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ORDINANCE NO. 215

AN ORDINANCE AMENDING ORDINANCE NO. 175 OF THE CITY OF ANDOVER, KANSAS AND THE ZONING MAP OF SAID CITY AND RECLASSIFYING OR CHANGING CLASSIFICATION OF CERTAIN TRACTS OF GROUND LOCATED IN THE CITY OF ANDOVER, KANSAS AND PROVIDING FOR CHANGES AND AMENDMENTS IN THE ZONING BOOK PURSUANT TO THE REPORTS AND RECOMMENDATIONS OF THE PLANNING COMMISSION OF THE CITY OF ANDOVER, KANSAS

WHEREAS, prior hereto the Governing Body of the City of Andover, Kansas has received the reports and recommendation from the Planning Commission of the City of Andover, Kansas relating to the change of classification and rezoning of certain tracts of ground in the City of Andover, Kansas and providing for changes and amendments in zoning book more specifically hereinafter described and said report and recommendation having been made by said Planning Commission after proper public hearing on the same with proper notice of the same, and

WHEREAS, by reason of said report and recommendation, the Governing Body of the City of Andover, Kansas desires to and does change certain zoning classifications and zoning uses of tracts of ground located in the City of Andover, Kansas and does provide for changes and amendments in the zoning book.

NOW THEREFORE,

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

Section 1. That pursuant to said report and recommendation set out in the preamble of this Ordinance, which preamble is made a part of this Section of this Ordinance as fully as if set out herein, Ordinance No. 175 of said City of Andover, Kansas, is hereby amended to provide the following change in zoning and/or use classification on the following tracts of ground located in the City of Andover, Kansas, and to provide for changes and amendments in the zoning book to wit:

A. The following tract is hereby changed from R-1 Residential to B-4 Central Business District

Lot 6, Block 4, Koob Tracts, Section 19 Township 27, Range 3 East

B. The Following tracts are hereby changed from R-1 Residential, to R-2 Residential

Lots 1 and 2, Block 1; and Lots 1 and 2, Block 2
Andover Heights Third Addition, Section 7, Township 27,
Range 3 East

C. That Section 304 of Article III, Rules of Construction and Definitions relating to the definitions of "Mobile Home" A vehicle, house car, camp car, trailer or any portable or mobile vehicle on wheels, skids or rollers, blocks, or a permanent or temporary foundation, either self-propelled or propelled by any other means, which is used, or designed to be used, permanently or temporarily, exclusively for living and for sleeping purposes. The term "mobile home" shall include two or more separately towed units which when bolted or otherwise fastened together form a complete living unit, hereby has been amended to read "Mobile Home" A factory-built structure or structures eight or more feet wide, equipped with the necessary service connections and made so as to be readily moveable as a unit or units on its or their own running gear and designed to be used as a dwelling unit, permanently or temporarily, for living and sleeping purposes. The support system constructed for the structure indicates the intent that the mobile home may be moved from time to time at the convenience of the owner and used without a permanent foundation. The term shall include two or more separately towed units which when bolted or otherwise fastened together form a complete living unit.

D. That Section 304 of Article III, the definition for structure shall be added:

STRUCTURE - means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts jointed together in some definite manner. The term "structure" shall be construed as if followed by the words "or parts thereof."

E. That Section 304 of Article III, Rules of Construction and Definitions, relating to the definition of a "Mobile Home Park" is hereby amended to add the following sentence: "Mobile home parks may also periodically accommodate mobile homes less than eight feet in width such as are used for camping or recreational purposes and which may not have a flush toilet and a bath or shower and therefore, are dependent upon supplemental sanitary facilities which shall be provided by the mobile home park.

F. That Section 703 (a) (3) Article VII, R-3 Multiple-Family Residential District, relating to lot size requirements which reads "Four-Family attached dwelling units; 3,000 square feet per dwelling unit, but not less than 10,000 square feet" is hereby amended to read "Four-family attached dwelling units: 3,000 square feet per dwelling unit."

G. That Article IX, MH-1 Mobile Home District is hereby amended to add a new section to read "Section 906"

UNUSED MOBILE HOME PARK-whenever a property, zoned MH-1 ceased to be used for such purpose for a period of one year, the Planning Commission shall initiate action and hold a public hearing to rezone said property back to its former zoning district or a new district if more appropriate.

H. That Section 1005 (c) of Article X, B-1 Office Business District relating to use limitations which now reads, "Off-street parking spaces shall be designed so that no parking, loading, or unloading of motor vehicles will take place adjacent to any property situated in a residential district unless separated by a public street or alley, or by a solid wall constructed of masonry, architectural tile, wood or other similar material (excluding chainlink fence) not less than 6 feet or more than 8 feet in height. Such walls shall not be placed closer to the adjacent residential district than the required side and rear yard setback lines, is hereby amended to read "Off-street parking spaces shall be designed so that no parking, loading or unloading of motor vehicles will take place adjacent to any property situated in a residential district unless separated by a public street or alley, or by a solid wall constructed of masonry, architectural tile, wood or other similar material (excluding chainlink fence) not less than 6 feet or more than 8 feet in height. Such walls shall be placed adjacent to the side and rear yard lot lines of the adjacent residential district".

I. That Section 1105 (d) of Article XI, B-2 Neighborhood Business District, relating to use limitations which now reads "All business, servicing, storage and display of goods (except for off-street parking and loading and the sale of gasoline) shall be conducted within completely enclosed structures" is hereby amended to read "All business, servicing, storage and display of goods (except for off street parking and loading, the operation of car washes, the sale only of self-service gasoline by grocery stores and the operation of automobile service stations) shall be conducted within completely enclosed structures."

J. That Section 1105 (g) of Article XI, B-2 Neighborhood Business District, relating to use limitations which now reads, Off-street parking spaces shall be designed so that no parking, loading or unloading of motor vehicles will take place adjacent to any property situated in a residential district unless separated by a public street or alley, or by a solid wall constructed of

masonry, architectural tile, wood or other similar material (excluding chainlink fence) not less than 6 feet or more than 8 feet in height. Such walls shall not be placed closer to the adjacent residential district than the required side and rear yard setback lines, is hereby amended to read, "Off-street parking spaces shall be designed so that no parking, loading or unloading of motor vehicles will take place adjacent to any property situated in a residential district unless separated by a public street or alley, or by a solid wall constructed of masonry, architectural tile, wood or other similar material (excluding chainlink fence) not less than 6 feet or more than 8 feet in height. Such walls shall be placed adjacent to the side and rear yard lot lines of the adjacent residential district."

K. That Section 1202 of Article XII, B-3 Central Shopping District relating to conditional uses which now reads "Used Car lots" is hereby amended to read "Used car lots and car washes."

L. That Section 1204 (b) (1) Article XII, B-3 Central Shopping District, relating to bulk regulations which now reads "minimum front yard: 35 feet" is hereby amended to read: "Minimum front yard 35 feet on all sides abutting a street.

M. That Section 1205 (b) of Article XII, B-3 Central Shopping District, relating to use limitations which now reads "All business, service, storage and display of goods shall be conducted within a completely enclosed building, except for the sale of gasoline and the outdoor display of garden and landscaping materials when the latter is appropriately screened, is hereby amended to read "All business, service, storage and display of goods shall be conducted within a completely enclosed building, except for the sale only of self-service gasoline by grocery stores, the sale of used cars, the operation of car washes and of automobile service stations, and the outdoor display of garden and landscaping materials when the latter is appropriately screened."

N. That Section 1301 (a) of Article XIII, B-4 Central Business District, relating to permitted uses which now reads " Any uses permitted in the B-2 and B-3 Business Districts except automobile service stations, automobile body repair shops and drive-in restaurants." is hereby amended to read "Any uses permitted in the B-2 and B-3 Business District except automobile service stations, automobile body repair shops, automobile repair shops and drive-in restaurants."

O. That Section 1304 (b) (1) of Article XIII, B-4 Central Business District, relating to bulk regulations, which now reads "Minimum front yard 100 feet" is hereby amended to read "Minimum front yard: 100 feet on all sides abutting an arterial street and 35 feet on all sides abutting a collector or local street. The latter street classification system is defined in the adopted Land Subdivision Regulations of the City of Andover, Kansas".

P. That Section 1702 (i) of Article XVII, Acessory Uses, Temporary Uses and Home Occupations, relating to permitted accessory uses which now reads "Storage of boats, boat trailers, camping trailers, and small house trailers, provided no part of such storage area is located in the front yard setback is hereby amended to read "Storage of major recreational equipment such as boats, boat trailers, camping trailers, pick-up campers or coaches, camping buses or converted trucks, and tent trailers, provided that no such equipment shall be utilized for living, sleeping or housekeeping purposes when parked on a residential lot or in any location not approved for such use, except for convenient purposes of temporary lodging only."

Q. That Section 1702 of Article XVII Accessory Uses, Temporary Uses and Home Occupations is hereby amended to add a new sub-section to read (m) Pumps for the sale of self-service gasoline by grocery stores shall be permitted in the front yard setback provided they are setback at least ten feet from the front lot line and located in a business district other than B-1 Office Business.

R. That Section 2021 of Article XX, relating to status of existing conditional uses which now reads "Where a use exists at the effective date of these regulations and is permitted only as a conditional use in the zoning district in which it is located, such use shall not be deemed to be a nonconforming use, but shall, without further action, be deemed a lawful conforming use in such zoning district." is hereby amended to read "Where a use existed prior to effective date of Ordinance No. 175 and was previously permitted only as a conditional use in the zoning district in which it is located, such use shall not be deemed to be a nonconforming use, but shall, without further action, be deemed to be a lawful conditional use with the same conditions applicable as originally established.

Section 2. That in addition to the said Ordinance being so amended, that the City Clerk of said City is hereby directed and empowered to change and amend the official zoning map of said City to conform with the provisions of this Ordinance.

The above ordinance duly passed and adopted by the Governing Body of the City of Andover, Kansas this 24th day of September, 1974.

Eugene Miller
Mayor

Attest:

Patricia M. Stuenke
City Clerk