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**ORDINANCE #1399**

**AN ORDINANCE AMENDING ARTICLE XXIV AS CONTAINED IN A BOOK ENTITLED "ZONING ORDINANCE and SUBDIVISION REGULATIONS FOR THE CITY OF PHILLIPSBURG, KANSAS" AS ORIGINALLY ADOPTED IN ORDINANCE NO. 1334, AND REPEALING ARTICLE XXIV AS CONTAINED IN A BOOK TITLED "ZONING ORDINANCE and SUBDIVISION REGULATIONS FOR THE CITY OF PHILLIPSBURG, KANSAS" AS ORIGINALLY ADOPTED IN ORDINANCE 1334. THIS ORDINANCE PERTAINS TO PARKING AND LOADING REGULATIONS WITHIN THE CITY OF PHILLIPSBURG, KANSAS.**

**BE IT ORDANED BY THE GOVERNING BODY OF THE CITY OF PHILLIPSBURG, KANSAS:**

*Section 1. That Article XXIV as contained in a book entitled "Zoning Ordinance and Subdivision Regulations for the City of Phillipsburg, Kansas" as originally adopted in Ordinance No. 1334, is hereby amended to read as follows:*

**ARTICLE XXIV  
PARKING AND LOADING REGULATIONS**

**SECTION 1. REQUIREMENTS:** Except as otherwise provided in this Ordinance, when any building or structure is hereafter erected or structurally altered to the extent of increasing the floor area by fifty (50) percent or more, accessory off-street parking and/or loading spaces shall be provided as required by the following schedule, except that these requirements shall not apply in the "C - 1" Commercial District.

**SCHEDULE OF MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS**

<b>Structures and Uses</b>	<b>Minimum Off-Street Parking Regulations</b>	<b>Minimum Off-Street Loading Requirements</b>
Adult Uses	2 spaces per two seats or seating spaces, or 1 space per 100 square feet of floor space, whichever is greater.	1 space per establishment
Bed and Breakfast Inns	1 parking space per rental unit	None required
Bowling Centers	5 spaces per lane plus required spaces for other uses in association	1 space per establishment
Churches, Synagogues, & Temples	1 space per 4 seats in main unit of worship	None required
Drive-up Facilities: Bank Teller Windows, Fast Food pick-up, and similar facilities	60 feet of waiting space ahead of facility (1 space is 20 feet)	None required

Eating and Drinking Places	Parking spaces equal to 30% of capacity in persons	2 spaces per establishment
Education Uses, Adult Day Care and Day Care, and Primary Schools persons served	Parking spaces equal to 20% of capacity in students or	2 spaces per structure
Educational Uses, All Other	Parking spaces equal to 40% of capacity in students	2 spaces per structure
Funeral Homes and Chapels	8 spaces per repose room plus 1 space per 4 seats in chapel	2 spaces per establishment
Home Occupations	2 spaces in addition to those required for the dwelling	None required
Hospitals	1 space per 2 beds plus 1 per each employee	3 spaces per structure

**Minimum Off-Street Structures and Uses**

**Parking Regulations**

**Minimum Off-Street Loading Requirements**

Hotels	1 space per rental unit	1 space per establishment
Indoor Recreation Centers: Fitness Clubs, Arcades, Skating Rinks, Bingo Parlors, and similar facilities	1 space per 125 square feet of gross floor area	1 space per establishment
Industrial Uses largest shift	1 space per 2 employees on	2 spaces per establishment
Libraries of floor area	1 space per 500 square feet	1 space per structure
Lodging & Boarding Houses	1 space per 2 rental units	None required
Medical Clinics dentist	5 spaces per staff doctor or	None required
Manufactured Home Park	2 spaces per dwelling unit	None required
Motels	1 space per rental unit	None required
Offices floor area	1 space per 250 SF of gross	None required
Private Clubs & Lodges of floor area	1 space per 200 square feet	1 space per establishment
Residential Structures (Multi-family)	2 spaces per dwelling unit	None required
Residential Structures (Single-Family)	2 spaces per dwelling unit	None required

Retail Sales Establishments gross floor area	1 space per 200 square feet	1 space per establishment
Roadside Stands	4 spaces per establishment	None required
Convalescent & Rest Home Services	1 space per 3 beds, plus 1 space per employee	1 space per establishment
Service Establishments gross floor area	1 space per 200 square feet	1 space per establishment
Theaters, Auditoriums, & Places of Assembly	1 space per 4 people in designed capacity	1 space per establishment

<b>Minimum Off-Street Structures and Uses</b>	<b>Parking Regulations</b>	<b>Minimum Off-Street Loading Requirements</b>
Veterinary Establishments	3 spaces per staff doctor	None required
Wholesaling and Distribution Operations	1 space per 2 employees	2 spaces per establishment

1. Off-street parking lots for single family dwellings shall not be located in any required front yard area. This ordinance does not restrict parking in rear yard area.
2. Off-street parking lots for multiple-family dwellings, home occupations, schools, churches and similar places of public assembly, hospitals, nursing homes, boarding and lodging houses, dormitories, or fraternity or sorority houses may be located in any required front yard area.
3. Off-street parking spaces for uses required in the, "C - 3", "I - 1", and "I - 2" Districts shall be located in back of the required front yard line and shall be on the same lot as the building they serve.
4. Exterior Storage:
  - a. All-weather, dust-free surfacing of areas for exterior storage of business vehicles, equipment, and materials is not required.
  - b. Exterior storage of business vehicles, equipment, and materials shall not occur upon required off-street parking.

## **SECTION 2. GENERAL REQUIREMENTS:**

1. The provision and maintenance of off-street parking and loading spaces is a continuing obligation of the property owner. No building or other permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this Ordinance. Use of property in violation hereof shall be a violation of this Ordinance. Should the owner or occupant of any lot or building change the use to

which the lot or building is put, thereby increasing off-street parking or loading requirements, it shall be unlawful and a violation of this Ordinance to begin or maintain such altered use until such time as the increased off-street parking or loading requirements are complied with.

2. Requirements for types of buildings and uses not specifically listed herein shall be determined by the Governing Body, after a report and recommendation from the Planning Commission, based upon the requirements of comparable uses listed.
3. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.
4. Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the City Official designated as the Building Inspector in the form of deeds, leases or contracts to establish the joint use.
5. Off-street parking spaces for a dwelling shall be located on the same lot with the dwelling. Other required parking spaces shall be located not farther than 500 feet from the building or use they are required to serve, measured in a straight line from the building.
6. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting business or use.
7. A plan, drawn to scale, indicating how the off-street parking and loading requirements are to be fulfilled shall accompany an application for a building permit. The plan shall show all elements necessary to indicate that the requirement is being fulfilled, including the following:
  - a. Delineation of individual parking and loading spaces.
  - b. Circulation area necessary to serve spaces.
  - c. Access to streets and property to be served.
  - d. Curb cuts.
  - e. Dimensions, continuity and substance of screening.
  - f. Grading, drainage, surfacing and sub-grading details.
  - g. Delineation of obstacles to parking and circulation in finished parking area.
  - h. Specifications as to signs and bumper guards.
  - i. Other pertinent details.

8. Design requirements for parking lots.

- a. Areas used for standing and maneuvering of vehicles shall have durable and dustless surfaces maintained adequately for all weather use and so drained as to avoid flow of water across sidewalks.
  1. Concrete
  2. Asphaltic Concrete
  3. Street Pavers
  4. 6 inches of washed, dust free rock of not less than 1.5-2 inches in size.
  5. 6 inches of shingle tabs
  6. Other types of dust free materials of appropriate depth as may be approved by the City.
- b. All parking surfacing consisting of granular or particulate materials shall be contained in place by suitable edging of a type adequate to assure stability.
- c. No vehicle may be parked in an off-street location except on a driveway or parking area specifically designed and intended for the purpose, and which is in compliance with all other regulations of the City of Phillipsburg.
- d. Except for parking to serve residential uses, parking and loading areas adjacent to or within residential districts or adjacent to residential uses shall be designed to minimize disturbance of residents by the erection between the uses of a sign obscuring fence of not less than five (5) feet nor more than six (6) feet in height except where vision clearance is required.
- e. Artificial lighting which may be provided shall be so deflected as not to shine or create glare in any residential district or on any adjacent dwelling.
- f. Parking spaces along the outer boundaries of a parking lot located adjacent to an arterial street shall be contained by a curb at least four inches high and set back a minimum of four (4) feet from the property line or by a bumper rail.
- g. Access aisles shall be of sufficient width for all vehicle turning and maneuvering.
- h. Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and maximum safety for pedestrians and vehicular traffic on the site. The number of service drives shall be limited to the minimum that will allow the property to accommodate the traffic to be anticipated. Service drives shall not be more than thirty (30) feet in width and shall be clearly and permanently marked and defined through use of rails, fences, walls or other barriers or markers on frontage not occupied by service drives. In the case of a corner lot, service drives shall be located not closer than thirty (30) feet to the intersecting street line. Service entrance drives shall be located no closer than ten (10) feet to a side lot line, except that a common service drive or two (2) adjacent properties with width not exceeding thirty (30) feet may be provided at the common lot line.

- i. Service drives shall have a minimum vision clearance are formed by the intersection of the driveway center line, the street right-of-way line, and a straight line joining the lines through points thirty (30) feet from their intersection.
9. Completion time for parking lots. Required parking spaces shall be improved as required and made available for use before the final inspection is completed by the City Official designated as the Building Inspector.

**SECTION 3. MAINTENANCE:** No motor vehicle repair work or service of any kind shall be permitted in association with any off-street parking facilities. All parking lot surfaces shall be maintained with a smooth, dust-free surface.

**SECTION 4. PERFORMANCE:** In lieu of construction of the required parking lot, the Governing Body of the City may accept a corporate surety bond, cashier's check, escrow account, or other security of a type and in an amount approved by the Governing Body. Such security shall be conditioned upon the actual completion of such work or improvement within the specified time, and shall be enforceable by the Governing Body by all equitable means.

**SECTION 5. APPLICATION:** This Article shall not apply to uses existing as of the date of adoption of this Ordinance.

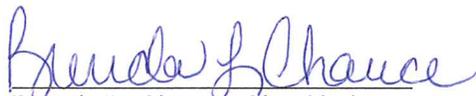
*Section 2. That Article XXIV as contained in a book entitled "Zoning Ordinance and Subdivision Regulations of the City of Phillipsburg, Kansas" as originally adopted in Ordinance No. 1334, is hereby repealed.*

PASSED BY THE CITY COUNCIL THE 15<sup>th</sup> DAY OF August, 2016.

APPROVED BY THE MAYOR THIS 15<sup>th</sup> DAY OF August, 2016.

(SEAL)

ATTEST:



Brenda L. Chance, City Clerk  
City of Phillipsburg, Kansas



Patrick E. Hewitt, Mayor  
City of Phillipsburg