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# Press Release

## Planning Commission approves changes to zoning regulations

*Subdivision regulations also revised 5-0 after public hearing Tuesday night*

ARKANSAS CITY, Kan. (December 9, 2015) — The Arkansas City Planning Commission voted 5-0 on Tuesday night to approve several amendments to the City's subdivision and zoning regulations.

But a change suggested last week by the City Commission that would have allowed the doors on a proposed new storage unit to face Skyline Road or MeadowWalk Apartments was not one of them.

City Planner Josh White, who also functions as the City's zoning administrator, proposed striking the language in the subdivision regulations concerning storage unit doors and replacing it with some blanket language requiring such buildings to "be architecturally compatible with the existing neighborhood."

He said the existing language was not part of municipal code until the new regulations were adopted as part of the City's comprehensive plan update in 2013-14 and probably was added as stock language.

But Planning Commissioner Charles Tweedy III said he was uncomfortable with deregulating storage units so much and he was concerned about they might be opening the door to in the future.

Commissioner Charles Jennings agreed with Tweedy and said he didn't like setting a precedent or changing a rule just to suit one unique case. He said he preferred for the owners to seek a variance.

But White said he had consulted the section of the regulations that governs when variances may be granted by the Board of Zoning Appeals and this case did not appear to meet those criteria.

Nevertheless, after about 20 minutes of discussion, the commission declined to add the proposed changes to the other amendments under consideration. Its inaction sends the original conditional-use permit for the storage unit, which the commission approved last month, back to the City Commission.

Commission chair Dr. Scott Rogers then opened a public hearing to discuss the other proposed changes to the subdivision and zoning regulations. No one from the public commented.

**For immediate release**

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After the hearing was closed, the Planning Commission voted 5-0 to approve both sets of changes. The revisions now will be considered by the City Commission at its meeting on Jan. 5, 2016, at City Hall.

In addition to Jennings, Rogers and Tweedy, Commissioners Gordon Fry and Rick Rush attended Tuesday night's meeting. Mike Munson, Andrew Paton and Brian Wells were absent.

A summary of the changes to the subdivision regulations approved Tuesday night follows:

- Section 13-101 was clarified to state that site plan reviews are done administratively and not by the Planning Commission.
- Section 13-401 was amended to remove references to a specific filing fee for site plan review. The cost is assessed as part of the plan review fee paid on commercial permits.
- Section 13-501 was changed to clarify construction and post-construction stormwater best management practices. This also brings the regulations into compliance with the City's stormwater ordinance. Changes also were made to clarify the requirement for a traffic study of access management plan in accordance with commonly accepted designs for access.

Most of the changes to the zoning regulations approved Tuesday night were for clarification purposes. There were some instances where two sections conflicted with each other, but they all were resolved. A summary of the changes to the zoning regulations follows:

- A portion of Section 20-201 was removed. Much of the content was moved and adapted to a new section (primarily Sections 20-7 and 20-8), or deleted due to conflicts or redundancy.
- All accessory structure regulations were moved to Sections 20-7 and 20-8.
- A section of Section 20-901 was removed for clarification. The maximum height of fencing in a front yard was increased for commercial and industrial zoning. The barbed-wire fencing regulations were moved to a new subsection and other sections were reordered as needed.
- One paragraph in Section 20-1001 was edited to remove the specific description of double-pitched roof requirements for manufactured housing.
- A subsection of Section 20-1201 was removed because there is no language for signage for existing home occupations. The language was moved and adapted into already existing sign regulations in Article 27 to help to avoid conflicts.
- Articles 7, 8, 10, and 18 were modified to remove existing sign regulations within them and relocate that language to Article 27, which now governs all sign regulations for the City.

- There were a number of changes to the existing sign regulations in Article 27. A new section of general provisions was added, and a number of definitions were added or edited. Most of the regulations were modified in response to the U.S. Supreme Court case *Reed v. Gilbert*, which essentially states that signs cannot be regulated based on their content. One section also was amended due to the Kansas Legislature's passing legislation earlier this year that restricts the regulation of political signage. In order to comply with both decisions, a section concerning temporary signs was introduced for election periods. Finally, sections concerning electronic message centers, height allowances, site allocation methods, maximum dimensions and amortization of nonconforming signs were rewritten or removed.
- A new section for administrative sign review and an appendix showing sign examples, as well as how sign area is measured, were added to the end of Article 27. An additional unofficial appendix likely will be adopted by staff to serve as a reference guide, as well.