

*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. 2398 Summary**

On April 7, 2016, the City of De Soto, Kansas, adopted Ordinance No. 2398, amending Article 4 of 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 regulations pertaining to the “R-H” Residential – Historic “Old Town” District, the purpose of which is to delete language therein which encourages on-street parking and replace it with language discouraging such parking. 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. 2398**

#### **AN ORDINANCE ADOPTING THE PLANNING COMMISSION’S RECOMMENDATION TO REVISE THE TEXT OF ARTICLE 4 OF THE CITY ZONING REGULATIONS (INCORPORATED AS APPENDIX C TO THE DE SOTO CITY CODE VIA SECTION 16-201 OF ARTICLE 2 OF CHAPTER XVI), TO DELETE LANGUAGE WHICH ENCOURAGES (AND REPLACE IT WITH LANGUAGE WHICH DISCOURAGES) ON-STREET PARKING IN THE “R-H” CITY ZONING DISTRICT**

**WHEREAS**, the City Planning Commission has recommended that the Governing Body amend language in the City’s Zoning Regulations, which encourages on-street parking in the “R-H” City zoning district, and replace it with language discouraging such parking; 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 the Zoning Regulations be amended to make the requested changes.

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

**Section 1.** That the Section 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) pertaining to the “R-H” Residential – Historic “Old Town” District is hereby amended to read as follows:

## ARTICLE 4. DISTRICT REGULATIONS

### “R-H” RESIDENTIAL - HISTORIC “OLD TOWN” DISTRICT

1. Intent: The intent of this district is to allow for moderate density residential development, including two-family and higher density single-family dwellings, in a manner that encourages a strong residential neighborhood consistent with the traditional character of “old-town” De Soto.

2. Permitted Uses: Generally, single-family dwellings, two-family dwellings, selected Group Living uses, parks, educational and religious uses are permitted. For a general listing of permitted and conditionally permitted uses by North American Industry Classification System (NAICS) groupings, see Appendix “A” of these regulations. The permitted uses will be determined based on compatibility with other uses permitted in the district and with the listed NAICS groupings in Appendix “A”. (Ord. 2108)

3. Special Uses: For a general listing of special uses, see Appendix “A”.

4. Intensity of Use Regulations: Except as modified by the provisions of Article 5:

A. Minimum Lot or Tract Area:

Single-family dwellings-

5,000 square feet for buildable lots or tracts established prior to April 16, 1998.

7,500 square feet for buildable lots or tracts established after April 16, 1998.

Two-family dwellings - 4,000 square feet/dwelling unit.

Other uses - 7,500 square feet.

B. Minimum Lot or Tract Width: As measured at the front setback line, minimum width shall measure 50 feet for buildable lots or tracts established prior to April 16, 1998 and 65 feet for buildable lots or tracts established after April 16, 1998, except as provided in Article 5, Section 2 Yard Regulations.

C. Lot or Tract Coverage: Principal and accessory structures shall not cover more than 30 percent of the lot or tract.

5. Height Regulations: Maximum Structure Height: 35 feet.

6. Yard Regulations: Except as modified by the provisions of Article 5, minimum yard depths shall be as follows:

A. Front Yard: 25 feet, except that where a structure is to be erected on a lot or tract that is within 100 feet of existing structures on both sides, the minimum front yard setback shall be the average of the measurements from the edge of pavement of the street on which the structures front to the closest front corners of each adjacent structure. If the structure to be erected is within 100 feet of an existing structure on one side only, such structure may be erected as close to the street as the existing adjacent structure. In addition, for the purposes of establishing the building lines for construction of entrance steps that are no higher than

3' from grade level or of any handicap access ramp or chair lift, the required front yard setback shall not apply. In no event shall any construction extend into any public right-of-way.

- B. Side Yard: 7 feet.
- C. Rear Yard: 20 feet, except that where a structure is to be erected on a lot or tract that has a rear yard abutting an alley, the minimum rear yard setback shall be 5 feet. For the purposes of this section, an alley shall be defined as a public right-of-way designed to provide vehicular access to the rear of those properties whose principal frontage is on a public street.
- D. Existing Nonconforming Structures: In addition to those allowances of Article 9, Section 2 Non-Conforming Lots or Tracts of Record, residential dwellings and accessory structures to be reconstructed in the “R-H” district which are located on a lot or tract that does not comply with the above mentioned applicable yard regulations, with the exception of mobile homes, may be reconstructed to the previous setbacks, provided such reconstruction shall not create any additional nonconformity or increase the degree of existing nonconformity. In no event shall any construction extend into any public right-of-way.

#### 7. Use Limitations:

- A. Prior to issuance of a building permit, all new and redeveloped structures in the “R-H” District shall be subject to review by the city planner, city engineer and other staff as applicable according to the following guidelines:
  - (1) Front Entry: Entries and walkways should address the street directly, or in a manner consistent with adjacent properties.
  - (2) Building Orientation: New construction should address the street in a manner consistent with surrounding buildings. In most cases, building facades should be parallel to the street.
  - (3) Parking/Garage Location: Garages should be located and accessed at the rear or side of buildings via an alley or street access drive in order to maintain the residential and pedestrian character of the street. Further, parking located behind new residential dwellings which maintains the pedestrian character, and prevents automobiles from dominating the streetscape is encouraged. On-street parking is strongly discouraged. See Article 6, 3, H for parking facilities requirements.
  - (4) Heating, Ventilation, and Air Conditioning (HVAC) Equipment: HVAC equipment should be located at the rear of buildings, and screened from adjacent properties.
  - (5) Scale and Proportion: New and redeveloped dwellings should use appropriately scaled building mass, height and entry size, and incorporate architectural features such as gables, porches and windows to complement the surrounding buildings while breaking up the structure’s street facade.
  - (6) Rooflines and Pitch: Rooflines and pitch similar to surrounding structures are encouraged, as the similarity establishes a pleasing pattern and rhythm for the streetscape, allowing new construction to blend with the established neighborhood.

- (7) Landscaping: Front facades (both yards in the case of corner lots/tracts) should be landscaped in a manner consistent with surrounding buildings. In addition, new and redeveloped dwellings should maintain the established streetscape by preserving existing or establishing new street trees and providing landscaping that is consistent with the pattern established by surrounding buildings.
- (8) Appeals and Grievances: In the case an applicant should disagree or have other grievances with staff in the application of the above standards, the applicant should be directed to formally appear before the planning commission for review of such disagreement or other grievance.

B. Minimum Floor Area: 1,100 square feet of habitable floor area per family; except that structures existing prior to April 16, 1998, may be reconstructed to no less than the floor area in existence prior to demolition of such structure; and except that in no case shall any structure be reconstructed with a floor area ratio less than 900 square feet.

**Section 2.** 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 7<sup>th</sup> day of April, 2016.

(Seal)

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Timothy J. Maniez, 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