

Chapter 18.340
DD DOWNTOWN DISTRICT

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18.340.010 Statement of intent

The zoning of property as DD, Downtown District, is intended to recognize the unique characteristics of this older area on the periphery of the original central business district area of the City. Many of the purposes stated in Section 18.330.010, pertaining to the Central Business District, apply to the Downtown District as well. However, to a greater extent than in the Central Business District, the Downtown District is intended to provide housing to support the business activities in the area.

(History: Ord. ZRR-1725; ZRR-1637)

18.340.020 Permitted uses

No building, structure, land or premises shall be used and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered except for one or more of the following uses, subject to the development and performance standards set forth in Section 18.340.050:

- A. Any uses permitted in District CBD.
- B. Apartment houses.
- C. Mixed-use buildings for commercial, office and residential uses above the ground floor.
- D. Accessory uses as provided in Chapter 18.390.

(History: Ord. ZRR-2021 §6, 97; ZRR-1725; ZRR-1637)

18.340.030 Height and area regulations

The height of buildings, the minimum dimensions of lots and yards and the minimum lot area per residential dwelling unit permitted on any lot shall be as follows, except as otherwise provided in Chapter 18.420:

- A. Height -- there shall be no height restriction.
- B. Yards - no front, side or rear yard is required; provided, however, that for properties adjacent to residentially zoned properties, a 25-foot building setback from said properties is required. In addition, during the rezoning or preliminary development plan approval process, the Planning Commission and City Council may require a front, side or rear yard

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if it is determined that the such yard is necessary to provide adequate open space, access to light and air, a healthful living environment, prevent visual obstruction of adjoining properties, or to ensure compatibility with existing adjacent developments.

- C. Lot area per multi-family dwelling -- 1,250 square feet.
(History: Ord. ZRR-2021 §7, 97; ZRR-1725; ZRR-1637)

18.340.040 Parking regulations

- A. 4 off-street parking spaces shall be provided on the premises for each 1,000 square feet of gross floor area; provided, however, that properties whose nearest property line is within 200 feet of the nearest public off-street parking lot, 2.5 off-street parking spaces shall be provided on the premises for each 1,000 square feet of gross floor area.
- B. For residential uses, off-street parking spaces shall be provided on the premises as follows:
1. Efficiency apartments -- 1 space per unit.
 2. One bedroom units -- 1 space per unit.
 3. Two or three bedroom units -- 2 spaces per unit.
 4. Four bedroom units -- 2 1/2 spaces per unit.
- C. Residential parking shall be provided within 200 feet of the entrance to the building or structure.
- D. No parking that is constructed shall be permitted within 10 feet of a street line or 6 (six) feet from a lot line. Such parking setback areas shall be graded and planted with grass and shrubs or trees to the extent that it will constitute a finished lawn.
- E. Section 18.430.105, Parking for Specific Uses, does not apply to this zoning district.
(History: Ord. ZRR-2021 §8, 97; ZRR-1725; ZRR-1637)

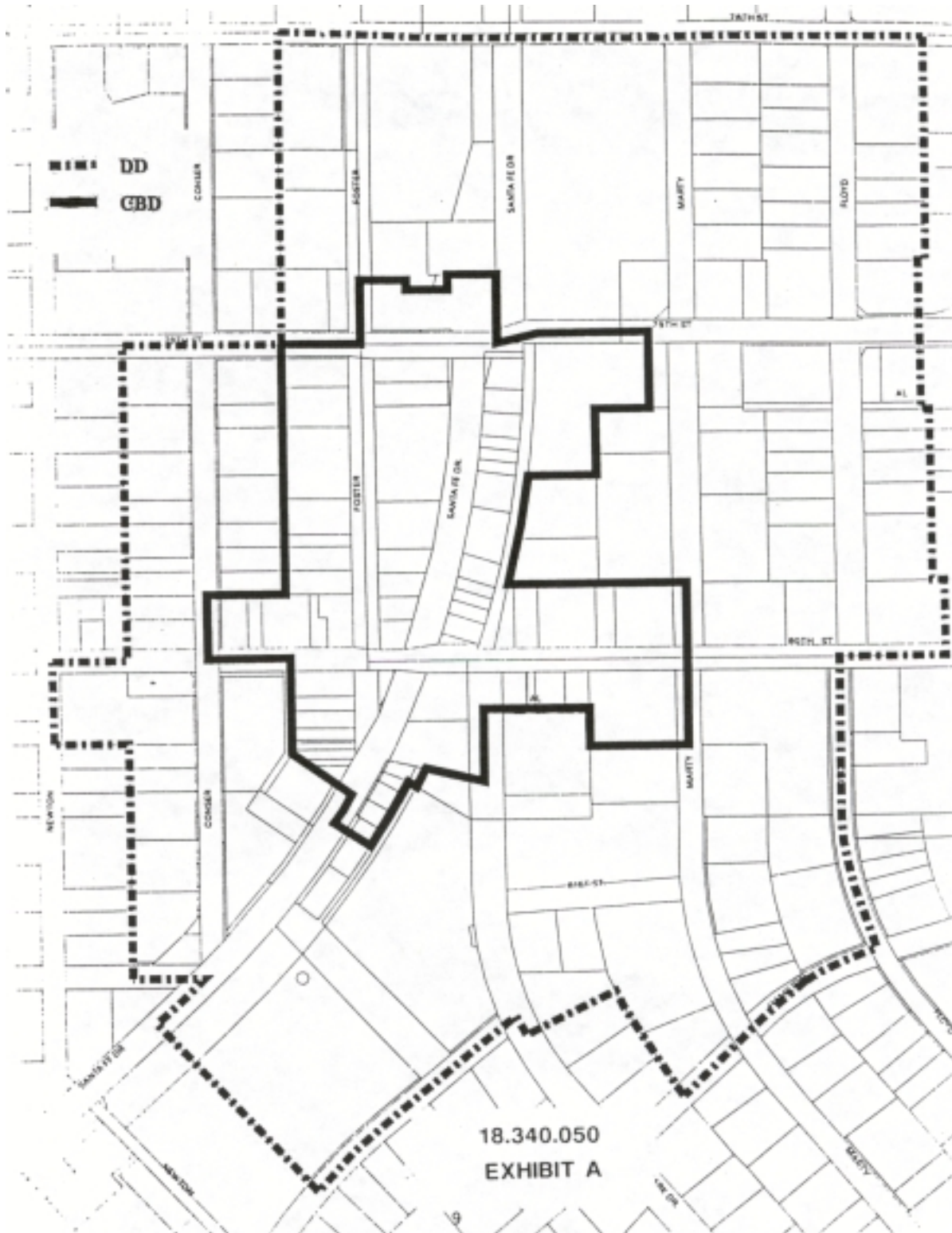
18.340.050 Development and performance standards

- A. Drive-up or drive-in service may be provided except where food, beverages, or cereal malt beverages in any form are served, dispensed or otherwise change hands.
- B. Merchandise which may appropriately be displayed or stored outside a building shall be kept off the public sidewalks and streets, except during special promotional activities and sales approved by the City Council with a special event permit.
- C. Sales and consumption of cereal malt beverages or alcoholic liquor are prohibited except as follows:

1. Package liquor stores licensed with the State of Kansas and the City shall be allowed provided that the exterior walls of such establishment are at least 200 feet from the nearest property line of any hospital, school, church or library. For purposes of this section, the term "school" shall mean any public, private or parochial learning facility for children in preschool through grade 12 accredited by the State Board of Education or, where required, certified as a preschool by the Kansas Department of Health and Environment.
 2. Food service establishments serving cereal malt beverages and clubs serving alcoholic liquor shall be allowed where the sales of food for consumption on the premises exceeds thirty percent of the annual gross income for the establishment, provided that the exterior walls of such establishment are at least 200 feet from the nearest residentially zoned property line. A special use permit shall be required for those establishments within 200 feet of residentially zoned property.
 3. Packaged sales of cereal malt beverages not for consumption upon the premises shall be allowed.
 4. The sale, dispensing, or changing hands of any cereal malt beverages shall be prohibited at facilities used for motor vehicle repair, service or the sale of gasoline or other motor vehicle fuels, except where the business conforms to both of the following minimum requirements.
 - a. The business shall contain not less than 1,200 square feet of sales display area, exclusive of storage rooms and walk-in refrigeration coolers;
 - b. The business shall have at least 2 employees on duty on the premises at all times.
 5. All establishments listed above shall comply with the requirements contained in Chapters 5.12, 5.20 and 5.48, as applicable.
- D. Eating establishments may have an outdoor service area that is accessory to the main restaurant function. The outdoor service area must be a well-defined space, designed and serviced to keep debris from blowing off the premises. Patrons must gain entrance through the main entrance to the restaurant, but at least one exit must be provided for fire safety. If the outdoor seating area is adjacent to street right-of-way or internal property lines, the perimeter of the outdoor seating area shall be landscaped in a landscaped setback area which is a minimum of five feet in width. The setback from internal property lines may be waived if there is another building on the property line of the adjacent property.
- E. The Planning Commission or City Council may require assurance of the financial and administrative ability of any agency created by a developer for the purpose of maintaining common open space and facilities of a non-public nature.

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- F. No smoke, radiation, vibration or concussion, heat or glare shall be produced that is perceptible outside a building, and no dust, fly ash or gas that is toxic, caustic or obviously injurious to humans or property shall be produced.
- G. No property may be zoned DD unless such property falls within the boundary shown on Exhibit A of this section, but excluding the area designated for the CBD, Central Business District.



(History: Ord. ZRR-2285 §17, 2001; ZRR-2021 §9,97; ZRR-1725; ZRR-1637)

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