

Ordinance Summary published in the Legal Record on _____ and the full text of the Ordinance made available at www.desotoks.us for a minimum of 1 week from the date of publication

Ordinance No. 2531 Summary

On March 3, 2022, the City of De Soto, Kansas, adopted Ordinance No. 2531, 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), specifically section 7 of Article 11 pertaining to Development Standards considered as part of the City’s Site Plan Review process, primarily having to do with large industrial buildings. 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 84th Street, De Soto, Kansas or at www.desotoks.us by clicking the links for “City Ordinances”, then “Recently Passed Ordinances”. This summary is certified by Patrick G. Reavey, De Soto City Attorney pursuant to K.S.A. 12-3001, et seq.

ORDINANCE NO. 2531

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), SPECIFICALLY SECTION 7 OF ARTICLE 11 TO UPDATE DEVELOPMENT STANDARDS THAT WOULD APPLY TO LARGE INDUSTRIAL BUILDINGS AS PART OF THE CITY’S SITE PLAN REVIEW PROCESS

WHEREAS, the City Planning Commission has recommended that the Governing Body amend the City’s Zoning Regulations to update development standards that are part of the City’s Site Plan Review process; and

WHEREAS, all newspaper notifications were completed 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 Section 7 of Article 11 of the City Zoning Regulations is hereby amended to read as follows:

7. Development Standards.

In the “R-2A”, “R-3”, “C-1”, “C-2”, “O-I”, “M-1” and “M-2” zoning districts, no building shall be erected that does not meet the following minimum standards:

A. Buildings shall be located to ensure the provision of adequate open space for outdoor living areas, facilities, services and amenities and to provide natural indoor light, air and privacy. All buildings, parking lots and other structures shall be located to integrate with the natural topography and to avoid deep cuts and fills, excessive foundation wall depth, unnecessary steps and steep access gradients.

B. Careful consideration of durable materials, proportions, and shapes, emphasizing the importance of roofs as integral and embracing elements of the over-all design, is particularly important. Building roof tops shall have at least two of the following features:

- (1.) Parapets concealing flat roofs and roof top equipment, “C-1”, “C-2”, “O-I”, “M-1” and “M-2”;
- (2.) Overhanging eaves, “R-2A”, “R-3”, “C-1”, “C-2”, “O-I”, “M-1” and “M-2”;
- (3.) Sloped roofs and/or flat roofs, “R-2A”, “R-3”, “C-1”, “C-2”, “O-I”, “M-1” and “M-2”;
- (4.) Three or more roof slope planes, “R-2A”, “R-3”.

C. Roof mounted equipment, including ventilators, and satellite dishes greater than 30” shall be screened from view (100% opacity) or isolated so as not to be visible from ground level of any adjacent public thoroughfare or residentially-zoned area, up to a maximum of three hundred feet (300’) away. The appearance of roof screens shall be coordinated with the building to maintain a unified appearance.

But it is not the intent of this requirement to increase the height of the screening significantly above that of the equipment in order to screen it from view from tall buildings or from higher ground.

D. All electrical and mechanical equipment located adjacent to the building and visible from any adjacent public thoroughfare or a residentially-zoned area shall be screened from view (100% opacity), up to a maximum of three hundred feet (300’) away. Such screens and enclosures shall be treated as integral elements of the building’s appearance.

E. All telephone and cable television lines, electrical services and distribution lines shall be placed underground, except that this provision shall not include meters, electric and telephone service pedestals, transformers, three-phase feeder lines, subtransmission and transmission lines (34.5kv and above), electrical substations and such other facilities as the utility may deem necessary to install utilizing “overhead” type construction.

F. All gas meters must be located within maximum 12” from face of building foundation if located within front yards.

G. The form and proportion of buildings shall be consistent or compatible with the scale, form and proportion of existing development in the immediate area or future development contemplated in the Comprehensive Plan.

H. Pedestrian Access: Pedestrian access shall be an integral part of the overall design of each multi-family, commercial, office/institutional and industrial development. The pedestrian access should provide not only safe and convenient access to and from off-street parking areas but should also connect with abutting properties and developments so as to create an alternative means of transportation for residents of the city.

- (1.) Sidewalks at least 5 feet in width shall be provided along all sides of a lot or tract that abut a dedicated public or private street. A continuous internal pedestrian sidewalk shall be provided from the perimeter public sidewalk to the principal customer entrance(s). This internal sidewalk shall feature landscaping, benches, and other such materials and facilities for no less than 50 percent of its length.
- (2.) Sidewalks shall be provided along the full length of the building along any façade featuring a customer entrance and along any façade abutting a public parking area. Such sidewalks shall be located at least ten feet away from the building façade to provide planting areas for landscaping along the foundation of the building.

I. Architectural design should create visual interest through the use of different textures, complementary colors, shadow lines and contrasting shapes. The use of walls in a single color, with little detailing or completely blank, is strongly discouraged.

J. Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form, and siting shall be used to provide visual interest.

K. The rhythm of structural mass to voids, such as windows and glass doors, of a front facade should relate to the rhythms established in adjacent buildings.

L. Loading docks, trash enclosures, outdoor storage and similar facilities and functions may be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are reduced to as great an extent as possible and are out of view from adjacent properties and public street. (See current trash enclosure requirements.)

- (1.) Exterior refuse will be kept in an enclosed area large enough to contain a week of refuse and be contained in a refuse bin equipped with a lid.
- (2.) The enclosure shall be a minimum of 12 feet wide to allow access for the truck picking up the refuse bin. The depth of the enclosure should be the depth of the refuse bin being used plus an additional 4 feet to allow for the mechanical dumping of the refuse bin. The enclosure shall have a minimum height of 5 feet.
- (3.) The floor of the enclosure shall be reinforced concrete with a minimum thickness of 4" with #4 reinforcing at 24" each direction.
- (4.) There shall be a 12' x 12' concrete pad in front of the enclosure. This pad should be a minimum depth of 8" and have 5/8" reinforcing rods every 24", in each direction, and have a test strength of 4,000psi.
- (5.) The number and location of the refuse bins shall be located on the site plans prior to approval and the capacity of each refuse bin shall be noted on the plans.

Loading docks and overhead doors shall be permitted to face public streets in rural residential-areas in the "M-1" and "M-2" districts, provided there is at least a 250-foot building line setback and additional landscaping, increased setbacks, and/or other mitigation measures are incorporated into the proposal to help screen perimeter views from such areas.

M. In the "R-2A", "R-3", "C-1", "C-2", and "O-I" zoning districts, building facades that are 100 feet or greater in length shall incorporate recesses and projections along at least 20 percent of the length

of the building façade. Windows, awnings, and arcades must total at least 60 percent of the façade length abutting any public street.

N. In the “M-1” and “M-2” zoning districts, building facades that are 100 feet or greater in length shall incorporate recesses, projections, or other horizontal or vertical wall articulation every 100 feet along the length of the façade, and windows, awnings, arcades, or other horizontal or vertical wall articulation at building corners. The main common building entry must be defined with a projection from the facade or a recessed area.

First floor primary facade areas should incorporate a minimum of fifteen (15) percent glass encouraging glass to be used in the entryway, offices, and corners of the building.

Buildings should include special vertical articulation to bookend the building or to anchor the main entry or building corner.

O. Overly-long horizontal facades should be articulated with variations in the building plane and parapet height, materials and colors, entrance canopies, landscaping, or other horizontal or vertical wall articulation. Parking lots along the façade can also relieve horizontally through the use of landscaped fingers and islands containing trees and shrubs.

P. The use of unusual shapes, color and other characteristics that cause new buildings to call excessive attention to themselves and create disharmony shall not be allowed. Long expanses of overhead doors should be relieved by matching their color to the wall or trim, recessing the doors, or adding architectural details to diminish the dominance of the doors.

Q. Minimum Exterior Building Material Standards:

- (1.) For “C-1”, “C-2”, “O-I”, “M-1” and “M-2”, a minimum of 30% of the street façade shall consist of one or more of the materials listed below. For “R-3”, a minimum of 75% of each exterior wall shall consist of one or more of the materials listed below:
 - (a) Masonry: Masonry construction shall include all masonry construction which is composed of solid cavity faced or veneered-wall construction, concrete wall panels with acrylic coating, or similar materials.
 - (i) Some material used for masonry construction may consist of granite, sandstone, slate, limestone, marble, or other hard and durable all-weather stone. Ashlar, cut stone, and dimensioned stone construction techniques, and concrete wall panels with acrylic coating, are acceptable.
 - (ii) Brick material used for masonry construction shall be composed of hard fire (kiln fired) all-weather common brick or other all-weather facing brick.
 - (b) Stucco or approved gypsum concrete/plaster materials, dryvit, shall be used with other masonry and architectural accents.
 - (c) Glass Walls: Glass walls shall include glass curtain walls or glass block construction. A glass curtain wall shall be defined as an exterior wall that carries no

floor or roof loads and which may consist of a combination of metal, glass, and other surfacing material supported in a metal framework.

- (d) Wood other than exposed plywood paneling shall not be more than 25% of total exterior wall.
 - (e) Other high-quality materials approved by Staff.
- (2.) Corrugated metal facades should be complemented with the use of masonry, whether brick, stone, stucco, or split-face block, especially along perimeter streets.
- (3.) The following materials shall be prohibited on all exterior walls:
- (a) Concrete finish or precast concrete panel (tilt wall) that is not exposed aggregate, hammered, sandblasted or covered with a cement-based or other acrylic coating.
 - (b) Metal panels with a depth of less than one inch or a thickness less than U.S. Standard 26 gauge, unless otherwise excepted by the Planning Commission.
 - (c) Vinyl siding other than Georgia Pacific or ALCO siding with a thickness of .042” or greater, or equal quality siding as approved by the Planning Commission.
- (4.) Screening and buffering: See Landscaping and Buffering in the Supplementary District Regulations.

(Ord. 2397)

Section 2. City Staff is authorized to revise other portions of the City Code or Zoning Regulations to be consistent with the above text amendment.

Section 3. 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 3rd day of March 2022 by a 2/3 majority.

(Seal)

Rick Walker, Mayor

ATTEST:

Brandon Mills, City Clerk

APPROVED AS TO FORM:

Patrick G. Reavey, City Attorney