the Kansas Open Meetings Act. K.S.A. 75-4318 (b) and(d). Any member of the Commission may place items on the agenda by advising the Secretary, or their designee, no later than noon on the seventh day preceding the next regular meeting. If the number of applications received for zoning or platting creates an unduly long Commission meeting, the Secretary may carry over such items on a first-come, first-served basis to the next Commission meeting unless already advertised for public hearing.

SECTION 8 RECORDING OF MEETINGS. The Secretary or their designee shall keep complete records of all proceedings of the Commission. The Secretary or their designee shall prepare and maintain permanent minutes to be available for public view. Minutes shall be posted on the City of Bel Aire website or may be furnished to all persons or bodies making such a request to the Secretary or City Clerk. The Secretary or City Clerk may make such charges as are necessary to recover the cost of making such copies.

ARTICLE IV: CONDUCT OF MEETINGS

SECTION 1. ORDER OF BUSINESS. The general order of business shall be as follows unless otherwise decided by the Commission:

- a. Call to Order
- b. Roll call
- c. Pledge of Allegiance to the American Flag
- d. Consent Agenda
- e. Approval of the Agenda
- f. Approval of the minutes

- g. Announcements
- h. Old and New Business
- i. Staff reports
- j. Public hearings
- k. Approval of Next Meeting Date
- l. Current Events- Upcoming Agenda Items and Events
- m. Adjournment.

Off-agenda items may be added to the agenda and scheduled items may be removed from the agenda at the beginning of a regular meeting by motion approved by a majority of the Commission members present and voting. No items may be added to the agenda of the special meeting.

SECTION 2. APPEARANCE BEFORE THE COMMISSION. When a public forum or public hearing is held, applicants and petitioners or their representatives and members of the community at large or individuals or their representative who feel that they will be affected by any action of the Commission may appear to present views and statements either for or against agenda items. Personal appearance before the Commission is recommended; however, written communication may be submitted to the Commission. The commission may at their discretion to table postpone items coming before the Commission if the applicant or petitioner is not present and has not submitted written communication.

SECTION 3. ACTIONS. In all formal matters, the Commission shall act by motion unless a resolution is required by law or governmental regulations. All notices required by law to be given by publication including those for public hearings shall be published in the official city newspaper. Substantive motions before the Commission shall be restated by the presiding officer before a vote is taken. Every motion on a substantive matter shall set forth reasons based on the discussion. Action shall be taken on each agenda item presented at the conclusion of discussion of that item.

SECTION 4. VOTING. Unless otherwise provided by state law or by ordinance of the City, the Commission shall act by a majority vote of the members present and voting. A record of all proceedings of the Commission shall be kept. Voting shall be by individual voice "Aye" or "Nay" ballot, written ballot or show of hands; shall be tallied and the results determined by the presiding officer. In the event of a tie or a divided vote, see Article IV, Section 5 paragraph 8 and 9.

SECTION 5. PARLIAMENTARY PROCEDURE. All meetings of the Commission shall be conducted in accordance with the current edition of Robert's Rules of Order-except insofar as modified by these Bylaws and procedures adopted by the Commission, unless otherwise required by state law:

- 1. A second shall be required for all motions.

2. The presiding officer shall have the right to make motions and to second motions without vacating the chair.
3. Substitute motions may be made for prime motions provided that substitute motions are voted on before the prime motion. Substitute motions shall be made only once and shall be debatable only if the prime motions were debatable. A substitute motion may be made without the consent of the maker of the prime motion.
4. Motions to reconsider any items shall be made by one of the members voting in favor of the item to be reconsidered. Motions to reconsider shall only be considered at the same meeting at which the item was decided.
5. If participation from the floor (audience) is repetitious; or when the course of business due to the number of matters to be considered and/or number of people requesting to be heard will not reasonably permit further participation, the presiding officer may reduce their speaking time to five minutes or something less. Those persons speaking on a given item from the floor should first be recognized and then address their remarks to the presiding officer. Each member of the Commission may speak to an issue as many times as may be desired.
6. The presiding officer shall have the right to vote. If the officer chooses not to vote, he or she shall automatically be considered to have abstained from voting.
7. When a divided vote occurs, the presiding officer shall call for a roll-call vote. The Secretary shall enter into the minutes the result by name of all roll-call votes.
8. Any member abstaining or remaining silent on a vote shall be considered to have voted with the majority vote of those who voted; provided that, such member does not have a conflict of interest or bias in the matter that would otherwise disqualify them from voting. In the event of an equally divided vote, the vote of a member abstaining or remaining silent is not to be counted. Members who do abstain or remain silent on a vote are still counted as present in determining a quorum.
9. Members shall automatically be disqualified from voting when they or their spouse own property in the area of notification for a zoning application. Such abstention shall not prevent them from signing a protest petition or appearing before the Commission to speak on the zoning application. When a member is disqualified from voting, they cannot be counted as present for the quorum.
10. Subject to these provisions, the presiding officer shall decide all points of order and procedure, unless it is overruled by a majority vote of the entire membership of the Commission.

ARTICLE V: HEARING PROCEDURES

SECTION 1. INTENT AND PURPOSE. It is the intent of the Commission to hold fair and impartial hearings on all matters requiring a public hearing at which adequate legal notice has been given to all concerned parties. The purpose of such hearings is to make it clear that decisions are based on the relevant evidence presented and that well organized

hearings and procedures will lead to legally defensible decisions which are not arbitrary, discriminatory or unreasonable. To ensure fairness, the hearing room should be able to accommodate all persons wishing to attend and to enable them to properly hear the proceeding.

Ex parte contacts, i.e., those contacts in the forms of verbal or written communications outside of a hearing are discouraged. Commission members should (a) come to a hearing favoring neither side; (b) have no personal interest in the outcome other than that shared by the community-at-large; (c) treat both sides fairly and impartially; and (d) base their decision solely on the facts presented as evidence before the Commission. Any facts determined by personal investigation should be reported to the Commission at the hearing as *ex parte* information.

SECTION 2. ORDER OF PROCEEDINGS FOR PUBLIC HEARINGS. Proceedings requiring public hearings are considered quasi-judicial proceedings. The latter includes the procedural due process elements of notice and opportunity to be heard in a fair, open and impartial manner. According to K.S.A. 12-757, the planning commission must create an accurate written summary of the proceedings during public hearings on proposed zoning amendments. This summary should include the evidence presented, findings of fact, and the factors considered in reaching a decision to recommend approval or denial of a zoning change. Additionally, the minutes should reflect the planning commission's recommendations and the reasons for those recommendations, which are then submitted to the governing body for further action K.S.A. 12-757, K.S.A. 12-756. The following order of proceedings shall be used for all such public hearings:

1. Determination that a quorum is present.
2. Determination that proper notice has been given.
3. Report of *ex parte* contacts with Commission members.
4. Introduction of application by staff.
5. Presentation by applicant shall be limited to five minutes unless such time is extended by the commission.
6. Commission and staff question applicant.
7. Public comments on proposed application. Each presenter shall speak no more than once per issue and shall be limited to five minutes unless such time is extended by the commission.
8. Receipt of written communications or petitions.
9. Applicant presents closing comments, which shall be limited to five minutes unless such time is extended by the commission
10. Staff presents closing comments.
11. Public portion of the hearing closed by the presiding officer.
12. Planning Commission deliberations.
13. Review findings and factors on which recommendation is based.

14. Motion to recommend to the Governing Body the approval, disapproval or modification of the application or to table the agenda item to a specific date, time and place.

While no further public comments will be received after the hearing is closed, the Commission may question any participant at any time during the proceedings.

SECTION 3. LEGISLATIVE HEARINGS. Hearings for the adoption of comprehensive plans and zoning and subdivision regulations and amendments thereto are considered legislative in nature. The order of proceedings for public hearings in Article V, Section 2 above may be modified for a legislative hearing as to the role of the applicant and the findings and factors on which a decision is based. In any event, the Commission's recommendation to the Governing Body shall be in writing accompanied by a written summary of the hearing thereon.

ARTICLE VI: COMMITTEES

SECTION 1. COMMITTEES AND LIAISON REPRESENTATIVES. The Chairperson, with the consent of the Commission, may appoint standing and ad hoc committees and liaison representatives as may be needed to assist in the business of the Commission. The membership of such committee(s) and liaison representatives may consist of all Commission members or part Commission members or by all noncommission members. All such committees and representatives shall be provided with a formal charge and shall report to the Commission their findings and recommendations, unless otherwise directed.

All standing committees and liaison representatives shall be appointed at the next regular Commission meeting following the election of officers. They shall take office following the meeting of their appointment and serve for one year or until their successor has been appointed. Such committees may elect officers unless otherwise designated by the Chairperson and establish such rules of procedure as they deem desirable.

ARTICLE VII: AMENDMENTS TO BYLAWS

SECTION 1. AMENDMENTS. The Commission may, by a majority vote of the entire membership thereof, and upon approval by the Governing Body of the City, amend these Bylaws or any provisions or sections thereof, at any time when the same is not in conflict or in contradiction of any of the laws of the State of Kansas or ordinances of the City of Bel Aire, Kansas. The Commission shall review the Bylaws, no less than every three (3) years to ensure timely and appropriate updates are made if necessary.

Notices of the proposed amendments shall be furnished by the Secretary to all members of the Planning Commission and the Governing Body not less than seven calendar days prior to the meeting at which such amendments are to be considered. A current copy of the Bylaws of the Commission and such amendments thereto as may from time to time be

adopted, shall be maintained by the Secretary and filed with the City Clerk

SECTION 2. ADOPTED. The above and foregoing Bylaws are hereby adopted as the Bylaws of the City of Bel Aire City Planning Commission and recommended for approval of the Governing Body of the City of Bel Aire, Kansas. These Bylaws shall be effective and all previously adopted Bylaws of the Planning Commission shall be repealed, effective the 14th day of August, 2025, following approval thereof by the Governing Body of the City.

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PASSED by the Planning Commission of the City of Bel Aire, Kansas, on the 14th day of August, 2025.

SIGNED by the Presiding Officer on the 14th day of August, 2025.

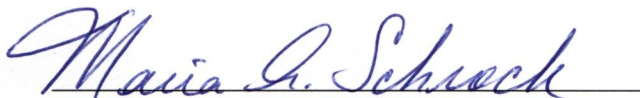
CITY OF BEL AIRE, KANSAS

Phillip Jordan, Chairperson

ATTEST:

Paula L. Downs, Secretary


APPROVED AS TO FORM ONLY:


Maria A. Schrock, City Attorney

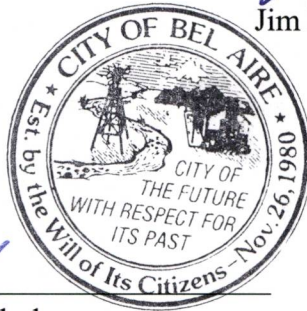
PASSED, ADOPTED, AND APPROVED by the Governing Body of the City of Bel Aire, Kansas,
on the 2nd day of September, 2025.

SIGNED by the Mayor on the 2nd day of September, 2025.


CITY OF BEL AIRE, KANSAS



Jim Benage, Mayor




ATTEST:



Melissa Krehbiel, City Clerk

APPROVED AS TO FORM ONLY:



Maria A. Schrock, City Attorney

Chapter 18- Article 7. Zoning Districts

Disclaimer: This document is being used as a general review document of the zoning districts set out in the Bel Aire City Code as of September 11, 2025. This document has been summarized to include broad information about each zoning district and is not verbatim to the Bel Aire City Code.

18.7.0. Agricultural district.

The zoning of property as AG, Agricultural District, is intended to maintain and enhance agricultural operations and preserve agricultural lands utilized for crop production or the raising of livestock. The Agricultural District may serve as a “holding zone” for land where future urban expansion is possible. Property zoned AG for “holding zone” purposes may be used for certain commercial and industrial special uses.

Permitted uses: The following uses shall be permitted by right in the Agricultural District:

- Agricultural production – crops
- Agricultural production – livestock and animal specialties
- Agricultural services
- Single-family residences with a minimum of 1,800 square feet living space.
- Accessory Structures typically associated with agricultural services, and ordinary domestic household needs. Accessory structures associated with other types of businesses shall comply with such regulations as set forth within Section 6.06 of this Zoning Code.

Conditional uses: Uses if reviewed and approved by the Planning Commission:

- Development of natural resources and extraction of raw materials such as rock, gravel, sand, fill dirt, soil, etc.

Height and Area Regulations for AG Developments

- Minimum lot area per dwelling unit – twenty (20) net acres.
- Maximum height:
 - Residences – two and one-half (2 ½) stories, not exceeding thirty-five (35) feet from finished grade.
 - Agricultural structures – fifty (50) feet from finished grade.

- Non-agricultural structures and uses – seventy-five (75) feet, provided such structure is set back from all property lines a distance equal to or greater than its height.
- Minimum front, side and rear yards – fifty (50) feet.
- Minimum lot width – six hundred (600) feet.
- Minimum setbacks for parking/paving (nonagricultural uses):
 - Thirty (30) feet from street right-of-way.
 - Thirty (30) feet from property lines other than street right-of-way.
- There shall be no restrictions as to operation of agricultural vehicles and machinery, or the sale or marketing of products raised on the premises.
- All buildings, structures or yards used for the raising, feeding, housing or sale of livestock or poultry shall be located at least one hundred (100) feet from residentially zoned land.
- There shall be no disposal of garbage, rubbish or offal, other than regular removal thereof, within three hundred (300) feet of residentially zoned land.
- Where a lot or tract had less than the twenty (20) acre minimum lot area required herein in separate ownership on January 1, 2004, these Regulations shall not prohibit the erection or alteration of a single-family dwelling.
- Where development utilizing septic tanks is proposed, applicant shall submit a septic tank suitability study in accordance with at the time of filing the application for Agricultural zoning.

18.7.1. Rural residential district.

The zoning of property as RR, Rural Residential District, is intended to provide for development of single-family detached dwellings at a density which **does not exceed one (1) dwelling unit per five (5) acres**. Uses which are compatible with the large-lot/low-density residential character of this district would be permitted under certain conditions. Property zoned RR should include only those tracts which abut or are in close proximity to existing large-lot single-family development where a neighborhood character of single-family dwellings on large lots has been established.

Use Regulations.

Permitted uses: The following uses shall be permitted by right in the Rural Residential District:

- Single-family residences with a minimum of two thousand four hundred (2,400) square feet living space.
- Manufactured Home/Residential Design Manufactured Home
- Churches and their accessory buildings.

- Day care.
- Golf Course.
- Group home, limited.
- Parks, playgrounds and community buildings owned and/or operated by the city.
- School, elementary, middle and high.
- Utility, minor.

Conditional uses: Uses if reviewed and approved by the Planning Commission:

- Accessory apartment.
- Agriculture
- Group residence limited and general.
- Neighborhood swimming pool.
- Cemetery.
- Community assembly.
- Convalescent care facility, limited.
- Cultural group.
- Government service.
- Home Occupation
- Hospital.
- Library.
- Safety services.
- Utility, major.
- Airport or airstrip.
- Bed and breakfast inn.
- Kennel, boarding/breeding/training and hobby.
- Parking area and/or accessory drive ancillary.
- Recreation and entertainment, indoor and outdoor.
- Recreational vehicle campground.
- Riding academy or stable.
- Height and Area Regulations for RR Developments

Height and Area Regulations::

- Minimum lot area per dwelling unit – five (5) net acres.
- Maximum height:
 - Residences – two and one-half (2 ½) stories, not exceeding thirty-five (35) feet from finished grade.

- Non-residential structures and uses – seventy-five (75) feet, provided such structure is set back from all property lines a distance equal to or greater than its height.
- Minimum front yard – fifty (50) feet from street right-of-way.
- Minimum side yard:
 - Total side yards shall be twenty (20) percent of the width of the lot; no side yard may be less than twenty (20) feet.
 - Corner lots – thirty (30) feet from street right-of-way.
- Minimum rear yard – seventy-five (75) feet.
- Minimum lot width – two hundred (200) feet.
- Minimum parking/paving setbacks for nonresidential uses.
- Fifty (50) feet from street right-of-way
- Twenty (20) feet from property lines other than street right-of-way.
- Maximum lot coverage – thirty-five (35%) percent.
- Development and Performance Standards for RR Developments
- Accessory Uses are subject to the same regulations as the Principal Use.
- An accessory use shall not include converted semi-trailers, railcars, metal storage boxes not specifically designed to serve as storage buildings in residential yards, or any similar item as determined by the zoning administrator.
- Sheds of less than 120 square feet shall be permitted by right
- The combined footprint of all Accessory Structures, including sheds, may not exceed the footprint of the Principal Building or 30% of the Lot Area.

18.7.2. Estate residential district (R-1).

The zoning of property as R-1, Estate Residential District, **one (1) unit per acre**, is intended to provide for development of standard low-density residential developments, in areas where adequate public facilities and services exist, and residential development is appropriate given the surrounding land uses and neighborhood.

Permitted uses is Single-family residences with a minimum of two thousand four hundred (2,400) square feet of living space.

Conditional uses: Uses if reviewed and approved by the Planning Commission:

- Accessory apartment.
- Group residence limited and general.
- Neighborhood swimming pool.

- Cemetery.
- Community assembly.
- Cultural group.
- Government service.
- Home Occupation
- Hospital.
- Library
- Parks
- Safety services.
- Utility, minor.
- Bed and breakfast inn.
- Parking area and/or accessory drive ancillary.

Prohibited uses:

- Manufactured housing
- Mobile Home

Height and Area Regulations for R-1 Developments:

- Minimum lot area per dwelling unit – one (1) acre
- Maximum height:
 - Residences – two and one-half (2 ½) stories, not exceeding thirty-five (35) feet from finished grade.
 - Nonresidential structures and uses – seventy-five (75) feet, provided such structure is set back from all property lines a distance equal to or greater than its height.
 - Minimum front yard – thirty (30) feet from street right-of-way.
 - Minimum side yard:
 - Total side yards shall be twenty (20) percent of the width of the lot; no side yard may be less than ten (10) feet from property lines.
 - Corner lots – thirty (30) feet from street right-of-way.
 - Minimum rear yard – thirty-five (35) feet from property line.
 - Minimum lot width – one hundred (100) feet.
 - Minimum lot depth – average of two hundred (200) feet.
 - Maximum lot coverage – thirty (30) percent.

Development and Performance Standards for R-1 Developments

- Connection to municipal utilities is a requirement for this zoning classification.
- An accessory use shall not include converted semi-trailers, railcars, metal storage boxes not specifically designed to serve as storage buildings in residential yards, or any similar item as determined by the zoning administrator.

18.7.3. Single-family residential district (R-2).

The zoning of property as R-2, Single-Family Residential District, is intended to provide for development of standard low-density residential developments, with no district bonus densities, in areas where adequate public facilities and services exist, and residential development is appropriate given the surrounding land uses and neighborhood.

Permitted uses:

- Single-family residences with a minimum of two thousand (2,000) square feet of living space.
- Parks

Conditional uses: Uses if reviewed and approved by the Planning Commission:

- Community buildings owned and operated by the City.
- Churches and their accessory buildings.
- Public libraries.
- Public and private schools but not including private kindergartens or nursery schools accommodating 10 or more students.
- Public golf courses operated for commercial purposes and open to anyone who applies, except miniature golf courses and driving ranges.
- Residential Design Manufactured housing.
- Home Occupations.
- Detached accessory structures: Provided that they are located within the side and/or rear yard of a lot and are in accordance with all setback requirements. An accessory use shall not include converted semi-trailers, railcars, metal storage boxes not specifically designed to serve as storage buildings in residential yards, or any similar item as determined by the zoning administrator.

Prohibited uses:

- Manufactured housing
- Mobile Home

Accessory use regulation(s):

- Sheds of less than 120 square feet shall be permitted by right
- The combined footprint of all Accessory Structures, including sheds, may not exceed the footprint of the Principal Building or 30% of the Lot Area.

Height and Area Regulations for R-2 Developments:

- Minimum lot area per dwelling unit – fourteen thousand two hundred fifty (14,250) sq. ft.
- Maximum height: Residences – two and one-half (2 ½) stories, not exceeding thirty-five (35) feet from finished grade.
- Minimum front yard – twenty-five (25) feet from street right-of-way.
- Minimum side yards:
 - Total side yards shall be twenty (20) percent of the width of the lot; no side yard may be less than ten (10) feet from the property lines
 - Corner lots – twenty-five (25) feet from street right-of-way.
- Minimum rear yard: Thirty-five (35) feet from property line.
- Minimum lot width – ninety-five (95) feet; side-load garage requires minimum lot width of one hundred fifteen (115) feet.
- Minimum lot depth – average of one hundred fifty (150) feet.

18.7.4. Single-family residential district (R-3).

(LOW TO MODERATE DENSITY/MINIMUM 11,050 SQ. FT.)

The zoning of property as R-3, Single-Family Residential District, is intended to provide for residential development with a minimum of 11,050 sq ft lots in areas where adequate public facilities and services exist, and residential development is appropriate given the surrounding land uses and neighborhood.

Permitted uses: Single-family residences with a minimum of **two thousand** (1,800) square feet of living space.

Conditional uses:

- All conditional uses listed for the R-2 district.

- Neighborhood swimming pool
- Cemetery
- Residential Design Manufactured housing
- Utility, major
- Prohibited uses:
- Manufactured housing
- Mobile Home

Accessory use regulation(s):

- Sheds of less than 120 square feet shall be permitted by right
- The combined footprint of all Accessory Structures, including sheds, may not exceed the footprint of the Principal Building or 30% of the Lot Area.

Height and Area Regulations for R-3 Developments:

- Minimum lot area per dwelling unit – Eleven thousand fifty (11,050) sq ft. lot
- Maximum height: Residences – two (2) stories, not exceeding thirty-five (35) feet from finished grade
- Minimum front yard – twenty-five (25) feet from street right-of-way
- Minimum side yard:
 - Total side yards shall be twenty (20) percent of lot width. No side yard shall be less than ten (10) feet from property line.
 - Corner Lots – twenty-five (25) feet from street right-of-way
- Minimum rear yard: Twenty-five (25) feet from property line
- Minimum lot width – Eighty-five (85) feet; Side-load garage requires minimum lot width of One hundred-fifteen (115) feet
- Minimum lot depth – One Hundred-thirty (130) feet

18.7.5. Single-family residential district (R-4).

(moderate density/minimum 8,400 sq. ft.)

The zoning of property as R-4, Single-Family Residential District, is intended to provide for residential development with a minimum of 8,400 sq. ft. lots in areas where adequate public facilities and services exist, and residential development is appropriate given the surrounding land uses and neighborhood.

Permitted uses:

- Single-family residences with a minimum of 1,600 square feet of living space.
- Single family with 1,200 square feet minimum living space on lots platted prior to January 1, 2003, that have a minimum lot area per dwelling unit of 7,500 square feet.
- Two-family residences (duplexes) with not less than 1,200 square feet per unit
- Churches and their accessory buildings
- Day care
- Golf Course
- Group home, limited
- Parks, playgrounds and community buildings or Governmental buildings owned and/or operated by the city
- Residential Design Manufactured Homes (see 7.05 C below)
- School, elementary, middle and high
- Utility, minor

Conditional uses:

- All conditional uses listed for the R-3 district

Accessory use regulation(s):

- Sheds of less than 120 square feet shall be permitted by right
- The combined footprint of all Accessory Structures, including sheds, may not exceed the footprint of the Principal Building or 30% of the Lot Area.

Height and Area Regulations for R-4 Developments:

- Minimum lot area per dwelling unit – Eight thousand four hundred (8,400) square feet, this district shall also include lots platted prior to January 1, 2003, which have a minimum lot area prior dwelling unit of 7,500 square feet
- Maximum height:
 - Residences – two (2) stories, not exceeding thirty-five (35) feet from finished grade
 - Minimum front yard – twenty-five (25) feet from street right-of-way
- Minimum side yard:
 - Total side yards shall be twenty (20) percent of lot width. No side yard shall be less than ten (10) feet from property line
 - Corner Lots – twenty-five (25) feet from street right-of-way
- Minimum rear yard: Twenty-five (25) feet from property line
- Minimum lot width – Seventy (70) feet
- Minimum lot depth – One hundred twenty (120) feet

Development and Performance Standards.

- Residential Design Manufactured Homes may be utilized in this residential district if such dwelling conforms with all requirements set out in code (all specific requirements not listed in this summary)
- An accessory use shall not include converted semi-trailers, railcars, metal storage boxes not specifically designed to serve as storage buildings in residential yards, or any similar item as determined by the zoning administrator.
- Sheds of less than 120 square feet shall be permitted by
- The combined footprint of all Accessory Structures, including sheds, may not exceed the footprint of the Principal Building or 30% of the Lot Area.

18.7.6. Garden and patio homes, townhouses and condominiums (R-5).

The zoning of property as R-5, Multi-Family district is intended to provide for the development of well-designed Garden homes, Townhouses, and condos with emphasis on open space and access to light and air.

The R-5 District allows for development up to six (6) dwelling units per acre.

This district is not intended to be applied to a single structure.

Permitted uses:

- Townhouse – A one family townhouse dwelling unit, with a private entrance which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having a totally exposed front and rear wall to be used for access, light and ventilations.
- Garden and Patio Home – A detached, or common walled single family patio house unit situated on a reduced size lot that orients outdoor activities within designated rear or side yard patio areas.
- Condominium – A multiple dwelling condominium development containing individually owned dwelling units and jointly owned and shared areas and facilities, pursuant to the condominium laws of the State of Kansas.
- Parks.

Conditional uses:

- Community buildings owned and operated by the city.
- Churches and their accessory buildings.
- Public libraries.

- Public schools and private schools but not including private kindergartens or nursery schools accommodating 10 or more students.
- Public golf courses operated for commercial purposes and open to anyone who applies, except miniature golf courses and driving ranges.
- Safety services.
- Home Occupation.
- Detached accessory structures:
 - Provided that they are located within the side and/or rear yard of a lot and are set back a minimum of five (5) feet from any property line and are not located upon an easement.
 - An accessory use shall not include converted semi-trailers, railcars, metal storage boxes not specifically designed to serve as storage buildings in residential yards, or any similar item as determined by the zoning administrator.

Prohibited uses:

- Manufactured housing
- Mobile Home

Height and Area Regulations for R-5 Developments.

- Maximum density per acre – 6 dwelling units
- Maximum height:
 - Residences – two (2) stories, not exceeding thirty-five (35) feet from finished grade
- Minimum dwelling unit – 1,200 square feet
- Development and Performance Standards for R-5b Developments
- Connection to municipal utilities is a requirement for this zoning classification.

18.7.7. Single family/zero lot line residential (ZLL) (R-5b).

The “R-5b” Single Family/Zero Lot Line Residential District is intended to accommodate those types of residential developments that provide minimal yards, in order to create high-quality single-family homes with reduced yard maintenance requirements.

This district is not intended to be applied to a single structure.

Permitted uses: Single-family residences with a minimum of one thousand one hundred and seventy (1,170) square feet of living space.

Conditional uses: All Conditional Uses listed for the R-5 district.

- Detached Accessory Structures: provided that they are located within the rear yard of a lot and are set back a minimum of five (5) feet from any property line and are not located upon an easement.
- An accessory use shall not include converted semi-trailers, railcars, metal storage boxes not specifically designed to serve as storage buildings in residential yards, or any similar item as determined by the zoning administrator.
- Residential Design Manufactured housing in accordance with the standards provided for the R-3 district.

Land used for an “R-5b” District: This section provided details related to how the development is created including: drainage or utility easements; fencing/screening; privacy requirements where windows, doors are located; parking; and restrictive covenants that address maintenance.

Height Regulations and Area Regulations.

- No building shall exceed two stories or 35 feet in height.
- Minimum area of dwelling – 1,170 square feet for each family.
- Lot area - the lot area for “R-5b” Single Family Dwellings and accessory buildings shall be not less than 5,000 square feet.
- Lot width - the lot width shall be not less than 50 feet.
- Lot depth - the minimum lot depth shall be not less than 90 feet.
- Front yard:
 - The minimum front yard setback shall be the same as the distance between the front line and the building or setback line shown on the plat.
 - The minimum front yard setback shall be 15 feet on interior lots.
 - On corner lots, 25 feet on all sides abutting a street, except that 15 feet is permitted where such frontage is adjacent to an interior zero lot line lot.
- Side yard:
 - The minimum width of the side yard shall be the same as the distance between the side lot line and the building line shown on the plat.
 - A minimum of 10 feet shall be maintained between the adjacent residential structure.
- Rear yard.
 - There shall be rear yard having a depth of not less than 15 feet.
- Accessory building shall be not less than five feet from the rear lot line, nor shall they encroach on any platted or recorded easement.

18.7.8. Multi-family district (R-6).

The zoning of property as R-6 Multi-Family District, is intended to provide for development of well-designed garden apartment complexes with emphasis on open space and access to light and air. The R-6 district allows development of up to twelve (12) dwelling units per net acre. Apartment projects in the R-6 district will all be low-rise developments with commonly maintained landscaped open space.

Permitted uses:

- Multifamily (attached) dwellings with not less than 800 square feet minimum of living space.
- Leasing office for the apartment complex.

Conditional uses:

- Generally - Non-residential uses which are proposed for the benefit of or as an amenity to a particular subdivision and not for the use by the general public, i.e., neighborhood pools, clubhouses, etc.
- Community buildings owned and operated by the city.
- Churches and their accessory buildings.
- Public libraries.
- Public schools and private schools but not including private kindergartens or nursery schools accommodating 10 or more students.
- Public golf courses operated for commercial purposes and open to anyone who applies, except miniature golf courses and driving ranges.
- Safety services.
- Home Occupation.
- Detached accessory structures: Provided that they are located within the side and/or rear yard of a lot and are in accordance with all setback requirements. An accessory use shall not include converted semi-trailers, railcars, metal storage boxes not specifically designed to serve as storage buildings in residential yards, or any similar item as determined by the zoning administrator.
- Boarding and lodging houses.
- Private Kindergartens, nurseries, doctors' offices, hospitals and clinics, but not small animal hospitals or animal clinics.
- Storage garages and parking lots for storage only.
- Intensive care facilities.

Height and Area Regulations for R-6 Developments

- Minimum district size – one (1) net acre;
- Minimum lot area per dwelling unit – three-thousand-six-hundred-thirty feet (3,630)
- Maximum height:
 - Residences – three (3) stories, not exceeding forty (40) feet from finished grade.
 - Nonresidential structures and uses – seventy-five (75) feet, provided such structure is set back from all property lines a distance equal to or greater than its height.
- Minimum front yard – thirty (30) feet from street right-a-way.
- Minimum side yards:
 - Fifteen (15) from property lines.
 - Seventy-five (75) feet from property lines adjoining land zoned C-2 through M-2 inclusive.
 - Corner lots – thirty (30) feet from street right-of-way
- Minimum rear yard:
 - Thirty-five (35) feet from property line
 - Seventy-five (75) feet from property lines adjoining land zoned C-2 through M-3, inclusive
- Minimum distance between building – forty-five (45) feet
- Minimum Parking/paving setbacks shall be the same as required front, side and rear yards

18.7.9. Manufactured home park (MHP).

The “MHP” Manufactured Home Park District is intended to accommodate those types of residential developments that accommodate those dwelling structures consisting of one or more mobile components manufactured to the standards embodied in the Federal Manufactured Home Construction and Safety Standards Act generally known as the HUD Code.

This shall not include a “residential-design manufactured home.” (K.S.A. 12-742).

Such homes will not be allowed on individually owned zoning lots. A Manufactured Home Park Ordinance or Code of the City may further govern Manufactured Home Parks.

Permitted uses:

- Manufactured home park.
- Manufactured home subdivision.

Conditional uses:

- Development of natural resources and extraction of raw materials such as rock, gravel, sand, fill dirt, soil, etc.
- Parks, playgrounds and community buildings owned and operated by the city.
- Churches and their accessory buildings.
- Public libraries.
- Public schools, elementary schools and high schools and private schools having a curriculum equivalent to and substantially the same as that of a public elementary or public high school.
- Public golf courses operated for commercial purposes and open to anyone who applies, except miniature golf courses and driving ranges.
- Office of a physician, dentist, musician or other professional person.
- Private kindergartens, nurseries, doctors' offices, hospitals and clinics, but not small animal hospitals or animal clinics.
- Storage garages and parking lots for storage only. A storage shed, building, or garage shall not include converted semi-trailers, railcars, metal storage boxes not specifically designed to serve as storage buildings in residential yards, or any similar item as determined by the zoning administrator.
- Intensive care facilities.

Height and Area Regulations for MHP Developments: There are detailed area regulations for mobile home park that can be found listed in the code.

18.7.10. Planned unit development residential district (R-PUD).

The "R-PUD" Planned Unit Development Residential District is intended to provide for development of innovative residential development.

Permitted uses: Residential uses pursuant to a Planned Unit Development. (PUD).

Conditional uses: All conditional uses listed in the R-4 District

PUD Height and Area Regulations. Height and Area Regulations, Setbacks, Streets and Parking Regulations for the R-PUD District shall be pursuant to an approved plat and may differ from development to development within the R-PUD district.

18.7.11. Neighborhood commercial, office and retail (C-1).

The zoning of property as C-1, Neighborhood Commercial Office and Retail District, is intended to provide for development of small-scale retail business uses within the City. This district permits limited retail activities that are conducted wholly indoors. The Neighborhood Commercial Office & Retail District is intended specifically for development of limited commercial centers in areas that are sensitive because of adjoining land uses, or natural features.

Permitted uses:

- Offices, including the following:
- Abstract and title companies
- Accountants' offices
- Advertising agencies
- Architects' offices
- Artist studios
- Attorneys' offices
- Broadcasting or recording studios without transmitter towers
- Computer and data processing offices
- Dental offices and clinics
- Engineers' offices
- Medical offices and clinics
- Offices, administrative
- Clerical sales services, including the display of sample or inventory items made available for demonstration purposes and where such display constitutes less than half of the total floor area. Such display area shall be limited to small business machines, desk computers and similar types of office aids and hardware. Such material shall not be extended to office furniture, larger appliances or machines. Repairs and services of authorized material is permitted as an accessory use.
- Optician and optical dispensaries
- Photography studios
- Real estate offices
- Religious offices and headquarters
- Travel agencies
- Retail stores and personal service businesses, including the following:
- Artist, craft, and hobby supply store
- Camera shop and photographic supplies
- Clothing and costume rental store

- Drug store, pharmacy or apothecary
- Florist shop
- Hair stylists (barber and beauty shops)
- Jewelry and jewelry repair
- Key shop
- Medical and orthopedic appliance stores
- Picture framing shop
- Shoe repair shop
- Tailor shop
- Residential uses, as follows:
- Each business or office may have an owner residence within the primary structure of the business or office structure.
- Miscellaneous type uses, including Off-street parking and loading accessory to the principal use established on the zoning lot, all in conformance with the standards set forth within Article 6 of this Zoning Code.

Conditional uses: Uses if reviewed and approved by the Planning Commission:

- Safety services
- Wireless Telecommunication Facilities
- Accessory uses when determined to be subordinate in area, extent and purpose to the principal use served, and is determined by the commission to contribute to the necessity of the principal residence or business established on the zoning lot, all in conformance with the standards set forth within Article 6 of this Zoning Code.

Height and Area Regulations for C-1 Developments

- Minimum district size -- one (1) net acre.
- Maximum district size -- three (3) net acres.
- Maximum height -- two (2) stories, not exceeding thirty (30) feet from finished grade.
- Minimum setbacks:
 - Buildings:
 - Forty (40) feet from street right-of-way
 - Twenty (20) feet from property lines adjoining land zoned AG through R-6, inclusive. Buildings over twenty (20) feet in height shall set back an additional one (1) foot for every two (2) feet in height.
 - Ten (10) feet from property lines, unless attached to adjacent structure approved by City. Non-attached side shall be twenty (20) feet

- Parking/paving:
 - Fifteen (15) feet from street right-of-way
 - Twenty (20) feet from property lines
- The City may allow a ten (10) foot setback for buildings less than thirty (30) feet in height or parking when the proposed development is part of a multi- structure complex.
- Business Area regulations. No individual business shall occupy more than 10,000 square feet of floor area with the maximum 30% of the overall lot area coverage; provided, however, an Administrative Exception to this limitation may be granted subject to the following conditions:
 - A basement area, not exceeding the area used for office or sales use, which is used only for storage, records, mechanical equipment or other non-person uses.
 - Such area shall be determined to be non-traffic generating and deemed to be exempt from all off-street parking requirements.
 - Any Administrative Exception to the floor area shall apply only to the use set forth in the application. Any change of occupancy will be subject to all limitations of these regulations.
 - Minimum landscaped open space ratio -- twenty (20) percent of net site area.
 - Development and Performance Standards for C-1 Districts

The intent of the C-1 District is to provide for single buildings with single or multiple tenants with office and light commercial uses.

All business establishments, other than office, shall be retail or service establishments dealing directly with the consumer.

Service establishments shall be the type that deal primarily with services for persons or businesses, or limited retail sale that do not require the use of vehicles and heavy equipment in the operation of the business other than for the delivery of goods or services to the home

The use is limited to offices and limited retail, and service uses which are considered to be compatible with and not unduly burdensome upon adjacent residential properties or residential areas located nearby.

The use is compatible to other businesses located nearby within the district itself.

The nature of any use located within the district shall be smaller, less intense uses.

An accessory use shall not include converted semi-trailers, railcars, metal storage boxes not specifically designed to serve as storage buildings in residential yards, or any similar item as determined by the zoning administrator.

Parking and loading, signage, landscaping and screening are described in the section and full details can be found in the code.

Prohibited Uses or Practices in the C-1 District.

- Sale of merchandise from a vehicle or temporary structure is prohibited, except as provided for by temporary sales and events permit.
- Delivery services shall not be permitted.
- No merchandise shall be stored or displayed outside of an enclosed building, and no equipment or vehicles other than operable passenger vehicles shall be stored outside a building.
- No business establishments shall offer goods or services by way of drive- up windows or directly to customers' parked motor vehicles.
- Motor vehicles or heavy equipment parts, service or fuels shall not be displayed in this district.

18.7.12. Planned unit development - commercial office and retail (C-2).

The "C-2" Planned Unit Commercial Office and Retail District is intended to provide for development of a variety of general commercial uses, and innovative residential and/or commercial uses.

Permitted uses:

- Commercial office and retail uses pursuant to a Planned Unit Development. (PUD).
- Residential spaces pursuant to a Planned Unit Development.

Conditional uses: Uses if reviewed and approved by the Planning Commission:

- All conditional uses permitted in all other more intensive zoning districts.
- All uses generally considered retail or commercial, and typically located near residential areas, to meet the needs of consumers.

Development and Performance Standards for C-1 Districts:

- Height and Area Regulations, Setbacks, Streets and Parking Regulations for the R-PUD District shall be pursuant to an approved plat and may differ from development to development within the R-PUD district.
- Signage. All signage within a PUD shall be in conformance with the Sign Code of the City and the specific terms of the Planned Unit Development.

- Landscaping. All landscaping within a PUD shall be in conformance with the terms of the Planned Unit Development landscape plan.

18.7.13. Planned unit development - industrial district (M-1).

The “M-1” Planned Unit Development - Industrial District is intended to encourage innovation in commercial and industrial development, through designs allowing for a more efficient use of land, incorporation of new technologies in urban land development, and incorporation of a greater variety and flexibility in type, design, and layout of structures.

Permitted uses:

- Commercial office and retail uses pursuant to a Planned Unit Development.
- Manufacturing and industrial uses pursuant to a Planned Unit Development.

Conditional uses:

- All conditional uses listed in all other more intensive zoning districts.
- All uses generally considered intensive commercial, or manufacturing or industrial, and typically not located near residential areas, and are more likely to produce odor, noise, vibration, intensive lighting, heavy traffic, or other offensive effects
- Accessory uses and structures in the Industrial District shall be permitted pursuant to the specific terms of a Planned Unit Development, or as conditional uses pursuant to the procedures set forth within Article 5.03. The following are accessory uses and structures:
- Automotive repair and maintenance shops, maximum of two (2) bays in conjunction with gasoline service stations.
- Car washes (single-bay, automatic) in conjunction with gasoline service stations.
- Dwelling units for security, management or maintenance personnel.
- Fences or walls.
- Flag poles, under sixty (60) feet in height.
- Food service and vending machines for tenants.
- Gate houses.
- Parking and loading areas.
- Private parking garages.
- Recreational areas and facilities.
- Satellite dish antennas.
- Signs.
- Solar collectors.
- Storage lots for vehicles awaiting repair, with screening requirements.

ORDINANCE NO. 746

**AN ORDINANCE DESIGNATING THE PLANNING COMMISSION AS THE
BOARD OF ZONING APPEALS IN THE CITY OF BEL AIRE, KANSAS.**

WHEREAS, pursuant to K.S.A. 12-759, et seq., any governing body which has enacted a zoning ordinance or resolution shall create a board of zoning appeals by adoption of the appropriate ordinance or resolution; and

WHEREAS, pursuant to K.S.A. 12-759(g), a planning commission may be designated as a board of zoning appeals; and

WHEREAS, the planning commission is best suited to serve as the board of zoning appeals due to their specialized knowledge of the comprehensive plan, zoning ordinances, and other land use regulations.

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BEL AIRE,
KANSAS:**

- A. Establishment. The Board of Zoning Appeals (hereinafter the “BZA”) for the City of Bel Aire, Kansas (hereinafter the “City”) is hereby created under the authority of K.S.A. 12-759, et seq.
- B. Authorization. The Planning Commission as previously established by the governing body shall also serve as the BZA pursuant to K.S.A. 12-759(g), as amended.
- C. Members. All members of the Bel Aire Planning Commission are voting members of the BZA, whether they reside inside or outside the City limits.
- D. Officers. All officers of the Planning Commission are officers of the BZA, including the Secretary.
- E. Compensation. All members of the BZA must serve without compensation, but may be reimbursed for expenses as authorized in the bylaws.
- F. Bylaws. The BZA must adopt rules for its operation in the form of bylaws, which:
 - 1. Must include hearing procedures.
 - 2. Must not conflict with the ordinance designating the Planning Commission as the BZA, with applicable State statutes, or with the provisions of these Zoning Regulations.
 - 3. Are subject to the approval of the Governing Body.
- G. Meetings. BZA meetings may be held separately from a Planning Commission meeting, or in conjunction with one.

1. When Planning Commission and BZA meetings are held in conjunction, the Planning Commission must recess a portion of its meeting to conduct the business of the BZA, and then reconvene to continue the Planning Commission agenda.
2. Special meetings must be held at the call of the Chairperson, and at such other times as the bylaws allow.

SECTION 1. Repealer. All other ordinances or parts of other ordinances in conflict herewith are repealed. However, any section of an existing ordinance not in conflict herewith is not repealed and remains in full force and effect.

SECTION 2. Effective Date. This Ordinance shall take effect and be in force from and after its adoption by the Governing Body of the City, approval by the Mayor, and publication once in the official city newspaper.

[Remainder of this page intentionally left blank]

ADOPTED by the Governing Body of the City of Bel Aire, Kansas on this 2nd day of September, 2025.

SIGNED by the Mayor on this 3rd day of September, 2025.


CITY OF BEL AIRE, KANSAS



Jim Benage, Mayor


ATTEST:





Melissa Krehbiel, City Clerk

APPROVED AS TO FORM:



Maria A. Schrock, City Attorney

CHAPTER 18 - ZONING REGULATIONS

Article 3. Administration and Enforcement

Disclaimer: This document is being used as a general review document of the Board of Zoning Appeals authority, roles and responsibilities set out in the Bel Aire City Code as of September 11, 2025. This document has been developed with additional information and summarized language summarized and is not verbatim to the Bel Aire City Code.

18.3.3. Board of zoning appeals created.

Current language of this section sets out that the BZA is a three-member body. Ordinance 746, approved by the City Council on September 2, 2025, appoints the Planning Commission as the Board of Zoning Appeals.

Zoning regulations will be updated to accurately reflect Ordinance 746.

The BZA will have a Bylaw document which will be used to update the language in the zoning regulations around: members, appointment; removal; term of office; organization and responsibilities and dissolution.

Language contained in **18.3.3.H**- Final Decision language is accurate and will be used:

18.3.3.H: Final Decision. Unless otherwise stated herein, any decision of the Board of Zoning Appeals shall be final and may be appealed to the Sedgwick County District Court in conformance with State law. The decision of the Board shall not be stayed pending appeal unless directed by the District Court.

CHAPTER 18 - ZONING REGULATIONS

Article 5. Amendment Process, Conditional Use, Special Use, Appeals To BZA, Variances

18.5.5. Appeals of administrative zoning decisions.

- A. **Administrative Appeal.** Unless specified elsewhere in these Regulations or otherwise required by the Governing Body, appeals of the building official or any other administrative official's interpretation of the provisions and standards of these Regulations shall be to the Board of Zoning Appeals. Decisions of the Governing Body are not subject to administrative appeal.

- B. **Hearing Procedure.** Appeals to the Board of Zoning Appeals may be taken by any person aggrieved, or by any officer of the city, county or any governmental agency or body affected by any decision of the officer administering the provisions of the zoning ordinance or resolution. Such appeal shall be taken within that time frame as provided by the rules of the BZA, by filing a notice of appeal with the City Clerk specifying the grounds thereof and the payment of the fee required therefor. The notice of appeal shall include all information required by the rules of the BZA, and all evidence relevant to the decision at issue. The officer from whom the appeal is taken, when notified by the BZA or its agent, shall transmit to the BZA all the papers constituting the record upon which the action appealed from was taken. The BZA shall have power to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of the zoning ordinance or resolution. Decisions which are subject to administrative appeal include but are not limited to: definitions, permitted uses, height and area regulations, development and performance standards, parking and loading, signage, landscaping and screening, storage, accessory uses, nonconforming situation and vested rights, subdivision regulations, etc.
- C. **Filing Fee.** A filing fee shall be paid to the city clerk upon the filing of each appeal for the purpose of defraying the costs of the proceedings prescribed herein. A written receipt shall be issued to the persons making such payment, and record thereof shall be kept in such manner as prescribed by law.
- D. **Stay of Proceedings.** An appeal to the BZA stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the BZA after the notice of appeal shall have been filed that by reason of facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by a court of record.
- E. **Hearing.** The BZA shall fix a reasonable time for the hearing of any appeal and provide due notice to the parties of interest of such time and date. The BZA shall decide such appeal as soon as reasonably possible following the conclusion of the appeal hearing. Any party may appear in person or by agent or attorney. Hearing procedure need not conform to rules of judicial or administrative procedure but should allow for the public presentation of all relevant evidence produced by both the appellant and the official who issued the decision, which is the subject of the appeal. Decisions by the BZA shall be by simple majority and shall include a written statement setting forth such decision and the general reasons for such decision. Such decision shall be mailed to the appellant at the address provided within the application of appeal. If the affirms the decision of the City's officer because of the appellant's noncompliance with this Code or the City's

Subdivision Code, the appellant shall be directed, as appropriate, to comply with such applicable Code provisions.

18.5.6. Variances.

- A. **Consideration of Variances.** The BZA is empowered to authorize in specific cases a variance from the specific terms of these Regulations which will not be contrary to the public interest and where owing to special conditions, a literal enforcement of the provisions of the Zoning Code will, in an individual case, result in unnecessary hardship (total deprivation of use), and provided that the spirit of these Regulations shall be observed, public safety and welfare secured, and substantial justice done. A variance is not a method for requesting a use otherwise not permitted by this Code in such district [See Article 8 of these Regulations regarding “Conditional Use”, “Special Use”].
- B. **Mandatory Findings.** An application for variance may only be granted upon a written finding by the Board of Zoning Appeals that all of the following conditions have been met:
 - 1. That the variance requested arises from such condition that is unique to the property in question, is not ordinarily found in the same zone or district and is not created by an action or actions of the property owner or the applicant.
 - 2. That the granting of the variance will not adversely affect the rights of adjacent property owners or residents.
 - 3. That the strict application of the provisions of these Regulations would constitute unnecessary hardship upon the property owner represented in the application.
 - 4. That the variance desired will not adversely affect the public health, safety, morals, order, convenience, prosperity or general welfare.
 - 5. That granting the variance will not be opposed to the general spirit and intent of these Regulations.
- C. **Public Hearing.** Variances shall only be considered after a public hearing has been held, following publication notice and individual notice to surrounding property owners in conformance with the Notice Procedure as set forth within 18.5.2(B) above. A copy of the publication notice shall be mailed to the applicant and provided as a courtesy to Planning Commission and Governing Body.
- D. **Conditions for Approval of a Variance.** In approving any application for Variance, the Board of Zoning Appeals may stipulate that the approval is subject to compliance with certain specified conditions including, but not limited to; limitations on permitted uses, time of performance, limitation on hours of operation, participation in transportation systems management programs, participation in improvement districts or other programs for financing public facilities, etc.

- E. **Vote Required.** The concurring vote of a majority of the members appointed to the BZA shall be required to reverse any order, requirement, decision, or determination of any administrative official, or to decide in favor of the applicant on any matter upon which it is required, or to affect any variation of the zoning regulations.
- F. **Written Findings.** Written findings are required for a final decision on any application. Provided, however, that any decision may be made verbally subject to the subsequent adoption of written findings within five (5) days of the verbal decision.
- G. **Final Decision Requiring an Ordinance.** A decision of the BZA shall be deemed final as of the date written findings supporting a decision are adopted. Decisions by the Board of Zoning Appeals may be appealed to the District Court in conformance with K.S.A. 12-760, K.S.A. 60-2101(d), or other applicable State Statute.



DRAFT AGENDA
PLANNING COMMISSION &
BOARD OF ZONING
APPEALS



7651 E. Central Park Ave, Bel Aire, KS
Date in 2025, 6:30 PM

I. Call to Order

II. Roll Call

Phillip Jordan _____ Dee Roths _____ Deryk Faber _____

Paul Matzek _____ Brian Mackey _____ Brian Stuart _____

III. Pledge of Allegiance to the American Flag

IV. Consent Agenda

A. Approval of Minutes from Previous Meeting.

Action: Motion to approve the minutes of Date in 2025.

Motion _____ Second _____ Vote _____

V. Announcements:

VI. Old Business/New Business

A. Zoning Case Example

Action:

B. Conditional Use Case Example

Action:

**RECESS THE PLANNING COMMISSION AND CONVENE THE
BOARD OF ZONING APPEALS**

C. Variance Case Example

D. Variance Case Example

**ADJOURN THE BOARD OF ZONING APPEALS AND RECONVENE THE
PLANNING COMMISSION**

VII. Approval of the Next Meeting Date.

Action: Motion to approve the date of the next meeting: October 9, 2025, at 6:30 p.m.

Motion _____ Second _____ Vote _____

VIII. Current Events

A. Upcoming Agenda Items:

1. Board of Zoning Appeals Bylaws
2. Bel Aire 2035 Comprehensive Plan- Review Revised Plan for City Council Recommendation
3. Chapel Landing 8th- Final Plat

B. Upcoming Events:

1. September 27 – Tree Board Park Clean-up | Bel Aire Rec Center 8-10 a.m.
2. October 4 – Fall Curbside Clean-Up

IX. Adjournment

Action: Motion to adjourn.

Motion _____ Second _____ Vote _____