

*Ordinance Summary published in the Legal Record on \_\_\_\_\_ and the full text of the Ordinance made available at [www.desotoks.us](http://www.desotoks.us) for a minimum of 1 week from the date of publication*

### **Ordinance No. 2492 Summary**

On May 21, 2020, the City of De Soto, Kansas, adopted Ordinance No. 2492, amending the De Soto Zoning Regulations (incorporated as Appendix C to the De Soto City Code via Section 16-201 of Article 2 of Chapter XVI) to provide for issuance of a special use permit to allow land -- in the “C-1” Business – Central District -- to be used for the indoor display and sale of motor vehicles and parts, but only in a permanent structure. A complete copy of this ordinance may be obtained or viewed free of charge at the Office of the City Clerk at City Hall, 32905 West 84<sup>th</sup> Street, De Soto, Kansas or at [www.desotoks.us](http://www.desotoks.us). This summary is certified by Patrick G. Reavey, De Soto City Attorney pursuant to K.S.A. 12-3001, et seq.

### **ORDINANCE NO. 2492**

#### **AN ORDINANCE ADOPTING THE PLANNING COMMISSION’S RECOMMENDATION TO REVISE THE DE SOTO ZONING REGULATIONS (INCORPORATED AS APPENDIX C TO THE DE SOTO CITY CODE VIA SECTION 16-201 OF ARTICLE 2 OF CHAPTER XVI) TO PROVIDE FOR ISSUANCE OF A SPECIAL USE PERMIT FOR THE INDOOR SALE AND DISPLAY OF MOTOR VEHICLES AND PARTS IN A PERMANENT STRUCTURE WITHIN THE CITY ON LAND IN THE “C-1” BUSINESS – CENTRAL DISTRICT**

**WHEREAS**, the City Planning Commission has recommended that the Governing Body amend the City’s Zoning Regulations to provide for issuance of a special use permit to allow land -- in the “C-1” Business – Central District -- to be used for the indoor sale and display of motor vehicles and parts in a permanent structure; and

**WHEREAS**, all newspaper notifications were performed and a public hearing was properly held before the City Planning Commission as to the requested text amendment; and

**WHEREAS**, after review of the proposed text amendment, the Planning Commission recommended that said amendment be made part of the Zoning Regulations.

**NOW THEREFORE**, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF DE SOTO, KANSAS:

**Section 1.** That Appendix A [which is a chart of allowed uses for the North American Industry Classification System (NAICS) groupings] referenced in the “C-1” Business Central District Zoning Section of Article 4 of the City Zoning Regulations is hereby amended to indicate that “RETAIL TRADE” of “Motor Vehicle & Vehicle Parts

Dealers” [NAICS 441] is permitted in the “C-1” Zoning District, but only upon the issuance of a special use permit.

**Section 2.** That Section 4 of Article 10 of the City’s Zoning Regulations (incorporated as Appendix C to the De Soto City Code via Section 16-201 of Article 2 of Chapter XVI) is hereby amended to include the following new Subsection P:

P. Indoor Display and Sale of Motor Vehicles and Parts. The indoor display and retail sale of Motor Vehicles, and Motor Vehicle Parts, may be permitted in the “C-1” Business – Central District upon approval of a special use permit. For purposes of this section, Motor Vehicles shall be limited to “passenger cars”, defined as a road motor vehicle, other than a motorcycle, intended for the carriage of passengers and designed to seat no more than ten persons (including the driver).

1. General Requirements.

- a. All Motor Vehicles and/or parts located on the permitted property must be stored, repaired, parked, displayed and/or offered for sale wholly inside the permitted permanent structure.
- b. A show room for display and sales inside the permanent structure must be established and business hours posted.
- c. Any signage proposed to be used must comply with city sign regulations and conform to any additional conditions imposed as part of the special use permit.
- d. Fumes or exhaust from operation of the business must be safely vented in accordance with industry standards, and any applicable city, state, and/or federal regulations.
- e. At least eighty percent of the Motor Vehicles displayed and/or offered for sale (at any given time) must meet the definition of being an “antique” under Kansas law, currently more than 35 years old as set forth in K.S.A. 8-166(a).
- f. Noise from equipment and/or vehicles must comply with the city’s noise regulations set forth in Article 6 of Chapter VIII of the City Code.
- g. Any vibration from equipment and/or vehicles must be confined to the permitted permanent structure.

2. Submittals.

- a. A Site plan, as defined in Article 11 of the De Soto Zoning Regulations, will be submitted for review by the Planning Commission, and should include

an architectural development plan for the interior of the permanent structure.

- b. The city engineer will determine if an evaluation from a licensed structural engineer needs to be submitted with the special use permit application, addressing capability of the permanent structure to adequately support the weight of vehicles and parts proposed to be located within the structure.

**Section 3.** City Staff is authorized to revise other portions of the City Code or Zoning Regulations to be consistent with the above text amendments.

**Section 4.** This ordinance shall take effect and be enforced from and after its publication once in the official city newspaper.

**PASSED** by the Governing Body of the City of De Soto, Kansas on the 20<sup>th</sup> day of May 2020 by at least a 2/3 majority vote of the entire Governing Body.

(Seal)

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Rick Walker, Mayor

ATTEST:

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Lana R. McPherson, MMC, City Clerk

APPROVED AS TO FORM:

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Patrick G. Reavey, City Attorney