

ORDINANCE NUMBER 552

AN ORDINANCE AMENDING AND REVISING THE "ZONING REGULATIONS & SUBDIVISION REGULATIONS & PROCEDURES MANUAL FOR CITY OF HIGHLAND, KANSAS" AND THE OFFICIAL MAP OF ZONING DISTRICTS, ALL AS INCORPORATED BY ORDINANCE NUMBER 513 OF THE CITY OF HIGHLAND, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HIGHLAND, KANSAS:

SECTION ONE: Prior Ordinance. The City of Highland, Kansas has heretofore enacted a comprehensive zoning ordinance, known as the "ZONING REGULATIONS & SUBDIVISION REGULATIONS & PROCEDURES MANUAL for CITY OF HIGHLAND, KANSAS", and also referred to as the "CITY OF HIGHLAND LAND DEVELOPMENT ORDINANCE", as adopted by, and incorporated into, ORDINANCE NUMBER 513 of said City. Said ordinance also incorporates the "OFFICIAL MAP OF ZONING DISTRICTS", which is amended from time to time by specific zoning changes.

SECTION TWO: General Amendment. Said city has undertaken a review of such ordinance and has determined that certain changes are necessary and appropriate and which changes are in accordance with good land use planning, in conformance with the City's comprehensive plan and is in the interests of public necessity, convenience and general welfare. Said City has proposed such amendments in accordance with the required procedure. The official map, as originally printed, is also in need of a minor correction.

SECTION THREE: Planning Commission and Public Notice. The meeting of the Doniphan County Regional Planning Commission to be held on the 13th day of March, 2019, pursuant to prior publication and notice of hearing, was not held due to lack of a quorum. The zoning administrator has communicated to the governing body of the City that the decision of the commission, had there been a quorum, was expected to be for approval, and that no opposition had been filed of record. Furthermore, that the governing body can move forward as if the commission had been not in favor of the amendments, and override such recommendation by a 2/3 majority vote.

SECTION FOUR: General Amendment of Zoning Regulations. That the following general amendments of the *ZONING REGULATIONS & PROCEDURES MANUAL for CITY OF HIGHLAND, KANSAS* as adopted by, and incorporated into Ordinance Number 513 of said city, SECTION FOUR thereof, be adopted as follows:

A. APPENDIX A. Appendix A (4 pages), as referenced on page 137 of said manual and as attached to said manual, entitled *Appendix A – City of Highland Zoning-Land Uses by District*, which appendix lists permitted, conditional, and accessory uses, along with prohibited uses, be replaced by the revised and amended *Appendix A – City of Highland Zoning-Land Uses by District*. Said amended Appendix A is contained in an MS Excel file which is entitled Highland Use Table Final-modified-021319.

B. R-1 ZONE MINIMUM LOT AREA & WIDTH. That *Article 4-District Regulations, “R-1” RESIDENTIAL-LOW DENSITY DISTRICT*, section 4, *Intensity of Use Regulations*, be amended to read as follows:

- A. Minimum Lot Area: 11,000 square feet.
- B. Minimum Lot Width: 88 feet.
- C. For lots that contained a single-family dwelling at the time of adoption of Ordinance Number 513, the following shall apply:
Minimum Lot Area: 7,500 square feet.
Minimum Lot Width: 60 feet.

C. R-2 ZONE MINIMUM LOT AREA & WIDTH. That *Article 4-District Regulations, “R-2” RESIDENTIAL-MEDIUM DENSITY DISTRICT*, section 4, *Intensity of Use Regulations*, be amended to read as follows:

Except as modified by the provisions of Article 5, the same requirements as R-1 for single-family dwellings. For two-family dwellings:

- A. Minimum Lot Area: 16,500 square feet.
- B. Minimum Lot Width: 132 feet.
- C. For lots that contained a single family dwelling at the time of adoption of Ordinance Number 513, the following shall apply:
Minimum Lot Area: 7,500 square feet.
Minimum Lot Width: 60 feet.

SECTION FIVE: ZONING DISTRICT MAP CORRECTION. That the official map of zoning districts entitled “*City of Highland, Kansas Zoning Districts*”, as incorporated into said Ordinance Number 513 by reference as part of said regulations, contained a minor printing error which should be corrected on the said map. Specifically, said map incorrectly displayed Lots 3 and 10, in Block 105, as R-3, RESIDENTIAL-HIGH DENSITY DISTRICT, when, in fact, said lots are zoned I-2, INDUSTRIAL DISTRICT. The City Clerk is directed to make such corrections to the official map.

SECTION SIX: AMENDMENT OF PRIOR ORDINANCE. Ordinance No. 513 of the City of Highland, Kansas, which incorporates *ZONING REGULATIONS & PROCEDURES MANUAL for CITY OF HIGHLAND, KANSAS*, is amended as set forth herein in accordance with ARTICLE 13 of said ordinance.

SECTION SEVEN: EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its publication, in summary format, in the official city newspaper.

Passed by the governing body and approved by the Mayor of the City of Highland, Kansas, this 21st day of March, 2019.



CHARLES N. BATCHELDER, Mayor

ATTEST:



JOANN KARN, City Clerk

(SEAL)

Appendix A of Highland Zoning- Land Uses by District	City	R-O Residential Outer	R-1 (Residential Single-Family)	R-2 (Residential Moderate-Density)	R-3 (Residential High-Density)	R-4 (Manufactured Home Park District)	C - B (Central Business)	B - 2 (Business - General)	I - 2 (Industrial)	LBCS Function	LBCS Structure	NAICS
Residential												
Accessory Dwellings (Granny Flats, Echo Homes, Garden Apartment)		P	P	P						1100	1130	
Dwelling, Single-Family Detached	P	P	P									
Dwelling, Manufactured Home - Residential Design	P	P	P		P							
Dwelling, Single-Family Modular	P	P	P		P							
Dwelling, Two-Family (Duplex)			P							1100	1121	
Dwelling, Manufactured Home					P							
Dwelling, Mobile Home												
Dwelling, Multifamily 3 units (triplex)				P								
Dwelling, Multifamily 4 units (quadraplex)				P								
Dwelling, Multifamily, 4-10 units				P		C				1100	1200	
Dwelling, Multifamily, more than 10 units				P		C						
Dwelling, Adaptive re-use converted buildings	C	C	C	C	C	C	C					
Dwelling, Zero Lot Line						C						
Elderly housing, multi-family dwellings				P		C						
Mixed Use Neighborhood Residences (Includes dwelling units located over storefronts, with no commercial or office uses permitted above the ground floor)						P				2200-2455 5140-5160 6200-6220 6800-6820	2300 2400	
Residential Property Manager					A	A				2321		531311
Watchmen / caretakers				A	A	P	P	P				
Accommodations and Group Living												
Bed and breakfast home	C	C	C	C		C				1310		721191
Bed and breakfast inn	C					C				1310		721191
Boarding and lodging house	P	P	P	P	P					1320		721310
Community living facility, Mental Health Convalescent	C			C						6520		623220
Community living facility, Mental Health / Substance Abuse, on-site staff						C	C			6520		623220
Dormitories				P						1000	1320	72131
Group home	P	P	P	P	P					6520		623220 623990
Group residence, general (9-15)				C						6520		623220 623990
Group residence, limited (0-8)	C	C	C	C						6520		623220 623990
Group Residence, Children												
	C	C	C	C	C	C	C					623990
Group Residence, Elderly residential services.												
	P	P	P	P	P	P	P			1230 1250 6520		623110 623111 623112 623312
Hotel, motel							P			1330	1330	
Hotel, boutique 50 rooms maximum							P					
Sorority and fraternity housing					P					1320		

P = Permitted Use

C = Conditional Use Permit Req'd

A = Accessory Use

Blank Cell = Not Permitted

Appendix A City of Highland Zoning- Land Uses by District	R-O Residential Outer	R-1 (Residential Single-Family)	R-2 (Residential Moderate-Density)	R-3 (Residential High-Density)	R-4 (Manufactured Home Park District)	C - B (Central Business)	B - 2 (Business - General)	I - 2 (Industrial)	LBCS Function	LBCS Structure	NAICS
Commercial Services and Mixed Use											
Adaptive re-use of converted buildings	P	P	P	P		P	P				
Agricultural machinery and equipment sales area and service facility	C						P	C	2000		421820
Animal and pet services - boarding, grooming, sitting, and training, no outside kennel, no retail						P	P	C	2720		
Animal Care - Veterinarian Clinics, Animal hospital - enclosed kennel	C						P	C	2718		541940
Automotive services, except repairs and car washes						P	P	C			
Automobile service station full service							P	C	2116	2270	
Building materials sales and storage							P	P	2126		444190
Building materials sales - without lumberyard						P	P		2126		444190
Car Wash, Automobile Laundries, or Car Care Centers							P	C	2110	2593	811192
Elderly Service Center, non-residential						P					624120
Farm / landscape / garden supply sales	C						P	A	2123		
Farm supplies -- wholesale trade	C					C	C				
Fertilizer sales and storage	C						C	C	2000		421820
Finance, alternative services (including payday loans, check cashing, and consumer installment lenders)							C				522291
Home occupation	A	A	A	A	A	A					
Leasing, Agricultural/Industrial Machinery and Equipment							C	C	2334		
Leasing/Rental of Trucks, Trailers, RV's, Boats, Motorcycle							P	C	2332 2333		4411
Restaurant, Limited Service						P	P	C	2520		722211
Restaurant, Full Service						P	P		2510		722210
Sales and service, manufactured home, recreation vehicle, bus, truck, or similar large vehicles							P		2112		453930
Sales, boats/marine, recreational vehicle, travel trailer, camper (including repair)							P		2114		441210 441222 441229
Vehicle and small engine repair and restoration, not including automotive wrecking or long-term disabled vehicle outdoor storage							P	P	2110	2280	811191
Industrial Uses											
Automobile storage or towing (excluding wrecked and junked vehicles)								P	4138		488410
Building contractor							P	P	7110-7450		231100 235990
Chemicals, organic	C							P	3330		325190
Chemicals, plastics and rubber products								P	3320		325110 325199
Extractive industries	C							C			
Fuel oil distribution								P			454310
Landfill, sanitary	C							C	4345	6320	562212

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Quarrying and stone cutting establishment	C							C	8500		2123
Recycling Centers	C					C	C	P			421930
Rendering and Meat Byproduct Processing								C	3110		311613
Salvage yards, junk yards, auto and scrap processing	C							P	2120		
Warehousing and Storage Uses											
Mini-storage Warehouse							P	P	2700	2710 2720	
Natural Gas Distribution, Flammable Liquid, Petroleum, Bulk Stations and Terminals and Above Ground Storage	C							P	3600	2780 2781 2782	422710
Outdoor Storage of construction equipment, generally							P	P	3600 7100		
Construction equipment storage								P	3600 7100		493190
Wind Energy Conversion Systems (WECS)	C	C	C	C	C	C	C	C	3600	2730 2740 2742	42, 493
Warehousing, storage, wholesale, and distribution facilities	A							P	3500, 3600	2730 2740 2760	42, 493
Arts, Recreation & Entertainment											
Adult Entertainment Establishment								C			
Drinking Establishments						C	C		2540		722410
Recreation - Community Recreation	P	P	P	C	C	C	P	C			924120
Recreation - Arts / entertainment / recreation facility	C	C	C			P	P	C	500		
Temporary carnivals, rides, ferris wheels	C						C	C	5310		
Education, Health Care, and Institutional											
Correctional Institution Facility								C	6222	4600	922140
Correctional office, Parole / Probation						P	P				922150
Day Care Home, family as home occupation	C	C	C	C		C	C		6562, 6566		624120, 624410
Day Care Center						C	C	C	6562, 6566		624120, 624410
Day Care Center (accessory to institution or business)						A	A	A	6562, 6566		624120, 624410
Schools, academic, continuance, alternative, adult, colleges and universities, and technical, trade, and other specialty schools	C	C	C	C			P	P	6124-6140	4230	6115
Schools, colleges and universities	C	C	P	C		P	P	P	6130	4220	6112- 6113
Schools, elementary or secondary	P	P	P	P		P	P		6111-6124	4200, 4210	6111
Schools, nursery and preschool	P	P	P	P		C	C		6110	4210	

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Transportation, Communication, Information, and Utilities											
Freight terminals & truck terminals								P	4140-4144		484110-484230
Parking lots, accessory to principal use	A		A	A	A	A	A	A		5210-5220	81293
Parking lots, hard surfaced, as principal use			C	C		P	P	P		5210-5220	81293
Parking lots, gravel surface, as principal use	C		C	C		P	P	P		5210-5220	81293
Parking lots, gravel, accessory to principal use	A					A	A	A		5230-5240	81293
Stormwater management / flood control facilities	P	P	P	P	P	P	P	P		6220-6240	237990
Utility Uses & Structures											
Commercial radio, television, broadcasting and/or receiving towers	C	C	C	C	C	C	C	C			
Public utility storage and service yards	C							P			
Solid waste collection centers, solid waste transfer stations, recyclable materials, yard waste and similar items	C	C	C	C	C	C	C	C	4343		562111-562119
Solid Waste Landfill									4345	6320	562212
Utility facilities, principal use	C	C	C	C	C	C	C	C	4234	6100-6162	
Utility facilities, accessory to permitted use	P	P	P	P	P	P	P	P	4234	6100-6162	
Water supply facilities including pump stations, dams, levees, culverts, water tanks, wells, treatment plants, reservoirs, and other irrigation facilities	C	C	C	C	C	C	C	C		6200-6290	
Agriculture											
Agriculture	P								9100-9165-9300-9510	8100-8300-8700	11
Animal Production and Support Services	C								9300-9380	8200	
Commercial agriculture	P										
Concentrated Animal Feeding Operations (CAFO's)										8300-8450	112
Farm product raw materials -- wholesale trade								P			
Farmer's market	P					P			2154		454390
Forestry, Commercial									9400-9430		
Forestry, noncommercial, growing of vegetation	P	P	P	P	P				9400		113
Grain or agricultural storage facility	C							C			
Support functions for agriculture including farm and farm labor management services; spraying, dusting, and other related services; and crop harvesting and post harvest crop activities (including drying, siloing, etc.)	C							C	9200-9230		

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