

AGENDA ITEM 4.b.

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. 2428 Summary

On October 19, 2017, the City of De Soto, Kansas, adopted Ordinance No. 2428, amending the minimum habitable floor area requirements for structures within the “R-H” Residential – Historic “Old Town” District (specifically Subsection B of Section 7 of Article 4) of the City’s Zoning Regulations. 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. This summary is certified by Patrick G. Reavey, De Soto City Attorney pursuant to K.S.A. 12-3001, et seq.

ORDINANCE NO. 2428

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 AMEND MINIMUM HABITABLE FLOOR AREA REQUIREMENTS FOR STRUCTURES WITHIN THE “R-H” RESIDENTIAL – HISTORIC “OLD TOWN” DISTRICT (SPECIFICALLY SUBSECTION B OF SECTION 7 OF ARTICLE 4)

WHEREAS, the City Planning Commission has recommended that the Governing Body amend the City’s Zoning Regulations pertaining to minimum habitable floor area requirements for structures within the “R-H” Residential – Historic “Old Town” District, specifically to allow the Planning Commission to approve Site Plans that reflect smaller floor areas for two family units; 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; and

WHEREAS, in connection with preparing this Ordinance, City Staff determined there were further, non-substantive, revisions that should be made to clarify the requirements and those revisions are included within the text amendment to be approved via this Ordinance by a 2/3 majority of the entire governing body.

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

Section 1. That the District Regulations (contained within Article 4 of the Zoning Regulations) for the “R-H” Residential – Historic “Old Town” District (specifically Subsection

B of Section 7 of Article 4) 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 revised Subsection B of Section 7:

B. Minimum Floor Area: The following floor area requirements apply, depending on the structure and living unit:

- (1) Single Family Structure: 1,100 square feet of habitable floor area.
- (2) Two Family Structure: 1,100 square feet of habitable floor area for each family unit, except the square feet may be reduced upon Planning Commission approval of a site plan submitted in accordance with Article 11 of the City Zoning Regulations.
- (3) Reconstruction: If a structure was in existence and used as a residence prior to April 16, 1998, it may be reconstructed to no less than the floor area in existence prior to reconstruction of such structure so long as said floor area is at least 900 feet per family unit.

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

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 19th day of October, 2017 by at least a 2/3 majority vote of the entire Governing Body.

(Seal)

Timothy J. Maniez, Mayor

ATTEST:

Lana R. McPherson, MMC, City Clerk

APPROVED AS TO FORM:

Patrick G. Reavey, City Attorney