SEDGWICK
KANSAS

City of Sedgwick
City Council Meeting
November 4, 2026

TO: **Mayor and Members of City Council**

SUBJECT: **Ordinance No. 926 – Protective Overlay CBD-PO**

INITIATED BY: **Administration**

AGENDA: **New Business**

Background: The City of Sedgwick Planning and Zoning Commission met on Tuesday, September 8, 2026, for the public hearing to review the language of the proposed protective overlay for the C-1 Central Business District. Required mailings were distributed to property owners within the C-1 Central Business District. The Planning and Zoning Commission recommended adoption of the Central Business District Protective Overlay.

Analysis: Protective overlay districts are special zoning districts superimposed on existing zoning maps to add extra regulations or standards aimed at protecting a specific resource or achieving a particular community goal.

City staff worked with our legal team to draft language for a protective overlay in the C-1 Central Business Zoning District area to further prevent buildings within the district from being utilized as personal storage, materials storage for non-public facing businesses, storage of recreational vehicles, equipment and vehicles.

Historically, the City has seen storefronts within the district purchased for personal use, preventing the spread of economic development within the area. With recent development within the district, staff feels it is necessary to protect the area and promote the remaining vacant buildings as business opportunities for perspective buyers.

If adopted, buildings within the zoning area deemed incompatible would have twelve (12) months to come into compliance with the new regulations. Failure to comply would result in financial penalties of $500 per day for each day, the violation continues. Continued noncompliance after sixty (60) days may be declared a public nuisance, and the City may pursue abatement under K.S.A. 12-1617e, including assessment of abatement costs against the property.

Financial Considerations: If adopted, minimal fees would be incurred to notify property owners within the district of the change.

Recommendation: It is recommended that the governing body adopt Ordinance No. 926 as presented.

ORDINANCE NO. 926

AN ORDINANCE OF THE CITY OF SEDGWICK, KANSAS CREATING THE CENTRAL BUSINESS DISTRICT PROTECTIVE OVERLAY [CBD-PO] AND ESTABLISHING USE RESTRICTIONS TO PRESERVE THE CHARACTER OF THE DOWNTOWN C-1 CENTRAL BUSINESS DISTRICT

BE IT ORDAINED BY THE CITY OF SEDGWICK, KANSAS:

Section 1. Purpose and Intent

The purpose of the Central Business District Protective Overlay [CBD-PO] is to preserve and enhance the traditional downtown character of Sedgwick by promoting active commercial, civic, and pedestrian-oriented uses within the C-1 Central Business District.

The CBD-PO is further intended to:

(a) Contribute to an active, pedestrian-oriented downtown environment through ongoing commercial, office, civic, cultural, residential, entertainment, and service oriented occupancy;

(b) Encourage storefront activation and reduce long-term vacancy, dormant occupancy, storage-oriented utilization, and non-active uses that detract from the vitality, appearance, and economic function of the downtown corridor;

(c) Discourage uses that detract from retail, service, and civic activity, including storage and warehousing;

(d) Support reinvestment, historic preservation, and adaptive reuse of downtown buildings; and

(e) Ensure that land use within the downtown core remains consistent with the City's Strategic Plan and Comprehensive Plan.

Section 2. Applicability

(a) The CBD-PO shall apply to **all properties zoned C-1 Central Business District** within the boundaries shown on ***Exhibit A*** attached hereto and incorporated by reference.

(b) Where conflict exists between the underlying zoning district and this overlay, the overlay provisions shall control.

Section 3. Operational Standards/Active Occupancy Requirement

(a) **Active Principal Use Required.** All principal buildings located within the CBD-PO Overlay District shall maintain an active permitted principal use consistent with the underlying zoning district and the intent of this overlay. Active permitted uses may include, but are not limited to:

- Retail establishments;
- Professional and business offices;
- Restaurants, beverage, and food service establishments;
- Personal and professional service businesses;

- Civic, cultural, or entertainment uses;
- Mixed-use developments;
- Residential occupancy where otherwise permitted by the zoning regulations.

(b) **Prohibited Uses.** Pursuant to Sections 4-109(A) and (B) of the Zoning Regulations of the City of Sedgwick, Kansas, the following uses are prohibited as either primary or accessory uses within the CBD-PO:

1. Personal storage facilities, mini-storage facilities, or self-storage units;
2. Warehousing, contractor storage yards, or material staging areas;
3. Outdoor storage or staging of equipment, inventory, construction materials, or supplies not associated with a permitted commercial use;
4. Private hobby shops, recreational storage buildings, or personal vehicle storage facilities unrelated to an active permitted use operating on the premises;
5. Long-term parking or storage of recreational vehicles, campers, boats, trailers, commercial vehicles, heavy equipment, machinery, inventory, materials, or supplies not directly associated with an active public-facing business operating on the premises;
6. Vacant, inactive, or dormant structures lacking lawful operational activity or active occupancy for a period exceeding twelve (12) consecutive months.

(c) **Incidental Storage Permitted.** Storage customarily incidental and subordinate to an otherwise lawful permitted principal use shall be permitted, provided such storage does not become the dominant use of the structure or property.

Storage of personal property, vehicles, trailers, recreational vehicles, equipment, inventory, materials, or supplies alone shall not constitute active occupancy or a lawful principal use.

(d) **Determination of Primary Use.** The Zoning Administrator may consider the following factors when determining whether a structure or property is functioning primarily as a prohibited storage-oriented, inactive, or noncompliant use:

1. Allocation of floor area or site area devoted to active occupancy versus storage;
2. Presence or absence of valid business licensing, occupancy permits, or utility usage;
3. Regularity of business operations or public/customer activity;
4. Observable operational characteristics of the property;
5. Frequency and duration of vehicle, trailer, equipment or material storage;
6. Compliance with posted business hours or operational activity;
7. Any other objective evidence reasonably demonstrating the dominant use of the structure or property.

(e) **Vacant Building Registration Required.** Any structure within the CBD-PO Overlay District that:

- Ceases active occupancy,
- Lacks an active permitted principal use,
- Or becomes vacant or inactive for a period exceeding thirty (30) consecutive days

Shall be registered pursuant to the City of Sedgwick Vacant Building Registration Program and shall remain subject to all registration, inspection, maintenance, security, and compliance requirements established by city ordinance.

Registration under this section shall not authorize the continuation of any prohibited use or exempt the property from compliance with the provisions of this overlay district.

Section 4. Nonconforming Uses and Sunset Provision

(a) Existing lawful uses. Any building or structure used for storage purposes prior to the adoption of this ordinance and in compliance with city codes at that time shall be deemed a **lawful nonconforming use** pursuant to K.S.A. 12-758(C) and the Sedgwick Zoning Regulations.

(b) **Continuation.** Such nonconforming storage use may continue for a limited time as provided herein but may not be expanded, enlarged, or intensified. If discontinued for twelve (12) consecutive months, the nonconforming status shall terminate and the property must thereafter comply with this overlay.

(c) **Sunset Provision**. To ensure a fair and gradual transition toward active downtown use, all nonconforming storage uses within the CBD-PO shall cease operations or convert to a conforming use within twelve (12) months from the effective date of this ordinance.

- The City may, upon written request and demonstration of hardship, grant a one-time one-year extension to an individual property owner by Council resolution.
- During the transition period, owners are encouraged to work with the City on building reuse, facade improvement and business development opportunities.
- After the sunset date, including any granted extension, no storage use shall continue, and the property shall conform to all overlay requirements.

(d) **Change of Use.** Once a nonconforming storage use is changed to a permitted use, the nonconforming rights are permanently lost.

(e) **Penalties.** Upon expiration of the sunset period or upon violation of any provision of this section:

1. The Zoning Administrator shall issue a written Notice of Violation to the property owner specifying the nature of the violation and providing thirty (30) days to correct the violation or submit an approved compliance plan.
2. Failure to correct the violation within the compliance period shall constitute a municipal offense punishable by a civil penalty of $500 per day for each day the violation continues. Continued noncompliance after sixty (60) days may be declared a public nuisance, and the City may pursue abatement under K.S.A. 12-1617e, including assessment of abatement costs against the property.

Section 5. Administration and Enforcement

(a) The Zoning Administrator shall administer and enforce the provisions of this ordinance.

(b) Any use or occupancy change within the overlay district shall require a zoning compliance review.

(c) Violations are subject to penalties as set forth in Section 5(e) of this ordinance.

Section 6. Effective Date. This ordinance shall take effect and be in force from and after its publication in the official city newspaper.

PASSED AND ADOPTED BY THE GOVERNING BODY OF THE CITY OF SEDGWICK, KANSAS THIS 4th DAY OF NOVEMBER, 2026.

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Bryan Chapman, Mayor

ATTEST:

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Shelia Agee, City Clerk