

City of Silver Lake



ORDINANCE NO. 2606

AN ORDINANCE RELATING TO ZONING AND PLANNING, AMENDING CITY CODE SECTION 16-2511 AND REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH

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

SECTION 1. That the City Code of the City of Silver Lake, Section 16-2511, be amended to state as follows:

§ 16-2511 EXCEPTIONS TO THIS ZONING ORDINANCE.

(a) Exceptions to this zoning ordinance shall be made by special use permit after the request has been duly advertised and a public hearing held as required by law.

(b) Prior to review of the request of an exception, by the Board of Zoning Appeals, the applicant shall:

- (1) File an application on forms provided by the city;
- (2) File with the application a statement certifying that the applicant is the lawful owner of the real estate upon which the excepted use is proposed or that he or she has the lawful right to receive a conveyance thereof if the application is granted; and
- (3) File a form of declaration of restrictions indicating use which is to be made by the legal owner if the application is granted. The restrictions must show that use of the land will be solely that which was applied for as an excepted use. The restriction must provide that, if such use is abandoned or is proposed to be changed, the subsequent use shall be in conformity with the zoning restrictions in effect as to the land prior to authorization of the exception, unless a new application for an excepted use is made and granted.

(c) A plot plan shall be filed with the application showing:

- (1) Legal dimension of the tract to be used;
- (2) Location of all proposed improvements including curb-cut access, off-street parking and other such facilities as the applicant proposes to install;
- (3) Grade elevations;
- (4) Building setback from all property lines;
- (5) Front, side and rear elevations of all improvements to be erected;
- (6) Such perspective drawings of the proposed improvements, in such detail as the Board may require as will clearly show the finished appearance of the improvements proposed;
- (7) Location and type of planting, screening or walls; and
- (8) Such other items as the Board shall deem reasonably necessary to properly process the application.

(d) In considering any application for an exception hereunder, the Board of Zoning Appeals shall give consideration to the comprehensive plan of the city, and the health, safety, morals, comfort and general welfare of the inhabitants of the city, including but not limited to the following factors:

- (1) The stability and integrity of the various zoning districts;

- (2) Conservation of property values;
- (3) Protection against fire and casualties;
- (4) Observation of general police regulations;
- (5) Prevention of traffic congestion;
- (6) Promotion of traffic safety and the orderly parking of motor vehicles;
- (7) Promotion of the safety of individuals and property;
- (8) Provision for adequate light and air;
- (9) Prevention of overcrowding and excessive intensity of land uses;
- (10) Provision for public utilities and schools;
- (11) Invasion by inappropriate uses;
- (12) Value, type and character of existing or authorized improvements and land uses;
- (13) Encouragement of improvements and land uses in keeping with overall planning; and
- (14) Provision for orderly and proper urban renewal, development and growth.

(e) Exceptions which may be authorized by the Board of Zoning Appeals are as follows:

(1) *In Districts "R", "R-1", "R-2" and "R-3"*

- (A) Any public building erected on land used by any department of the city, county, state or federal government;
- (B) Cemetery and crematory;
- (C) Telephone exchange, electric substations and regulator stations or other public utilities; and
- (D) Nursing homes and care homes for the aged or a tract of land three acres or larger.

(2) *In District "R-3"* Public and private parking lots on land adjoining a residential, university or commercial zone or a public or semi-public use, providing all of such land lies within 300 feet of the boundary of the zone, and further providing:

- (A) The parking area is paved with concrete, asphalt or similar dust-free surface;
- (B) The parking area is enclosed with a fence, wall or landscaped buffer area, as determined by the Board of Zoning Appeals, having a height of not less than four feet nor more than five feet. Such fence, wall or other enclosure shall be maintained in good condition by the owners and shall observe the front and side yard regulations of the district in which it is located;
- (C) Any lights used to illuminate the parking area shall be so arranged as to reflect light away from adjoining residential district or districts; and
- (D) A bond as specified in § 16-2512 shall be filed with the city to guarantee to the city that all improvements will be installed. The bond shall be enforceable by or payable to the city in a sum equal to the cost of constructing the off-street parking area, as estimated by the city.

(3) *In District "I-1"*

- (A) Automobile wrecking yards, junkyards and scrap processing yards subject to the following:
 - (i) Located on a tract of land at least 300 feet from a residential district zone;
 - (ii) The operation shall be conducted wholly within a noncombustible building or within an area completely surrounded on all sides by a fence,

wall or hedge. The fence, wall or hedge shall be of uniform height (at least six feet high) and uniform texture and color and shall be so maintained by the proprietor as to ensure maximum safety to the public and preserve the general welfare of the neighborhood. The fence, wall or hedge shall be installed in such a manner as to retain all scrap, junk or other material within the yard;

(iii) No junk shall be loaded, unloaded or otherwise placed, either temporarily or permanently, outside the enclosed building, hedge, fence or within the public right-of-way; and

(iv) Burning of paper, trash, junk or other waste materials shall be permitted only after approval of the Fire Department. The burning, when permitted, shall be done during daylight hours only.

(B) Stockyards and slaughter houses;

(C) Meat packing plants;

(D) Ready-mix concrete and asphalt mix plants;

(E) Storage of bulk oil and gasoline provided that such establishments meet the requirements of Fire Department regulations or any other safeguards required by the Fire Department; and

(F) Other uses which are not noxious or offensive by reason of the emission of odor, dust, smoke, gas, noise or vibration.

(4) In District "C-2" Central Business District.

(A) Trailer or large vehicle/equipment storage yards, subject to the following:

(i) Located on a tract of land not directly adjoining a residential district zone or established residence, excluding properties separated by roads;

(ii) The operation shall be conducted wholly within an area screened from public view by a fence, wall or similar opaque structure. The fence, wall or structure shall be of uniform height (at least eight feet high, or higher as the City may direct) and uniform texture and color and shall be so maintained by the proprietor as to ensure maximum safety to the public and preserve the general welfare of the neighborhood. The fence, wall or enclosure shall be installed in such a manner as to prevent any material or debris from moving onto public rights of way, roads or public property;

(iii) No semitrailer, travel trailer, trailer, special mobile equipment, farm equipment, construction equipment or similar item of property (as defined in the City's Standard Traffic Ordinance) shall be parked or otherwise placed, either temporarily or permanently, outside the property enclosure delineated by fencing, building walls, structural elements that screen property and/or any other enclosure;

(iv) No semitrailer, travel trailer, trailer, special mobile equipment, farm equipment, construction equipment or similar item of property shall be placed on, or partly within, any public right-of-way;

(v) All semitrailers, travel trailers, trailers, special mobile equipment, farm equipment, construction equipment or similar items of property (as defined in the City's Standard Traffic Ordinance) shall be maintained in an operable and/or movable condition.

(vi) That any lighting of the property shall be directed away from any nearby residential property and appropriately limited to the boundaries of the property itself;

(vii) The property owner shall agree to and manifest compliance with any and all other requirements of the City Code, and shall discontinue the use at any time the operation is found to be in violation of the City Code;

(viii) The property owner shall insure that entry and exit of vehicles and trailers on the property shall be provided at a location with appropriate access to roads or streets capable of safely handling truck and trailer traffic;

(ix) No trailer or other equipment stored shall be taller than 14 feet in height;

(x) All drives, parking areas or storage areas shall be composed of concrete, asphalt or other hard surface, including, but not limited to, asphalt millings or similar materials, so as to limit dust from the property; and

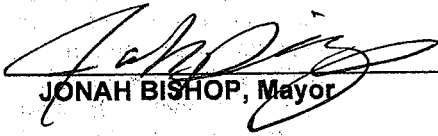
(x) The special use permit granted to the owner shall be reviewed for compliance every Five (5) years by the City Zoning Administrator and said permit and use shall cease within Sixty (60) days' notice by the Zoning Administrator that the use does not comply with these requirements or any other requirement of the City Code. The owner may appeal any such determination to the Board of Zoning Appeals.

(f) In no instance may an exception or special use be allowed that grants a continuance of a nonconforming use.

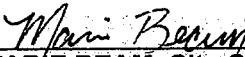
SECTION 2. All Ordinances in conflict with this amendment are hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and after its adoption and publication in the official City newspaper.

PASSED AND APPROVED, by the Governing Body of the City of Silver Lake, Kansas this 3rd day of June, 2024.


JONAH BISHOP, Mayor

Attest:


MARIE BEAM, City Clerk