

ORDINANCE NO. 2043

AN ORDINANCE AMENDING THE ZONING CODE OF THE CITY OF PLEASANTON, KANSAS BY THE ADDITION AND REVISION OF CERTAIN PROVISIONS.

Whereas, the City of Pleasanton, Kansas, has implemented certain Zoning regulations in the form of a Zoning Code; and

Whereas, said Zoning Code may be amended from time to time; and

Whereas, after publication of notice in compliance with Section 31-102, a hearing was convened before the Pleasanton Planning and Zoning Board to hear comment of certain proposed amendments; and

Whereas, the Planning and Zoning Board voted on the 5th day of April 2021, to approval of said amendments to the City Council; and

Whereas, the City Council, having reviewed and discussed said proposed amendments and having become fully advised in the premises, determined to approve said amendments;

NOW THEREFORE IT IS ORDAINED BY THE GOVERNING BODY OF THE CITY OF PLEASANTON, KANSAS:

1. Article 20, Section 102 of the Zoning Regulations is hereby amended by the addition of Sub-Section 4, which shall read as follows:
“4. The use of storage containers in these zones shall be governed by 20-111(2), which governs temporary uses of said containers. There shall be no permanent use of storage containers in this zone.”
2. Article 20, Section 103 of the Zoning Regulations is hereby amended by the addition of Sub-Section 5, which shall read as follows:
“5. The use of storage containers in these zones shall be governed by 20-111(2), which governs temporary uses of said containers. There shall be no permanent use of storage containers in this zone.”
3. Article 20, Section 104 of the Zoning Regulations is hereby amended by the addition of Sub-Section 3, which shall read as follows:
“3. The use of storage containers in these zones shall be governed by 20-111(2), which governs temporary uses of said containers. There shall be no permanent use of storage containers in this zone.”
4. Article 20, Section 105 of the Zoning Regulations is hereby amended by the addition of Sub-Section 5, which shall read as follows:
“5. The use of storage containers in these zones shall be governed by 20-111(3), which governs the permanent uses of said containers.”

5. Article 20, Section 106 of the Zoning Regulations is hereby amended by the addition of Sub-Section 5, which shall read as follows:
“5. The use of storage containers in these zones shall be governed by 20-111(3), which governs the permanent uses of said containers.”
6. Article 20, Section 106 of the Zoning Regulations is hereby amended by the addition of Sub-Section 5, which shall read as follows:
“5. The use of storage containers in these zones shall be governed by 20-111(3), which governs the permanent uses of said containers.”
7. Article 20, Section 107 of the Zoning Regulations is hereby amended by the addition of Sub-Section 5, which shall read as follows:
“5. The use of storage containers in these zones shall be governed by 20-111(3), which governs the permanent uses of said containers.”
8. Article 20, Section 108 of the Zoning Regulations is hereby amended by the addition of Sub-Section 5, which shall read as follows:
“5. The use of storage containers in these zones shall be governed by 20-111(3), which governs the permanent uses of said containers.”
9. Article 20 of the Zoning Regulations is hereby amended by the addition of Section 111, which shall read as follows:
“20-111- Performance Standards-Storage Containers
 1. Storage Containers may not be used as residences in any zone.
 2. In all zones, including the Highway Overlay and the Airport Overlay, Storage Containers may be used as a temporary use only under the following conditions:
 - a. The use must be approved by Planning/zoning staff upon application for Permit for Temporary Use of a Storage Container.
 - b. The Permit may be granted for up to 12 months upon approval of application.
 - c. Upon application, the Permit may be extended ONE time for up to 6 months. Any further extension requires a variance granted by the Planning and Zoning Board.
 - d. Storage Container in temporary use must be located on the lot so as to not obstruct vehicle or pedestrian traffic flow, disrupt required sight distances at corners, or obscure traffic signs.
 3. Storage Containers in permanent use, where allowed, may be used only under the following conditions:
 - a. Containers must meet all setback and other locations requirements that would apply to any accessory structure.
 - b. Storage Container in permanent use must be located on the lot so as to”

not obstruct vehicle or pedestrian traffic flow, disrupt required sight distances at corners, or obscure traffic signs.

c. Containers in permanent use must be painted or covered with siding material that is neutral or natural in color, with no labeling or signage visible.

d. Containers in permanent use must be situated on an engineered foundation or on pavement or a bed of crushed rock.

e. Containers in permanent use must be screened from adjoining properties and from the street. Screening may consist of existing vegetation, new vegetation, fencing, berms or other permitted on-site structures that significantly obscure the visual impact of the container as seen from off-site locations. It is the intent of this section that the container should not be prominently visible from any public street or residential property.

f. Property owner/occupant must submit to City Staff an application for approval of plan for installation of a permanent storage container. The City Administrator or the Administrator's designee is authorized to approve or deny the application based on the above requirements and all related regulations. The applicant may appeal the finding of the City Administrator in writing within 14 days to the Board of Zoning Appeals, which will review the application and make a determination as to whether the decision of the City Administrator should be upheld or overturned. The decision of the Board of Zoning Appeals may be appealed in writing within 14 days to the City Council."

4. Permanent Containers in Special Overlay zones- Notwithstanding all other regulations above, any use of a Storage Container on a permanent basis in the Highway Overlay zone, the Airport Overlay zone, or any other special overlay zone, must be approved on a case-by-case basis by the Planning and Zoning Board, which may set additional or different restrictions and requirements within those zones. The decision of the Planning and Zoning Board in such a case may be appealed in writing to the City Council."

10. Section 26-110 of the Zoning Regulations is amended by the addition of sub-section 6, which shall read as follows:

"6. No use as a residence shall be allowed on the ground floor of any building located in a commercial or industrial zone unless that use has been approved as a Conditional Use under this Article. Such use shall be deemed to be included in the list of Conditional uses allowed under Section 26-103."

11. Section 12a-105 of the Zoning Regulations is amended by the addition of sub-section 5, which shall read as follows:

"5. No Business shall be permitted to operate in this zone unless there exists a permanent, permitted building on the property. "

The amendments included herein shall become effective and shall be integrated into the Zoning Code of the City of Pleasanton, Kansas, upon the approval of this Ordinance, the publication of a summary hereof in the official newspaper of the City, and the publication of the entire ordinance for at least one week on the official City web site www.pleasantonks.com

ORDAINED THIS 5th DAY OF April, 2021.



MAYOR

ATTEST:



CITY CLERK

