



AGENDA
PLANNING COMMISSION & BOARD OF ZONING APPEALS
507 N Main, Garden Plain, KS 67050
October 30, 2024 at 7:00 pm

1. Call to order
2. Approval of September 25, 2024 Regular Meeting Minutes
3. Public Hearing: City of Garden Plain Zoning Code Text Amendments
4. Public Hearing: City of Garden Plain Annual Comprehensive Plan Review
5. Planning Commission Bylaws Updates
6. Adjourn



Planning Commission/Board of Zoning Appeals

City Council Chambers – 507 N. Main St.

October 30, 2024 – 7 PM

- 1. Call to Order:** Planning Commission Chair Keith Hansen called the meeting to order at 7:00 PM. Commissioners present: Keith Hansen; Rick Heimerman; Zak Blakley; Paul Sponsel; Craig Brittain; Gene Garcia. Commissioner Chris Wilson was absent.
- 2. Approval of the August 28, 2024 Public Hearing Minutes:** Commissioner Rick Heimerman moved, Commissioner Craig Brittain seconded to approve the minutes as presented. Motion passed 6-0.
- 3. Approval of August 28, 2024 Regular Meeting Minutes:** Commissioner Zak Blakley motioned and Commissioner Paul Sponsel seconded to approve the minutes as presented. Motion passed 6-0.
- 4. Review of Proposed Zoning Code Text Amendments:** City Administrator Kelly McElroy presented the Commission with proposed redline text amendments to the City's current zoning code, as prepared by City Attorney Morgan Koon. The Commission was asked to make a final review of the documents and provide any comments to the City Attorney or City Administrator prior to the next meeting when the required public hearing will be held.
- 5. Annual Comprehensive Plan Review:** The Commission was presented with the City's 2040 comprehensive plan and asked to review it prior to the next meeting and provide comments and suggested updates to the City Administrator. A required public hearing for the annual review will take place at the October 30 meeting. Following the public hearing the updated Comprehensive Plan will be forwarded to the City Council for review and adoption. The annual review and public hearing is required by state Statute and the Planning Commission's Bylaws.
- 6. Bylaws Updates:** Due to scheduling conflicts, the Planning Commission was asked to consider changing the date and time of the regular meetings to the second or third Thursday of the month at 6 PM. This change will require an update to the Planning Commission Bylaws and will be considered at the October 30 meeting. Changes made to the Bylaws will be forwarded to the City Council for adoption.
- 7. Adjourn:** Commissioner Paul Sponsel moved, and Commissioner Zak Blakley seconded to adjourn the meeting at 7:10 PM. Motion passed 6-0.

Re: Consider, and conduct a public hearing on, the updated 2024 City of Garden Plain Zoning Ordinance (AKA Zoning Code)

Background:

In 2016 the City of Garden Plain contracted with John Riggs and Associates out of Lindsborg Kansas to update the current city Zoning Ordinances, also known as the City's Zoning Code. The Planning Commission members, as well as City staff, began work to update the code to ensure that the City was operating under the most relevant and recent regulations and guidelines and that the community was doing their best to be developer friendly while maintaining protections for current Garden Plain property owners and developments.

Unfortunately, during 2020, Mr. Riggs and his company encountered major family medical emergencies, and he passed away. City staff worked with his family members to obtain the most recent draft of the City's updated zoning code and continued to review and update the regulations. However, since the process had become so long and drawn out, not all of the needed updates were made before the code was adopted.

Over the past year City Attorney Morgan Koon has worked with the Planning Commission to do an in-depth review of the entire code and has provided the following red line drafts reflecting those changes. The Planning Commission was provided these drafts at their September 25, 2024 meeting and asked to review and make any final recommendations on or before their October 30, 2024 meeting when the required public hearing will be held. They are attached to this memo.

Following approval by the Planning Commission, the new Zoning Ordinances will be forwarded to the City Council for their adoption at their December 4, 2024 meeting.

Recommended Action: The Planning Commission/Board of Zoning Appeals is asked to:

- A. Conduct the required public hearing regarding the adoption of the new 2024 Zoning Ordinances.
- B. Recommend approval of the new 2024 Zoning Ordinances to the Garden Plain City Council at their December 4, 2024 meeting.

Attachments:

- A. Notice of Public Hearing & Affidavit of Publication
- B. Redline Zoning Code Articles

Affidavit of Publication

Kayla Hope Rausch
Of lawful age being duly sworn upon oath states
That she is the lawful billing clerk/asst at

**Times-Sentinel Newspapers, LLC
State of Kansas**

A weekly newspaper printed in the state of Kansas,
And published in and of general circulation in **Sedgwick
County**, with a general paid circulation on a yearly
Basis in Sedgwick County of Kansas, and that said
Newspaper is not a trade, religious, or fraternal
Publication. That said newspaper has been published
At least weekly 50 times a year, has been so published
Continuously and uninterruptedly in said county and state
For a period of more than five years prior to the first
Publication of said notice and has been admitted to the
Post Office of Cheney, Kansas, in Sedgwick County as
Second class matter. That the attached is a true copy
Thereof and was published on the following dates in the
Regular and entire Issue of said newspaper.

First Publication was made
On the 3 Day of Oct, 2024
Second Publication was made
On the _____ Day of _____, 2024
Third Publication was made
On the _____ Day of _____, 2024

Total Publication Fee \$ 73.50

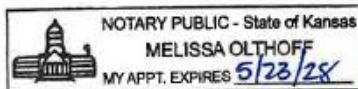
Kayla Rausch

Subscribed and sworn to before me this
4 Day of Oct., 2024

Melissa Olthoff

Notary Public

My Commission expires on 5/23/28



PUBLIC NOTICE

First Published in TSNews October 3, 2024 (11)

NOTICE OF HEARING

Notice is hereby given that a Public Hearing will be held by the Garden Plain Planning Commission/Board of Zoning Appeals, in the City Council chambers, 507 N. Main Street, Garden Plain, Kansas, on October 30, 2024, at 7:00 p.m. or as soon thereafter as the matter may be heard, for the purpose of considering the following:

Proposed text amendments and updates to the zoning ordinances of the city of Garden Plain, Kansas. Additionally, the Commission will be considering the adoption and recodification of the full zoning ordinances.

A copy of the proposed text amendments can be obtained at no cost from the City Clerk at City Hall, 505 N. Main Street, Garden Plain KS 67050 or 316-531-2321. At the above-prescribed time and place all persons interested can appear and be heard as to the proposed amendments.

ARTICLE IX "R - R" RESIDENTIAL RURAL DISTRICT

SECTION 1. INTENT AND PURPOSE OF DISTRICT.

The "R-R" Residential Rural District is established to provide for single-family rural residential development at a low density and to all certain public facilities. It is the intent of the district regulation to protect the health, safety, and general welfare of persons residing in the district; to prevent uses which would devalue property; to regulate population density; and to provide adequate open space around buildings and structures. This zone is intended for application in developing rural and rural lifestyle areas within the City Limits and is intended to minimize conflicts of incompatible uses of land and protect the public health and welfare until the area is fully developed.

SECTION 2. DISTRICT REGULATIONS.

In the R-R District, no building or land shall be used, and no building or structure shall be erected, altered, or enlarged which is arranged or designed for other than one of the following uses listed in Section 3 below. Design, color, and structure is to be compatible with the neighborhood.

SECTION 3. USE REGULATIONS.

- A. Single family ~~non-farm~~ dwellings.
- B. Residential design manufactured homes.
- ~~C. Group homes, foster homes, and boarding homes for children.~~
- ~~D. Churches and similar places of worship and parish houses.~~
- ~~E. Golf courses, except miniature golf courses and driving tees operated for commercial purposes.~~
- ~~F. Hospitals for people only on a lot, plot, or tract of land two (2) acres or larger.~~
- ~~G. Nursing or convalescent homes on a lot, plot, or tract of land two (2) acres or larger.~~
- HC. Public parks, playgrounds, recreational areas.
- ~~I. Schools: public or parochial, elementary, junior high, high schools, and private schools with equivalent curriculum.~~
- JD. Customary accessory uses and structures located on the same lot with the principal use ~~including tennis courts, swimming pools, private garages, garden houses, barbeque ovens, and fireplaces~~, but that do not include uses unrelated to the principal use or any activity commonly conducted for gain.
- KE. Temporary structures incidental to construction work, but only for the period of such work. Basements and cellars may not be occupied for residential purposes until the building is completed.

~~L. The following uses may be allowed by Conditional Use Permit (CUP) when submitted, reviewed, and approved by the Planning Commission and Governing Body, and under such conditions as they may impose:~~

- ~~i. Any public building erected or land used by any department of the City, County, State, or Federal Government.~~
- ~~ii. Bed and Breakfast Inns.~~
- ~~iii. Home Occupations.~~
- ~~iv. Telephone exchange, electric substations and regulatory stations, or other public utilities.~~
- ~~v. Raising of crops, trees, and shrubs not sold on the premises.~~
- ~~vi. Licensed childcare centers.~~
- ~~vii. Water Retention Areas.~~
- ~~viii. Preschools.~~

~~M. The following uses may be allowed by CUP when submitted, reviewed, and approved by the Planning Commission and Governing Body, and under such conditions as they may impose:~~

- ~~i.F Raising and care of specific animals, as defined in the City Code:
 - ~~ai. Animals shall not be kept for commercial purposes.~~
 - ~~bii. Animals are properly sheltered and proper sanitation is maintained at all times.~~
 - ~~eiii. Cages, pens, or paddocks shall not be closer than fifty (50) feet to any residence.~~
 - ~~dii. Disposal of carcasses shall be immediate and conducted in an appropriate way.~~
 - ~~ey. Excrement shall be disposed of in an appropriate manner that does not allow odor or cause unsanitary or unsafe conditions.~~~~

SECTION 4. INTENSITY OF USE REGULATIONS.

Lots in this district shall be subject to the following.

- A. Lots will be served by city services and utilities, including water, wastewater (sewer), natural gas, trash, and must have electrical service(s).
- B. No propane, wells, septic systems for utility purposes, except by existing non-conforming status. When existing systems fail, property is subject to connection to public utilities as available.
- C. Water wells may be used for outside (irrigation) use only.

SECTION 5. LOT COVERAGE.

Lot size will have a minimum size of 7,500 square feet. The principal structure and accessory structure(s) shall not cover more than 30% of the lot size not to exceed 11,000 square feet of the lot area.

SECTION 6. HEIGHT REGULATIONS.

No building shall exceed thirty-five (35) feet in height.

SECTION 7. YARD REGULATIONS.

A. Front Yard.

- i. There shall be a front yard having a depth of no less than twenty-five (25) feet, except as required for arterial and collector streets or roads. (See Article XXX – Additional Height, Area, and Use Regulations).
- ii. Where a lot or group of lots have a double frontage, the required front yard shall be provided on both streets.
- iii. Where a lot is located at the intersection of two (2) or more streets, there shall be a front yard on each street side of a corner lot; provided, however, that the buildable width of a single lot of record, as of the effective date of this Ordinance, shall not be reduced to less than thirty-five (35) feet, except as may be required to preserve a minimum setback of eight (8) feet from the lot line.

B. Side Yard.

- i. Except hereinafter required in the additional height, area, and use regulations of this Ordinance, there shall be a side yard having a width of not less than ten (10) percent of the width of the lot with a minimum of eight (8) feet on each side of the principal building, except as provide for zero, lot-line development.
- ii. Where more than one principal building is constructed on a tract for hospital, nursing home, church, school or other public use, the spacing between principal buildings shall not be less than the average height of the adjacent buildings.

C. Rear Yard. There shall be a rear having a depth of not less than twenty-five (25) feet.

SECTION 8. SIGN REGULATIONS.

See Article XXV.

SECTION 9. PARKING AND LOADING REGULATIONS.

See Article XXVI.

SECTION 10. LANDSCAPING REGULATIONS.

See ARTICLE XXVII.

SECTION 11. TRAFFIC REGULATIONS.

See ARTICLE XXVIII.

SECTION 12. UTILITY ~~REGUALTIONS~~REGULATIONS.

In the R-R District existing private gas systems, water wells, and sewage disposal systems may be continued until such time as the City provides one or all these services.

A. Such private utilities may be continued until replacement is required to comply with City code provisions. The property owner may choose to hook up to public utilities at an earlier time, but such will not be mandatory. The City has no responsibility for maintenance of private utility systems.

B. All utility connections to buildings shall be individual connections and separately metered, unless in conflict with MABCD currently adopted codes and regulations.

ARTICLE XI "R-1" SINGLE-FAMILY DWELLING DISTRICT

SECTION 1. INTENT AND PURPOSE OF DISTRICT.

The "R-1" Single-Family Dwelling District is established for the purpose of low density, single-family dwelling use and to allow certain public facilities. It is intended that no ~~uses~~use be permitted in this district that will tend to devalue property for residential purposes or interfere with the health, safety, order, or general welfare of persons residing in the district. Regulations are intended to control density of population and to provide adequate open space around buildings and structures in the district to accomplish these purposes.

SECTION 2. DISTRICT REGULATIONS.

In the R-1 District no building or structure shall be used and no building or structure shall be erected, altered, or enlarged which is arranged, intended, or designed for other than one of the uses listed in SECTION 3 below.

SECTION 3. USE REGULATIONS.

A. Single-family dwellings.

B. Residential design manufactured housing.

~~C. Group homes, foster homes, and boarding homes for children.~~

~~D. Churches and similar places of worship and parish houses.~~

~~E. Golf courses.~~

~~F. Hospitals for people only on a lot, plot, or tract of land two (2) acres or larger.~~

~~G. Nursing or convalescent homes on a lot, plot, or tract of land two (2) acres or larger.~~

~~H~~C. Public parks, playgrounds, recreational areas.

~~I. Schools—public or parochial, elementary, junior high, high schools, and private schools with equivalent curriculum.~~

~~J~~D. Customary accessory uses and structures located on the same lot with the principal use ~~including tennis courts, swimming pools, private garages, garden houses, barbecue ovens, and fireplaces~~, but which do not include uses unrelated to the principal use or any activity commonly conducted for gain.

~~K~~E. Temporary structures incidental to construction work, but only for the period of such work. Basements and cellars may not be occupied for residential purposes until the building is completed.

~~L. The following uses may be allowed by conditional use permit when submitted, reviewed, and approved by the Planning Commission and Governing Body, and under such conditions as they may impose:~~

- ~~i. Any public building erected or land used by any department of the City, County, State, or Federal Government.~~
- ~~ii. Bed and Breakfast Inns.~~
- ~~iii. Home occupations.~~
- ~~iv. Telephone exchange, electric substations and regulatory stations, or other public utilities.~~
- ~~v. Raising of crops, trees, and shrubs not sold on the premises.~~
- ~~vi. Licensed childcare centers.~~
- ~~vii. Water Retention Areas.~~
- ~~viii. Preschools.~~
- ~~ix. Zero Lot Line Development.~~

SECTION 4. INTENSITY OF USE REGULATIONS.

Every lot shall have an area of not less than seven thousand (7,000) square feet and an average width of not less than seventy (70) feet.

SECTION 5. LOT COVERAGE.

The principal and accessory structure(s) shall not cover more than thirty (30) percent of the total lot area. Accessory structures shall not exceed 5,000 square feet, without the issuance of a Conditional Use Permit (CUP).

SECTION 6. HEIGHT REGULATIONS.

No building shall exceed thirty-five (35) feet in height.

SECTION 7. YARD REGULATIONS.

A. Front Yard.

- i. There shall be a front yard having a depth of not less than twenty-five (25) feet, except as required for arterial and collector streets or roads. (See ARTICLE XXX- Additional Height, Area, and Use Regulations).
- ii. Where a lot or group of lots have a double frontage, the required front yard shall be provided on both streets.
- iii. Where a lot is located at the intersection of two (2) or more streets, there shall be a front yard on each street side of a corner lot; provided, however, that the buildable width of a single lot of record, as of the effective date of this Ordinance, shall not be reduced to less than thirty-

five (35) feet, except as may be required to preserve a minimum setback of six (6) feet from the lot line on the street side of the lot.

B. Side Yard.

- i. Except as hereinafter required in the additional height, area, and use regulations of this Ordinance, there shall be a side yard having a width of not less than eight (8) feet from the building foundation or six (6) feet from the farthest architectural projection of the building whichever is the greater.
- ii. Where more than one principal building is constructed on a tract for hospital use, nursing home use, church use, school use, and other public uses, the spacing between principal buildings shall not be less than the average height of the adjacent buildings.

C. Rear Yard. There shall be a rear yard having a depth of not less than twenty-five (25) feet.

SECTION 8. SIGN REGULATIONS.

See ARTICLE XXV.

SECTION 9. PARKING AND LOADING REGULATIONS.

See ARTICLE XXVI.

SECTION 10. LANDSCAPING REGULATIONS.

See ARTICLE XXVII.

SECTION 11. TRAFFIC REGULATIONS.

See ARTICLE XXVIII.

SECTION 12. UTILITY ~~REGUALTIONS~~REGULATIONS.

In the R-1 District existing private gas systems, water wells and sewage disposal systems may be continued until such time as the City provides one or all of these services.

A. Such private utilities may be continued until replacement is required to comply with City code provisions. The property owner may choose to hook up to public utilities at an earlier time, but such will not be mandatory. The City has no responsibility for maintenance of private utility systems.

B. All utility connections to buildings shall be individual connections and separately metered, unless in conflict with MABCD currently adopted codes and regulations.

ARTICLE XII "R-1A" SINGLE-FAMILY DWELLING DISTRICT

SECTION 1. INTENT AND PURPOSE OF DISTRICT.

The "R-1A" Single-Family Dwelling District is established for the purpose of low to moderate density, single-family dwelling use and to allow certain public facilities. It is intended that no uses be permitted in this district that will devalue property for residential purposes or interferes with the health, safety, order, or general welfare of persons residing in the district. Regulations are intended to control density of population and to provide adequate open space around buildings and structures in the district to accomplish these purposes.

SECTION 2. DISTRICT REGULATIONS.

In the R-1A District no building or structure shall be used and no building or structure shall be erected, altered, or enlarged which is arranged, intended, or designed for other than one of the uses listed in SECTION 3 below.

SECTION 3. USE REGULATIONS.

A. Single-family dwellings.

B. Residential design manufactured housing.

~~C. Group homes, foster homes, and boarding homes for children.~~

~~D. Churches and similar places of worship and parish houses.~~

~~E. Golf courses.~~

~~F. Hospitals for people only on a lot, plot, or tract of land two (2) acres or larger.~~

~~G. Nursing or convalescent homes on a lot, plot, or tract of land two (2) acres or larger.~~

~~H~~C. Public parks, playgrounds, recreational areas.

~~I. Schools: public or parochial, elementary, junior high, high schools, and private schools with equivalent curriculum.~~

~~J~~D. Customary accessory uses and structures located on the same lot with the principal use ~~including tennis courts, swimming pools, private garages, garden houses, barbecue ovens, and fireplaces~~, but that do not include uses unrelated to the principal use or any activity commonly conducted for gain.

~~K~~E. Temporary structures incidental to construction work, but only for the period of such work. Basements and cellars may not be occupied for residential purposes until the building is completed.

~~L. The following uses may be allowed by Conditional Use Permit (CUP) when submitted, reviewed, and approved by the Planning Commission and Governing Body, and under such conditions as they may impose:~~

- ~~i. Any public building erected or land used by any department of the City, County, State, or Federal Government.~~
- ~~ii. Bed and Breakfast Inns.~~
- ~~iii. Home occupations.~~
- ~~iv. Telephone exchange, electric substations and regulatory stations, or other public utilities.~~
- ~~v. Raising of crops, trees, and shrubs not sold on the premises.~~
- ~~vi. Licensed childcare centers.~~
- ~~vii. Water Retention Areas.~~
- ~~viii. Preschools.~~
- ~~ix. Zero Lot Line Development.~~

SECTION 4. INTENSITY OF USE REGULATIONS.

Every lot shall have an area of not less than five thousand five hundred (5,500) square feet and an average width of not less than fifty-five (55) feet.

SECTION 5. LOT COVERAGE.

The principal and accessory structure(s) shall not cover more than thirty (30) percent of the total lot area. Accessory structures shall not exceed 5,000 square feet, without the issuance of a Conditional Use Permit (CUP).

SECTION 6. HEIGHT REGULATIONS.

No building shall exceed thirty-five (35) feet in height.

SECTION 7. YARD REGULATIONS.

A. Front Yard.

- i. There shall be a front yard having a depth of not less than twenty-five (25) feet, except as required for arterial and collector streets or roads. (See ARTICLE XXX- Additional Height, Area, and Use Regulations).
- ii. Where a lot or group of lots have a double frontage, the required front yard shall be provided on both streets.
- iii. Where a lot is located at the intersection of two (2) or more streets, there shall be a front yard on each street side of a corner lot; provided, however, that the buildable width of a single lot of record, as of the effective date of this Ordinance, shall not be reduced to less than thirty-

five (35) feet, except as may be required to preserve a minimum setback of six (6) feet from the lot line on the street side of the lot.

B. Side Yard.

- i. Except as hereinafter required in the additional height, area, and use regulations of this Ordinance, there shall be a side yard having a width of not less than eight (8) feet from the building foundation or six (6) feet from the farthest architectural projection of the building whichever is the greater.
- ii. Where more than one principal building is constructed on a tract for hospital use, nursing home use, church use, school use, and other public uses, the spacing between principal buildings shall not be less than the average height of the adjacent buildings.

C. Rear Yard. There shall be a rear yard having a depth of not less than twenty-five (25) feet.

SECTION 8. SIGN REGULATIONS.

See ARTICLE XXV.

SECTION 9. PARKING AND LOADING REGULATIONS.

See ARTICLE XXVI.

SECTION 10. LANDSCAPING REGULATIONS.

See ARTICLE XXVII.

SECTION 11. TRAFFIC REGULATIONS.

See ARTICLE XXVIII.

SECTION 10. LANDSCAPING REGULATIONS.

See ARTICLE XXVII.

SECTION 11. TRAFFIC REGULATIONS.

See ARTICLE XXVIII.

SECTION 12. UTILITY ~~REGUALTIONS~~REGULATIONS.

In the R-1A District existing private gas systems, water wells, and sewage disposal systems may be continued until such time as the City provides one or all of these services.

A. Such private utilities may be continued until replacement is required to comply with City Code provisions. The property owner may choose to hook up to public utilities at an earlier time, but such will not be mandatory. The City has no responsibility for maintenance of private utility systems.

B. All utility connections to buildings shall be individual connections and separately metered, unless in conflict with MABCD currently adopted codes and regulations.

ARTICLE XIII "R -2" TWO-FAMILY DWELLING DISTRICT

SECTION 1. INTENT AND PURPOSE OF DISTRICT.

The "R-2" Two-Family Dwelling District is intended for the purpose of allowing a slightly higher density than in district R-1 yet retaining the residential qualities. This district allows duplex uses, single-family homes, certain community facilities, and certain conditional uses.

SECTION 2. DISTRICT REGULATIONS.

In the R-2 District, no building or land shall be used, and no building or structure shall be erected, altered, or enlarged which is arranged, intended, or designed for other than one of the uses listed in SECTION 3 below.

SECTION 3. USE REGULATIONS.

A. Single-family dwellings.

B. Residential design manufactured homes.

~~C. Group homes, foster homes, and boarding homes for children.~~

~~D~~C. Two-family dwellings.

~~E~~D. Community recreation buildings owned and operated by a public agency.

~~F~~E. Churches and similar places of worship and parish houses.

~~G~~F. Golf courses, except miniature golf courses and driving tees operated for commercial purposes.

~~H~~G. Hospitals and clinics (but not animal hospitals or mental hospitals).

~~I~~H. Institutions of higher learning, including dormitory accommodations.

~~J~~I. Public parks, playgrounds, and recreation areas.

~~K~~J. Schools - public or parochial, elementary, junior high, high schools, and private schools with equivalent curriculum.

~~L~~K. Nonprofit institutions of an educational, philanthropic, or eleemosynary nature, but not penal institutions.

~~M~~L. Nursing and convalescent homes.

~~N~~M. Customary accessory uses and structures located on the same lot or group of lots with the principal use including tennis courts, swimming pools, private garages, garden houses, barbecue ovens, and fireplaces, but does not include use unrelated to the principal use of any activity commonly conducted for gain.

ON. Temporary structures incidental to construction work, but only for the period of such work. Basements and cellars may not be occupied for residential purposes until the building is complete.

PO. The following uses may be allowed by Conditional Use Permit (CUP) when submitted, reviewed, and approved by the Planning Commission and Governing Body and under such conditions as they may impose:

- i. Any CUP in the R-1 or R- 1 A Districts.

SECTION 4. INTENSITY OF USE REGULATIONS.

Lots in this district shall be subject to the following minimum size requirements:

A. Single-Family Dwellings. A lot on which there is erected a single-family dwelling shall contain an area of not less than seven thousand (7,000) square feet with a minimum lot width of seventy (70) feet.

B. Two-family Dwellings. A lot on which there is erected a two-family dwelling shall contain an area of not less than thirty-five hundred (3,500) square feet per family. This regulation shall also be applicable to two-family structures being converted to individually owned units. Also see ARTICLE XXX, Additional Height, Area, and Use Regulations.

~~C. Dormitories, lodging houses, nursing homes, and boarding houses shall, in addition to meeting the above requirements for single-family buildings, provide at least six hundred (600) square feet of lot area for each occupant.~~

SECTION 5. LOT COVERAGE.

The principal and accessory structure(s) shall not cover more than ~~thirty-five (35)~~ thirty-five (35) percent of the total lot area. Accessory structures shall not exceed 5,000 square feet, without the issuance of a Special Use Permit (SUP).

SECTION 6. HEIGHT REGULATIONS.

No building shall exceed thirty-five (35) feet in height.

SECTION 7. YARD REGULATIONS.

A. Front Yard.

- i. There shall be a front yard having a depth of not less than twenty-five (25) feet, except as required for arterial and collector streets or roads. (See ARTICLE XXX- Additional Height, Area, and Use Regulations).
- ii. Where a lot or group of lots have a double frontage, the required front yard shall be provided on both streets.
- iii. Where a lot is located at the intersection of two (2) or more streets, there shall be a front yard on each street side of a comer lot; provided, however, that the buildable width of a single lot of record as of the effective date of this Ordinance shall not be reduced to less than

thirty-five (35) feet, except as may be required to preserve a minimum setback of six (6) feet from the property line on the street side of the lot.

B. Side Yard.

- i. There shall be a side yard on each side of a principal building which shall be eight (8) feet from the building foundation or six (6) feet from the farthest architectural projection of the building whichever is the greater except as provided for zero lot-line development.
- ii. Where more than one principal building is constructed on a tract for hospital use, nursing home use, church use, school use, and other public or quasi-public uses, the spacing of said buildings shall not be less than the average height of the adjacent buildings.

C. Rear Yard. There shall be a rear yard for each principal building in this district that shall have a depth of not less than twenty-five (25) feet.

SECTION 8. SIGN REGULATIONS.

See ARTICLE XXV.

SECTION 9. PARKING AND LOADING REGULATIONS.

See ARTICLE XXVI.

SECTION 10. LANDSCAPING REGULATIONS.

See ARTICLE XXVII.

SECTION 11. TRAFFIC REGULATIONS.

See ARTICLE XXVIII.

SECTION 12. UTILITY ~~REGUALTIONS~~REGULATIONS.

In the R-2 District existing private gas systems, water wells and sewage disposal systems may be continued until such time as the City provides one or all of these services.

A. Such private utilities may be continued until replacement is required to comply with City code provisions. The property owner may choose to hook up to public utilities at an earlier time, but such will not be mandatory. The City has no responsibility for maintenance of private utility systems.

B. All utility connections to buildings shall be individual connections and separately metered, to each unit, unless in conflict with MABCD currently adopted codes and regulations.

ARTICLE XIV "R - 3" MULTIPLE-FAMILY DWELLING DISTRICT

SECTION 1. INTENT AND PURPOSE OF DISTRICT.

The "R-3" Multiple-Family Dwelling District is intended for the purpose of allowing moderate to high residential density land use with the co-mingling of compatible single-family and two-family dwellings, apartments, home occupations, certain community facilities, and certain conditional uses, yet retaining the basic residential qualities.

SECTION 2. DISTRICT REGULATIONS.

In the R-3 District, no building shall be used, and no building or structure shall be erected, altered, or enlarged which is arranged, intended, or designed for other than one of the uses listed in SECTION 3 below.

SECTION 3. USE REGULATIONS.

A. Any use permitted in the R-2 Two-Family Dwelling District.

B. Multiple-Family Dwellings.

C. Bed and breakfast inns.

D. Rooming and ~~H~~lodging ~~h~~Houses.

~~E. Private clubs, fraternities, sororities, and lodges, except those where the chief activity is a service customarily carried on as a business.~~

~~F. The following uses may be allowed by conditional use permit when submitted, reviewed, and approved by the Planning Commission and Governing Body, and under such conditions as they may impose:~~

~~i. Any Conditional Use Permitted (CUP) in the R-2 Two-Family Dwelling District.~~

SECTION 4. INTENSITY OF USE REGULATIONS.

Lots in this district shall be subject to the following minimum size requirements:

A. Single-Family Dwellings: A lot on which there is erected a single-family dwelling shall contain an area of not less than seven thousand (7,000) square feet.

B. Two-Family Dwellings: A lot on which there is erected a two-family dwelling shall contain an area of not less than three thousand five hundred (3,500) square feet per family.

C. Multi-Family Dwellings: A lot on which there is erected a multiple-family dwelling shall contain an area of not less than seven thousand seven hundred (7,700) square feet, or six hundred (600) square feet per family, whichever area is the larger.

D. Bed and Breakfast Establishments: A lot on which there is a bed and breakfast inn shall contain an area of not less than 6,000 square feet.

E. Dormitories, lodging houses, nursing homes, rooming houses, and boarding houses: same as R-2 District requirements.

F. Minimum lot width shall be 50 feet.

G. Where a single lot of record as of the effective date and defined in this Ordinance, has less area than that specified for multiple-family dwellings, and its boundary lines, along their entire length, touched lands under other ownership and have not since been changed, such lot may be used only for single-family dwelling purposes or for any other non-dwelling use permitted in this district, provided the structure conforms with other yard and height requirements of this district.

SECTION 5. LOT COVERAGE.

The principal and accessory structure(s) shall not cover more than ~~thirtyseven~~ (37) percent of the total lot area. Accessory structures shall not exceed 5,000 square feet, without the issuance of a Conditional Use Permit (CUP).

SECTION 6. HEIGHT REGULATIONS.

No building shall exceed thirty-five (35) feet in height.

SECTION 7. YARD REGULATIONS.

1. Front Yard.

- a. There shall be a front yard having a depth of not less than twenty-five (25) feet, except as required for arterial and collector streets or roads. (See ARTICLE XXX- Additional Height, Area, and Use Regulations).
- b. Where a lot or lots have a double frontage, the required front yard shall be provided on both streets.
- c. Where a lot is located at the intersection of two (2) or more streets, there shall be a front yard on each street side of the corner lot; provided, however, that the buildable width of a single lot of record, as of the effective date of this Ordinance, shall not be reduced to less than thirty-five (35) feet, except as may be required to preserve a minimum setback of six (6) feet from the property line on the street side of the lot.

2. Side Yard.

- a. There shall be a side yard on each side of a principal building which shall be eight (8) feet from the building foundation or six (6) feet from the farthest architectural projection of the build whichever is the greater.
- b. Where more than one principal building is constructed on a tract for hospitals, nursing homes, churches, schools, institutions of higher learning, public buildings, or other public or quasi-

public uses, the spacing of said buildings shall not be less than the average height of the adjacent buildings.

3. Rear Yard. There shall be a rear yard for each principal building in this district which shall have a depth of not less than twenty-five (25) feet.

SECTION 8. SIGN REGULATIONS.

See ARTICLE XXV.

SECTION 9. PARKING AND LOADING REGULATIONS.

See ARTICLE XXVI.

SECTION 10. LANDSCAPING REGULATIONS.

See ARTICLE XXVII.

SECTION 11. TRAFFIC REGULATIONS.

See ARTICLE XXVIII.

SECTION 12. UTILITY REGULATIONS.

In the R-3 District existing private gas systems, water wells and sewage disposal systems may be continued until such time as the City provides one or all of these services.

A. Such private utilities may be continued until replacement is required to comply with City code provisions. The property owner may choose to hook up to public utilities at an earlier time, but such will not be mandatory. The City has no responsibility for maintenance of private utility systems.

B. All utility connections to buildings shall be individual connections and separately metered, per individual unit, unless in conflict with MABCD currently adopted codes and regulations.

‘ARTICLE XIX "C-1" CENTRAL BUSINESS DISTRICT

SECTION 1. INTENT AND PURPOSE OF DISTRICT.

The “C-1” Central Business District is intended for the purpose of grouping retail merchandising activities into a concentrated area serving the general shopping needs of the community. Principal permitted uses include department stores, apparel stores, general retail sales and services, and similar uses appropriate for comparison shopping. The district is intended to strengthen the economy of the core shopping district.

SECTION 2. DISTRICT REGULATIONS.

In the C-1 District, no building shall be used, and no building or structure altered, enlarged, or erected which is arranged, intended, or designed for other than one of the uses listed in SECTION 3 below.

SECTION 3. USE REGULATIONS.

~~A. Office small business machine repair, sales, and services.~~

~~B. Ambulance service.~~

~~C. Amusement places.~~

~~D. Antique shops and stores, providing all merchandise is displayed and sold inside a building.~~

~~E. Apartments or individual dwelling units on floors other than the ground floor, or on the alley side of the lot.~~

~~F. Apparel and accessory stores.~~

~~G. Appliance stores.~~

~~H. Art and art supply stores.~~

~~I. Artist studios.~~

~~J. Auditoriums and similar places of public assembly.~~

~~K. Automobile accessory and supply store.~~

~~L. Automobile, truck and other motor vehicle sales and rental.~~

~~M. Automobile parking lots and garages.~~

~~N. Bakery and pastry shops (retail only).~~

~~O. Banks and other savings and lending institutions.~~

~~P. Barber shops, beauty shops and chiropody, massage, or similar personal services.~~

~~Q.— Bicycle shops.~~

~~R.— Boat sales and rental.~~

~~S.— Books and stationery stores.~~

~~T.— Bowling centers and recreational buildings.~~

~~U.— Building materials, retail sales.~~

~~V.— Business and technical schools including schools for photography, dancing, and music.~~

~~W.— Business machine sales, repair, and service.~~

~~X.— Catalog stores.~~

~~Y.— Churches.~~

~~Z.— Cigar and tobacco stores.~~

~~AA.— Clothing and costume rental shops.~~

~~BB.— Clothing stores.~~

~~CC.— Commercial recreational uses.~~

~~DD.— Custom dressmaking, millinery, tailoring, and similar trades.~~

~~EE.— Day care centers.~~

~~FF.— Delicatessens and catering establishments.~~

~~GG.— Department stores.~~

~~HH.— Drug stores and prescription shops/pharmacies.~~

~~II.— Dry cleaning and laundry establishments.~~

~~JJ.— Dry goods and notion store, including coin shops and fabric shops.~~

~~KK.— Electronic appliances and equipment including computer and software service.~~

~~LL.— Farm and construction equipment, retail sales.~~

~~MM.— Fire stations, police stations, jails.~~

~~NN.— No propane or wells or septic systems for utility purposes.~~

~~OO.— Water wells may be used for outside/non-potable use only.~~

~~A.— Amusement places (indoors).~~

- [B. Antique shops and stores, providing all merchandise is displayed and sold inside a building.](#)
- [C. Apparel, clothing, and accessory retail and/or rental stores.](#)
- [D. Armory, gunsmithing, weapons sale, resale, and repair.](#)
- [E. Artist studios.](#)
- [F. Bakery and pastry shops.](#)
- [G. Banks and other savings and lending institutions.](#)
- [H. Barber shops, beauty shops and chiropractic, massage, or similar personal services.](#)
- [I. Bicycle shops.](#)
- [J. Books and stationery stores.](#)
- [K. Business and technical schools including schools for photography, dancing, and music.](#)
- [L. Business machine sales, repair, and service, including computers and related equipment.](#)
- [M. Cigar and tobacco stores.](#)
- [N. Churches and other similar places of worship.](#)
- [O. Commercial and private recreation centers and fitness gyms.](#)
- [P. Computer and electronics stores and repair.](#)
- [Q. Delicatessens, restaurants, bars and grills, taverns, and catering establishments.](#)
- [R. Department stores.](#)
- [S. Drug stores and prescription shops/pharmacies.](#)
- [T. Dry cleaning, laundry, seamstress, and tailor establishments.](#)
- [V. Fire stations, police stations, jails.](#)
- [W. Florist and gift shops.](#)
- [X. Furniture and home furnishing stores.](#)
- [Y. Government administration buildings, including public and private utility companies.](#)
- [Z. Grocery stores.](#)
- [AA. Hardware stores.](#)
- [BB. Hobby, stamp, and coin shops.](#)

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- [CC. Household appliance stores.](#)
- [DD. Interior decorator's shops.](#)
- [EE. Jewelry and metal craft stores and shops.](#)
- [FF. Leather goods.](#)
- [GG. Library and museums \(public or private\).](#)
- [HH. Liquor stores.](#)
- [II. Lock, locksmiths, and key shops.](#)
- [JJ. Medical, dental, optician, optometrists, orthodontic, physical therapy, and health clinics.](#)
- [KK. Music instrument sales and repair shops.](#)
- [LL. Music studios.](#)
- [MM. Newspaper offices, newsprint, job printing, and printing supply stores.](#)
- [NN. Offices, office buildings, office supply and equipment stores.](#)
- [OO. Paint supply stores.](#)
- [PP. Pet stores and shops.](#)
- [QQ. Photography studios, photographic equipment sales, and supply stores.](#)
- [RR. Picture framing shops.](#)
- [SS. Post office.](#)
- [TT. Private clubs and lodges.](#)
- [UU. Self-service laundries.](#)
- [VV. Travel agencies.](#)

SECTION 5. PROHIBITED USES

In the C-1 District, no building shall be used, and no building or structure altered, enlarged, or erected which is arranged, intended, or designed for the following uses and the following uses shall at all times be prohibited:

1. Escort agencies.
2. Adult book and/or video stores.

3. Sexually oriented adult entertainment establishments, (including but not limited to sexually oriented bars, cabarets, massage parlors, live theaters, motion picture theaters, and or other sexually oriented entertainment businesses.)

4. Adult novelty stores.

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SECTION 46. INTENSITY OF USE REGULATIONS.

No requirements except those to meet fire regulations.

SECTION 57. LOT COVERAGE.

Lot size will have a minimum size of 7,500 square feet. The principal building and accessory buildings shall not cover more than 30% of the lot size not to exceed 11,000 square feet of the lot area.

SECTION 68. HEIGHT REGULATIONS.

No building shall exceed thirty-five (35) feet in height.

SECTION 79. ~~YARD REGULATIONS~~SETBACK.

~~A. Front Yard.~~

- ~~1. There shall be a front yard having a depth of not less than twenty five (25) feet except as required for arterial streets and collector streets in ARTICLE XXX.~~
- ~~2. Where a lot has double frontage or is a corner lot, a front yard shall be provided on both streets. No accessory buildings or structures shall project beyond the setback line of either street.~~

~~B. Side Yard. Where a C-S1 Zone abuts any residential district, a side yardsetback of not less than 15 feet shall be provided. Such side yard shall be completely enclosed with a board fence or other acceptable enclosure which shall be not less than six (6) feet in height. If an alley separates the C-1 Zone and the residential district, no setback is required.~~

~~C. Rear Yard. There shall be a rear yard having a depth of not less than 25 feet.~~

SECTION 810. SIGN REGULATIONS.

See ARTICLE XXV.

SECTION 911. PARKING AND LOADING REGULATIONS.

See ARTICLE XXVI.

SECTION 102. LANDSCAPING REGULATIONS.

See ARTICLE XXVII.

SECTION 143. TRAFFIC REGULATIONS.

See ARTICLE XXVIII.

ARTICLE XVII "M - P" MANUFACTURED HOME PARK DISTRICT

SECTION 1. INTENT AND PURPOSE OF DISTRICT.

It is the intent of the "M-P" Manufactured Home Park District to permit low density manufactured home uses in a park-like atmosphere. The M-P District is intended for those areas where the owner proposes to develop and rent or lease individual sites, versus the properties being individually or privately owned.

SECTION 2. DISTRICT REGULATIONS.

In the M-P District, no building shall be used, and no building shall be erected, altered, or enlarged which is arranged, intended, or designed for other than uses listed in SECTION 3 below.

SECTION 3. USE REGULATIONS.

A. If there are 10 or less Manufactured Homes, the following uses are permitted by right:

- i. Manufactured Homes on permanent foundations.
- ii. Parks and playgrounds.
- iii. Licensed childcare centers.
- iv. Home occupations.

B. If there are more than 10 Manufactured Homes, the following uses are permitted by right:

- i. ~~A.~~—Manufactured Homes on permanent foundations.

~~Independent manufactured homes located on a well drained concrete slab.~~

- ii. ~~B.~~—Parks and playgrounds.
- iii. ~~C.~~—Manufactured housing service buildings, such as coin-operated washers and dryers, for exclusive use of residents of the manufactured home park.
- iv. ~~D.~~—Office for manager of the manufactured home park.
- v. ~~E.~~—Storage building for vehicles used to tow manufactured housing units.
- vi. ~~F.~~—Storage building for blocks, skirts, pipe, and other material and equipment required to set up a manufactured house.
- vii. ~~G.~~—Accessory uses and buildings, including swimming pools, bath houses, RV and boat storage sheds, patios, etc., for exclusive use of manufactured housing residents.
- viii. ~~H.~~—Licensed childcare centers.

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ix. ~~I.~~ Home occupations.

x. ~~J.~~ Churches and other similar places of worship.

SECTION 4. PARK REQUIREMENTS.

A. A tract of land to be used for a manufactured home park shall be large enough to accommodate ~~twenty-five~~^{three} (25³) or more manufactured units.

B. Each manufactured housing park space shall be not less than thirty-five (35) feet wide.

C. Manufactured housing parks shall have a maximum density of eight (8) manufactured units per gross acre, and each space shall have not less than three thousand (3,000) square feet.

D. The manufactured housing park shall be located on a well-drained site properly graded to insure rapid drainage.

E. Manufactured housing parks shall provide screening when they abut residential property.

F. Each manufactured housing park having more than ten (10) lots ~~for rent~~ shall reserve an area for child recreation according to the following table:

Number of Manufactured Homes	Minimum Area of Playground
0-10	None Required
10 ¹ -20	1,500 Sq. Ft.
21-25	2,500 Sq. Ft.
25 ⁶ and over	100 Sq. Ft. per lot

G. The recreation area shall be located so as to be free from hazards and provided with play equipment.

H. All new manufactured housing parks shall provide a storm shelter for the occupants. All existing manufactured housing parks (at the date of the adoption of this Ordinance) are encouraged to provide storm shelters.

I. The manufactured housing shelter shall be approved, after the submission of plans by the applicant, by the Zoning Administrator. The shelter shall be constructed below ground level as a concrete structure or other material approved by the City and provided with heavy metal doors. It shall be located so as to be accessible to the park residents in a central place with access to the shelter clearly marked.

J. Manufactured housing units shall be located so that there is at least a twenty (20) foot clearance between manufactured houses; provided, however, with respect to manufactured houses parked end-to-end, the clearance shall not be less than ten (10) feet. No manufactured housing unit shall be located less than ten (10) feet from the front driveway.

K. No manufactured housing unit shall be located less than twenty-five (25) feet from any property line of the manufactured housing park or from any community building within the park, including any washroom, toilet, laundry facilities, or office.

L. All manufactured housing spaces shall abut on an internal driveway that is not less than twenty-four (24) feet in width; provided, however, that no on-street parking is permitted. If parallel parking is permitted on one side of the street, the width shall be increased to twenty-eight (28) feet, and if parallel parking is permitted on both sides of the street, the width shall be increased to thirty-six (36) feet. Such driveways shall have unobstructed access to a public street or highway and shall have, as a minimum, a gravel surface or be paved and well maintained and lighted.

M. Manufactured housing parks containing more than twenty (20) units shall provide each lot with a concrete pad for parking two (2) vehicles separate from the road. The minimum pad size shall be fourteen (14) feet wide and sixteen (16) feet in depth. In parks containing less than twenty (20) units, the parking space may be constructed of crushed rock finished to a depth of eight (8) inches.

N. All roadways and walks within the manufactured housing park shall be hard surfaced and provided with night lighting using lamps spaced at intervals of not more than one hundred (100) feet.

O. All electrical distribution systems and telephone service systems to each manufactured housing space, except outlets and risers, shall be underground. Each manufactured housing space shall be provided with a 110-volt and 220-volt service with a minimum 100-ampere individual service outlet.

P. Whenever master television antenna systems including cable systems, are to be installed, the complete plans and specifications for the system must be submitted for approval. Distribution to individual manufactured housing spaces shall be underground and shall terminate adjacent to the electrical outlet.

Q. Laundry facilities for the exclusive use of the manufactured housing occupants may be provided in a service building.

R. An adequate supply of pure water for drinking and domestic purposes shall be supplied by pipes to all buildings and manufactured housing spaces within the park. Each manufactured housing space shall be provided with a cold water tap at least four (4) inches above the ground. An adequate supply of hot water shall be provided at all times in the service buildings for all washing and laundry facilities.

S. All manufactured housing units within the M-P District shall be connected to an approved public water supply and an approved sanitary sewer system with at least a four (4) inch sewer connection to each manufactured housing unit. The sewer connection shall be provided with suitable fittings so that a water-tight connection can be made between the manufactured housing drain and the sewer connection. Such individual unit connections shall be so constructed that they can be closed when not linked to a manufactured housing unit and shall be trapped in such a manner as to maintain them in an odor-free condition.

T. Each manufactured housing unit shall be secured by anchoring the structure against uplift, sliding, rotation, and overturning.

U. Outdoor laundry drying space of adequate area and suitable location shall be provided and indicated upon required plan.

V. The owner or operator shall include with the required plan the method of refuse collection and the location of refuse containers. Refuse and garbage handling methods shall meet the following minimum requirements:

- i. Storage collection and disposal of refuse in a park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accidents, fire hazards or air pollution.
- ii. All refuse shall be stored in fly-tight, water-tight, rodent-proof containers. Containers shall be provided in sufficient number and capacity to properly store all refuse.
- iii. Refuse racks shall be provided for all refuse containers. Such racks shall be designed as to prevent the containers from being tipped, to minimize spillage and container deterioration and to facilitate cleaning around them.
- iv. Refuse and garbage shall be removed from the park at least once each week. All refuse shall be collected and transported in covered vehicles or covered containers.
- v. The park owner shall ensure that containers at all stands are emptied regularly and maintained in a ~~useable~~usable sanitary condition.

W. If only independent manufactured housing spaces are to be provided, no service building will be required; however, when such service building is required, it shall comply with the following regulations:

- i. Be located twenty (20) feet or more from any manufactured housing unit.
- ii. Be adequately lighted.
- iii. Have the interior finished with moisture-resistant material to permit frequent washing and cleaning.
- iv. Provide at least one (1) lavatory, water closet, and shower for each sex; one (1) laundry tray, one (1) floor drain, and hot and cold running water.
- v. Have adequate heating facilities for the building and equipment which will furnish an ample supply of heated water during time of peak demands.
- vi. Have all rooms ~~well-ventilated~~well-ventilated with all openings effectively screened.

X. When liquefied petroleum gas (propane) is used in a manufactured home park, containers for such gas shall not hold more than twenty-five (25) gallons water capacity, shall be the liquefied petroleum gas containers approved by the United States Commerce Commission for its intended purposes, and shall be attached to the manufactured home in a manner approved by the Liquefied Petroleum Gas Association.

Y. A solid or semi-solid fence or wall, minimum six (6) feet, maximum eight (8) feet high, shall be provided between the manufactured home park district and any adjoining property or property immediately across the alley which is zoned for residential purposes other than for manufactured homes. Said fence shall be so located as defined by this regulation. In lieu of said fence or wall, a landscape buffer may be provided not less than 15 feet in width and said landscape buffer shall be planted with coniferous and deciduous plant material so as to provide proper screening for the park. When the landscape buffer is used in lieu of the fence or wall, the landscape buffer shall not be included as any part of a required rear yard for a mobile home space. The fence, wall, or landscape buffer shall be properly policed and maintained by the Owner.

Z. The Owner or operator of the mobile home park shall include with the required plan a budget for financing the proposed improvements.

SECTION 5. APPLICATION PROCEDURE.

A. The applicant for a manufactured housing park shall prepare or cause to be prepared an application for rezoning and a development plan and shall present ten (10) copies of the plan for review by the Planning Commission. The development plan shall show topography and the location and size of:

- i. Manufactured housing sites.
- ii. Service buildings.
- iii. Off-street parking areas.
- iv. Electrical outlets.
- v. Sewer outlets.
- vi. Water outlets.
- vii. Water lines.
- viii. Sewer lines.
- ix. Recreational areas.
- x. Landscaped areas and walls or fences.
- xi. Roadways.
- xii. Sidewalks.

B. Following a rezoning hearing, as required by law and preliminary approval of the development plan, the Planning Commission shall submit the plan together with a record of the hearing plus its formal recommendations to the Governing Body for final approval.

C. When final approvals have been obtained, the Zoning Administrator shall issue a permit to operate the manufactured housing park.

D. Upon the issuance of the permit for a manufactured home park, the City shall have the authority to have said manufactured home inspected by the proper inspecting officer of the City, and if it shall be found that the holder of said permit has made any false or misleading statements in his application or has placed or caused to be placed more manufactured homes in said manufactured home park or court than provided for and set forth in said application for permit, or that said holder of said permit has violated or caused to be violated any provision of this Article, the City Governing Body shall have the power to revoke said permit.

E. If the City shall determine upon proper inspection by the inspecting officer of the City, that the sanitary condition of the manufactured home park shall have become so unsanitary as to endanger health or welfare of occupants of said manufactured home park or the surrounding community, or that said sanitary

facilities have become inadequate to properly protect the occupants of said manufactured park, the City Governing Body shall have the power to require the holder of said manufactured home park permit, within ten (10) days, to set said manufactured home park in proper sanitary condition. If, upon notice from the City to the holder of the permit as aforesaid, the owner or manager of said manufactured home park shall fail or refuse to place said park or court in sanitary condition, the City Governing Body shall have the right to revoke said permit.

F. Whenever a property zoned M-P ceases to be used for such purposes for a period of one (1) year, the Planning Commission ~~shall~~may initiate action and hold a public hearing to rezone said property ~~back to its former zoning district classification.~~

G. After the effective date of this Ordinance, no new manufactured housing park may be operated and no existing park expanded, except in accordance with these Regulations and under permit from the Zoning Administrator.

ARTICLE XVIII "C- S" HIGHWAY SERVICE DISTRICT

SECTION 1. INTENT AND PURPOSE OF DISTRICT.

The "C-S" Highway Service District is intended for the purpose of grouping limited highway services in appropriate areas. Floor area is restricted; off- street parking and landscaping is required to reduce possible adverse effects on adjacent properties.

SECTION 2. DISTRICT REGULATIONS.

In the C-S District, no building shall be used, and no building or structure shall be erected, altered, or enlarged which is arranged, intended, or designed for other than one of the uses in Section 3 below.

SECTION 3. USE REGULATIONS.

- A. Ambulance services.
- B. Animal hospitals or clinics.
- C. Apartments on floors other than the ground floor.
- D. Automobile, truck and other motor vehicle sales, service, repair, and rental.
- E. Bakery and pastry shops, retail.
- F. Bed and breakfast establishments.
- G. Boat sales and rental.
- H. Building materials, retail sales.
- I. Commercial recreation facilities.
- J. Car wash.
- K. Electrical and telephone substations.
- L. Farm and construction equipment sales; outdoor display shall be permitted provided that no machinery shall be displayed, parked, or stored in any required yard.
- M. Feed and seed stores, including garden and lawn supplies.
- N. Florist shops.
- O. Funeral homes.
- P. Garden supplies and landscape nursery.

- Q. Grocery stores.
- R. Hospitals and Medical Clinics.
- S. Liquor stores.
- T. Lumber yards.
- U. Motels or motor hotels.
- V. Newsstands.
- W. Parking lots, customer and private.
- X. Parks, playgrounds, and community buildings.
- Y. Private clubs, fraternities, sororities, and lodges.
- Z. Restaurants and drive-ins.
- AA. Self-service laundries and dry-cleaning stores.
- BB. Service stations.
- CC. Taverns.
- DD. Truck sales, service, and repair provided there is no outside repair or repair storage.
- EE. Truck terminals.
- FF. Theaters, indoor.

GG. The following uses of land may be allowed in this district by conditional use permit (CUP) when submitted, reviewed, and approved by the Planning Commission and Governing Body and under such conditions as they may impose:

- i. Amusement parks.
- ii. Childcare centers.
- iii. Collection and distribution of recyclable items.
- iv. Drive-in theaters.
- v. Manufactured home sales, subject to the following regulations:
 - a. Sales Activities. In the C-S Highway Service District, manufactured home sales activities shall be limited to the display, storage, and sale of completed, undamaged manufactured home units, including all activities necessary to prepare said units for display on the property and transport off the property. Said activities shall include the placement or removal of towing equipment, tires and axles, blocks, skids, jacks, skirting

and steps, and the connection and disconnection of utilities. Said activities shall not include construction on or in the manufactured home.

- b. Density: No more than eight (8) manufactured homes may exist on each acre of property used for manufactured home sales at any given time.
- vi. Miniature golf courses.
- vii. Mini warehouses including outdoor storage, subject to the provisions of ARTICLE XXX.
- viii. Racetracks, animal or vehicular.
- ix. Wireless communications towers subject to the provisions of ARTICLE XXX.
- x. Recreational Vehicle (RV) parks subject to the following conditions:
 - a. RV parks shall be utilized for the accommodation of travel trailers and other recreational vehicles only, and under no circumstances shall the park be utilized for occupancy by manufactured homes.
 - b. The tract to be used for an RV park shall not be less than two (2) acres in area.
 - c. The applicant for an RV park shall prepare or cause to be prepared a preliminary plan, drawn to a scale of not less than 1"= 100', and ten (10) copies of said plan shall be submitted to the Planning Commission for their review and recommendation. Such plans shall comply with the following minimum requirements.
 - 1. The RV Park shall be located on a well-drained site, properly graded to ensure stormwater runoff, drainage, and freedom from stagnant pools of water.
 - 2. RV parks shall have a maximum density of 20 RV units per gross acre and a minimum area of 1,250 square feet shall be provided for each RV space.
 - 3. Each RV space shall be at least 25 feet wide and a minimum of 50 feet in depth.
 - 4. Recreational vehicles shall be located on each space so as to maintain a setback of no less than 20 feet from any public street or highway right-of-way, and to maintain a setback of no less than five (5) feet from any boundary line of an adjoining RV space when such boundary line is not common to any public street or highway right-of-way.
 - d. Contours at intervals of one foot shall be indicated on the plan.
 - a. All RV spaces shall front on a private roadway of not less than 24 feet in width and all roadways shall have unobstructed access to a public street.
 - b. A solid or semi-solid fence or wall at least six (6) feet high, but not more than eight (8) feet high, shall be provided between the RV park and any adjoining property that is zoned for residential purposes. Said fence shall be so located as to not be in violation of the intersection site triangle as defined by this regulation. In lieu of said fence or wall, a landscape buffer may be provided no less than 15 feet in width and said landscape buffer shall be planted with coniferous and deciduous plant

material so as to provide proper screening for the park. When the landscape buffer is used in lieu of the fence or wall, the landscape buffer shall not be included as any part of a required rear yard for an RV space. The fence, wall or landscape buffer shall be properly policed and maintained by the owner.

5. Upon approval of the preliminary RV park plan by the Planning Commission, the applicant shall prepare and submit a final plan that incorporates any changes or alterations requested. The final plan and the Planning Commission recommendation shall be forwarded to the Governing Body for their review and final action.
6. Any substantial deviation (as determined by the Zoning Administrator) from the approved plan shall constitute a violation of the building or zoning permit authorizing construction of the project. Changes in plans shall be re-submitted for reconsideration and approval by the Planning Commission and Governing Body prior to the issuance of a building or zoning permit.

SECTION 4. PROHIBITED USES

In the C-S District, no building shall be used, and no building or structure altered, enlarged, or erected which is arranged, intended, or designed for the following uses and the following uses shall at all times be prohibited:

1. Escort agencies.
2. Adult book and/or video stores.
3. Sexually oriented adult entertainment establishments, (including but not limited to sexually oriented bars, cabarets, massage parlors, live theaters, motion picture theaters, and or other sexually oriented entertainment businesses.)
4. Adult novelty stores.

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SECTION 45. INTENSITY OF USE REGULATIONS.

A. Where the lot will be served by public water and sewer, the minimum lot size shall be ten thousand (10,000) square feet with 100 feet minimum width.

B. Where a private water and sewer service will be provided on the lot, the minimum lot size shall be eighty thousand (80,000) square feet.

SECTION 56. LOT COVERAGE.

The principal and accessory buildings together shall not cover more than sixty (60) percent of the lot area.

SECTION 67. HEIGHT REGULATIONS.

No building or structure shall exceed forty-five (45) feet in height.

SECTION 78. ~~YARD REGULATIONS~~ SETBACK.

~~A. Front Yard.~~

- ~~1. There shall be a front yard having a depth of not less than twenty-five (25) feet except as required for arterial streets and collector streets in ARTICLE XXX.~~
- ~~2. Where a lot has double frontage or is a corner lot, a front yard shall be provided on both streets. No accessory buildings or structures shall project beyond the setback line of either street.~~

~~B. Side Yard.~~ Where a C-S zone abuts any residential district, a side yard setback of not less than fifteen (15) feet shall be provided. Such side yard shall be completely enclosed with a board fence or other acceptable enclosure which shall be not less than six (6) feet in height. If an alley separates the C-S Zone and the residential district, no setback is required.

~~C. Rear Yard.~~ There shall be a rear yard having a depth of no less than twenty-five (25) feet.

SECTION 89. SIGN REGULATIONS.

See ARTICLE XXV.

SECTION 910. PARKING AND LOADING REGULATIONS.

See ARTICLE XXVI.

SECTION 101. LANDSCAPING REGULATIONS.

See ARTICLE XXVII.

SECTION 142. TRAFFIC REGULATIONS.

See ARTICLE XXVIII.

ARTICLE XX "C-2" GENERAL COMMERCIAL DISTRICT

SECTION 1. INTENT AND PURPOSE OF DISTRICT.

The "C-2" General Commercial District is intended for the purpose of allowing basic retail, service, and office uses in locations outside of the Central Business District. This district is intended to provide locations for commercial activities that do not need a central location but do require a location easily accessible to downtown shoppers.

Business uses needing larger floor areas, particularly those not compatible with Central Business District densities, are included in this district.

SECTION 2. DISTRICT REGULATIONS.

In the C-2 District, no building shall be used, and no building or structure shall be erected, altered, or enlarged that is arranged, intended, or designed for other than one of the uses listed in Section 3 below.

SECTION 3. USE REGULATIONS.

The following are allowed uses by right in the C-2 District.

A. ~~Accessory Uses.~~

~~B.~~ Amusement places (indoors).

~~BC.~~ Animal hospitals, clinics, and kennels providing the establishment and runs are complexly enclosed in a building.

~~DC.~~ Antique shops and stores, providing all merchandise is displayed and sold inside a building.

~~E.~~ Apartments/multi-family on floors other than the ground floor.

~~FD.~~ Apparel, clothing, and accessory retail and/or rental stores.

~~EG.~~ Armory, gunsmithing, weapons sale, resale, and repair.

~~FH.~~ Artist studios.

~~GI.~~ Auditoriums and similar places of public assembly.

~~HJ.~~ Automobile sales (new or used), accessories, and supply stores, parking lots and garages.

~~IK.~~ Bakery and pastry shops.

~~JE.~~ Banks and other savings and lending institutions.

~~KM.~~ Barber shops, beauty shops and chiropractic, massage, or similar personal services.

LN. Bicycle shops.

MO. Books and stationery stores.

NP. Bowling centers and alleys.

OQ. Business and technical schools including schools for photography, dancing, and music.

PR. Business machine sales, repair, and service, including computers and related equipment.

QS. Carpenter and cabinet shops employing five (5) individuals or less.

RT. Car washes.

SU. Cigar and tobacco stores.

TV. Churches and other similar places of worship.

UW. Commercial and private recreation centers and fitness gyms.

VX. Computer and electronics stores.

WY. Delicatessens, restaurants, bars and grills, taverns, and catering establishments.

XZ. Department stores.

YAA. Drug stores and prescription shops/pharmacies.

ZBB. Dry cleaning, laundry, seamstress, and tailor establishments.

AACC. Electronic appliances and equipment including computer and software service.

BBDD. Fire stations, police stations, jails.

EE. ~~Fix it shops (radio, television, and small electronic appliances).~~ FF

CC. Florist and gift shops.

DDGG. Funeral homes and mortuaries.

EEHH. Furniture and home furnishing stores.

FFH. Golf courses including miniature golf and driving tees/ranges.

GGJJ. Government administration buildings, including public and private utility companies.

HHKK. ~~Greenhouses,~~ GGarden centers, and nurseries.

ILL. Grocery stores.

JJMM. Hardware stores including gun shops.

~~KKNN~~. Hobby, stamp, and coin shops.

~~LLQQ~~. Hotels and motels.

~~MMPP~~. Household appliance stores.

~~NNQQ~~. Interior decorator's shops.

~~OOOR~~. Jewelry and metal craft stores and shops.

~~PPSS~~. Leather goods, saddleries, and luggage stores.

~~QQFF~~. Library and museums (public or private).

~~RRUU~~. Liquor stores.

~~SSVV~~. Lock, locksmiths, and key shops.

~~TTWW~~. Lumber yard and building supply stores.

~~XX~~. ~~Mail order, online, ecommerce, and catalog stores.~~

~~UUY~~. Medical, dental, optician, optometrists, orthodontic, physical therapy, health clinics, and appliance stores.

~~VVZZ~~. Meeting halls and auditoriums.

~~AAA~~. ~~Mini warehouses including outdoor storage subject to the provisions of ARTICLE XXX.~~

~~BBBWW~~. Movie and live acting theaters.

~~XXCCC~~. Music instrument sales and repair shops.

~~DDDY~~. Music studios.

~~ZZEEE~~. Newspaper offices, newsprint, job printing, and printing supply stores.

~~FFFAAA~~. Offices, office buildings, office supply and equipment stores.

~~BBBGGG~~. Paint and wallpaper stores.

~~CCCHHH~~. Parking lots and garages (excluding single family or individual garages).

~~DDDHH~~. Parks and open/green spaces.

~~EEEJJ~~. Pawn shops.

~~FFFKKK~~. Pet stores and shops.

~~GGLLL~~. Photography studios, photographic equipment sales, and supply stores.

~~MMHHH~~. Picture framing shops.

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~~IIINNN~~. Plumbing shops.

~~JJJOOO~~. Post office.

~~KKKPPP~~. Printers.

~~LLLQQQ~~. Private clubs and lodges.

~~RRR~~. ~~Radio and television studios.~~

~~MMMSSS~~. Service Stations, fueling stations, tire repair, truck stops, and similar uses.

~~NNNFFF~~. Self-service laundries and dry-cleaning establishments.

~~UUU~~. ~~Sewing machine shops repair and retail stores.~~

~~VVV~~. ~~Stores and shops for the conduct of retail business.~~

~~OOOWWW~~. Travel agencies and bureaus.

~~PPPXXX~~. The following uses may be allowed by conditional use permit (CUP) when submitted, reviewed, and approved by the Planning Commission and Governing body, and under such conditions as they may impose:

- i. All conditional uses allowed in the C-1 District.
- ii. Public Utility Infrastructure: including, but not limited to: telephone exchange, electric substations, radio and television towers, wifi, internet, or fiber services and stations and equipment, water, sewers, or storm sewer facilities, a natural, piped gas operating under government, franchise, and/or contract, and other private or public utility services, equipment, substations, etc.
- iii. Carpenter, cabinet, plumbing or sheet metal shops, provided that any outside storage is completely enclosed by a six (6) foot sight obscuring fence.
- iv. Contractor offices and equipment storage yards, provided that outside storage of equipment or materials is completely enclosed by a six (6) foot sight obscuring fence.

SECTION 4. PROHIBITED USES

In the C-2 District, no building shall be used, and no building or structure altered, enlarged, or erected which is arranged, intended, or designed for the following uses and the following uses shall at all times be prohibited:

1. Escort agencies.

2. Adult book and/or video stores.

~~3. Sexually oriented adult entertainment establishments, (including but not limited to sexually oriented bars, cabarets, massage parlors, live theaters, motion picture theaters, and or other sexually oriented entertainment businesses.)~~

~~4. Adult novelty stores.~~

SECTION 45. INTENSITY OF USE REGULATIONS.

A tract used for other than residential purposes shall not be less than two thousand five hundred (2,500) square feet in an area with an average width of not less than twenty-five (25) feet. A minimum of fifteen hundred (1,500) square feet of lot area shall be required for each apartment built above the ground floor.

SECTION 56. HEIGHT REGULATIONS.

No building in a C-2 District shall exceed forty-five (45) feet except as required for arterial streets and collector streets in ARTICLE XXVIII.

SECTION 67. ~~YARD REGULATIONS~~SETBACK.

~~A. Front Yard.~~

- ~~1. There shall be a front yard having a depth of not less than twenty five (25) feet except as required for arterial streets and collector streets in ARTICLE XXX.~~
- ~~2. Where a lot has double frontage or is a corner lot, a front yard shall be provided on both streets. No accessory buildings or structures shall project beyond the setback line of either street.~~

~~B. Side Yard.~~ Where a C-2 Zone abuts any residential district, a ~~side yard~~setback of not less than ~~fifteen (15)~~ feet shall be provided.

~~If an alley separates the C-1 Zone and the residential district, no setback is required.~~

~~Such side yard shall be completely enclosed with a board fence or other acceptable enclosure which shall be not less than six (6) feet in height.~~

~~C. Rear Yard.~~ There shall be a rear yard having a depth of not less than twenty five (25) feet.

SECTION 78. SIGN REGULATIONS.

See Article XXV.

SECTION 89. PARKING AND LOADING REGULATIONS.

See Article XXVI.

SECTION 910. LANDSCAPING REGULATIONS.

See Article XXVII.

SECTION 101. TRAFFIC REGULATIONS.

See Article XXVIII.

ARTICLE XXI "C-O" OFFICE BUSINESS DISTRICT

SECTION 1. INTENT AND PURPOSE OF DISTRICT.

The "C-O" Office Business District is intended for the purpose of grouping office businesses into a concentrated area serving the needs of the trade area. Principal permitted uses include office businesses such as physician, dentist, insurance, stockbroker, and similar uses appropriate for the district.

SECTION 2. DISTRICT REGULATIONS.

In the C-O District, no building or land shall be used, and no building or structure altered, enlarged, or erected which is arranged, intended, or designed for other than one of the uses listed in SECTION 3 below.

SECTION 3. USE REGULATIONS.

- A. Architect
- B. Attorney
- C. Bank and Credit Unions
- D. Barber shops and beauty shops
- E. Chiropractic
- F. [Certified Public Accountant \(CPA\)](#)~~PA~~
- G. Dance Studio
- H. Dental
- I. Government office
- J. Gunsmith
- K. Engineer
- L. Insurance
- M. Investment Firms
- N. Jewelry
- O. Massage Therapists
- P. Medical and Health Clinics
- Q. Mobile Communication

R. Music instrument repair and lessons

S. Offices and office buildings

T. Optician

U. Physical Therapy

V. Real Estate

W. Tax Service

X. Travel Bureau

Y. Other uses may be allowed by Conditional Use Permit (CUP) when submitted, reviewed, and approved by the Planning Commission and Governing Body.

SECTION 4. PROHIBITED USES

In the C-O District, no building shall be used, and no building or structure altered, enlarged, or erected which is arranged, intended, or designed for the following uses and the following uses shall at all times be prohibited:

1. Escort agencies.

2. Adult book and/or video stores.

3. Sexually oriented adult entertainment establishments, (including but not limited to sexually oriented bars, cabarets, massage parlors, live theaters, motion picture theaters, and or other sexually oriented entertainment businesses.)

4. Adult novelty stores.

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SECTION 45. INTENSITY OF USE REGULATIONS.

A. Must meet all fire code regulations, as specified by Garden Plain and MABCD codes.

B. Must have a solid material (brick, cement, stone) well maintained privacy fence along the back of property for buffering from the residences. Minimum eight (8) feet in height.

C. No lights may be situated where they will shine into nearby residence homes and sconces should be pointed downward rather than outward.

D. Security cameras not to view into any residence yard.

E. Noise must be kept to a minimum.

F. No outside storage of product.

SECTION 56. HEIGHT REGULATIONS.

Building may only be single story.

SECTION 67. ~~YARD REGULATIONS~~ SETBACKS.

~~A. Front yard. — A setback of not less than 25-foot setback from each property line.~~

~~B. Side yard. — 25-foot setback from property line.~~

~~C. Rear yard. — 30-foot setback or fire regulations; whichever is greater.~~

SECTION 78. SIGN REGULATIONS.

See ARTICLE XXV.

SECTION 89. PARKING AND LOADING REGULATIONS.

All parking lots must be a well-designed shared lot, within the block. Must have front parking lot for customers. Also see PARKING AND LOADING REGULATIONS. ARTICLE XXVI.

SECTION 910. LANDSCAPING REGULATIONS.

See ARTICLE XXVII.

SECTION 101. TRAFFIC REGULATIONS.

See ARTICLE XXVIII.

Re: Consider, and conduct a public hearing on, updates to the City of Garden Plain 2040 Comprehensive Plan

Background:

K.S.A. 12 -747 mandates that the Planning Commission review the City's Comprehensive Plan annually and suggest any needed updates and edits. Per the statute, the Planning Commission also conducts the required annual public hearing for these changes and amendments to the plan.

Following the public hearing and receipt of this report by the Planning Commission, the recommended changes and report of accomplishments will be forwarded to the City Council for their review and comment, along with a Resolution acknowledging the accomplishments and suggested amendments.

The Comprehensive Plan was rewritten and updated in the spring of 2021. The following report details some of the accomplishments and status updates that have occurred since the plan's adoption. It is not all inclusive. More edits and updates will be made following feedback from the Planning Commission at the public hearing, and incorporated into an updated draft of the new 2045 Comprehensive Plan. The updated plan will be presented to the City Council meeting at either their December or January meeting for adoption.

Recommended Action: The Garden Plain Planning Commission is asked to:

1. Conduct the required public hearing regarding the annual review of the 2020 Comprehensive Plan.
2. Recommend adoption of the proposed Comprehensive Plan updates, to the Garden Plain City Council.

Attachments:

- A. Affidavit of Publication
- B. 2020 Comprehensive Plan Accomplishments and Project Status Updates

Attachment A

Affidavit of Publication

Kayla Hope Rausch
Of lawful age being duly sworn upon oath states
That she is the lawful billing clerk/asst at

**Times-Sentinel Newspapers, LLC
State of Kansas**

A weekly newspaper printed in the state of Kansas,
And published in and of general circulation in **Sedgwick
County**, with a general paid circulation on a yearly
Basis in Sedgwick County of Kansas, and that said
Newspaper is not a trade, religious, or fraternal
Publication. That said newspaper has been published
At least weekly 50 times a year, has been so published
Continuously and uninterruptedly in said county and state
For a period of more than five years prior to the first
Publication of said notice and has been admitted to the
Post Office of Cheney, Kansas, in Sedgwick County as
Second class matter. That the attached is a true copy
Thereof and was published on the following dates in the
Regular and entire issue of said newspaper.

First Publication was made
On the 3 Day of Oct, 2024
Second Publication was made
On the _____ Day of _____, 2024
Third Publication was made
On the _____ Day of _____, 2024

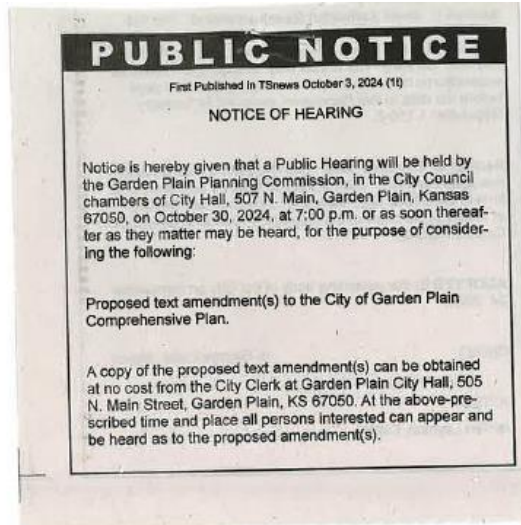
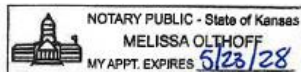
Total Publication Fee \$ 68.85

Kayla Rausch

Subscribed and sworn to before me this
4 Day of Oct., 2024

Melissa Olthoff

Notary Public
My Commission expires on 5/23/28



2024 Comprehensive Plan Accomplishments and Project Updates

- Updates to City Branding
 - Page 3: Updates to membership of City Council, Planning Commission, Economic Development Committee, and staff
 - Chapter 9 Implementation Tools: (page 55) Implementation Tools/Strategies:
-

Implementation Tools

Capital Improvement Program (CIP).

The Capital Improvement Program (CIP) is one of the most effective tools in plan implementation. It identifies and outlines the funding priorities of the City Council and provides for consistency over time as elected officials and administrative staffing changes occur. In 2021 Garden Plain adopted a CIP, and during the 2023 budget preparation reviewed and updated the Plan, considering the inclusion of the future capital needs of all city departments in addition to desired community amenities and improvements. It also includes a five- to ten-year time frame for future projects that identifies sources of funding for all proposed capital improvements. The CIP should/will be reviewed, updated, and approved on an annual basis ideally prior to budgeting so that priority items are identified and funding accounted for in the upcoming budget year.

Accomplishments/CIP Updates:

- ✓ **CIP:** Garden Plain established a CIP in May/June 2021, as part of the 2022 budget process. It was updated in 2022 as part of the 2023 budget process. It is currently being updated for the 2025 budget year and will be presented to the City Council for adoption.
- ✓ **Recommended CIP Projects:**
 - ⊕ New park land identification and acquisition plan
 - *Status: Ongoing. New park land was dedicated in Bentwood Addition as part of the replatting process.*
 - ⊕ Gateway and corridor landscape, lighting, and signage planning
 - *Status: In progress: EDC team designed gateway signage and has been working on fundraising for implementation. In 2024 a community contest was held and a new brand adopted. Staff is in the process of updating to the new brand. The City's graphic designer has developed new signs to coordinate all parks, public facilities, vehicles, wayfinding signage, etc. and it is being phased in. Staff continues to pursue opportunities for grant funds to supplement and accelerate the project.*
 - ⊕ Wayfinding signage (Stadium; Schools; Senior Center; Downtown; City Hall; etc.)
 - *Status: In progress: staff received approval from the Sedgwick County Engineer for several proposed sign locations along the major thoroughfares. We continue to work with*

KDOT to determine allowable uses and locations for directional/wayfinding signage for local businesses along the highway corridor.

- ⊕ Upgrades and maintenance of existing parks
 - *Status: In progress: City Park and Ternes Park have received rehabilitation and improvements over the past year. More are pending, including the long-anticipated new municipal pool at City Park, that should be open in summer of 2026. A plan for additional improvements at Ternes and the new Bentwood Park are being developed.*
- ⊕ Remodel and enhancement of the Senior Center/Community Center:
 - *In early 2024 an architect was engaged by the City to provide updates and layout improvements to the existing senior center. A grant application was developed that would have funded \$650,000 of the needed improvements, including structural, mechanical, ADA, appliances, etc. Unfortunately the Board could not find consensus as to how much work they desired vs. needed and the grant application deadline passed without submission. Staff will continue to work with the Board and identify any new sources of grant funding to assist them with the building.*
- ⊕ Upgrades and maintenance of transportation infrastructure:
 - *Status: Accomplished/Ongoing: KDOT trail/pathway grants received in 2021 and 2022, and 2023. Improvements implemented in City Park, near GPE and GPHS, and connecting to existing pathways and trails, including crosswalks, illuminated and lighted signage, etc. Expansions north of Harry St. along 295th. New path/sidewalk along Harry from 295th to Main Street and south to downtown is set to bid in early 2025 by KDOT.*
- ⊕ Upgrades and maintenance of utility infrastructure:
 - *Status: Completed/Underway/Pending: extension of lines and utility improvements to serve Bentwood Addition and Trail Ridge at Pretty Flowers has been completed. Staff is currently working with Kansas Municipal Utilities on a master utility plan that considers potential growth of the community and needed infrastructure improvements to serve those area as well as the community as a whole. The plan is funded by a grant from KDHE and the EPA.*

Recommended Specific Plans and Design Guidelines.

- ⊕ Creation (or update) of Capital Improvement Plan (CIP):
 - *Status: Accomplished: a CIP was established for the City as part of the 2022 budget process. The CIP is a living document and projects can move from year to year as funding and need allows. An updated CIP with projected 10 years worth of capital projects is currently being developed and will be submitted to the City Council for approval.*
- ⊕ Creation (or update) of Subdivision Regulations:
 - *Status: Pending. An update to zoning and subdivision regulations was completed in 2022. Over the past year the City Attorney has worked with the Planning Commission for an in-depth review and update to the entire code. The new code will be submitted to the City Council for adoption at an upcoming meeting.*
- ⊕ Creation of Downtown Redevelopment Master Plan:

-
- *Status: Pending/In Progress: Staff is working to identify a consultant with expertise in downtown development/ Mainstreet programs, as well as potential grants to fund the project. In the meantime redevelopment continues by downtown business and property owners on a one off basis. Examples include Danielle Rose, Power House Dance Studio, Phil's Liquor Cabinet; The Getaway Bar and Grill; Halagains; The Style Chick; etc.*
 - ⊕ Creation of Pathway, Trail, and Sidewalk System Master Plan:
 - *Status: In Progress. Staff and volunteers are working to develop a plan since the cost of a consultant is cost-prohibitive to the City's budget at this time.*
 - ⊕ Creation of Public Works Design Standards:
 - *Status: Pending: Planned for spring 2025.*
 - ⊕ Creation of Utility Master Plan:
 - *Status: In progress: as previously noted, staff is working with KMU through a KDHE/EPA grant to develop the plan. They are also reviewing options for additional water sources, water storage, main line expansions, wastewater treatment, utility rates, etc.*
-

Local Government Programs and Strategies

- ⊕ Establish a program for housing rehabilitation and revitalization:
 - *Status: In Progress: staff has consulted with several private/nonprofit entities such as SCKEDD and Ranson Financial to determine the scope of needed and available services to the community. There are several options including weatherization, CDBG, HEAL grants, tax credits, moderate income housing grants, RHID; depending on the scope of the project, price range of the property, current/potential ownership, etc. Staff evaluates these program opportunities as they are identified or emerge.*
- ⊕ Establish an incentive program for new homeowners/residents:
 - *Status: In Progress: Some incentives were identified during the vetting and adoption of the City's development incentive policy in 2019/2020. Other opportunities such as downpayment assistance programs have been identified and grant funding applied for. To date none of the applications have been funded but staff continues to pursue opportunities.*
- ⊕ Enhance and expand community communications (social media; newsletters; emergency alert systems; etc.) from official sources:
 - *Status: Ongoing: Over the past year the City has dedicated quite a bit of time to expanding communication avenues; updated the City's official brand; utilizing social media; special events; flyers and handouts; posters at multiple locations around the community; press releases to local media, and more. Communicating with our citizens is an ongoing activity and new avenues become available. We've enhanced our partnership with the Chamber and the school district, as well as other community entities such as the Knights of Columbus and Council of Hope. The City continues to evaluate opportunities*

for additional communication measures such as mass notification systems, utility bill inserts, community calendars, etc.

- ⊕ Continue and enhance property maintenance code enforcement:
 - *Status: Pending. This item has been a topic of much discussion over the past several years with several specific properties identified as in need of remediation and beautification.*

- ⊕ Establish a city tree planting program:
 - *Status: In Progress: in April of 2024 the City Council took the first steps toward become a “Tree City USA”, part of which entails dedicating resources such as planting new trees and remediating/trimming ones that are in need of care in public parks and right-of-ways. The next step is for the Council to adopt an Ordinance declaring their intent to set aside funds and/or staff time to the project, and submitting to the Arbor Day Foundation for review and approval.*

- ⊕ Identify and actively annex additional land into the corporate City boundaries
 - *Status: Pending: Specific areas have been identified for potential annexation; moving forward will need the recommendation of the Planning Commission and City Council, and/or petition by the property owners. Several new developments have been expanding near the City limits over the past few years and would be good candidates for consideration.*

- ⊕ Conduct an annual or biannual (every other year) citizen survey to help determine community priorities:
 - *Status: Accomplished/Ongoing: in 2023 the City conducted two citizens surveys – one specific to recreation and the second regarding housing, commercial, amenities, and community growth. Participants had the opportunity to take the survey electronically or by paper, and multiple community meetings were held with business owners, senior citizens, families with young children, single individuals, property owners, potential developers, real estate agents, high school students. The results were utilized to apply for the recently-awarded municipal swimming pool grant and several housing projects and grants.*

Collaborative Implementation Strategies

- ⊕ Engage in community marketing:
 - promote retirement living/aging in place for senior citizens
 - promote young family living/quality of life
 - *Status: Ongoing: the City has increased their marketing efforts to both internal and external customers, including the adoption of the new community brand, news letters, flyers, events, social media, press releases, news articles, messages from the Mayor and Council, direct advertising through multiple media outlets, promotion of housing and businesses, shopping local, etc.*

-
- ⊕ Plan and host a quarterly community event:
 - *Status: Accomplished/Ongoing: community events such as vintage market, 4th of July, fall festival, music in the park, community sporting tournaments, Owlween Trunk-or-Treat, tree lighting ceremony, chili and cinnamon roll feed. Not all events are hosted or sponsored by the City; however, the City provides support for many of them such as staff, street closures, relocation of picnic tables, refreshments, volunteers, coordination, advertising.*

 - ⊕ Establish a business incubator space:
 - *Status: No action has been taken on this item at this time. We continue to receive occasional inquires regarding “shared” work space for individuals that work from home but sometimes need a space to take professional meetings, make phone calls, copies, printing on an ad-hoc basis.*

 - ⊕ Establish a seasonal and/or weekly farm and art market
 - *Status: Accomplished/Ongoing: In 2024 the City began hosting a volunteer farm and art market on Thursday afternoons on Main Street. The Market will resume in the late spring as weather permits, and ran through the first week of October, until produce and products ran out.*

 - ⊕ Establish a community garden:
 - *Status: No action has been taken on this item at this time. This has not been identified as a priority during the recent community surveys. This could be removed from the plan.*

 - ⊕ Engage in cooperative efforts to maintain and improve older housing stock:
 - *Status: Pending: Staff continues to seek opportunities, programs, and funding sources to improve older housing units as they arise.*

 - ⊕ Pursue co-location of parks with schools, city properties, and/or religious organizations:
 - *Status: In Progress: elected and appointed City leadership as well as staff and private entities have been evaluating potential locations for additional parks and/or enhancements to existing parks and ball fields. Some improvements were made to both City and Ternes Parks during 2024 and more are in the planning stages for future years.*

Re: Planning Commission/Board of Zoning Appeals Bylaws Amendments

Background:

At the September 25, 2024 Planning Commission meeting, the Commission received a request to reschedule the regular standing meetings from the last Wednesday of each month at 7 PM to either the second or third Thursday of each month at 6 PM. This will help with scheduling conflicts with other meetings and activities in the community, as well as streamlining certain development projects and processes that require either a 15-or-20 day waiting period between when the Commission conducts a public hearing and when the City Council can make a final determination on those items. This change requires an amendment to the Planning Commission Bylaws. While reviewing this proposed change, several other edits and amendments were identified.

Following review by the Planning Commission, the Bylaws will be presented to the Council for adoption.

Recommended Action: The Garden Plain Planning Commission is asked to:

1. Review and provide feedback on the proposed Bylaws amendments.
2. Recommend adoption of the updated Bylaws to the Garden Plain City Council.

Attachments:

- A. 1996 Planning Commission/Board of Zoning Appeals Bylaws

BY LAWS
of the
GARDEN PLAIN CITY PLANNING COMMISSION

ARTICLE I - - CREATION, MEMBERSHIP, AUTHORITY AND DUTIES

Section 1. Creation. The Garden Plain City Planning Commission hereinafter referred to as the “Commission” has been reestablished by the Governing Body by the adoption of Ordinance No. 464 which has been passed and approved and becomes effective on March 9, 1995. The Commission was originally created by Ordinance No. 220, which was adopted on July 5, 1967.

Section 2. Membership. The membership consists of seven members serving staggered two-year terms of whom at least two but not more than four such members shall reside outside of the City within three miles of the corporate limits of the City. Members are appointed by the Mayor with the consent of the City Council at their first regular meeting in May of each year and take office at the next regular meeting of the Commission. Vacancies are filled by appointment for the unexpired term.

Section 3. Disqualification. Regular attendance is an important responsibility of membership. Maintaining a quorum for voting purposes is especially important. Any member that absences himself or herself for more than three consecutive regular meetings or misses a total of four meetings during a calendar year for reasons not considered justifiable by the Commission shall be notified that the Commission will recommend to the Mayor that his or her membership be declared vacated and a replacement appointment be made.

Section 4. Conflicts of Interest. Members of the Commission shall be aware at all times of their responsibility to the citizenry of the City of Garden Plain 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 interests of the entire Planning Area. 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.

Section 5. Authority. The Commission is vested with the responsibilities of a planning commission as contained in the State Planning and Zoning Statutes, i.e., K.S.A. 12 – 741. et seq., as amended and 12 – 736.

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

1. To make or cause to be made, adopted and maintained 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 form the total community of which the City is a part, subject to the approval of the Governing Body by ordinance K.S.A. 12-747;
2. To annually review or reconsider the Comprehensive Plan at least once a year at the October 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. To 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. To prepare, adopt and maintain Zoning Regulations for the City; -to recommend the approval of such regulations by the Governing ~~Body;~~ ~~and~~Body; and to hold hearings and make recommendations on all amendments thereto and zoning applications K.S.A. 12-753 through 12-759 and 12-763;
5. To prepare, adopt and maintain Subdivision Regulations for the City; 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. To concurrently serve as the Board of Zoning Appeals to hear and decide appeals from determinations of the Zoning Administrator, variances and exceptions as required by the Zoning Regulations K.S.A. 12-759;

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~~7. To submit to the Governing Body on or before the first Monday in July of each year a proposed budget for the ensuing year to carry out the Commission's planning program (K.S.A. 12-746);~~

~~8.7.~~ To prepare and approve plans for neighborhoods and special project areas;

~~9.8.~~ To maintain planning reference files of plans, reports, maps, ordinances, regulations and policies accessible to officials, developers, and citizens;

To maintain cooperation and coordination with the trustees of the surrounding township(s), U.S.D. #267, 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

~~10.9.~~ To hold hearings, provide plans for and/or make recommendations on such other matters including annexations and vacations as may be periodically assigned to the Commission by the Governing Body.

Section 7. Compensation. Members of the Commission shall serve without compensation for their services; however, the members may receive reimbursement for their authorized out-of-pocket expenses including travel when related to the Commission's activities as the Governing Body by policy may deem desirable.

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 Commission; however, the Secretary may or may not be a member of the Commission. When the Secretary is a member of the Commission, a Recording Secretary may also be elected. (K.S.A. 12-745)

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Section 2. Elections. At the regular Commission meeting in May 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 following the meeting and serve for one year or until their successor has been elected. Officers may serve for more than one term.

Section 3. Duties. The Chairperson shall preside ~~at~~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 Secretary shall preside to select a temporary Chairperson and the Secretary shall forthwith relinquish the chair after selection of a temporary Chairperson. ~~The Chairperson shall sign all minutes and other official papers and documents to represent the Commission at all meetings with other groups unless another member is designated to perform that function. The Chairperson shall also be responsible to oversee the preparation and distribution of agendas for each Commission meeting.~~

The Vice-Chairperson shall act in the manner and capacity as the Chairperson in the absence of the Chairperson.

The Secretary or their designee shall perform the following duties:

1. To prepare the minutes of each Commission meeting and submit them to the Commission for approval;
2. To maintain an official file ~~or record book~~ of the minutes as approved ~~and signed by the Chairperson and the Secretary~~; and to provide the Governing Body, City Clerk, Zoning and Subdivision Administrator(s) and other officials with copies on a continuing basis;
3. To attest to resolutions and certificates adopting the Comprehensive Plan and amendments thereto and to maintain an official file of Comprehensive Plan documents and accompanying adoption materials and ordinances;
4. To distribute to each Commission member all current materials relating to the Comprehensive Plan and Zoning and Subdivision Regulations and to distribute three sets of Zoning and Subdivision Regulations, including amendments thereto, to the City Clerk as the official City copies; and
5. To prepare and distribute agendas for each Commission meeting under the direction of the Chairperson. (See Article III, Section 7 on Agendas.)

ARTICLE III - - MEETINGS AND PROTOCOL

Section 1. Regular Meetings. When a regular meeting of the Commission is held, it shall be on the ~~last-second or third Thursday~~ Wednesday of the month. When the date of a regular meeting conflicts with a legal holiday, the Commission may designate the date for the next regular meeting unless such meeting dates have otherwise been adopted

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as a schedule for the year. All meetings shall be held in the Council ~~Room at the City Hall Chambers, 507 N. Main St., in~~ Garden Plain, Kansas, beginning at ~~7:00 p.m. or 8:00 p.m. during Daylight Savings time~~; provided however, that the Commission may vote to adopt another hour, date or place of meeting. Any such change shall be given wide publicity 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 upon written request of any three members of the Commission. When a special meeting is called, notice as to date, time, place and purpose for the meeting shall be given by the Chairperson at least 24 hours before the meeting by mail, hand delivery or telephone. 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 Chairperson, including all persons designated to receive agendas on a regular basis. (See Article III, Section 7 on Agendas.)

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No agenda items other than those stated 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 recess 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. Having determined that at least a quorum is present, all actions of the Commission shall be open to the public and to attendance by representatives of the news media, except that closed sessions if deemed necessary may be held to deliberate a rezoning application including a special use permit wherein such action is considered to be a quasi-judicial function. The motion to recess for a closed session shall be placed in the minutes and include a statement of (a) the case(s) to be deliberated during the closed session; (b) the persons to be present; and (c) the time and place at which the open meeting will resume, all according to the exemption provided for in K.S.A. 75-4318(a) of the Kansas Open Meetings Act. In such closed sessions, no binding vote or action may be taken.

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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 necessary, a record of attendance and a brief summary of the subject(s) discussed should be made.

Section 6. Quorum. A quorum shall consist of a majority of the total membership, which is designated by the ordinance creating the Commission whether any vacancies exist or not. Thus, a quorum of 4 members must be present to conduct any business. In the absence of a quorum at any meeting or at the impending loss of a quorum during a meeting, the presiding officer after consultation with those members present may announce that the meeting is continued to a specified date, time and place or similarly table an agenda item. When such information is made known to those persons in attendance, no further notice need be given them.

Members abstaining from voting may be counted when determining whether a quorum is present; however, members disqualified from voting may not be counted. (See Article IV, Section 10 and 11 on Parliamentary procedures.)

Section 7. Agendas The Chairperson shall oversee the preparation of an agenda of all matters to come before the meeting and to have it ~~mailed or delivered~~ distributed to the Commission members no later than five calendar days preceding the next regular meeting. Copies of the agenda shall also be furnished (a) to the Governing Body, City Clerk, Zoning and Subdivision Administrator(s) and news media; (b) to each party having an item on the agenda; and (c) to any person requesting an agenda or a notice of date, time and place of a regular or special meeting of the Commission under **K.S.A. 75-4318(b)** and (d) of the Kansas Open Meetings Act. Any member of the Commission may place items on the agenda by advising the Chairperson no later than noon on the sixth day preceding the next regular meeting. If the number of applications received for zoning or platting would create an unduly long Commission meeting, the Chairperson may carry over such items on a first-come, first-served basis to the next Commission meeting unless already advertised for public hearing. (See Article IV. Section I on the Order of Business.)

Section 8. Recording of Meetings The Secretary shall keep complete records of all proceedings of the Commission. The Secretary shall also prepare and maintain permanent minutes to be kept in a file ~~or record book~~ available for public view. Permanent copies of such minutes shall not be removed from City ~~H~~hall except by order of a court. Copies of the minutes shall be furnished to all persons or bodies making such a

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request to the Secretary. The Secretary 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) Roll call; (b) Approval of the agenda;~~ (c) Approval of the minutes; (d) Committee and staff reports; ~~(e) Communications;~~ (f) Public hearings; (g) Plats; (h) Screening plans; (i) Miscellaneous; and (j) Adjournment.

Off-agenda items may be considered when such items are added to the agenda at the beginning of the meeting by motion. Approval of such consideration shall be based on a finding that a review or presentation would be in the best interest of the general public and not contrary to the provisions of public notice.

Section 2. Appearance Before the Commission Applicants and petitioners of their representatives and members of the community at large or individuals or their representatives 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 presented instead. The Commission may at their discretion defer 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 hearings shall be published in the officially designated city newspaper. Substantive motions before the Commission shall be restated by the Secretary before a vote is taken. Every motion on a substantive matter shall set forth reasons. Action shall be taken on each agenda item presented at the conclusion of discussion of that item.

Section 4. Voting When a quorum is declared present, all actions of the Commission shall be taken by a majority vote or the members present and voting **(K.S.A. 12-745)**, except that a majority vote of the entire membership of the Commission shall be required to adopt or amend subdivision regulations. A rezoning amendment or special use application, which affects a specific property only requires a majority vote of the members present and voting at the hearing **(K.S.A. 12-757[c])**. Voting shall be by individual voice ballot of “Aye” or “Nay” on each item and shall be tallied and the results determined by the Chairperson. In

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the event of a tie or a divided vote, see Article IV, Section 5, Subsections 8 and 9 on Parliamentary Procedure.

Section 5. Parliamentary Procedure. All meetings of the Commission shall be conducted in accordance with the current edition of Robert's Rules of Order Newly Revised, except insofar as modified by these By laws and procedures adopted by the Commission:

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. Motions to "receive and file" shall not be debatable.
4. 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 motion was debatable. A Substitute motion may be made without the consent of the maker of the prime motion.
5. Motions to reconsider any item shall be made by one of the members voting in favor of the item to be reconsidered. Motions to reconsider shall not be allowed in cases where the item proposed for reconsideration has previously been forwarded to and acted on by the Governing Body.
6. The Commission may suspend the rules provided that: (a) the motion to suspend the rules takes precedence over other prime motions; (b) the motion shall state the specific purpose and rule to be suspended; (c) no such motion shall be considered approved unless the length of time such suspension will be in effect has been specified; (d) the motion shall be approved by a majority of the quorum; and (e) no suspension of the rules shall be considered permanent.
7. Participation from the floor (audiences) on any matter may be limited as to time at the discretion of the presiding officer when in his or her opinion such participation is repetitious; contains statements derogatory to the character, integrity or actions of the Commission or any member without support of such allegations; 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. 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.

8. 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. (See Article IV, Section 10 below on Parliamentary Procedure.)
9. When a divided vote occurs, the presiding officer shall call for roll-call vote. The Secretary shall enter into the minutes the result by name of all roll-call votes.
10. 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 him or her 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.
11. The presiding officer may grant permission for any member to abstain on any particular vote when the member declares a conflict of interest or bias and requests the presiding officer to approve an abstention from voting. When such an abstention is granted, the requesting member is disqualified from voting and shall disassociate himself or herself from the assembled members and not engage in discussion until the particular item is acted upon. Members shall automatically be granted such an abstention when they or their spouses 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.
12. To be eligible to vote on the first date of a public hearing, a member must have been present to hear the entire presentation unless it is appropriate and timely for the Chairperson or another person(s) present to inform such a member sufficiently to apprise him or her of the hearing

procedures to that point in time. If a public hearing or resulting deliberation of the Planning Commission is continued until another date, a member who was not present for all or for only a portion of the prior hearing and has not otherwise been sufficiently informed of the proceedings, may abstain or may vote on the pending matter; provided, that the following provisions have been met:

- (a) The summary of the hearing has been read;
 - (b) Applications and any other materials including drawings submitted or presented by the applicant have been reviewed; and
 - (c) The member acknowledges for the record that he or she has complied with the above provisions.
13. Subject to these provisions, the presiding officer shall decide all points of order and procedure, unless 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 form of verbal or written communications outside of a hearing should be 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 alike; 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 Zoning Hearings. Applications for rezoning amendments and special use permits that are site-specific land

use decisions 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 hearing. At the end of the hearing, the Commission shall adopt a written report or place in the minutes a statement summarizing the evidence and stating the factors that it considered in arriving at its decision. The following order of proceedings shall be used for all such rezoning and special use 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 ~~Zoning Administrator~~City staff.
5. Presentation by applicant.
6. Commission and staff question applicant.
7. Public comments on proposed application.
8. Receipt of written communications or petitions.
9. Applicant presents closing comments.
10. Staff presents closing comments.
11. Public portion of the hearing closed by the presiding officer.
12. Planning Commission deliberates.
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. At its discretion, the Commission may instruct the Secretary to ~~tape~~ record the hearing(s).

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 proceeding for

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

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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 be all non-commission members. All such committees and representatives shall be provided a formal charge and shall report to the Commission their findings and recommendations, unless otherwise directed.

Standing Committees and regular liaison representatives are as follows:

1. **Subdivision Committee** - - A Subdivision Committee consisting of three Commission members shall be appointed. All meetings of the committee shall be conducted as open meetings. The Subdivision Administrator and other City staff members may serve as non-voting ex officio members. The committee may request the assistance of other officials and technicians depending upon the nature of the plat being considered.
2. **City Liaison Representative** - - Whenever an agenda item is to be forwarded to the Governing Body and it is not deemed necessary or possible for the Chairperson to appear, the Chairperson shall designate a member to appear and to assist in a presentation as necessary on the item. When such representative is present, he or she may also be available to be informed of or report upon activities affecting the Planning Commission. A brief report on the representative's attendance at the Governing Body meeting shall be made at the next Commission meeting.
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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 two-thirds majority vote of the entire membership thereof, amend these Bylaws or any provisions or sections thereof, at any time when the same is not in conflict or in ~~contravention-contradiction to of~~ any of the laws of the State of Kansas or ordinances of the City applicable thereto. Notices of the proposed amendments shall be furnished by the Secretary to the Commission members and the Governing Body not less than five calendar days prior to the meeting at which such amendments are to be considered. A current copy of the Bylaws adopted by the Commission and signed shall be filed by the Secretary with the City Clerk including any amendments thereto.

Section 2. Adopted. The above and foregoing Bylaws are hereby amended and readopted as the Bylaws of the Garden Plain City Planning Commission subject to the approval of the City Council by a majority vote. When approved by the City Council, these Bylaws shall become effective on _____, _____, and the previous Bylaws are thereby repealed.

Dated this _____ day of _____, _____

Chairperson

ATTEST:

Secretary

Approved by the Garden Plain City Council on the _____ day of _____, _____

Mayor

ATTEST:

City Clerk

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