



City of Bonner Springs

KANSAS

Tuesday, June 25, 2024

200 East Third Street, Bonner Springs, KS 66012
Bonner Springs City Hall
Council Chambers

PLANNING COMMISSION MEETING - 7:00 p.m.

The meeting is open to the public.

PLANNING COMMISSION MEETING - 7:00 PM

CALL TO ORDER - ROLL CALL

CONSENT AGENDA

1. Approval of minutes from the April 16, 2024, meeting

- | | |
|----------------|--|
| Action | Approve, Amend or Deny the minutes as presented. |
| Recommendation | Staff recommends approval of the minutes as presented. |
| Documents: | |
| 1. | PC 4.16.24 minutes - Draft |

OLD BUSINESS

NEW BUSINESS

1. Planning Sustainable Places presentation

- | | |
|----------------|----------------------------|
| Action | None required at this time |
| Recommendation | NA |
| Documents: | |

2. PUBLIC HEARING – Zoning Ordinance Amendment – BSZO-01-24 - Consider A request for an amendment to the Unified Development Ordinance of Bonner Springs – An amendment regulating the size of accessory buildings within certain zoning districts.

- | | |
|----------------|--|
| Action | Approve, Amend or Deny the amendments to the Unified Development Ordinance |
| Recommendation | Staff recommends the amendments be approved as written. |
| Documents: | |
| 1. | BSZO-01-24 Complete Agenda Item UDO Pages - Accessory Buildings |

3. PUBLIC HEARING – Zoning Ordinance Amendment – BSZO-02-24 - Consider a request for an amendment to the Unified Development Ordinance of Bonner Springs – Amendments to the approved Table of Uses.

- | | |
|----------------|--|
| Action | Approve, Amend or Deny the amendments to the Unified Development Ordinance |
| Recommendation | Staff recommends the amendments be approved as written. |
| Documents: | |
| 1. | BSZO-02-24 Complete Use Matrix - Amended 6.4.24 - Agenda Item |

OPEN AGENDA

COMMUNITY DEVELOPMENT DIRECTORS REPORT

ADJOURNMENT

Memorandum

Date: June 25, 2024
To: Mayor and City Council
From: Mark Lee

Subject: Approval of minutes from the April 16, 2024, meeting

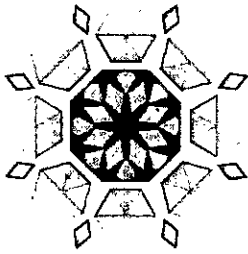
Recommendation: Staff recommends approval of the minutes as presented.

Action: Approve, Amend or Deny the minutes as presented.

Background: Minutes are attached

Discussion: NA

Financial Impact: NA



City of Bonner Springs

KANSAS

Planning Commission Minutes - Regular Meeting - April 16, 2024

PLANNING COMMISSION MEETING - 7:00 PM -

CALL TO ORDER - ROLL CALL - Vincent Bombardier absent

CONSENT AGENDA The Planning Commission will consider Consent Agenda items by one motion with no discussion unless the Planning Commission Staff or the audience requests removal of an item from the Consent Agenda. The Planning Commission will consider an item removed from the Consent Agenda as the next item after their action on the Consent Agenda. -

Approval of minutes from the March 19, 2024 meeting. - Zeps moved and Clark seconded to approve the minutes with Commissioner Cruse's name spelled correctly.

UNFINISHED BUSINESS -

NEW BUSINESS -

Final Plat - Sandstone Townhomes - FP-02-24 - The Community Development Director presented the background on the plat approval request.

Mesmer asked why the lot that looks like it should be #17 is labeled as lot # 27. He requested the lot number be corrected.

Clark asked if there had been any problems with the developer.

The Community Development Director stated they had been slow to get permits, but there had been no issues. He also stated that they should be ready to start leasing or renting them in the last quarter of this year.

Mesmer moved and Zeps seconded to approve with correction to lot number

Commission discussion and Mesmer had questions about where the pump station was. Mark Lee, CDD, said there is, and it is north of Feldman's and goes under 130th Street and ties into the line that comes from Sandstone.

OPEN AGENDA - None

COMMUNITY DEVELOPMENT DIRECTORS REPORT Lee - Short term rental regulations
Change UDO accessory building sizes and uses Mattel theme - Epic resorts - star bond district approved
Zepps - asking to look into Old Dominion using KS Ave. Lee - Asst PW Dir said he saw some trucks -
The Community Development Director discussed upcoming projects.

Short term rental regulations, Change to the Uniform Development Ordinance for accessory building sizes and uses.

Mattel Theme Park - Epic Resorts the area was approved for a Star Bond District

Zeps asked the Community Development Director to look into OLD Dominion trucks using Kansas Avenue, He was under the impression it was not permitted.

Mark Lee stated the Assistant Public Works Director said he saw some trucks using Kansas Avenue.

ADJOURNMENT 7:22pm -

Memorandum

Date: June 25, 2024
To: Mayor and City Council
From: Mark Lee

Subject: Planning Sustainable Places presentation

Recommendation: NA

Action: None required at this time

Background: The Lamar-Johnson Collaborative has been working with staff, a steering committee and stakeholders to create a Downtown Plan under the Planning Sustainable Places program through the Mid-America Regional Council (MARC).

The Planning Sustainable Places program works to advance integrated local transportation and land use planning and project development actions that support:

- Vibrant places that offer a mix of options for housing, jobs, services and recreation.
- Connected places with a variety of transportation options.
- Green places that support healthy living and a healthy natural environment.

The PSP program promotes concepts consistent with sustainable communities and the advancement of site-specific and project-specific activities within the centers and corridor planning framework.

The program is funded through Surface Transportation Block Grant funding. The Sustainable Places Policy Committee reviews projects submitted by local jurisdictions and eligible organizations. Projects are classified into three planning categories: initial plan to identify needs, project development to further explore needs and concepts, and planning for project implementation to finalize elements before preliminary engineering begins. All projects must meaningfully engage their community in a collaborative dialogue.

Discussion: LJC will give an update and presentation on the completed plan. This item will come to the Commission next month as an amendment to the Comprehensive Plan. With the adoption of this plan, we will utilize it to proceed with funding opportunities.

Financial Impact: NA

Memorandum

Date: June 25, 2024
To: Mayor and City Council
From: Mark Lee

Subject: PUBLIC HEARING – Zoning Ordinance Amendment – BSZO-01-24 - Consider A request for an amendment to the Unified Development Ordinance of Bonner Springs – An amendment regulating the size of accessory buildings within certain zoning districts.

Recommendation: Staff recommends the amendments be approved as written.

Action: Approve, Amend or Deny the amendments to the Unified Development Ordinance

Background: In January of 2022, the Planning Commission recommended for adoption regulations that restricted the size of accessory buildings. Those regulations were adopted in February of that same year by the Governing Body.

They were revised in March 2023 to adjust the sizes of buildings in agriculturally zoned districts. With the adoption of the Unified Development Ordinance, they were replaced with a 'maximum lot coverage' in working through a few accessory building permits. Staff determined these regulations would again allow for large accessory structures.

Staff is presenting these regulations for consideration. The nomenclature has been changed to match the updated Unified Development Ordinance.

Staff has made the appropriate changes that were derived from the work session held on May 21, 2024. The dimensional standards tables have been modified for each appropriate district. A note regarding the "maximum size" has been placed within the section that discusses Accessory Buildings 2.06.B.2. This note refers to the footprint of the building and not the total square footage.

Discussion: This item was discussed at the Planning Commission Work Session held May 21st. Any changes recommended by the Commission were integrated into the revised regulations.

Financial Impact: NA

City of
Bonner Springs
Agenda Item Cover Sheet

Agenda Item No. 4
BSZO-01-24

Topic: PUBLIC HEARING – BSZO-01-24 - Unified Development Ordinance Amendment - Consider revisions to the Unified Development Ordinance regarding size limitations placed on residential accessory structures. These proposed regulations mirror ones previously included within the Zoning Regulations place but were inadvertently removed from the UDO.

Narrative: In January of 2022 the Planning Commission recommended for adoption regulations that restricted the size of accessory buildings, those regulations were adopted in February of that same year by the Governing Body.

They were revised in March of 2023 to adjust sizes of buildings in agriculturally zoned districts. With the adoption of the Unified Development Ordinance, they were replaced with a ‘maximum lot coverage’ in working through a few accessory building permits, staff determined these regulations would again allow for large accessory structures.

Staff is presenting these regulations for consideration. The nomenclature has been changed to match the updated Unified Development Ordinance.

Staff has made the appropriate changes that were derived from the work session held on May 21, 2024. The dimensional standards tables have been modified for each appropriate district, a note regarding the “maximum size” has been placed within the section that discusses Accessory Buildings 2.06.B.2, this note refers to the footprint of the building and not total square footage.

Presented by: Mark Lee – Community Development Director

Staff Recommendation: Staff recommends the Planning Commissions approve the regulations as written.

Attachments:

Pages from the UDO addressing ‘Dimensional Standards’ and defining ‘maximum size’ (8pgs)

4. Official Zoning District Equivalency Table

Table 2.1. Zoning District Equivalency Table identifies zoning districts adopted in previous ordinances and the zoning district regulations that now apply to those districts.

Table 2.1. Zoning District Equivalency Table

Previous Zoning District	Equivalent Zoning District Established by these regulations
	Loring Service Area Districts
“AG” Agricultural District	LA, Loring Agricultural District
“R” Rural Residential District	LR, Loring Residential District
	Standard Residential Districts
“A-1” Agricultural District	RR, Rural Residential District
“R-S” Suburban Residential District	ER, Estate Residential District
“R-1” Single-Family Residential District	GR, General Residential District
“R-2” Duplex Residential District	
	Standard Commercial Districts
“C-1” Central Business District	CC, Central Commercial District
“C-2” General Business District	LC, Local Commercial District
	GC, General Commercial District
“C-S” Highway Service District	HC, Highway Commercial District
“I-1” Light Industrial District	LI, Light Industrial District
“I-2” Heavy Industrial District	HI, Heavy Industrial District
	Special Districts and Overlays
“R-1A” Residential Special District	MR, Mixed-Residential District
“R-3” Multi-Family Residential District	
“MX” Mixed Use District	MC, Mixed-Use Commercial District
“P” Planned District	PD, Planned Development District
“M-P” Manufactured Home Park District	
“M-H” Manufactured Home Subdivision District	

B. Loring Service Area Districts

1. LA, Loring Agricultural District

a. Description

The **LA, Loring Agricultural District** provides for agricultural and related uses, and serves to preserve agricultural resources on land which is not ready for Development may be located.

b. Applicability

Use of the **LA, Loring Agricultural District** is restricted to the Loring Service Area identified within **Section 1.01.D.2** above.

c. Dimensional Standards

Dimensional Standards		
General Lot Standards		
Minimum Lot Area	20 acres	
Minimum Lot Width	660 feet	
Minimum Lot Depth	1,980 feet	
Maximum Lot Coverage	15%	
Building Setback	Primary Structure	Accessory Structure
Minimum Front Setback	50 feet	50 feet
Minimum Interior Side Setback	30 feet	30 feet
Minimum Rear Setback	50 feet	Structures < 5,000 SF: 15 feet Structures ≥ 5,000 SF: 25 feet
Building Standard	Primary Structure	Accessory Structure
Maximum Building Height	Greater of 2.5 stories or 35 feet	Height of the Primary Structure
Maximum Building Size	N/A	- No size restriction other than stated below - All accessory structures in excess of 10,000 square feet shall require a Special Use Permit - In no instance shall an accessory structure occupy more than 30% of the "required yard" on a lot

In no instance shall an accessory structure be larger than the primary structure

In no instance shall an accessory structure occupy more than 30% of the "required rear yard" on a lot

d. Development Standards

- (1) See **Section 3.04 Subdivision Standards** for Lot and Block design criteria.
- (2) See **Section 4.02 Parking, Circulation, and Loading**.
- (3) See **Section 4.03 Landscaping and Buffering**.
- (4) See **Section 4.04 Tree Preservation**.
- (5) See **Section 4.05 Fences and Screening Walls**.
- (6) See **Section 4.06 Signs**.
- (7) See **Section 4.07 Parks, Trails, and Open Space**.
- (8) See **Section 4.08 Architectural and Site Design**.
- (9) See **Section 4.09 Outdoor Lighting**.
- (10) See **Section 4.10 Stormwater and Floodplain Controls**.

2. LR, Loring Residential District

a. Description

The **LR, Loring Residential District** provides for low-density residential Development and supporting uses.

b. Applicability

Use of the **LR, Loring Residential District** is restricted to the Loring Service Area identified within **Section 1.01.D.2** above.

c. Dimensional Standards

Dimensional Standards		
General Lot Standards		
Minimum Lot Area	5 acres	
Minimum Lot Width	330 feet	
Minimum Lot Depth	990 feet	
Maximum Lot Coverage	15%	
Building Setback	Primary Structure	Accessory Structure
Minimum Front Setback	50 feet	50 feet
Minimum Interior Side Setback	10 feet	10 feet
Minimum Rear Setback	30 feet	10 feet
Building Standard	Primary Structure	Accessory Structure
Maximum Building Height	Greater of 2.5 stories or 35 feet	Height of the Primary Structure
Maximum Building Size	N/A	- 5 acres = 5,000 square feet of accessory structure(s), - On parcels in excess of 5 acres structures are limited to an additional 500 square feet per full acre. - 10-acre parcels or larger are limited to 7,500 square feet - All accessory structures in excess of 7,500 square feet must obtain a Special Use Permit

In no instance shall an accessory structure be larger than the primary structure

In no instance shall an accessory structure occupy more than 30% of the "required rear yard" on a lot

d. Development Standards

- (1) See **Section 3.04 Subdivision Standards** for Lot and Block design criteria.
- (2) See **Section 4.02 Parking, Circulation, and Loading**.
- (3) See **Section 4.03 Landscaping and Buffering**.
- (4) See **Section 4.04 Tree Preservation**.
- (5) See **Section 4.05 Fences and Screening Walls**.
- (6) See **Section 4.06 Signs**.
- (7) See **Section 4.07 Parks, Trails, and Open Space**.
- (8) See **Section 4.08 Architectural and Site Design**.
- (9) See **Section 4.09 Outdoor Lighting**.
- (10) See **Section 4.10 Stormwater and Floodplain Controls**.

C. Standard Residential Districts

1. RR, Rural Residential District

a. Description

The **RR, Rural Residential District** provides for low-density residential Development and agricultural uses, including but not limited to ranchettes, large-lot residential Developments, barns, and other agricultural buildings.

b. Dimensional Standards

Dimensional Standards		
General Lot Standards		
Minimum Lot Area	3 acres	
Minimum Lot Width	210 feet	
Minimum Lot Depth	630 feet	
Maximum Lot Coverage	15%	
Building Setback	Primary Structure	Accessory Structure
Minimum Front Setback	50 feet	50 feet
Minimum Interior Side Setback	15 feet	10 feet
Minimum Rear Setback	40 feet	10 feet
Building Standard	Primary Structure	Accessory Structure
Maximum Building Height	Greater of 2.5 stories or 35 feet	Height of the Primary Structure
Maximum Building Size	N/A	Total of all accessory buildings shall not exceed the following 3 acres = 3,000sqft. plus, an additional 1,000sqft per full acre is allowed up to 5 acres. Parcels < 5 acres and > 10, 5,000sqft plus an additional 500sqft for each full acre over 5 10 – 15 acres 7,500sqft max 15 and over 10,000sqft

In no instance shall an accessory structure be larger than the primary structure

In no instance shall an accessory structure occupy more than 30% of the "required rear yard" on a lot

c. Development Standards

- (1) See **Section 3.04 Subdivision Standards** for Lot and Block design criteria.
- (2) See **Section 4.02 Parking, Circulation, and Loading.**
- (3) See **Section 4.03 Landscaping and Buffering.**
- (4) See **Section 4.04 Tree Preservation.**
- (5) See **Section 4.05 Fences and Screening Walls.**
- (6) See **Section 4.06 Signs.**
- (7) See **Section 4.07 Parks, Trails, and Open Space.**
- (8) See **Section 4.08 Architectural and Site Design.**
- (9) See **Section 4.09 Outdoor Lighting.**
- (10) See **Section 4.10 Stormwater and Floodplain Controls.**

2. ER, Estate Residential District

a. Description

The **ER, Estate Residential District** provides for low-density residential Development and supporting uses.

b. Dimensional Standards

Dimensional Standards		
General Lot Standards		
Minimum Lot Area	1 acre	
Minimum Lot Width	165 feet	
Minimum Lot Depth	495 feet	
Maximum Lot Coverage	25%	
Building Setback	Primary Structure	Accessory Structure
Minimum Front Setback	25 feet	Prohibited in front yard
Minimum Interior Side Setback	10 feet	5 feet
Minimum Rear Setback	25 feet	10 feet
Building Standard	Primary Structure	Accessory Structure
Maximum Building Height	Greater of 2.5 stories or 35 feet	Height of the Primary Structure
Maximum Building Size		1,000sqft – plus 250sqft for each full acre over one (1) acre and up to three (3) acres

In no instance shall an accessory structure be larger than the primary structure

In no instance shall an accessory structure occupy more than 30% of the "required rear yard" on a lot

c. Development Standards

- (1) See **Section 3.04 Subdivision Standards** for Lot and Block design criteria.
- (2) See **Section 4.02 Parking, Circulation, and Loading**.
- (3) See **Section 4.03 Landscaping and Buffering**.
- (4) See **Section 4.04 Tree Preservation**.
- (5) See **Section 4.05 Fences and Screening Walls**.
- (6) See **Section 4.06 Signs**.
- (7) See **Section 4.07 Parks, Trails, and Open Space**.
- (8) See **Section 4.08 Architectural and Site Design**.
- (9) See **Section 4.09 Outdoor Lighting**.
- (10) See **Section 4.10 Stormwater and Floodplain Controls**.

3. GR, General Residential District

a. Description

The **GR, General Residential District** provides for medium-density residential Development and supporting uses.

b. Dimensional Standards

Dimensional Standards		
General Lot Standards		
Minimum Lot Area	7,000 square feet	
Minimum Lot Width	60 feet	
Minimum Lot Depth	180 feet	
Maximum Lot Coverage	45%	
Building Setback	Primary Structure	Accessory Structure
Minimum Front Setback	25 feet	Prohibited in front yard
Minimum Interior Side Setback	Greater of 10% of the Lot Width or 7.5 feet*	5 feet
Minimum Rear Setback	25 feet	5 feet
Building Standard	Primary Structure	Accessory Structure
Maximum Building Height	Greater of 2.5 stories or 35 feet	Height of the Primary Structure
Maximum Building Size	N/A	250sqft for each 3000sqft of lot area Lots < 7000sqft = 500sqft Lots 13000sqft to 1 acre = 1000sqft Lots 1 acre to 3 acres = 1500sqft Lots 3 acres to five acres = 2000sqft Lots over 5 acres = 3000sqft

* See **Section 2.06.B.15** for Alterations to certain residential dwellings.

In no instance shall an accessory structure be larger than the primary structure

In no instance shall an accessory structure occupy more than 30% of the "required rear yard" on a lot

c. Development Standards

- (1) See **Section 3.04 Subdivision Standards** for Lot and Block design criteria.
- (2) See **Section 4.02 Parking, Circulation, and Loading.**
- (3) See **Section 4.03 Landscaping and Buffering.**
- (4) See **Section 4.04 Tree Preservation.**
- (5) See **Section 4.05 Fences and Screening Walls.**
- (6) See **Section 4.06 Signs.**
- (7) See **Section 4.07 Parks, Trails, and Open Space.**
- (8) See **Section 4.08 Architectural and Site Design.**
- (9) See **Section 4.09 Outdoor Lighting.**
- (10) See **Section 4.10 Stormwater and Floodplain Controls.**

E. Special Districts and Overlays

1. MR, Mixed-Residential District

a. Description

The **MR, Mixed-Residential District** provides for a mix of residential Development types within a Project but does not provide for the Development of supporting commercial uses.

b. Dimensional Standards

Dimensional Standards		
General Lot Standards		
Minimum Lot Area	5,000 square feet	
Minimum Lot Width	50 feet	
Minimum Lot Depth	100 feet	
Maximum Lot Coverage	75%	
Building Setback	Primary Structure	Accessory Structure
Minimum Front Setback	15 feet	Prohibited in front yard
Minimum Interior Side Setback	10 feet*	10 feet
Minimum Rear Setback	15 feet	5 feet
Building Standard	Primary Structure	Accessory Structure
Maximum Building Height	Greater of 3 stories or 45 feet	N/A
Maximum Building Size		250sqft for each 3000sqft of lot area Lots < 7000sqft = 500sqft Lots 13000sqft to 1 acre = 1000sqft Lots 1 acre to 3 acres = 1500sqft Lots 3 acres to five acres = 2000sqft

* See **Section 2.06.B.15** for Alterations to certain residential dwellings.

c. Development Standards

(1) General Development Standards

- (a) See **Section 3.04 Subdivision Standards** for Lot and Block design criteria.
- (b) See **Section 4.02 Parking, Circulation, and Loading**.
- (c) See **Section 4.03 Landscaping and Buffering**.
- (d) See **Section 4.04 Tree Preservation**.
- (e) See **Section 4.05 Fences and Screening Walls**.
- (f) See **Section 4.06 Signs**.
- (g) See **Section 4.07 Parks, Trails, and Open Space**.
- (h) See **Section 4.08 Architectural and Site Design**.
- (i) See **Section 4.09 Outdoor Lighting**.
- (j) See **Section 4.10 Stormwater and Floodplain Controls**.

(2) Required Housing Variety

No more than twenty-five (25) percent of gross land area within an MR, Mixed-Residential District area shall be Occupied by dwelling, multi-family land uses.

Section 2.06. Conditional Development Standards

A. Purpose

1. This **Section 2.06** establishes use-specific Development Standards required for the corresponding uses listed in the Table of Allowed Uses within **Section 2.05** above.
2. Compliance with the standards outlined in this **Section 2.06** shall be required in addition to the general Development Standards of **Chapter 4** below.

B. Conditional Development Standards

1. Accessory Dwelling Unit (ADU)

- a. No more than one (1) ADU is permitted per Lot.
- b. ADUs may be either Attached to or detached from the primary structure.
 - (1) If Attached, an ADU shall not exceed twenty five percent (25%) of the primary Dwelling area.
 - (2) If detached, an ADU shall comply with the accessory structure standards outlined for the applicable zoning district in accordance with **Section 2.04** above, and shall not exceed one thousand (1,000) square feet in area.
 - (3) Accessory structures used either wholly or partially as an ADU shall be of similar design to the primary Dwelling, including Roof design, color, and architectural style, as determined by the Community Development Director.
- c. ADUs that are Attached to the primary Dwelling shall be considered an extension of the primary structure, and shall be subject to the primary setback, Lot Coverage, and other dimensional requirements as the respective zoning district.
- d. ADUs that are detached from the primary Dwelling shall not be located closer than five (5) feet from another primary or accessory structure.
- e. ADUs shall be serviced with utilities, such as water, sanitary sewer, and electricity, using the same utility connections or meters as the primary Dwelling.

2. Accessory Structure

Accessory Structures shall not be located closer than five (5) feet from another primary or accessory structure.

Accessory buildings shall not be erected on properties where no primary structure exists, except in Agricultural zoning districts for the storage of agricultural products or equipment or for shelter of livestock.

Accessory buildings which are erected on property where no primary structure exists shall not have sewer facilities within the accessory structure.

The maximum accessory building size shall mean the lower floor square footage and is not cumulative.

3. Construction Equipment Storage

- a. Construction Equipment Storage areas shall be permitted only in conjunction with an active and valid building permit for a Development.
- b. Construction Equipment Storage areas shall be surrounded by a temporary construction Fence of no less than six (6) feet in height.
 - (1) Access into the area shall be controlled with gates at all designated construction entrances.
 - (2) Temporary construction fencing may be chain-link, but shall not utilize barbed wire or electric fencing components.

Memorandum

Date: June 25, 2024
To: Mayor and City Council
From: Mark Lee

Subject: PUBLIC HEARING – Zoning Ordinance Amendment – BSZO-02-24 - Consider a request for an amendment to the Unified Development Ordinance of Bonner Springs – Amendments to the approved Table of Uses.

Recommendation: Staff recommends the amendments be approved as written.

Action: Approve, Amend or Deny the amendments to the Unified Development Ordinance

Background: Working with the Use Table in the Unified Development Ordinance over the past few months, staff is bringing forward recommended changes to the table. These changes include the new use of RV parks, along with current uses being allowed in various zoning districts.

Attached is the revised Use Table. Uses that are highlighted in yellow are ones that changes are being proposed to. Some uses carry Conditional Standards. These are listed within the Unified Development Ordinance directly following the current use table – Section 2.06 (page 59).

When a use is listed as P-# or S-#, the corresponding number equates to the Conditional Standard listed within this section.

Discussion: This item was discussed at the Planning Commission Work Session held May 21st. Any changes recommended by the Commission were integrated into the revised regulations.

Financial Impact: NA

City of
Bonner Springs
Agenda Item Cover Sheet

Agenda Item No. 5
BSZO-02-24

Topic: PUBLIC HEARING – BSZO-02-24 – Unified Development Ordinance Amendment - Consider revisions to the Table of Uses within the Unified Development Ordinance. Staff has proposed changes to uses within some districts.

Narrative: Working with the Use Table in the Unified Development Ordinance over the past few months, staff is brining forward recommended changes to the table. These changes include the new use of RV Parks, along with current uses being allowed in various zoning districts.

Attached is the revised Use Table. Uses that are highlighted in yellow are ones that changes are being proposed to. Some uses carry Conditional Standards, those are listed within the Unified Development Ordinance directly following the current use table – Section 2.06 (page 59).

When a use is listed as P-# or S-# the corresponding number equates to the Conditional Standard listed within this section.

Presented by: Mark Lee – Community Development Director

Staff Recommendation: Staff recommends approval of the Use Table as presented.

Attachments:

Revised Use Table (2pgs)

Conditional Development Standards (11pgs)

Table Legend		Official Zoning Districts													
P	Use is permitted in the district indicated	L.A. Loring Agricultural District	L.R. Loring Residential District	RR Rural Residential District	ER, Estate Residential District	GR, General Residential District	CC, Central Commercial District	LC, Local Commercial District	GC, General Commercial District	HC, Highway Commercial District	LI, Light Industrial District	HI, Heavy Industrial District	MR, Mixed-Use Residential District	MC, Mixed-Use Commercial District	Parking Space Requirements
	Use is prohibited in the district indicated														
S	Use is permitted in the district indicated following approval of a Special Use Permit														
#	Use is permitted (P-#) or permitted with a Special Use Permit (S-#), and must comply with conditional standards in the indicated end note														
Land Uses															
Accessory Land Uses															
Accessory Dwelling Unit (ADU)		P-1	P-1	P-1	P-1	P-1							P-1		1 dwelling (off-street)
Accessory Structure		P-2	P-2	P-2	P-2	P-2							P-2		None
Construction Equipment Storage		P-3	P-3	P-3	P-3	P-3	P-3	P-3	P-3	P-3	P-3	P-3	P-3	P-3	None
Construction Field Office		P-4	P-4	P-4	P-4	P-4	P-4	P-4	P-4	P-4	P-4	P-4	P-4	P-4	None
Drive-Through							P-5	P-5	P-5	P-5				P-5	None
Electrified Fencing		S	S	S	S	S					S	S			None
Fuel Pumps							S-6	S-6	S-6	S-6	P-6	P-6		P-6	None
Garage Sale		P-7	P-7	P-7	P-7	P-7							P-7		None
Home Occupation		P-8	P-8	P-8	P-8	P-8							P-8	P-8	None
Outdoor Storage or Display							S-9	S-9	S-9	S-9	S-9	S-9		S-9	None
Personal Energy Production		P-10	P-10	P-10	P-10	P-10	P-10	P-10	P-10	P-10	P-10	P-10	P-10	P-10	None
Sports Court or Field		S-11	S-11	S-11	S-11	S-11	S-11	S-11	S-11	S-11	S-11	S-11	S-11	S-11	None
Agricultural Land Uses															
Agricultural Practice		P	P	P	P										None
Plant Nursery		P	P	P	S						S	P			None
Stable, Commercial		P	P	P	S										None
Stable, Private		P	P	P	P-12										None
Residential Land Uses															
Assisted Living or Nursing Facility					S	S			P				S	S	2 + 1: 500 SF
Bed & Breakfast				S	S	S							S		2 + 1: unit
Boarding or Lodging House				S	S	S							S		1: unit
Dwelling, Manufactured Home		P-13	P-13	P-13											2: dwelling
Dwelling, Mobile Home															2: dwelling
Dwelling, Modular Home		S-14	S-14	S-14	S-14	S-14									2: dwelling
Dwelling, Multi-Family													P	P	1.5: unit
Dwelling, Single-Family Attached						P-15							P-15		2: dwelling
Dwelling, Single-Family Detached		P	P	P	P	P							P		2: dwelling
Dwelling, Single-Family Duplex						P							P		2: dwelling
Group Home				P	P	P		S					P		1.5: bed
Manufactured Home Park		S-16	S-16	S-16	S-16										2: dwelling
Rehabilitation Home				S	S										1: 400 SF
Civic, Institutional, and Special Land Uses															
Airport or Helistop		S	S	S								S			1: 200 SF
Cemetery		S	S	S	S	S							S		1: unit
Club, Private				S	S	S									1: 400 SF
Community Garden		P	P	P	P	P	P	P					P		1: 400 SF accessible area
Community Gathering, Private		S-17	S-17	S-17	S-17	S-17	S-17	S-17	S-17	S-17	S-17	S-17	S-17	S-17	1: 3 attendees
Community Gathering, Public		P	P	P	P	P	P	P	P	P	P	P	P	P	1: 3 anticipated attendees
Day Care Center				S-18	S-18	S-18		S-18					S-18	S-18	1: 250 SF
Day Care Residence			S-19	S-19	S-19	S-19							S-19		None
Farmer's Market		S-20				S-20	S-20	S-20					S-20	S-20	4: booth
Library							P	P	P	P	S			P	1: 300 SF
Medical Clinic							P	P	P	P				P	1: 400 SF
Medical Hospital				S					P	P	P	S		S	3 exam room
Museum							P	S	P	P				P	1: 400 SF
Parkland		P	P	P	P	P	P	P	P	P	P	P	P	P	None
Police or Fire Station		P	P	P	P	P	P	P	P	P	P	P	P	P	1: 400 SF
Prison or Correctional Facility		S	S	S											None
Public Use or Building		P	P	P	P	P	P	P	P	P	P	P	P	P	1: 400 SF
Recreational Vehicle Parks		S	S	S	S	S							S		1: per RV space (off-street)
Religious Institution or Practice		P	P	P	P	P	P	P	P	P	P	P	P	P	1: 4 seats in worship area
School, College or University		S	S	S					S	S			S	S	By parking study
School, High		P	P	P	P	P	P	P	P	P			P	P	8: classroom
School, Kindergarten through Intermediate		P	P	P	P	P	P	P	P	P			P	P	2: classroom
School, Trade		S	S	S				S	S	S	S	S	S	S	1: 3 seats
Commercial Uses															
Adult Entertainment										S					1: 300 SF
Alcohol Beverage Production, Microbrewery							P	P	P	P	P	P			1: 300 SF
Alcohol Beverage Production, Microdistillery							S	S	S	S	S	P			1: 300 SF
Alcohol Beverage Production, Winery		S		S			P	P	P	P	P	P			1: 300 SF
Alternative Financial Service								S-21	S-21						1: 300 SF

Table Legend		Official Zoning Districts													
P	Use is permitted in the district indicated	L.A. Loring Agricultural District	L.R. Loring Residential District	RR Rural Residential District	ER, Estate Residential District	GR, General Residential District	CC, Central Commercial District	LC, Local Commercial District	GC, General Commercial District	HC, Highway Commercial District	LI, Light Industrial District	HI, Heavy Industrial District	MR, Mixed-Use Residential District	MC, Mixed-Use Commercial District	Parking Space Requirements
	Use is prohibited in the district indicated														
S	Use is permitted in the district indicated following approval of a Special Use Permit														
#	Use is permitted (P-#) or permitted with a Special Use Permit (S-#), and must comply with conditional standards in the indicated end note														
Land Uses															
Bank or Financial Institution							P	P	P	P				P	1: 300 SF
Bar or Tavern							P	S	P	P				P	1: 100 SF
Commercial Amusement, Indoor		S					S	S	P	P	P			S-22	1: 500 SF
Commercial Amusement, Outdoor		S-22					P-22	S-22	P-22	P-22	S-22			S-22	1: 250 gfa + 1: 500 SF of site area
Event Venue		S		S	S	S	S	S	P	P			S	S	1: 200 SF + 1 seat
Food Truck Park							P-23	S-23	S-23	S-23	P-23			P-23	By parking study
Golf Course		S	S	S	S	S							S		5: course hole
Gym or Fitness Center							P	P	P	P				P	1: 400 SF
Hotel									S	S				S	1: room + 1: 400 SF common interior gfa
Kennel, Indoor		S	S	S				S	P	P				S	1: 300 SF
Kennel, Outdoor		S	S	S					S	S					1: 300 SF
Massage Therapy							S	S	P						1: 300 SF
Motel									S	S					1: room + 1: 400 SF common interior gfa
Movie Theater							P		P	P				P	1: 4 seats
Office, Professional							P	P	P	P				P	1: 400 SF
Personal Service							P	P	P						1: 300 SF
Restaurant, Drive- In							P	P	S	P				P	5 + stalls used to order
Retail, Local						S	P	P	P	P				P	1: 300 SF
Retail, Neighborhood							P	P	P	P				P	1: 300 SF
Retail, Pawn or Resale							S	S	S					S	1: 300 SF
Retail, Regional								S	P	P				P	1: 300 SF
Seasonal Sales				P-24			P-24	P-24	P-24					P-24	1: 400 SF of accessible area
Self-storage, Indoor									S	S	S	P			1: 400 SF of office
Self-storage, Outdoor											S	S			1: 400 SF of office
Shooting Range										S-25	S-25				1: 400 SF
Studio, Artisan							P	S	P						1: 400 SF
Studio, Performance							P	P	P					P	1: 300 SF
Vehicle Sales and Rental											S-26	S-26			1: 400 SF + 1: vehicle for sale/rent
Vehicle Washing Station, Full-Service									S	S	S	P		P	1: 400 SF of office and waiting area
Vehicle Washing Station, Self-Service								P	P	P	P	P		P	1: 400 SF of office and waiting area
Veterinarian				S			P	P	P	S				S	1: 400 SF
Wholesale									S	S					1: 400 SF
Industrial Land Uses															
Crematorium												S			1: 500 SF
Energy Production, Commercial		S	S	S											4
Energy Resource Extraction		S	S	S								S			4
General Appliance Repair							S	S	S		P	P		S	1: 400SF
Hazardous Material Storage or Handling												P			1: 1,000 SF
Heavy Machinery Storage and Sale				S					S	S		P			1: 400 SF
Manufacturing or Industrial Practices, Heavy											S	P			1: 1,000 SF
Manufacturing or Industrial Practices, Light									S		P	P			1: 1,000 SF
Salvage Operation or Junk Yard												S			1: 400 SF
Telecommunications Facility		S-27	S-27	S-27	S-27	S-27	S-27	S-27	S-27	S-27	S-27	S-27	S-27	S-27	None
Utility Distribution		S-28	S-28	S-28	S-28	S-28	S-28	S-28	S-28	S-28	S-28	S-28	S-28	S-28	None
Vehicle Repair, Major										S	S	P		S	1: bay + 1: 400 SF of office and waiting area
Vehicle Repair, Minor										P	P	P		P	1: bay + 1: 400 SF of office and waiting area
Vehicle Tow or Storage Lot												S-29			1: 400 SF of office
Warehouse and Distribution											S	S			1: 1,000 SF
Water or Wastewater Treatment Facility		S	S	S	S	S	S	S	S	S	S	S	S	S	1: employee at business anticipated shift

Section 2.06. Conditional Development Standards

A. Purpose

1. This **Section 2.06** establishes use-specific Development Standards required for the corresponding uses listed in the Table of Allowed Uses within **Section 2.05** above.
2. Compliance with the standards outlined in this **Section 2.06** shall be required in addition to the general Development Standards of **Chapter 4** below.

B. Conditional Development Standards

1. Accessory Dwelling Unit (ADU)

- a. No more than one (1) ADU is permitted per Lot.
- b. ADUs may be either Attached to or detached from the primary structure.
 - (1) If Attached, an ADU shall not exceed twenty five percent (25%) of the primary Dwelling area.
 - (2) If detached, an ADU shall comply with the accessory structure standards outlined for the applicable zoning district in accordance with **Section 2.04** above, and shall not exceed one thousand (1,000) square feet in area.
 - (3) Accessory structures used either wholly or partially as an ADU shall be of similar design to the primary Dwelling, including Roof design, color, and architectural style, as determined by the Community Development Director.
- c. ADUs that are Attached to the primary Dwelling shall be considered an extension of the primary structure, and shall be subject to the primary setback, Lot Coverage, and other dimensional requirements as the respective zoning district.
- d. ADUs that are detached from the primary Dwelling shall not be located closer than five (5) feet from another primary or accessory structure.
- e. ADUs shall be serviced with utilities, such as water, sanitary sewer, and electricity, using the same utility connections or meters as the primary Dwelling.

2. Accessory Structure

Accessory Structures shall not be located closer than five (5) feet from another primary or accessory structure.

3. Construction Equipment Storage

- a. Construction Equipment Storage areas shall be permitted only in conjunction with an active and valid building permit for a Development.
- b. Construction Equipment Storage areas shall be surrounded by a temporary construction Fence of no less than six (6) feet in height.
 - (1) Access into the area shall be controlled with gates at all designated construction entrances.
 - (2) Temporary construction fencing may be chain-link, but shall not utilize barbed wire or electric fencing components.
- c. Construction Equipment Storage areas shall be cleared, including all temporary construction fencing, prior to issuance of a Certificate of Occupancy.

4. Construction Field Office

- a. A Construction Field Office shall be permitted only in conjunction with an active and valid building permit for a Development.
- b. Construction Equipment Storage areas shall be cleared, including all temporary construction fencing, prior to issuance of a Certificate of Occupancy.

5. Drive-Through
See **Section 4.02.H** for stacking space and design requirements for Drive-Through uses.
6. Fuel Pump
 - a. Fuel Pumps shall be covered by a canopy structure open on all sides to allow for safe and sheltered pedestrian and vehicle movement.
 - b. Canopy structures shall be of similar design to the primary structure, including Roof design, color, and architectural style, as determined by the Community Development Director.
 - c. Fuel Pumps shall be protected using bollards or similar vehicle stopping measures installed on both sides of the fuel pump apparatus.
 - d. Each fueling position may count as one (1) Parking Space for the primary use as required by the Table of Allowed Uses.
 - e. See **Section 4.02.H** for stacking space requirements for Fuel Pumps.
7. Garage Sale
Garage sales may be held on non-commercial properties provided that no more than three (3) garage sales are held per calendar year and that each garage sale does not exceed three (3) consecutive days.
8. Home Occupation
 - a. A Home Occupation Permit shall be issued prior to the operation of a Home Occupation in accordance with the Table of Allowed Uses.
 - b. No more than one (1) Home Occupation permit is permitted per Dwelling.
 - c. Home Occupations shall be solely operated and staffed by the owner(s) or occupant(s) of a Dwelling.
 - d. Home Occupations shall be located wholly within an Enclosed structure, and shall not exceed twenty five (25%) percent of the primary Dwelling's gross area.
For the purposes of calculating the area of a Home Occupation, all areas regularly used during the execution of the subject occupation, including any storage areas of products or goods, shall be counted.
 - e. Home Occupations shall not alter the exterior appearance of the Dwelling, including the addition of any signage, lighting, or outdoor display or storage.
 - f. Home Occupations shall not generate parking, noise, sewage, or water use in excess of what is typical of a Dwelling within the surrounding area.
 - g. No vehicle in excess of one (1) ton may park On-Site or in proximity to a premises used for the associated Home Occupation.
9. Outdoor Storage or Display
 - a. Outdoor Storage or Display areas shall not be located within a Parking Space or Landscaped Area unless associated with Seasonal Sales, in which case Parking Spaces in excess of the required parking minimum may be occupied for the duration of the sales permit described in **Section 2.06.B.24** below.
 - b. Outdoor Storage or Display areas shall be located on paved areas along the primary structure's Façades unless minimum spacing requirements are otherwise specified by the adopted Fire Code.

- c. The storage or display of any unfinished product, meaning a product that is not in its final state intended for sale, shall be screened from public view using a vantage point six (6) feet in height from Grade.
 - (1) Public view shall be considered the visibility of Outdoor Storage or Display areas from a public Right-of-Way or other public space, including but not limited to a dedicated or reserved park, plaza, mutual Access Easement, or other area intended for public gathering or use.
 - (2) Screening mechanisms shall meet the general requirements listed in **Section 4.05.C.**

10. Personal Energy Production

a. Solar Panels

- (1) Solar panels may be Attached to a primary or accessory structure, or ground-installed independent from a structure.
- (2) Installation of solar panels shall require a building permit, and must be found to meet the proper wind and structural requirements of the adopted Building Code.
- (3) Attached solar panels shall not exceed the maximum height permitted for the structure they are Attached to and shall match the slope of the Roof or Façade they are Attached to.
- (4) Ground-installed solar panels shall count toward the maximum permitted Lot Coverage for the respective zoning district.

b. Wind Turbines

- (1) Wind turbines may be Attached to a primary or accessory structure, or ground-installed independent from a structure.
- (2) Installation of wind turbines shall require a building permit, and must be found to meet the proper wind and structural requirements of the adopted Building Code.
- (3) Attached wind turbines shall not exceed the maximum height permitted for the structure they are Attached to.
- (4) Ground-installed wind turbines shall be located within the rear yard, and shall be set back from all property lines no less than the height of the tallest portion of the apparatus measured from Grade.
- (5) A minimum vertical distance of 12 feet shall be provided from Grade to the lowest limitation of any spinning blade or apparatus.
 - (a) All moving components of a wind turbine shall be equipped with a self-monitoring braking, governing, or feathering system so as to prevent uncontrolled rotation.
 - (b) Moving components shall not emit noise in excess of what is typical of the surrounding area.

11. Sports Court or Field

- a. A Sports Court or Field shall require site analysis to determine the appropriate Orientation, screening, and lighting standards to prevent adverse impacts on adjacent properties.
- b. Applications for a Sports Court or Field shall include a lighting plan in accordance with **Section 4.09.A.4,**

- c. Due to their unique regulations, applications for Sports Court or Fields may present alternative fencing standards to those outlined in **Section 4.05**. The following shall be considered when acting on an application for alternative fencing standards:
 - (1) The ability of the Fence to be maintained in a structurally sound and safe condition that resembles the Fence at the time of installation as close as possible;
 - (2) The impact of the Fence on adjacent properties, including impacts on stormwater flow, sound mitigation, and light shielding; and
 - (3) The minimum Alterations necessary from **Section 4.05** to produce a functioning and safe Sports Court or Field in compliance with any sport-specific rules and regulations.

12. Stable, Private

- a. A Stable, Private shall be located within the rear yard.
- b. Any accessory structure used wholly or partially as a Stable, Private shall comply with the accessory structure standards outlined per zoning district in **Section 2.04** above.

13. Dwelling, Manufactured Home

- a. Dwelling, Manufactured Homes shall be installed in accordance with the Kansas Manufactured Housing Act, established in Chapter 58, Article 42 of the Kansas Statutes Annotated (**KSA 58-4201**), as amended.
- b. Dwelling, Manufactured Homes may be of new or used construction. Previously owned or Occupied units shall not be more than fifteen (15) years old, and the owner shall provide proof that the HUD seal is affixed to the unit.
- c. Design Standards
 - (1) Dwelling, Manufactured Homes shall be no less than 22 feet in width, and the length of the longest Façade shall not exceed two and one-half (2.5) times the length of the shortest Façade.
 - (2) Exterior siding shall be a material customarily used on site-built Dwellings, such as wood, composition or simulated wood, clapboards, conventional vinyl or metal siding, brick, stucco, or similar materials.
 - (3) Siding material shall extend below the top of the exterior foundation or curtain wall.
 - (4) A continuous, permanent masonry or concrete foundation, or masonry or concrete curtain wall, unpierced except for required ventilation and Access, shall be installed under the perimeter of the home. The running gear, tongue, axles, and wheels shall be removed from the unit at the time of installation, and shall not be stored on the Lot.
 - (5) Roof Design
 - (a) Roofs shall be double Pitched Roofs and have a minimum nominal vertical rise of four (4) inches for each twelve (12) inches of horizontal run.
 - (b) Roofing material shall be commonly used in standard residential construction, which is residential in appearance, excluding corrugated aluminum, fiberglass, or metal roofing material.
 - (c) A minimum overhang of twelve (12) inches is required on all Façades, which may include a four (4) inch gutter.
- d. Consistency with Surrounding Development
 - (1) Where established within an existing residential Development or residentially platted Lot, Dwelling, Manufactured Homes shall have an Attached garage if 50 percent or more of the existing homes on the same Block face have garages.

- (2) A detached garage shall be allowed on a Lot on which an Attached garage cannot be constructed due to the setback regulations of the district, or if less than 50 percent of the existing homes on the same and/or adjacent Block face do not have Attached garages.
- (3) Where required to be installed, the roofing and siding material of a detached garage must be the same as that of the Dwelling, Manufactured Home.

14. Dwelling, Modular Home

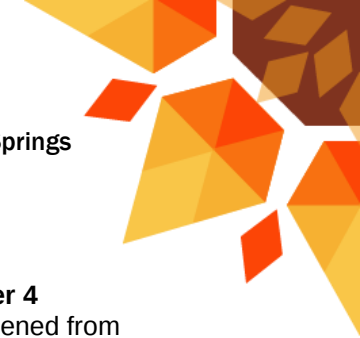
- a. Modular homes shall meet or exceed the minimum Building requirements set forth by the adopted Building Code.
- b. Modular homes shall meet the minimum dimensional standards for Lots and homes, including setbacks, as the respective zoning district.

15. Dwelling, Single-Family Attached

- a. No side yard setback shall be required for Lots used for Dwelling, Single-Family Attached units subject to the following:
 - (1) There shall be no less than ten (10) feet between separate structures;
 - (2) Lot Widths for Lots used for Dwelling, Single-Family Attached units shall be reduced to 24 feet, with a minimum Lot Area of 2,880 square feet.
- b. A Dwelling, Single-Family Attached Building shall contain no less than three (3) and no more than eight (8) Dwelling Units before an interior side setback is required per the applicable zoning district in **Section 2.04** above.

16. Manufactured Home Park

- a. Dwelling, Manufactured Homes installed within a Manufactured Home Park shall comply with the minimum standards outlined in **Section 2.06.B.13** above.
- b. Applications for a Manufactured Home Park shall require a Development Plan in accordance with **Section 1.04.A.2** above.
- c. Manufactured Home Space Requirements
 - (1) Manufactured Home spaces shall be Occupied by no more than one Dwelling, Manufactured Home, and shall be equipped with the following:
 - (a) A concrete pad large enough to accommodate the full area of the installed Dwelling.
 - (b) Personal sanitary sewer and water utility services. The use of On-Site sanitary sewer facilities (OSSF) is prohibited.
 - (c) Personal electrical and gas service.
 - (2) Manufactured Home spaces shall meet the following minimum dimensions:
 - (a) Minimum Site Area: 4,000 square feet
 - (b) Minimum Lot Width: 45 feet
 - (3) A minimum distance of twenty (20) feet shall be provided between a Dwelling, Manufactured Homes and any Building within the Manufactured Home Park.
 - (4) Each manufactured home space shall front upon a private roadway of not less than twenty-four (24) feet in width.
- d. Manufactured Home Park Standards
 - (1) Manufactured Home Parks shall be considered Single-Family Residential Development for the purposes of meeting the Development Standards outlined in **Chapter 4 Development Standards**, where each Dwelling, Manufactured Home is counted as one (1) Dwelling Unit.

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- (2) In addition to the minimum Development Standards outlined in **Chapter 4 Development Standards**, all Manufactured Home Parks shall be screened from adjacent uses using the incompatibility buffer standards outlined in **Section 4.03.E.2.b(1)**.
 - (3) Refuse and Garbage Handling
 - (a) Storage, collection, and disposal of refuse in a Manufactured Home Park shall be required so as to create no health hazards, rodent harborage, insect breeding areas, accidents, fire hazards, or air pollution; and
 - (b) All refuse shall be stored in fly-tight, watertight, rodent- proof containers. Containers shall be provided in sufficient number and Capacity to properly store all refuse.
 - (4) Laundry Facilities

Laundry facilities for the exclusive use of the Manufactured Home Park occupants shall be provided.
 - (5) Storm Shelters

A storm shelter shall be provided to give protection to all residents of the Manufactured Home Park.

 - (a) The storm shelter shall be constructed to provide adequate protection from tornadoes and high winds;
 - (b) The storm shelter shall provide a minimum of thirty (30) square feet per manufactured home pad; and
 - (c) The storm shelter shall comply with the applicable codes and ordinances as adopted by the City of Bonner Springs.
17. Community Gathering, Private
- a. Applications shall include a special event permit for consideration by the City Council.
 - b. Appropriate parking shall be illustrated on a site plan for review.
18. Day Care Center
- a. Day Care Centers shall meet all minimum criteria for licensure with the State of Kansas, and shall provide proof of licensure.
 - b. Any playground area, including all areas children move to and from the structure and the playground area, shall be surrounded by a Fence no less than six (6) feet in height.
 - c. Areas designated for child drop-off shall be clearly marked with visible traffic markings and signage.
 - d. The primary point of child drop-off (i.e., stopping point) shall be covered by an awning, canopy, or similar element to allow for the sheltered transition from a vehicle to the designated Building entrance.
 - e. See **Section 4.02.H** for stacking space requirements for Day Care Center drop-off areas.
19. Day Care Residence
- a. Day Care Residences shall meet all minimum criteria for licensure with the State of Kansas, and shall provide proof of licensure.
 - b. Day Care Residences shall not alter the exterior appearance of the Dwelling, including the addition of any signage, lighting, or outdoor display or storage.
 - c. Day Care Residences shall not generate parking, noise, sewage, or water use in excess of what is typical of a Dwelling within the surrounding area.

20. Farmer's Market

- a. Each vendor shall obtain an operating and health permit prior to operation within a Farmer's Market.
- b. Farmer's Markets may utilize temporary Improvements, including but not limited to temporary lighting fixtures, shelters, and restroom facilities, for no more than 72 consecutive hours of operation.
 - (1) Improvements associated with Farmer's Markets in operation for durations longer than 72 consecutive hours shall be considered permanent structures and shall meet the minimum requirements of these regulations.
 - (2) Farmer's Markets, regardless of temporary or permanent status, and all associated Improvements shall not operate after 10:00 p.m.
- c. Farmer's Market vendors shall be installed on paved surfaces or compacted gravel.
- d. Farmer's Market vendors and Improvements may occupy existing On-Site Parking Spaces under the following conditions:
 - (1) The Farmer's Market is not in operation for more than 72 consecutive hours; and
 - (2) The minimum parking requirements for both the primary use and Farmer's Market specified in the **Table of Allowed Uses** are still met.

21. Alternative Financial Service

- a. Alternative Financial Service establishments shall not be operated within one-quarter mile (1,320 feet) from one another.
- b. Alternative Financial Service establishments shall not be operated within five hundred (500) feet of residential zoning districts.
- c. Alternative Financial Service establishments shall not be operated within one-thousand five hundred (1,500) feet of schools, churches, public Buildings, daycares, parks, and hospitals.
- d. For the purposes of calculating separation between Alternative Financial Service establishments and other uses, the distance shall be measured using an aerial circumference originating from each establishment's primary point of entry.

22. Commercial Amusement, Outdoor

- a. No intermittent or Flashing lights shall be visible beyond the property line of a Commercial Amusement, Outdoor establishment.
- b. Exterior auditory devices, such as speakers or other sound effects, shall not exceed 45 Decibels at the property line of a Commercial Amusement, Outdoor establishment.
- c. Commercial Amusement, outdoor structures, or Improvements shall not be located within 250 feet of a residentially zoned or used property, excluding Dwelling, Multi-Family uses.

23. Food Truck Park

- a. Each vendor shall obtain an operating and health permit prior to operation within a Food Truck Park.
- b. Food Truck Parks may be standalone establishments or may be installed in conjunction with permanent uses on a temporary or permanent basis.
- c. Food Truck Parks may utilize temporary Improvements, including but not limited to temporary lighting fixtures, shelters, and restroom facilities, for no more than 72 consecutive hours of operation.

- (1) Improvements associated with Food Truck Parks in operation for durations longer than 72 consecutive hours shall be considered permanent structures and shall meet the minimum requirements of these regulations.
 - (2) Food Truck Parks, regardless of temporary or permanent status, and all associated Improvements shall not operate after 10:00 p.m.
 - d. Vendors shall be parked in authorized Parking Spaces (i.e., vendor locations) that meet the minimum requirements of **Section 4.02**, including dimensional, material, and configuration requirements.
 - (1) Vendor locations that are installed within existing parking areas shall not interfere with pedestrian or vehicle circulation.
 - (2) The minimum parking requirements for both the primary use, if applicable, and the Food Truck Park specified in the Table of Allowed Uses shall be met.
 - e. Seating areas and other furnishings intended for patron use shall not interfere with existing parking areas or pedestrian and vehicle circulation.
 - f. Restroom facilities shall be provided On-Site or through a shared use agreement with an Abutting commercial establishment.
 - (1) Access to shared facilities shall be granted for the duration of the Food Truck Park operation hours.
 - (2) Temporary restroom facilities shall be screened from public view from either On-Site or Off-Site, using a vantage point six (6) feet in height from Grade.
 - (a) Public view shall be considered the visibility of Outdoor Storage or Display areas from a public Right-of-Way or other public space, including but not limited to a dedicated or reserved park, plaza, mutual Access Easement, or other area intended for public gathering or use.
 - (b) Screening mechanisms shall meet the general requirements listed in **Section 4.05.C**.
 - g. Each vendor location shall be provided with electrical, water, and wastewater connections.
 - h. Waste receptacles shall be provided for each vendor location, and shall be emptied daily to prevent overloading.
24. Seasonal Sales
- a. Seasonal Sales shall obtain an operating permit prior to operation.
 - b. Seasonal Sales may utilize temporary Improvements, including but not limited to temporary lighting fixtures, shelters, and restroom facilities, for no more than 72 consecutive hours of operation.
 - (1) Improvements associated with Seasonal Sales in operation for durations longer than 72 consecutive hours shall be considered permanent structures, and shall meet the minimum requirements of these regulations.
 - (2) Seasonal Sales, regardless of temporary or permanent status, and all associated Improvements shall not operate after 10:00 p.m.
 - c. Parking areas may be installed on paved surfaces or compacted gravel.
25. Shooting Range
- a. Noise generated from a Shooting Range shall not exceed 45 Decibels at the property line.
 - b. Shooting Range structures shall not be located within 250 feet of a residentially zoned or used property.

26. Vehicle Sales and Rental

- a. Parking Spaces intended for vehicles for sale or rent shall be Fenced in accordance with **Section 4.05.C.1** below.
- b. No more than eighty (80) percent of the total required parking per the **Table of Allowed Uses** may be utilized for the parking of vehicles intended for sale or rent.
- c. Areas intended for the parking of sales for sale or rent shall be subject to the parking design standards outlined in **Section 4.02** below.

27. Telecommunications Facility

- a. Exempt Facilities
 - (1) The requirements of this **Section 2.06.B.27** shall not apply to a facility that is less than seventy (70) feet in height, and:
 - (a) Is operated by a federally-licensed amateur radio station operator; or
 - (b) Is used exclusively for receive-only antennas.
 - (2) Towers owned and operated by the City shall not require approval of an SUP, but shall comply with the other requirement of this **Section 2.06.B.27**.
- b. General Requirements
 - (1) Telecommunications facilities shall comply with all federal regulations, including those issued by the Federal Aviation Administration (FAA) and the Federal Communications Commission (FCC).
 - (2) Installation of a Telecommunication Facility, including any on-ground Improvements or towers, shall require a building permit, and must be found to meet the proper wind and structural requirements of the adopted Building Code.
 - (3) Telecommunication facilities shall be inspected annually for structural and operational soundness.
 - (a) Inspections shall be made by a knowledgeable expert, as determined by the Chief Building Official.
 - (b) A copy of such annual inspection shall be provided to the City.
 - (4) A Telecommunication Facility may be Attached to, or integrated with, an existing structure or detached as a standalone facility.
 - (5) Co-location

All telecommunication facilities shall be designed with tower cabinets to accommodate co-location by other providers.
 - (6) Removal of Abandoned Towers
 - (a) Any facility that is no longer in use or has not been used for a continuous period of twelve (12) months for its original communications purpose shall be removed at the owner's expense.
 - (b) In the case of co-location, a facility shall not be deemed abandoned until all users cease operations.
- c. Operational Requirements
 - (1) Telecommunications facilities shall be operated in a manner that does not cause interference with, or disruption to, public safety communications, including but not limited to police or fire departments.

- (2) In the event that the facility causes such an interference or disruption, the Applicant shall be responsible to:
 - (a) Remedy the problem within 24 hours of written notice by the City; or
 - (b) Cease operation of the facility until the problem is remedied.
- d. Design Requirements

The application and approval of a Development Plan in accordance with **Section 1.04.A** above may be required by the Community Development Director in order to confirm compliance with this **Section 2.06.B.27**.

 - (1) Height
 - (a) Ground components of a Telecommunication Facility, including but not limited to cabinets, housing structures, and screening walls, shall not exceed the maximum height permitted within the respective zoning district.
 - (b) Telecommunication tower height shall be restricted to the distance to the nearest property line, but shall not exceed 120 feet in height from Grade.
 - (2) Lighting
 - (a) If required by federal regulations, tower lighting shall be reviewed with an application for a Special Use Permit to ensure the least amount of disturbance to surrounding views.
 - (b) Security lighting around the base of a tower and facility ground components may be provided in accordance with **Section 4.09**.
 - (3) Locations and Separation
 - (a) Applications for a new Telecommunication Facility site shall include verification that all existing facilities have been approached for co-location opportunities.
 - (b) Telecommunication facilities shall not be located within one (1) mile of an existing facility without adequate proof of the need of the new facility to sufficiently serve the City.
 - (4) Design Treatments
 - (a) Telecommunication facilities Attached to, or integrated with, a Building or structure shall be screened, constructed, and colored to match the structure to which they are Attached.
 - (b) Components mounted on the side of a Building or structure shall be painted to match the color of the Building or structure against which they are most commonly seen.
 - (c) Multiple antennas mounted on a single support structure should be coordinated in design, and spaced and balanced to give a planned and uncluttered appearance.
 - (5) Ground equipment shall be screened from public view using a vantage point six (6) feet in height from Grade.
 - (a) Public view shall be considered the visibility of ground equipment areas from a public Right-of-Way or other public space, including but not limited to a dedicated or reserved park, plaza, mutual Access Easement, or other area intended for public gathering or use.
 - (b) Screening mechanisms shall meet the general requirements listed in **Section 4.05.C**.

28. Utility Distribution

Utility Distribution areas shall be screened from public view using a vantage point six (6) feet in height from Grade.

- a. Public view shall be considered the visibility of ground equipment areas from a public Right-of-Way or other public space, including but not limited to a dedicated or reserved park, plaza, mutual Access Easement, or other area intended for public gathering or use.
- b. Screening mechanisms shall meet the general requirements listed in **Section 4.05.C**.

29. Vehicle Tow or Storage Lot

Areas used for the storage of vehicles shall be screened from public view using a vantage point six (6) feet in height from Grade.

- a. Public view shall be considered the visibility of ground equipment areas from a public Right-of-Way or other public space, including but not limited to a dedicated or reserved park, plaza, mutual Access Easement, or other area intended for public gathering or use.
- b. Screening mechanisms shall meet the general requirements listed in **Section 4.05.C**.