

(Summary Published in the Times-Sentinel
on the 17th day of April 2025.)

THE CITY OF CHENEY, KANSAS

ORDINANCE NO. 968

AN ORDINANCE AMENDING PORTIONS OF THE ZONING CODE OF THE CITY OF CHENEY, KANSAS, REPEALING ALL CONFLICTING PORTIONS OF THE ZONING CODE OF THE CITY OF CHENEY, KANSAS AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHENEY, KANSAS.

WHEREAS, notice of a March 24, 2025 Cheney Planning Commission public hearing concerning proposed revisions to the City of Cheney, Kansas Zoning Code and amendment of the Official Zoning Map of the City of Cheney, Kansas in accordance with such revisions was published in the official city newspaper on February 28, 2025, which is more than twenty (20) days prior to the date of this hearing in accordance with the requirements of K.S.A. 12-756; and

WHEREAS, the Cheney Planning Commission conducted a public hearing on March 24, 2025 concerning proposed revisions to the City of Cheney, Kansas Zoning Code and amendment of the Official Zoning Map of the City of Cheney, Kansas in accordance with such revisions.

WHEREAS, more than fourteen (14) days has elapsed since said public hearing and no protest petition has been filed with the Cheney City Clerk.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CHENEY, KANSAS:

Section 1. Amending Several Sections of the Cheney Zoning Code to Remove Specific Language Related to Design Standards

All Sections of the City of Cheney Zoning Code that contain either of the following statements are hereby amended to remove the following statements:

“Related Information: Design Guidelines; Residential Neighborhood Design Manual; Traditional Neighborhood Design Manual”;

“Related Information: Design Guidelines; Residential Neighborhood Design Manual”;

“Related Information: Design Guideline Manual”;

“Related Information: Design Guidelines”;

“Related Information: Guidelines for Parking Lot and Building Mounted Lighting”;

“Related Information: Guidelines for Internal Parking Lot Landscaping”;

“Related Information: Guidelines for Loading Dock and Service Area Screening”;

“Related Information: Guidelines for Street Plantings”;

“Related Information: Guidelines for Loading Dock and Service Area Screening”;

“Related Information: Guidelines for Buffers Between Conventional Residential and Nonresidential Uses; Guidelines for Street Plantings”;

“Related Information: Guidelines for Buffers Between Conventional Residential and Nonresidential Uses; Guidelines for Street Plantings; Guidelines for Internal Parking Lot Landscaping”;

“Related Information: Guidelines for Internal Parking Lot Landscaping”; and

“Related Information: Guidelines for Buffers Between Conventional Residential and Nonresidential Uses; Guidelines for Internal Parking Lot Landscape”

All other portions of each Section of the City of Cheney Zoning Code that previously contained the statements referenced above shall remain in full force and effect and shall otherwise not be amended unless specifically amended by other portions of this Ordinance. The Sections of the Zoning Code affected by the provisions of this Section include, but are not limited to, Sections 1.05, 5.15, 5.16, 5.18, 6.05, 7.02, 7.03, 8.02, 8.03, 9.02, 10.02, 11.02, 12.02, 14.02, 15.02, 16.02, 17.03, 18.02, 19.02, 22.03, 23.03, 23.05, 23.06, 23.07, 23.09, 23.11, 24.05, 24.06, 24.07, 24.08, 24.09, and 24.13.

1.05 Relationship To Design Guidelines

The provisions of this ordinance may be supplemented from time to time by design guidelines adopted by the City Council by policy, resolution or ordinance. Design guidelines shall be considered as an aid in the interpretation or implementation of the provisions of this ordinance. Design guidelines shall be considered as policy (except those parts derived from this ordinance) and may be modified when deemed appropriate in order to accomplish higher quality development design. In the event of a conflict between a design guideline and any provision of this ordinance, the provision of this ordinance shall regulate.”

Section 2. Amending Section 2.02 of the Cheney Zoning Code

Section 2.02 of the City of Cheney Zoning Code is hereby amended to read as follows:

“2.02 Definition Rules

- A. Where a word or term is not defined in this chapter but is defined elsewhere in this ordinance or in any other municipal ordinance, resolution or policy, such definition shall be applicable unless the context indicates that a standard dictionary definition is more appropriate.
 - 1. Where a word or term is defined in this chapter and also defined elsewhere in this ordinance, the definition contained in this chapter shall be generally applicable except in the chapter or section to which the other definition applies.
- B. Where a word or term is neither defined in this chapter, the definition found in the most current edition of *A Planners Dictionary* dated April 1, 2004, by the American Planning Association, shall be applicable unless the context indicates that a standard dictionary definition is more appropriate.”

Section 3. Adding Section 2.03 to the Cheney Zoning Code

Section 2.03 is hereby added to the City of Cheney Zoning Code to read as follows:

“2.03 Specific Definitions

The following words or terms have the following meanings in this Code:

“Abutting or adjoining” - means joined contiguous to, having common district boundaries or lot lines or being immediately adjacent

“Access” - means of vehicle, bicycle, or pedestrian approach, entry to, or exit from property.

"Accessory Structure" - means a subordinate building having a use customarily incidental to and located on the lot occupied by the main building. A building housing an accessory use is considered to be an integral part of the main building when it has any part of a wall in common with the main building, or is under an extension of the main roof and designed as an integral part of the main building.

"Accessory use" - means a use of a building or land which serves an incidental function to and is customarily associated with, and located on the same lot or premises as, the main use of the premises.

"Adjacent" – means lying near or close to; sometimes, contiguous; or neighboring.

"Adult business establishment" - means any establishment having as a material portion of its business the offering of entertainment, services, stocks in trade or materials, scenes or other representations predominately distinguished by or characterized by emphasis on depiction or description of an erotic nature, including but not limited to depiction or descriptions of "specified sexual activities" or "specified anatomical areas". The definition of "adult business establishment" also includes but is not limited to any and all of the following specific adult businesses: Adult arcade, adult encounter parlor and adult entertainment cabaret.

"Agricultural purposes" - means land, including necessary buildings and structures, shall be considered used for agriculture if the zoning lot contains not less than forty (40) acres of land area, and if the principal use is the raising or keeping of livestock and/or the growing of crops in the open.

"Agricultural use" - refers to the use of land where such land is devoted to the production of plants, animals or horticultural products, including but not limited to: forages; grains and feed crops; dairy animals and dairy products; poultry and poultry products; beef cattle, sheep, swine and horses; bees and apiary products; trees and forest products; fruits, nuts and berries; vegetables; or nursery, floral, ornamental and greenhouse products. Agricultural use shall not include use of land for recreational purposes, suburban residential acreages, rural home sites or farm home sites and yard plots whose primary function is for residential or recreational purposes even though such properties may produce or maintain some of those plants or animals listed in the foregoing definition.

"Airport-heliport" - means an area of land or water that is used or designed, set aside, used or intended for use, for the landing and take-off of aircraft, rotorcraft, etc, of any type, and any appurtenant areas designated, set aside, used or intended for use, for airport buildings or other airport facilities, right-of-ways, or approach zones, together with all airport buildings and facilities located thereon.

"Alley" - means a minor way, dedicated for public use, which is used primarily for secondary means of access to the sides or rear of lots.

"Alteration" - means any addition, removal, extension or change in location of any exterior wall of the main building or accessory building.

"Amendment" - means any addition, deletion, or revision of the text of the Zoning Ordinance, or any addition, deletion, or revision of the Official Zoning Map or the Municipal Code adopted by the Governing Body after public hearings.

"Amenity" - means the characteristics of a development that increase its desirability to a community or its marketability to the public. Amenities may include such things as recreational facilities (e.g. a swimming pool, sports courts, play equipment for children, ball fields, walking trails, etc.), clubhouses, picnic tables, and natural landscape preserves.

"Attached Residential Structures" - means a group of up to four interconnected residential structures with each structure sided on an individual lot.

"Amusement device" - means any machine, game, table or device which is designed, intended or used as entertainment, and may be operated by the public upon the insertion of a coin or token. Amusement device shall include, but not be limited to, devices commonly known as pinball machines, pool tables, video games, electronic games, kiddie rides, mini-theaters, projection devices and video screens, and all games or operations similar thereto, whether or not registering a score. Not included within the definition of amusement device are such devices as food, televisions, phonographs, soft drink and cigarette vending machines.

"Apartment building" - means a building arranged, intended or designed for residence by more than two (2) families.

"Arcade" - means any establishment housing four (4) or more video games, pinball games, air hockey or similar coin-operated amusement apparatus.

"Architectural features" - means physical additions to a structure that allow the creation of different styles including, but not limited to, porches, balconies, dormers, bay windows, shutters, belvederes, chimneys, colonnades, towers, cupolas, cornices, eaves, soldier courses, lintels, and decorative ornaments.

"Attached" - means having a wall, roof or other structural member with building materials and architectural design in common with or in contact with another building.

"Awning" - means a roof-like cover, often of fabric, metal, or glass designed and intended

for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure over a window, walk, door, or the like.

"Berm" - means a man-made mound of earth used to shield, buffer, or screen properties from adjoining uses, highways, or noise, or to control the direction of surface water flow.

"Block" - means a tract or parcel of land entirely surrounded by public highways or streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, drainage-ways, municipal boundary lines, township lines or county lines.

"Blockface" - means the properties abutting on one side of a street situated between intersecting public highways or streets, or by a combination of such street and public parks, cemeteries, railroad rights-of-way, public park, exterior boundary of a subdivision or any other physical barrier to the continuity of development.

"Boat" - means a vehicle for traveling in or on water. The definition of boat includes the trailer, if the boat is mounted on a trailer.

"Buffer" - means an area of land separating two distinct land uses that acts to soften or mitigate the effects of one land use on the other.

"Building" - means any structure with a permanent roof, separated on all sides from adjacent open space by walls, built for the shelter or enclosure of persons, animals, chattels or property of any kind.

"Building Coverage" - means a percentage figure referring to that portion of a lot covered with principal and accessory buildings including balconies, eaves, porches, decks, fireplaces, window-wells and other like protrusions.

"Building elevation" - means a flat, scale drawing of the front, rear, or side of a building.

"Building front" - means the side of a building with the main entrance door.

"Building official" - means the duly appointed building official of the city or his or her designee.

"Camper" - means a separate vehicle designed for temporary recreational human habitation and which can be attached or detached from another vehicle.

"Campground" - means an area of land available for the overnight or temporary parking of recreation vehicles which is in compliance with the zoning and other ordinances of the city.

"Capital Improvement Program (CIP)" - means a proposed schedule of future projects, listed in order of construction priority, together with cost estimates and the anticipated means of financing each project.

"Certificate of Occupancy" - means a document issued by the City of Cheney allowing for the occupancy or use of a building and certifying that the structure or use has been constructed or will be used in compliance with all the applicable codes and ordinances of the City of Cheney.

"City" - means the City of Cheney, Kansas.

"Club or lodge" - means a Class A or Class B Club. Class "A" club means a premises which is owned or leased by a corporation, partnership, business trust or association, and which is operated thereby as a bona fide nonprofit, social, fraternal or war veterans' club as determined by the Director of Alcoholic Beverage Control of the Kansas Department of Revenue, for the exclusive use of the corporate stockholders, partners, trust beneficiaries or associates and their families and guests accompanying them. Class "B" club means a premises operated for profit by a corporation, partnership or individual to which members of such club may resort for the consumption of food or alcoholic beverages and for entertainment.

"Commercial districts" - means districts C-1, C-2

"Commercial vehicle" - means a vehicle with or without its own motive power; with a chassis rated at one (1) ton or more; used primarily for the carrying of equipment, livestock, minerals, liquids or other commodity. Commercial vehicles include hauling and advertising trailers.

"Compatible" - means any properties, uses, designs or services capable of existing together without conflict or adverse effects while considering the Comprehensive Plan, corridor studies, design manuals, design guidelines, and other applicable studies, plans, and policies as approved by the Planning Commission and the Governing Body.

"Complex" - means a group of three (3) or more freestanding buildings, or buildings constructed in such a way as to give an appearance of being interrelated because of architectural similarity and/or interconnected drives and parking areas; or a building divided into three (3) or more separate offices, businesses or apartments provided that the building is not part of a large complex. A complex shall be limited to apartment complexes, office or business complexes, shopping centers and industrial parks.

"Comprehensive Plan" - means the City of Cheney Comprehensive Plan as adopted pursuant to KSA 12-747 et seq. A comprehensive plan is defined to be: the materials, written and/or graphic, including but not limited to maps, charts, studies, resolutions, reports and other descriptive material that identify standards, devices and instruments for

the immediate and long-range protection, enhancement, growth and development of the municipality.

"Concept Plan" - means a plan showing design of streets, driveway entrances, limit of no access lines, major/minor drainage area, proposed uses (residential, commercial, industrial, or comparable uses), open areas, parks, tree preservation, and other significant features of the tract.

"Cul-de-sac" - means a street with only one (1) outlet and having an appropriate terminus for the safe and convenient reversal of traffic movements.

"Curb level" - means the mean level of the curb in front of the lot or, in the case of a corner lot, along the abutting streets, where the mean curb level is the highest.

"Customary passenger Vehicle" - means a vehicle with its own motive power; not exceeding twenty (20) feet in overall length, eight (8) feet in width or seven (7) feet in overall height; and primarily designed to carry persons. Small pickup trucks and vans, meeting the aforesaid dimensions, shall be considered as customary passenger vehicle.

"Child-care" - means regulations for licensing various day-care homes and group day-care homes for children in accordance with requirements of K.S.A. 65-501 through 65-516, K.A.R. 28- 4-123 through 28-4-132 and amendments thereto.

"Day-care" - means the provision of supervision, training, food, lodging or medical services to persons for less than twenty-four (24) hours a day, including the following:

1. "Adult day-care" means a facility for adults having some or all of the characteristics of homes for the elderly, whether operated for profit or not, which through its operation provides one (1) or more personal services for four (4) or more persons not related by blood or marriage to the owner or operator, for a period less than twenty-four (24) hours. Personal services are in addition to housing and food service, and include but are not limited to: personal assistance with bathing, dressing, housekeeping, supervision, eating, supervision of self-administered medication, and assistance in securing health care from appropriate sources.
2. "Child-care center" means a facility in which day-care and educational activities are provided for thirteen (13) or more children, six (6) weeks to sixteen (16) years of age for more than three (3) hours but less than twenty-four (24) hours per day, including daytime, evening and nighttime care. A facility may operate as a childcare center with fewer than thirteen (13) children.
3. "Family day-care home" means a place maintained for the purpose of providing children with day-care away from such children's homes, for less than twenty-four (24) hours a day, provided that not more than four (4)

children cared for at such place and not more than three (3) of the children cared for at such place are less than eighteen (18) months of age.

4. "Group day-care home" means a home in which care is provided for a maximum of twelve (12) children under sixteen (16) years of age, with a limited number of children under kindergarten age in accordance with K.S.A. 28-4-114 (f)(1), and any amendments thereto.
5. "Mother's Day Out program" means a day-care program operating more than two (2) consecutive hours or more than one (1) day per week and in which any one (1) child is enrolled for not more than one (1) session per week.
6. "Preschool" means a day-care facility:
 1. Which provides learning experiences for children who have not attained the age of eligibility to enter kindergarten prescribed in KSA 72-1107(c), and any amendments thereto and who are thirty (30) months of age or older;
 2. Which conducts sessions not exceeding three (3) hours per session;
 3. Which does not enroll any child in more than one (1) session per day; and
 4. Which does not serve a meal.

The term "preschool" shall include all educational preschools, nursery schools, church-sponsored preschools, and cooperatives. A "preschool" may have fewer than thirteen (13) children.

"Dedication" - means the conveyance by a property owner or developer of private land for public use.

"Deed" - means a written instrument whereby title to property is conveyed.

"Deed restriction" - means a private restriction on the use of land, attached in the deed to a property.

"Density" - means the number of dwelling units permitted per net acre of land.

"Detached" - means that a building does not have a wall, roof or other structural member in common with or in contact with another building.

"Detention basin" - means a structure or facility, natural or artificial, which stores storm water on a temporary basis and releases it at a controlled rate.

"Developer" - means a person, firm or corporation undertaking the subdividing of land or the development of land, and shall include the person, firm or corporation who is responsible for installing the public improvements on the land.

"Development" - means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

"Display area or lot" - means an off-street paved area designated for the advertisement or display of customary passenger cars, motor vehicles, recreational vehicles, boats, tractors and other motorized machinery except large construction equipment.

"Drinking establishment" - means a premises which may be open to the general public, where alcoholic liquor by the individual drink is served.

"Drive-in service" - means the service of food or other goods, services or entertainment where patrons remain in their motor vehicles which are parked in spaces provided on the premises for that purpose.

"Drive-through service" - means service where patrons are served through a window or other device while remaining in their motor vehicles and where products served to patrons are normally not consumed on the premises.

"Dwelling" - means a building or portion thereof designed exclusively for residential occupancy, including single-family, two-family and multifamily dwellings, but not including hotels or motels.

"Dwelling, apartment building" - means a building arranged, intended or designed for residence by three (3) or more families living independently of each other.

"Dwelling, condominium" - means a multi-unit dwelling or development containing individually owned dwelling units and jointly owned and shared areas and facilities.

"Dwelling, fourplex" - means a building arranged, intended or designed for four (4) dwelling units.

"Dwelling, multifamily" - means a building, or portion thereof, arranged, intended or designed for three (3) or more dwelling units, and commonly referred to as a triplex, fourplex, townhouse, condominium or apartment building.

"Dwelling, residential design manufactured home" - means a manufactured home on permanent foundation which has: (a) minimum dimension of twenty-two (22) body feet in width; (b) a pitched roof not less than 4/12; and (c) siding and roofing materials which are customarily used on site-built homes.

"Dwelling, row house" - see Dwelling, townhouse.

"Dwelling, single-family" - means a building arranged, intended or designed for one (1) dwelling unit.

"Dwelling, two-family" - means a building arranged, intended or designed for two (2) dwelling units, commonly referred to as a duplex.

"Dwelling, townhouse" - means a single-family dwelling in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire-resistant walls.

"Dwelling, triplex" - means a building arranged, intended or designed for three (3) dwelling units.

"Dwelling unit" - means an enclosure containing sleeping, kitchen and bathroom facilities designed for and used or held ready for use as a permanent residence by one (1) family.

"Easement" - means a permanent or temporary grant of right by a landowner to the public, a corporation or other persons, of the use of a portion of a lot or tract of land for specified purposes where title to said portion of the lot or tract of land remains with the landowner.

"Elevation" - means the horizontal alignment of a surface, as it exists or as it is made by cut and/or fill.

"Emergency vehicle" - means any authorized emergency vehicle in accordance with K.S.A. 8-1404 and any amendments thereto.

"Façade" or "face" - means the exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

"Family" - means one (1) or more persons who are related by blood or marriage, living together and occupying a single housekeeping unit with single kitchen facilities; or a group of not more than four (4) unrelated adult persons, living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities.

"Fence" - means a freestanding structure intended to provide privacy, protection or confinement or to redirect a person's direction of travel. "Floodplain, floodway and floodway fringe" - See Chapter 20 - Floodplain Zoning.

"Floor area" - (For determining floor area ratio and size of establishment) means the sum of the gross horizontal area of the several floors of the building measured from the exterior face of the exterior walls, or from the center line of walls separating two (2) buildings. The "floor area" of a building shall include interior balconies, mezzanines, and enclosed

porches, penthouses for mechanical equipment, basement floor area but not cellar floor with a headroom of seven (7) feet or less, or attic space having headroom of seven (7) feet or less; however, any space devoted to off-street parking or loading shall not be included in "floor area." The "floor area" of structures devoted to bulk storage of materials including, but not limited to, grain elevators and petroleum storage tanks, shall be determined on the basis of height in feet; i.e., ten (10) feet in height shall equal one (1) floor.

"Floor area ratio (FAR)" - means the floor area of the building or buildings on a zoning lot divided by the area of such zoning lot, or, in the case of planned developments, by the net site area. The "floor area ratio" requirements - as set forth under each zoning district - shall determine the maximum floor area allowable for the building or buildings (total floor area of both principal and accessory buildings) in direct ratio to the gross area of the zoning lot.

"Frontage" - means the portion of a lot or parcel of property which abuts a dedicated public street or highway.

“Lot Frontage” means the distance for which the front boundary line of the lot and the right-of-way are coincident.

“Street Frontage” means all of the property on one side of a street between two intersecting streets (crossing or terminating), measured along the line of the street, or if the street is dead-ended, then all of the property abutting one side of a street between an intersecting street and the dead-end of the street.

“Primary Street Frontage” means the street frontage for which the property address is determined.

"Future Land Use Plan" - means the map portion of the Comprehensive Plan which is the graphic representation of the city's land use goals, objectives and policies.

"Garage" - means an accessory structure or portion of a main building primarily used for storage of motor vehicles.

"Governing Body" - means the elected officials including the Mayor and City Council of the City of Cheney, Kansas.

"Grade" - means a reference plane representing the average finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest point(s) within the area between the building and the lot line or, when the lot line is more than six (6) feet from the building, between the building and a point located six (6) feet from the building.

"Ground cover" - means landscape materials, or living low-growing plants other than turf grass, installed in such a manner so as to form a continuous cover over the ground surface.

"Gross land area" - means all land contained within the boundaries of a particular lot or tract of legally described property, including all existing and proposed public and private streets and one-half of any abutting street rights-of-way, excluding state and federal highway rights-of-way.

"Group boarding home for adults" - means a residential dwelling unit for five (5) or more persons, eighteen (18) years of age or older, and a group home as defined by K.S.A 12-736, and amendments thereto.

"Group boarding home for minors" - means a residential facility for six (6) or more persons under eighteen (18) years of age who for various reasons cannot reside in their natural home and where twenty-four (24) hour adult care, supervision and consultation exists under license of the Kansas Secretary of Health and Environment, except where it is a group home as defined by KSA 12-736.

"Height of a building or structure" - means the vertical distance from the average ground level abutting a building or structure to the highest point of a building or highest point of any permanent part of a structure other than a building. Height, where not regulated in feet, shall be regulated by stories, and a story shall be equal to twelve (12) feet for purposes of measuring structures.

"Highway" - means a thoroughfare controlled and/or maintained by the Kansas Department of Transportation (KDOT).

"Home occupation" - means an accessory use by the occupant(s) of a dwelling unit in which goods are produced or traded, or services are rendered, as an economic enterprise. Such use shall be clearly incidental or subordinate to the residential use of a dwelling.

"Hotel" - means a building in which lodging or boarding and lodging are provided for primarily transient persons and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. A hotel may include restaurants, taverns, club rooms, public banquet halls, ballrooms, and meeting rooms.

"Industrial districts" - means districts M-1

"Improvements" - means any structure, grading, street surfacing, curbs and gutters, sidewalks, bike-ways, cross-walks, water mains, sanitary sewers, storm sewers, drainage

ditches, culverts, bridges, trees and other additions or deletions from the natural state of land which increase its utility or habitability.

"Inoperable equipment or parts" - means any equipment or machine which is not in condition to be operated in a normal or customary manner. This is to include all manner of equipment or machines, or any major parts thereof such as body, chassis, engine, frame, wheels, tires or trailer portion of a tractor-trailer rig.

"Junk" - shall include, but not limited to: older scrap copper; brass; rope; rags; batteries; paper; trash; rubber; debris; waste; junked, dismantled, scrapped or wrecked motor vehicle or parts thereof; iron; steel; or other old or scrap ferrous or nonferrous material or similar materials.

"Junkyard" - shall mean an establishment or part thereof, which is maintained, operated, or used for storing, keeping, repairing, buying or selling junk, including any parts of vehicles, equipment, or machines or discarded or similar materials, or for the maintenance or operation of a salvage yard.

"Kennel" - means a commercial operation that: 1) provides food, shelter and care for more than four (4) animals of six (6) months of age or older for purposes not primarily related to medical care (a kennel may or may not be run by or associated with a veterinarian); or 2) regularly engages in the breeding of animals for sale.

"Landowner" - means the legal or beneficial owner or owners of a lot or tract. The holder of a contract to purchase or other person having an enforceable proprietary interest in a lot or tract shall be deemed a landowner.

"Landscape material" - means such living materials as trees, shrubs, ground cover, vines, turf grasses, and non-living materials such as rocks, pebbles, sand, bark, brick pavers, earthen mounds (excluding pavement), and other items of a decorative or embellishment nature such as fountains, pools, walls, fencing, sculpture, etc.

"Landscaped open space" - means that part of the net land area which is free of streets, structures, or parking areas and provided to improve the drainage, microclimate and aesthetics of the site. Such areas are usually landscaped and appropriately located to achieve maximum effect and appeal. Typically, such space includes lawn areas, shrubs and trees, walkways, paved terraces, sitting areas and outdoor recreational areas. Unpaved land areas within private or public street rights-of-way are not counted as landscaped open space unless they are in excess of minimum right-of-way standards.

"Landscaping" - means bringing the soil surface to a smooth finished grade and installing sufficient trees, shrubs, ground cover and grass to soften building lines, provide shade and generally produce a pleasing visual effect of the premises.

“Loading area” or “loading dock” - means an off-street space on the same lot with a building or group of buildings for temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

"Lot" - means a parcel of land occupied, or to be occupied, by one (1) main building or unit group of buildings, and the accessory buildings or uses customarily incident thereto, including such open spaces as are required under these regulations, and having its principal frontage upon a public street. A lot as used in this ordinance may consist of one (1) platted tract or a part thereof pursuant to a formal lot split.

"Corner lot" means a lot located at the intersection of two or more streets at an angle of not more than 135 degrees. If the angle is greater than 135 degrees, the lot shall be considered an interior lot.

"Double-frontage lot" see “through lot”.

“Flag lot” means a lot with frontage and access provided to the bulk of the lot by means of a narrow corridor. The lot width of a flag lot shall be measured at the midpoint of the main portion of the lot.

"Interior lot" means a lot other than a corner lot which has frontage on one street or road only. In the case where two streets or roads intersect at an angle of 135 degrees or more, then the adjacent lot(s) shall be considered an interior lot.

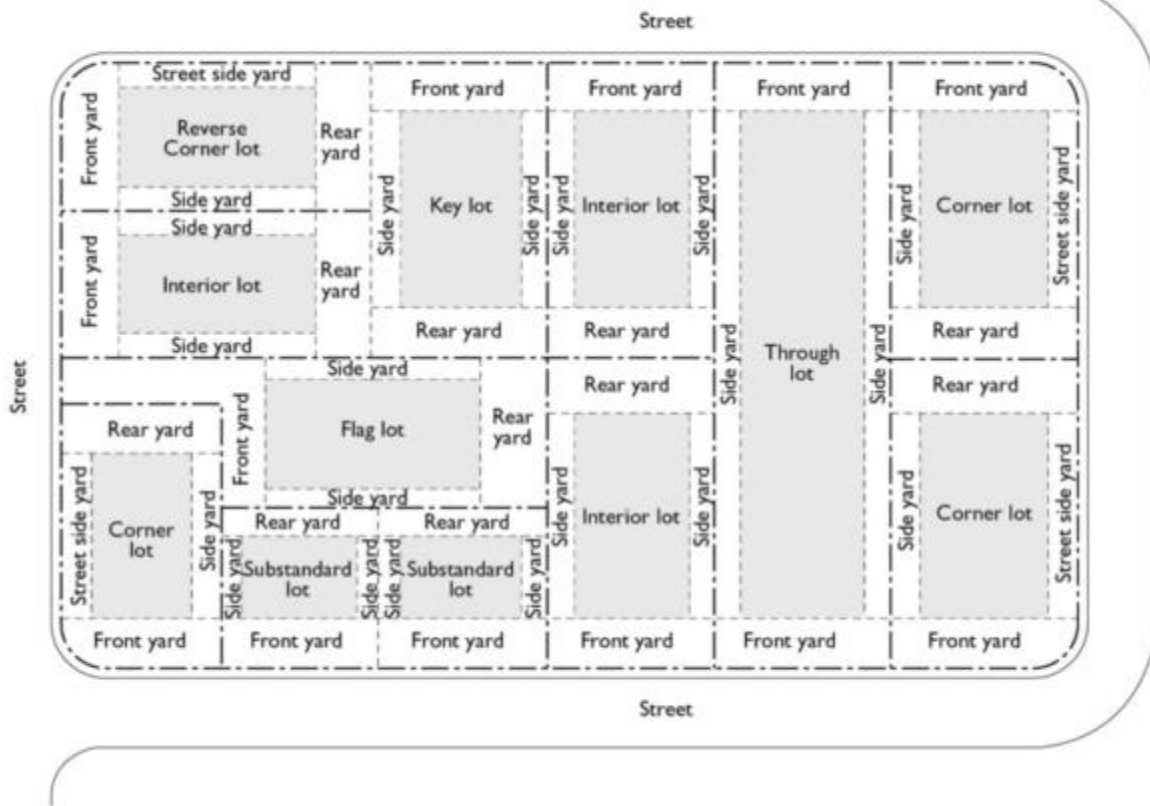
“Key lot” means an interior lot adjoining the rear lot line of a reversed corner lot

"Platted lot" means a portion of a subdivision intended as a unit for transfer of ownership or for development.

“Reverse corner lot” means a corner lot, the rear of which abuts the side of another lot, whether across a lane or not.

"Through lot" means a lot having frontage on two non-intersecting dedicated streets or road rights-of-way, not including a corner lot.

The following diagram is a visual representation of the lots defined above and recognized by the City of Cheney, Kansas:



"Lot area" - means the total area, on a horizontal plane, within the lot lines of a lot.

"Lot coverage" - means a percentage figure of intensity of land use that represents the portion of a site that is impervious (i.e. does not absorb water). This portion includes, but is not limited to, all areas covered by buildings, parked structures, driveways, roads, sidewalks, and any area of concrete asphalt or other imperious surfaces.

"Lot depth" - means the average distance from the front property line to the rear property line, measured in the general direction of the side property lines of the lot.

"Lot line" - means the property line bounding a lot.

"Front lot line" means the property line abutting a public or private street or road right-of-way upon which the permanent street address is based. In the case of a corner lot where there are two (2) lot lines abutting intersecting streets, the front lot line shall normally be the one with the shortest length.

"Side lot line" means any lot line other than a front lot line or rear lot line.

"Rear lot line" means a lot line which is opposite and most distant from the front lot line.

"Lot width" - means the horizontal distance between the side lot lines, measured at the front setback line or the front platted building line, whichever is greater.

"Main building" or "main structure" - means the primary building or structure on a lot or a building or the structure that houses a principal use.

"Major street map" - means the current official map adopted by the Governing Body pursuant to KSA 12-705c as amended by KSA 12-765.

"Manufactured home" - means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities which is subject to the federal manufactured home construction and safety standards established pursuant to (US Code) 42 USC Section 5403 – Construction & Safety Standards. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty (180) days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, or other similar vehicles.

"Manufactured home park" - means a tract of land meeting the requirements of this ordinance containing suitable drives, utilities and other supporting elements, and devoted to the sole purpose of accommodating mobile homes or manufactured homes on a permanent or a semi-permanent basis.

"Manufactured home space" - means that area of land within a manufactured home park set aside for use as a site for one (1) manufactured home, including the open spaces around said home.

"Mixed use" - means a tract of land, building or structure developed for two (2) or more different uses including but not limited to, residential, office, manufacturing, retail, or public.

"Motor home" - means a vehicle used, or so constructed as to permit being used, as a conveyance upon the public streets and highways and constructed in such a manner as will permit occupancy thereof for human habitation, dwelling or sleeping places for one or more persons, provided further that this definition shall refer to and include all portable contrivances used or intended to be used generally for living and sleeping quarters and which is capable of being moved by its own power, towed or transported by another vehicle.

"Motel or motor hotel" - means a building or group of buildings containing one (1) undivided tract or parcel of land with a group of individual private units, each provided with separate sleeping room or rooms, having bath, lavatory and toilet facilities, designed and to be used primarily for transient guests traveling by a motor vehicle.

"Motor vehicle" - means a self-powered motorized vehicle for use on streets or highways, including customary passenger vehicles, recreational vehicles and trucks. Does not include trailers.

"Motor vehicle, dismantled" - shall mean that a number of useful parts, including but not limited to tires, batteries, doors, hoods, or windows have been stripped from the motor vehicle as to render the motor vehicle unsafe to operate.

"Motor vehicle, inoperable" - shall mean a motor vehicle which cannot be driven away in a safe or legal condition (including vehicles that are not legally tagged with the State of Kansas), and shall not include wrecked, scrapped, ruined or dismantled vehicles.

"Motor vehicle, ruined" - shall mean a motor vehicle which is substantially damaged to the extent that it is valueless or useless as an operable motor vehicle.

"Motor vehicle, scrapped" - shall mean that it has no value as an operable motor vehicle or parts thereof and most of the motor vehicle and parts thereof to be useful only as materials for reprocessing, re-melting, remanufacturing, or disposal for salvage or scrap material.

"Motor vehicle, wrecked" - shall mean those motor vehicles which have more than twenty-five (25) percent of the vehicle in damaged condition externally as to render it unsafe to operate.

"Natural features" - means the physical characteristics of properties that are not man-made (e.g. soil types, geology, slopes, vegetation, surface water, drainage patterns, aquifers, recharge areas, climate, floodplains, aquatic life, and wildlife).

"Neighborhood" - means a sub-area of the City in which the residents share a common identity focused around public facilities and social institutions or other common features, and generally within walking distance of their homes.

"Net acre" - means an acre within the perimeter of a development tract after excluding all dedicated arterial street rights-of-way.

"Net site area" - means the land area of a lot, tract or property, excluding all areas dedicated to the city, such as open space, park and greenways, and public street and

alley rights-of-way, as are required by this ordinance. Easements which remain under private ownership are calculated as part of the net site area.

"Nonconforming use" - means a nonconforming situation that occurs when property is used for a purpose or in any manner made unlawful by the use regulations or development and performance standards applicable to the zoning district in which the property is located. The term also refers to the activity that constitutes the use made of the property.

"Nursing facility" - means a building, or a group of buildings, licensed by the State, where for compensation pursuant to the previous arrangement, care is offered or provided for three (3) or more persons suffering from illness, other than a contagious disease, or sociopath or psychopathic behavior, which is not of sufficient severity to require hospital attention, or for three (3) or more persons requiring further institutional care after being discharged from a hospital, clinic or similar institutions.

"Official Street Map" - means the current official map adopted by the governing body pursuant to KSA 12-705c as amended by KSA 12-765.

"Official Zoning Map" - means the zoning map adopted by the city pursuant to KSA 12-753.

"Open space" - means any parcel or area of land or water set aside, dedicated, designated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space. Open space may include common, active and landscaped areas, as well as, areas of natural preservation.

"Open space, active" - means that part of the net site area of a development that may be improved or set aside, dedicated, designated or reserved for recreational use such as swimming pools, play equipment for children, ball fields, picnic tables, sports courts, etc.

"Open space, common" - means that part of the net site area of a development, not individually owned or dedicated for public use, that is designed and intended for the common use or enjoyment of the residents of a development.

"Open space, landscaped" - means that part of the net site area which is free of streets, structures, or parking areas and provided to improve the drainage, microclimate and aesthetics of the site. Such areas are usually landscaped and appropriately located to achieve maximum effect and appeal. Typically, such space includes lawn areas, shrubs and trees, walkways, paved terraces, sitting areas and outdoor recreational areas. Unpaved land areas within private or public

street rights-of-way are not counted as landscaped open space unless they are in excess of minimum right-of-way standards.

"Ordinance" - means the City of Cheney, Kansas Zoning Code.

"Other motorized machinery and equipment" - means a vehicle or equipment not generally used on streets or highways and designed for use during construction, landscaping, farming and similar activities. Examples include tractors, combines, backhoes, graders, cranes, etc.

"Overlay district" - means a district which acts in conjunction with the underlying zoning district or districts.

"Parking area or lot" - means any portion of a parcel of land used for parking or storage of operable motor vehicles on a temporary (less than twenty-four [24] hour) basis which is connected with a street or alley by a paved driveway which affords ingress and egress for motor vehicles.

"Parking space" - means an enclosed or unenclosed paved area permanently reserved for the temporary (less than twenty-four [24] hour) storage of motor vehicles and connected with a street or alley by a paved driveway which affords ingress and egress for motor vehicles.

"Permit, building" - means a permit issued by the building official which authorizes the construction, reconstruction, alteration, enlargement, conversion, remodeling, rehabilitation, erection, demolition, moving or repair of a building or structure.

"Permit, special use" - means a specific approval for a use that has been determined to be more intense or to have a potentially greater impact than a permitted or conditional use within the same zoning district.

"Planned zoning district" - means the zoning of a lot or tract to permit that development as specifically depicted on plans approved in the process of zoning that lot or tract.

"Plat" - means a map depicting the division or subdivision of land into lots, blocks, parcels, tracts or other portions thereof.

"Plat, Final" means a drawing of a permanent nature showing the precise location and dimension of such features as streets, lots, easements and other elements pertinent to transfer of ownership and prepared for permanent record.

"Plat, Preliminary" means a drawing showing the proposed general patterns of streets, lots and land uses within a tract to be subdivided.

“Plat, One-Step” means the combination of a Plat, Final and Plat, Preliminary into a single Final Plat for submission to, review and approval by the City in accordance with the provisions of this Code and relevant state statutes.

"Recreational vehicle" - means a vehicular-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The entities are: camping trailer, fifth-wheel trailer, motor home, travel trailer, and truck camper. It does not include pickup hoods, shells or canopies designed, created or modified for occupational usage.

"Camping trailer" means a vehicular portable unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreational, camping or travel use.

"Fifth - wheel trailer" means a vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use, of such size or weight as not to require special highway movement permit(s), of gross trailer area not to exceed four hundred (400) square feet in the set up setup mode, and designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle's rear axle.

"Motor home" means a vehicular unit designed to provide temporary living quarters for recreational, camping or travel use built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van which is an integral part of the completed vehicle.

"Travel trailer" means a vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping or travel use, of such size or weight as not to require special highway movement permits when towed by a motorized vehicle, and of gross trailer area less than three hundred twenty (320) square feet.

"Truck camper" means a portable unit constructed to provide temporary living quarters for recreational, camping or travel use, consisting of a roof, floor and sides, designed with a minimum extension of thirty-six (36) inches extending over the cab of a pickup truck, and designed to be loaded onto and unloaded from the bed of a pickup truck.

"Recycling collection point" - means an accessory use or structure that serves as a drop-off point for recyclable materials. The temporary storage of such items would be permitted, but no processing would be allowed.

“Redevelopment” - means the redesign or rehabilitation of existing properties.

"Regulatory flood elevation" - means elevation indicated in the Flood Insurance Study as the elevation of the one hundred (100) year flood.

"Residential districts" - refers to zoning districts RR, R-1, R-2, R-3, R-4.

"Restaurant" - means a building wherein food is prepared and served in ready-to-eat form to the public for human consumption. "Restaurant" includes cafe, cafeteria, grill, pizza parlor, diner, snack shop, hamburger shop, steak house, etc.

"Re-subdivision" - means a change in a map of an approved or recorded subdivision plat, if such change affects any street layout on such map or area reserved for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption date of this ordinance. "Retention basin" - means a reservoir designed to retain storm water runoff on a relatively permanent basis with the primary release of water being through evaporation, infiltration into the ground or controlled overflow.

"Rezoning" - means an application for amendment of the zoning district classification applicable to one (1) or more specific lots or tracts.

"Right-of-way" or "rights-of-way" - means the total width of any land reserved or dedicated as a street, alley, sidewalk, or for other public or private use.

"Rule exception" - means the allowing of a subdivision to deviate from one (1) or more specific standards and requirements of these rules and regulations.

"Runoff" - means the surface water discharge and rate of discharge of a given watershed after a full rain or snow that does not enter the soil but runs off the surface of the land.

"Salvage yard" - means any establishment or part thereof, which is maintained, used or operated for storing, keeping, buying, repairing, or selling any wrecked, scrapped, ruined, and/or dismantled motor vehicles or parts thereof.

"Screening" - means a method of visually shielding or obscuring one abutting or nearby structure or use from another by the use of berms, densely planted vegetation, fencing, or walls.

"Sedimentation" - means the process by which soil or other surface material is accumulated or deposited by wind, water, or gravity.

"Setback line" - means a line, parallel to the respective lot line and internal to the lot, which defines the required building setback as specified in the district regulations.

"Front setback line" shall be parallel to the front lot line and shall extend from side lot line to side lot line.

"Rear setback line" shall be parallel to all rear lot lines and shall extend from side lot line to side lot line.

"Side setback lines" are parallel to any side lot line and extend from the front setback line to the rear setback line.

"Setback" or "building setback" or "yard setback" - means that area between a lot line and the respective setback line which shall remain unobstructed by buildings or structures from the ground to the sky, except as may be specifically permitted by other provisions of the Zoning Ordinance.

"Shopping center" - means a group of commercial establishments planned, developed, owned or managed as a unit, related in size (gross floor area) and type of shops to the trade area that the unit serves, and with off-street parking provided on the property.

"Sight Distance" - means a triangular shaped portion of land established at street intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving an intersection.

"Sign" - means any framed, bracketed, free-formed, or engraved surface which is fabricated to create words, numerals, figures, devices, designs, trademarks or logos, which is mounted on or affixed to a building or the ground, and which is sufficiently visible to persons not located on the lot where such device is located to attract the attention of such persons or to communicate information to them. "Sign" includes sign supports.

"Site" - means the existing lot of record proposed for land development, including subdivision.

"Site development plan" - means a detailed drawing (to scale) showing the proposed development of a specified parcel of land, including the location and design of buildings, easements, utility layouts, parking arrangements, public access, street patterns, drainage controls, existing vegetation and natural features, landscaping, lighting and other similar features.

"Stable" - means a structure or premises for the keeping of horses, ponies, donkeys or mules.

"Storage" or "stored" - shall mean the keeping of items, equipment, vehicles, trailers or materials for a period of time longer than would be involved in the normal day-to-day use or consumption of the same.

"Storage area or lot" - means any off-street area designated and used for the placement,

keeping, holding and storage of inoperable vehicles, vehicles awaiting repair, and parts thereof; building materials, supplies and equipment; trailers; heavy construction equipment and other motorized vehicles and equipment, but not for junkyard or salvage yard purposes.

"Story" - means that part of a building included between the surface of one (1) floor and the surface of the floor above or, if there is no floor above, that part of the building which is between the surface of the floor and the ceiling next above. A top story attic is a half-story when the main line of the eaves is not above the middle of the interior height of such story. The first story is a half-story when between fifty (50) and seventy-five (75) percent of the area of its exterior walls are exposed to outside light and air entirely above grade in which exterior walls contain windows or doors permitting the entrance of daylight and outside air. When less than fifty (50) percent of the area of the walls of the first story is exposed to outside light and air entirely above grade, that story shall be classed as a basement and in the case of multifamily dwellings may not be occupied as a residence by other than a caretaker or manager.

"Street" - means a right-of-way or easement affording vehicular access to abutting properties designated as a street, avenue, highway, road, boulevard, lane or throughway. The following are street types:

"Collector Street" means a street which provides traffic circulation within residential areas. Land access is a secondary function of the collector. The collector distributes trips from the arterials to the local street network.

"Local Street" means a street which provides direct traffic access to abutting land in residential areas.

"Major Arterial" means a street or highway that provides for rapid and efficient movement of large volumes of through traffic between sections of the city and across the urbanized area. It is not primarily intended to provide land access service.

"Minor Arterial" means a street which provides for the through traffic movement between areas and across the city. A minor arterial accommodates trips of moderate length at a somewhat lower level of service and lower operating speeds than the major arterial.

"Private street" means an easement which affords principal access to property abutting thereon, which easement is owned, controlled and maintained by persons other than the public.

"Public street" means a right-of-way which affords the principal means of vehicular access to property abutting thereon which right-of-way has been dedicated to the public for such use.

"Service Street" means a street which provides traffic circulation within commercial and industrial developments and complexes from the arterial street system.

"Street line" - means the dividing line between the street right-of-way and the abutting property commonly known as the property line.

"Structural alteration" - means any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

"Structure" - means anything constructed or erected, which requires location on the ground, or attached to something having a location on the ground.

"Subdivider" - means a person, firm or corporation undertaking the subdividing of land.

"Subdivision" - except for "lot-split" as defined below, means the division of a lot, tract or parcel of land into two (2) or more lots, plots, sites or other division of less than five (5) acres, including a re-subdivision of land and vacation of streets, lots or alleys. The creation of a street, alley or other public way by dedication shall be deemed a subdivision. "Lot-split" means the division of a platted lot into two (2) or more lots or portions thereof.

"Temporary structure" - means a structure that is to be removed within a designated time period, activity, or use for which the temporary structure was erected has ended.

"Tract" - means a single unit of real property under one (1) ownership, which may be platted or unplatted.

"Trailer" - means a vehicle equipped with wheels and normally towed over the road behind a motor vehicle.

"Advertising trailer" means a trailer carrying, or having attached thereto a sign, billboard or other media for advertising purposes, such advertising being the prime purpose and use of the trailer.

"Use" - means the purpose or activity for which the land, or building thereon, is designed, arranged or intended, or for which it is occupied or maintained.

"Use, permitted" - means a use permitted by right without the need for special administrative review and approval.

"Use, principal" - means the main use of land or buildings as distinguished from a

subordinate or accessory use. The principal use may be either a permitted or a special use.

"Use, special" - means a use either public or private, which, because of its characteristics, cannot be classified as a permitted use in a particular district or districts without prior review and recommendation by the Planning Commission and approval by the Governing Body. Special uses may be conditionally approved.

"Use, temporary" - means any use designed, built, erected or occupied for short and/or intermittent periods of time and shall include tents, lunch wagons, dining cars, trailers and other roofed structures on wheels or other supports used for business, storage, industrial, institutional, assembly, educational or recreational purposes. Such temporary use requires a permit from the City.

"Variance" - means a variation from a specific requirement in this ordinance applicable to a specific piece of property as provided in Section 5.33 – Chapter 5 Applications and Procedures hereto.

"Waiver" - means a process for alleviating a specific requirement in this ordinance.

"Watercourse" - means a channel in which a flow of water occurs, either continuously or intermittently, and in the latter, with some degree of regularity. Such flow must be in a definite direction and cover a prescribed area. Watercourses may be either natural or artificial, and both may occur either on the surface or underground.

"Watershed" - means a land area, also known as a drainage area, which collects precipitation and contributes runoff to a receiving body of water or point along a watercourse.

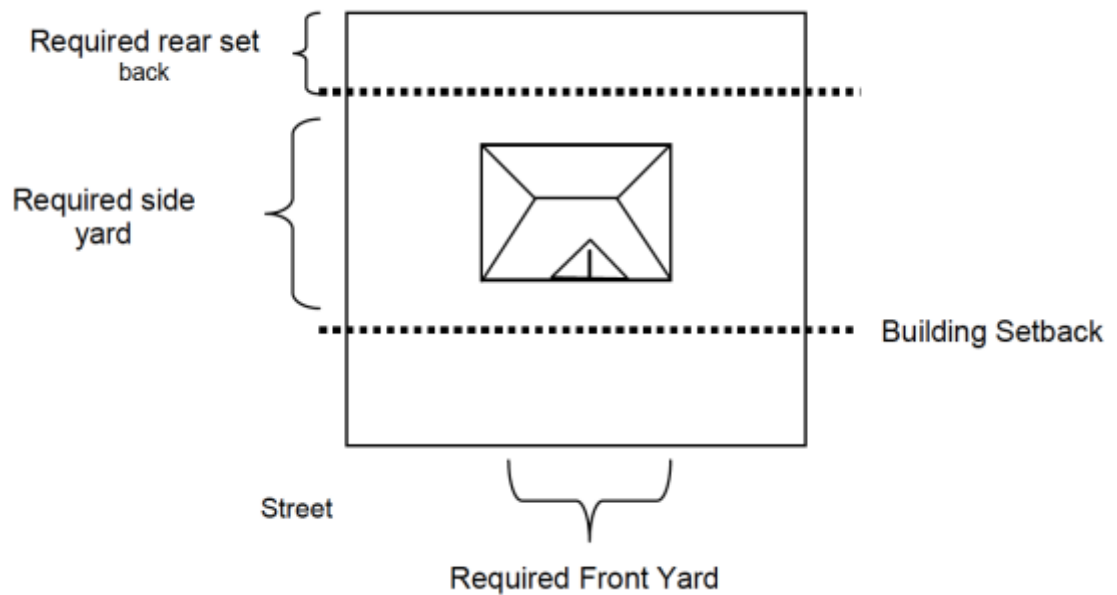
"Yard" - means any open space on the same lot or parcel with a building or group of buildings, which open space is unoccupied and unobstructed from the ground upward to the sky, except for building projections or for accessory buildings or structures permitted by these regulations.

"Front yard" means a yard across the full width of the lot extending from the front line of the main building to the front lot line, adjacent to a street.

"Rear yard" means the area between the rear property line and the rear yard setback line, which extends the full width of the lot or parcel.

"Side yard" means the area from the front yard or from the front lot or parcel line where no front yard is required by these regulations, to the rear yard, or rear lot or parcel line, between a side lot or parcel line and the side yard setback line.

See diagram below.



"Required yard" means that portion of any yard constituting the minimum area required in any zoning district, but excluding that portion of the yard in excess of the minimum required area.

"Side Street Front Yard" means a yard that occurs on a corner lot along the length of the lot. The side street front yard is adjacent to the side street public right-of-way and is generally perpendicular to the established front yard. Special setback requirements apply for side street front yards, see Figure A1 and A2.

Figure A1:

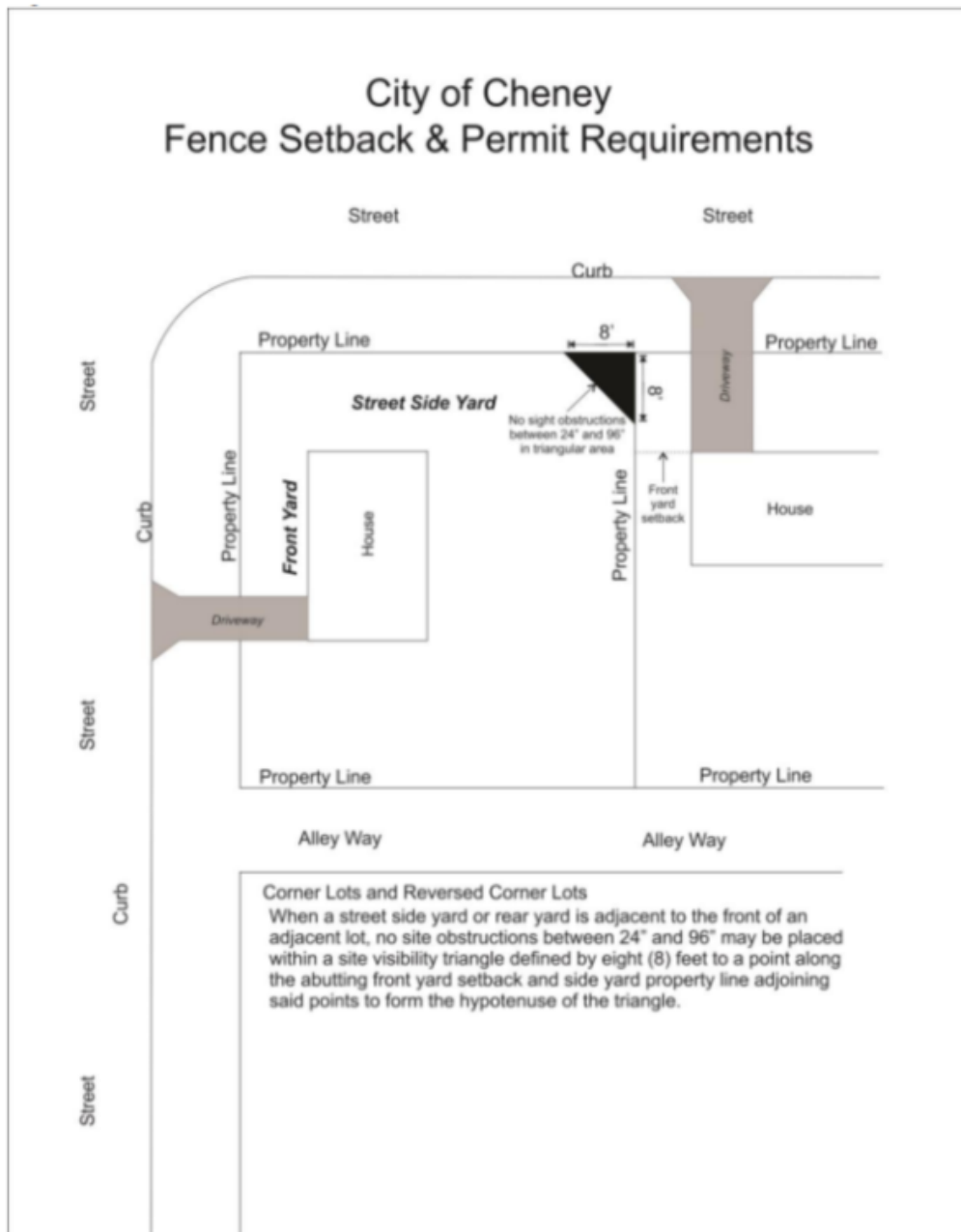
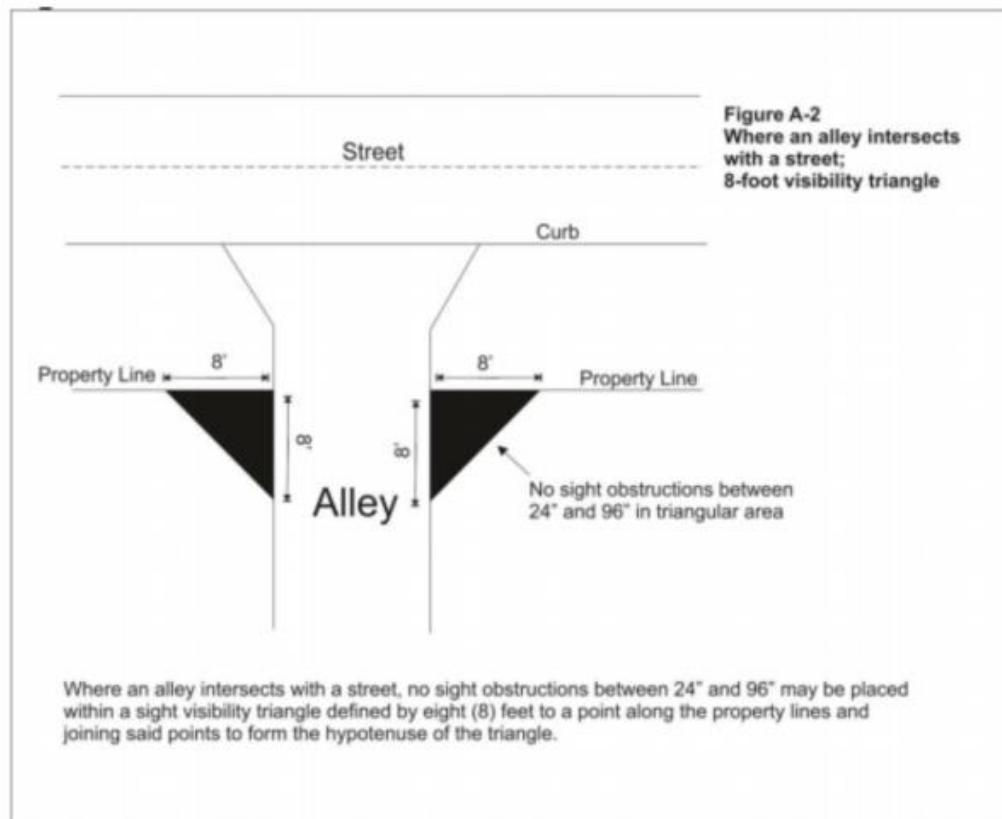


Figure A2:



“Zoning” - means the division of the City by legislative regulations into areas, or zones, which specify allowable uses for real property and size and density restrictions for buildings within these areas.

“Zoning Certificate” - means a certificate issued by the City, certifying that any proposed use, building, or structure to be located on a lot is in accordance with all of the regulations of this ordinance.

“Zoning district” - means a section or sections of the City for which the regulations governing the use of buildings and lands are uniform for each class or use permitted therein.”

Section 4. Amending Section 4.02 of the Cheney Zoning Code

Section 4.02 of the City of Cheney Zoning Code is hereby amended to read as follows:

4.02 Building Permits

A building permit shall be obtained from the City prior to commencement of construction or expansion of any building use or structure. A necessary final plat or lot split shall be recorded with the Register of Deeds of Sedgwick County following approval by the City prior to the issuance of any such building permit.”

Section 5. Amending Section 4.03 of the Cheney Zoning Code

Section 4.03 of the City of Cheney Zoning Code is hereby amended to read as follows:

“4.03 Land Use Permits And Building Permits

A. Applications:

1. Applications for land use or building permits shall be filed upon forms prescribed by the City and/or the Sedgwick County Metropolitan Area Building and Construction Department (MABCD), setting forth the legal description of the lot, tract or parcel of land, together with a general description of any building or structure proposed to be constructed, erected or structurally altered thereon, including the approximate height, bulk and shape, gross and net square footages, the principal materials of construction, location of the building or structure upon the lot, tract or parcel, the intended use of the land or building, and such other information as may be required by the City and/or the MABCD.
2. Applications for building permits shall be submitted to the City and/or the MABCD as appropriate.
3. An application for a land use permit shall be submitted for signature approval to the City Administrator or his/her designee following review and recommendation by the City Engineer.

B. Number of permits: When construction of groups of buildings and accessory buildings for a principal building is to be simultaneous, and when all the buildings are to be constructed on land zoned for one (1) classification and use, the City and/or the MABCD may issue one (1) permit for such groups of buildings, or may require a separate permit for each building or structure to be constructed.

C. Minimum rights-of-way required:

1. When a land use or building permit is requested on a lot or tract abutting a public street, the City and/or the MABCD shall determine that adequate right-of-way exists on that portion of the public street abutting the property. The minimum right-of-way, measured from the centerline of the street to the property line of the lot or tract, shall be determined based upon the classification of the abutting street. Classification of the abutting street shall be determined by reference to the Comprehensive Plan or the Master Street Plan; if the classification is not designated on any of such documents, the City shall determine the street classification.

2. No land use permit or building permit shall be issued for any lot or tract where the abutting right-of-way does not clearly comply with the right-of-way requirements until title for the additional required right-of-way has been conveyed to the City by plat or deed and accepted by the Governing Body.
3. Any requirement for dedication of right-of-way pursuant to this section may be waived by the Governing Body where the permit being requested does not result in a change or expansion of use of the property or an increase in the square footage of any building.”

Section 6. Amending Section 5.18 of the Cheney Zoning Code

Section 5.18 of the City of Cheney Zoning Code is hereby amended to read as follows:

“5.18 Consideration Of Planned Unit Development Plans (PUD)

- A. After the effective date of this ordinance, no property which has a zoning district classification requiring approval of a PUD may be developed or redeveloped without either (a) completing the preliminary and final PUD plan process set forth under Subsections B and C of this Section or (b) completing the Administrative PUD approval process set forth under Subsection D of this Section.
- B. Preliminary PUD Review and Approval Process: The Governing Body shall review preliminary PUDs to determine if they demonstrate a satisfactory quality of design in the individual buildings and in their site, the appropriateness of the building or buildings to the intended use and the aesthetic appropriateness of the development to its surroundings. In this regard, the Governing Body may seek the advice of the Planning Commission and others. Satisfactory design quality and harmony will involve among other things:
 1. Whether the site is capable of accommodating the building(s), parking areas and drives with appropriate open space.
 2. Whether the plan is consistent with good land planning, good site engineering design principles and good landscape architectural principles.
 3. Whether there is an appropriate use of quality materials. The harmony and proportion of the overall design.
 4. Whether the architectural style which should be appropriate for the project in question and compatible with the overall character of the neighborhood.
 5. Whether the site of the structure on the property, as compared to the site of other structures in the immediate neighborhood.
 6. Whether the bulk, height and color of the proposed structure as compared to the bulk, height and color of other structures in the immediate neighborhood.
 7. Whether the landscaping required on the site is in keeping with the character or design of the site. Existing trees shall be preserved wherever possible.

8. Whether ingress, egress, internal traffic circulation, off-street parking facilities and pedestrian ways shall be so designed as to promote safety and convenience and shall conform to approve City standards.
 9. Whether the plan represents an overall development pattern that is consistent with the Comprehensive Plan, the Official Street Map and other adopted planning documents and policies.
- C. Final Site Development Plans:
1. Following approval of the preliminary PUD plan by the Governing Body, construction may proceed when the property is properly platted pursuant to a final PUD plan. The final PUD plan may be executed by the City Administrator without further consideration by the Governing Body if it complies with the Preliminary PUD plan as well as overall PUD Plans Content and Submission Requirements contained herein and generally includes all information needed for the platting process and the issuance of a building permit.
 2. If, in the judgment of the City Administrator, the concept of development as depicted on the final PUD plan significantly deviates from the concept of the preliminary PUD plan, the City shall inform the applicant, within seven (7) days that the final PUD plan will have to be considered by the Governing Body.
 3. The following changes are not considered significant changes to the preliminary PUD plan and may be approved by the City Administrator:
 - a. An increase in floor area or number of dwelling units not exceeding five (5) percent.
 - b. Substitution of landscape materials provided that the new materials are the same general size and type.
 - c. Minor changes to elevation, building materials, parking lot design, screening fences or walls, building location, etc., that would improve the site or are needed because of circumstances not foreseen at the time the preliminary site development plan was approved by the City.
- D. Administrative PUD Plan Approval
4. Applicants may submit PUDs for administrative review and approval by the City Administrator without the need for formal consideration of a Preliminary PUD by the Governing Body where the proposed development is located in areas of the City with an established footprint and architectural character, or in areas of new developments where an approved preliminary development plan including typical building elevations, materials and colors; a general landscape plan; and an approved landscape buffer where applicable has previously been approved by the Governing Body. Administrative PUD plan submission requirements shall also be in conformance with PUD Plans, Contents, and Submission Requirements. Applications not in conformance with such plans and the approved preliminary development plan shall not be approved administratively and

shall be forwarded to the Governing Body for consideration upon submission of a complete application.”

Section 7. Amending Section 6.06 of the Cheney Zoning Code

Section 6.06 of the City of Cheney Zoning Code is hereby amended to read as follows:

“6.06 Performance Standards; Measurement

In some districts, performance standards capable of quantitative measurement may be established. Except to the extent modified in the specific zoning district regulations, the following general provisions shall apply to measure compliance with such performance standards.

- A. Noise: A decibel is a measure of a unit of sound pressure. Since sound waves having the same decibel level "sound" louder or softer to the human ear depending upon the frequency of the sound wave in cycles-per-second (i.e., whether the pitch of the sound is high or low), an A-weighted filter constructed in accordance with the specifications of the American National Standards Institute, which automatically takes account of the varying effect on the human ear of different pitches, shall be used on any sound level meter used to take required measurements. Accordingly, all measurements are expressed in dB(A) to reflect the use of this A-weighted filter. Impact noises are sounds that occur intermittently rather than continuously. Impact noises shall be measured using the fast response of the sound level meter. Unless specifically indicated to the contrary in the zoning district regulations, noise resulting from temporary construction activity that occurs between 7:00 AM and 7:00 PM shall be exempt from the indicated performance standard.
- B. Smoke and Particulate Matter:
 - 1. For the purpose of determining the density of equivalent capacity of smoke, the Ringlemann Chart, as adopted and published by the United States Department of Interior, Bureau of Mines, shall be used. The Ringlemann number indicated as the performance standard in certain zoning districts refers to the number of the area of the Ringlemann Chart that coincides most nearly with the visual density of equivalent opacity of the emission of smoke observed.
 - 2. Particulate matter emissions, in excess of the threshold limit values caused by the wind from open storage areas, yards, roads, etc., within lot lines shall be kept to a minimum by appropriate landscaping, paving, oiling, wetting and other means, or shall be eliminated.

- C. Vibration: Vibrations are measured in particle velocity and are to be measured at the property line or other designated location. The instrument used to measure vibrations shall be a three-component measuring system capable of simultaneous measurement of vibration in three mutually perpendicular directions. The vibration maximums indicated as the performance standard in certain zoning districts may be measured directly with suitable instrumentation or computed on the basis of displacement and frequency. When computed, the following formula shall be used:

$$PV = 6.28 F \times D$$

Where:

PV = particle velocity, inches-per second

F = vibration frequency, cycles-per second

D = single amplitude displacement of the vibration, inches

The maximum particle velocity shall be in the maximum vector sum of three mutually perpendicular components recorded simultaneously. Unless specifically indicated to the contrary in the zoning district regulations, vibration resulting from temporary construction activity that occurs between 7:00 AM and 7:00 PM shall be exempt from the indicated performance standard.

- D. Glare: Illumination levels shall be measured with a photoelectric photometer having a spectral response similar to that of the human eye, following the standard spectral luminous efficiency curve adopted by the International Commission on Illumination.”

Section 9. Amending Section 7.03 of the Cheney Zoning Code

Section 7.03 of the City of Cheney Zoning Code is hereby amended to read as follows:

“7.03 Development And Performance Standards For AG Developments

- A. Parking and Loading – See Chapter 23
- B. Sign – Chapter 27
- C. Landscaping and Screening – See Chapter 24
- D. There shall be no restrictions as to operation of agricultural vehicles and machinery, or the sale or marketing of products raised on the premises.
- E. All buildings, structures or yards used for the raising, feeding, housing or sale of livestock or poultry shall be located at least (100) one-hundred feet from residentially zoned land.
- F. There shall be no disposal of garbage, rubbish or offal, other than regular removal thereof, within (300) three-hundred feet of residentially zoned land.

- G. Where a lot or tract had less than the twenty (20) acre minimum lot area required herein in separate ownership upon adoption, this ordinance shall not prohibit the erection or alteration of a single-family dwelling.
- H. Where development utilizing septic tanks is proposed, applicant shall submit a septic tank suitability study in accordance with the requirements in Chapter 1, General Provisions, at the time of filing the application for agricultural zoning.
- I. The Governing Body may subsequently establish levels which noises are not to exceed in accordance with Chapter 6, Zoning Districts of this Zoning Code.”

Section 10. Amending Section 8.03 of the Cheney Zoning Code

Section 8.03 of the City of Cheney Zoning Code is hereby amended to read as follows:

“8.03 Performance Standards; Measurement

- A. Parking and Loading – See Chapter 23
- B. Sign – Chapter 27
- C. Landscaping and Screening – See Chapter 24 and Subdivision and Lot Splits – Chapter 28
- D. Where development utilizing lagoons or septic tanks are proposed, applicant shall submit a septic tank/ lagoon suitability study to the City at the time of filing the application for Rural Residential zoning and must be approved by the City Council. Plumbing must be capable of attaching to a community/public sewer system if/when available.
- E. The Governing Body may subsequently establish levels which noises are not to exceed in accordance with Chapter 6, Zoning Districts of this Zoning Code.”

Section 11. Amending Section 14.02 of the Cheney Zoning Code

Section 14.02 of the City of Cheney Zoning Code is hereby amended to read as follows:

“14.02 Height And Area Regulations For R-6 Developments

The maximum height of buildings and structures, the minimum dimension of lots, setbacks for parking/paving and yards, and the minimum site area per dwelling unit permitted on any lot shall be as follows, except as provided in Height and Area Exceptions and Subdivision and Lot Splits.

- A. Minimum lot area per dwelling unit – three-thousand-six-hundred-thirty feet (3,630)

- B. Maximum height:
 - 1. Residences – four (4) stories, not exceeding fifty (50) feet from finished grade.
 - 2. Nonresidential structures and uses – seventy-five (75) feet, provided such structure is set back from all property lines a distance equal to or greater than its height.
- C. Minimum front yard – Fifteen (15) feet from street right-a-way
- D. Minimum side yards:
 - 1. Fifteen (15) feet from property lines.
 - 2. Corner lots – Fifteen (15) feet from street right-of-way
- E. Minimum rear yard:
 - 1. Fifteen (15) feet from property line.
- F. Minimum distance between buildings – twenty (20) feet
- G. Minimum parking/paving setbacks shall be the same as required front, side and rear yards”

Section 12. Amending Section 17.01 of the Cheney Zoning Code

Section 17.01 of the City of Cheney Zoning Code is hereby amended to read as follows:

“17.01 Permitted Uses

In District "C-1," 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:

- A. Apartment houses or complexes.
- B. Multi-family dwellings.
- C. Medical clinics, including supporting laboratories and accessory drug stores, pharmacies, optical shop, dentists, physical therapists, chiropractors, and audiologists
- D. Offices and office buildings for the administrative functions of companies, corporations, social or philanthropic organizations or societies, or for professional activities including, but not limited to: Accountants, Architects, Consultants, Doctors, Engineers, Insurance, Lawyers, and Realtors
- E. Photographic Studios.
- F. Radio and television studios, provided no broadcast towers are located on the premises.
- G. Savings and loan institutions, credit union offices, and banks, including drive-through facilities.
- H. Railroad right-of-ways, including a strip of land with tracks and auxiliary facilities for track operations, but not including passenger stations, freight terminals,

switching and classifications yards, repair shops, roundhouses, powerhouses, interlocking towers, and fueling, sanding, and watering stations.

- I. Automotive service stations, provided bulk storage of flammable liquids is underground; and further provided that no repair services are conducted on the premises.
- J. Retail stores and shops which supply the regular and customary needs of the residents of the neighborhood and which are primarily for their convenience, including but not limited to, the following.
 - a. Artist materials, supply, studio
 - b. Barber, beauty shop, spa and/or massage studio
 - c. Book and stationery store
 - d. Camera shop
 - e. Childcare center
 - f. Delicatessen and/or carry-out food (maximum seating capacity of 12)
 - g. Dry cleaning, pressing, laundry, tailor shop
 - h. Florist shop
 - i. Newspaper or magazine sales
 - j. Optical sales and service
 - k. Online Sales and Distribution
 - l. Package liquor store
 - m. Pharmacy
 - n. Restaurants
 - o. Shoe store or repair shop”

Section 13. Amending Section 17.02 of the Cheney Zoning Code

Section 17.02 of the City of Cheney Zoning Code is hereby amended to read as follows:

“17.02 Height And Area Regulations For C-1 Developments

The maximum height of buildings and structures, the minimum district size, the maximum district size, setbacks for buildings and parking/paving, maximum floor area ratio and minimum landscape open space ratio shall be as follows:

- A. District size:
 - 1. Minimum district size – no minimum size.
 - 2. Maximum district size – five (5) net acres
- B. Maximum height – four (4) stories, not exceeding fifty (50) feet from finished grade
- C. Minimum setbacks:
 - 1. Buildings:

1. Fifteen (15) feet from street right-of-way
2. Ten (10) feet from property lines, unless attached to an adjacent structure and approved by City Zoning Administrator.
2. Parking/paving:
 1. Fifteen (15) feet from street right-of-way
 2. Ten (10) feet from property lines”

Section 14. Amending Section 17.03 of the Cheney Zoning Code

Section 17.03 of the City of Cheney Zoning Code is hereby amended to read as follows:

17.03 Development And Performance Standards For C-1 Developments

- A. Parking and Loading -- see Chapter 23
- B. Signage -- see Chapter 27
- C. Landscaping and Screening -- see Chapter 24.
- D. No merchandise shall be stored or displayed outside a building without prior approval in writing by the City Zoning Administrator. No equipment or vehicles other than passenger vehicles shall be stored outside a building without proper screening as approved in writing by the City Zoning Administrator.
- E. Noise levels as the same may be established in the future by the City of Cheney, Kansas
- F. Unless a waiver is approved by the City for a solar design or improved site design, buildings should be oriented so that fronts of buildings face the street frontage of the property.
- G. Sale of merchandise from a vehicle or temporary structure is prohibited, except as provided for by temporary sales and events permit.”

Section 15. Amending the Title of Chapter 18 of the Cheney Zoning Code

The title of Chapter 18 of the City of Cheney Zoning Code is hereby amended to read as follows: “Chapter 18 C-2 – General Commercial District”.

Section 16. Amending Section 18.01 of the Cheney Zoning Code

Section 18.00 of the City of Cheney Zoning Code is hereby amended to read as follows:

“18.00 Statement Of Intent

The zoning of property as C-2, General Commercial District is intended to provide for development of a variety of general commercial uses. Limited outside storage and

display of merchandise is permitted in these districts with proper screening as approved in writing by the City Zoning Administrator as is necessary to the principal use.

Section 17. Amending Section 18.01 of the Cheney Zoning Code

Section 18.01 of the City of Cheney Zoning Code is hereby amended to read as follows:

“18.01 Permitted Uses

In District "C-2," 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:

- A. Any use permitted in the "C-1" Neighborhood Commercial Office & Retail District.
- B. Auditorium or theater, but no open-air drive-in theaters.
- C. Bowling alleys and amusement arcades.
- D. Drive-in and drive-through establishments, except as otherwise prohibited herein.
- E. Food storage lockers.
- F. Hotels, motels, and motor hotels.
- G. Lawn and garden supply sales and service, including storage yards.
- H. Membership clubs, including private clubs as defined by K.S.A. 41-2601 et seq, and subsequent amendments.
- I. Printing, publishing, and engraving firms, including newspaper publishing; provided said operations are principally retail businesses.
- J. Reupholstering.
- K. New and/or used motor vehicle sales and service, including associated repair services.
- L. Boat, trailer or golf cart sales and service, including storage yard.
- M. Farm machinery sales and service, including storage yard.
- N. All other commercial or retail stores and activities not otherwise prohibited or restricted by this code, including but not limited to, the following:
 - a. Antique shop
 - b. Appliance store and/or repair shops
 - c. Art school, gallery or museum
 - d. Auto supply store
 - e. Building materials sales
 - f. Car wash
 - g. Catering establishment
 - h. Clothing and apparel store
 - i. Curio or gift shop
 - j. Department store
 - k. Drinking establishment
 - l. Dry goods store

- m. Dyeing and cleaning works
- n. Furniture store
- o. General service and repair establishment
- p. Grocery store or supermarket
- q. Hardware store
- r. Lumber yard
- s. Meat market, including processing facilities
- t. Motor vehicle sales, service and/or repair
- u. Painting and/or decorating shop
- v. Parking lots operated as a business
- w. Plumbing, heating and electrical shops
- x. Radio and television sales and/or service
- y. Restaurant
- z. Screen printing and promotional items creation and sales
- aa. Sewing machines sales, service and/or instruction
- bb. Sporting goods sales
- cc. Taverns
- dd. Tire sales and service including vulcanizing, but not manufacture
- ee. Toy store
- ff. Used car sales
- gg. Variety store”

Section 18. Amending Section 18.02 of the Cheney Zoning Code

Section 18.02 of the City of Cheney Zoning Code is hereby amended to read as follows:

“18.02 Development And Performance Standards For C-2 Developments

- A. Parking and Loading -- see Chapter 23
- B. Signage -- see Chapter 27
- C. Landscaping and Screening -- see Chapter 24.
- D. No merchandise shall be stored or displayed outside a building without prior approval in writing by the City Zoning Administrator. No equipment or vehicles other than passenger vehicles shall be stored outside a building without proper screening as approved in writing by the City Zoning Administrator.
- E. Noise levels as the same may be established in the future by the City of Cheney, Kansas
- F. Unless a waiver is approved by the City for a solar design or improved site design, buildings should be oriented so that fronts of buildings face the street frontage of the property.
- G. Sale of merchandise from a vehicle or temporary structure is prohibited, except as provided for by temporary sales and events permit.”

Section 19. Amending Section 21.02 of the Cheney Zoning Code

Section 21.02 of the City of Cheney Zoning Code is hereby amended to read as follows:

“21.02 Special Uses Designated

Unless otherwise specifically allowed in a zoning district elsewhere in this Code, no building, structure, land or premises shall be used, and no building or structure shall hereafter be erected, constructed, reconstructed, moved or altered, except for one or more of the special uses set forth herein, subject to approval of a special use permit by the Governing Body and all applicable development, performance and special standards. Issuance of a special use permit for a specific site is restricted to the zoning district and land for which such permit is issued.

- A. Airports, aviation fields, helio-ports, and/or landing fields, either publicly or privately held.
- B. Bed and breakfast facility.
- C. Buildings, structures or premises for public utility services or public service corporations; including but not limited to, water treatment plants, wastewater treatment plants, pump stations, filter beds, water towers, substations, electric transmission lines, reservoirs, and utility maintenance shops and yards.
- D. Cemeteries, mausoleums or crematories for the disposal of the dead.
- E. Churches and church-related facilities including camps, schools, retreat centers and similar facilities; publicly-owned and operated community buildings, art gallery, museums and libraries.
- F. Commercial parking lots.
- G. Commercial stockyard or feedlot.
- H. Contractor's shop and/or yard, including construction equipment and/or material storage areas.
- I. Drive-in theaters.
- J. Exposition centers and/or buildings.
- K. Explosives, fireworks, ammunition, black powder, or similar material wholesale sales, storage, warehousing, and/or manufacturing.
- L. Fairgrounds.
- M. Fire stations.
- N. Grain elevators and its accessory activities including, but not limited to, bulk fuel storage facilities, ammonia storage, tire repair facilities, etc.
- O. Greenhouses, nurseries and/or hydroponic farms operated as a retail business.
- P. Hospitals, nursing or convalescent homes, congregate care facilities and retirement housing.
- Q. Hospital or clinic for large or small animals, provided:
 - a. That such hospital or clinic and treatment rooms be maintained within a completely enclosed, soundproof building, and that such hospital or clinic

be operated in such a way as to produce no objectionable odors outside its walls.

- R. Judicial centers, jails, penal or correctional institutions.
- S. Keeping of exotic birds or animals in the unincorporated portion of Sedgwick County, Kansas.
- T. Kennels, either boarding or breeding, provided:
 - a. Pens or open kennels shall be located at least 50 feet from the front lot line and at least 30 feet from any side or rear lot line.
 - b. Open pens shall not be required to be served by sanitary sewer facilities unless soil conditions will not support adequate percolation.
- U. Mortuaries and attendant accessory activities and facilities.
- V. Parks and playgrounds.
- W. Radio or television broadcasting towers and/or stations, microwave transmitting and/or receiving towers and/or stations, or any tower or other similar structure 50 feet or more in height; whether publicly or privately owned, provided:
 - a. The location of every tower must be such that it is at least an equal distance from all property lines as it is in height. A plot plan shall be submitted with the application.
- X. Recreational or sports-related activity or facility, whether publicly or privately owned.
- Y. Recreational Vehicle Parks with accompanying business, store and hospitality-related structures
- Z. Riding academies, stables and/or show arenas, rodeo arenas and/or facilities.
- AA. Salvage yards.
- BB. Sanitary landfills, hazardous waste disposal facilities, construction/demolition landfills, industrial landfills, or other such similar areas not prohibited by law.
- CC. Schools, preschools or kindergartens, either publicly or privately owned or operated.
- DD. Shops with integrated residential facilities (sometimes referred to as “shouses” or “barndominiums”).
- EE. Self-Storage Facilities
- FF. Truck stops and/or truck terminals.
- GG. Zoos, commercial aquariums, or aviaries.
- HH. Any other use not specifically listed as a permitted and/or accessory use in any district in this Code, or as a prohibited use.”

Section 20. Amending Section 22.03B of the Cheney Zoning Code

22.03B of the City of Cheney Zoning Code is hereby amended to read as follows:

- B. Decks, patios, retaining walls, terraces, fences, and walls with a permit. No accessory use or structure except flag poles, fences and retaining walls, as permitted, shall be located in any front yard. However, a covering that is positioned

over a front porch and attached to a dwelling may be allowed to extend into a front yard upon the written approval of the Zoning Administrator.”

Section 21. Amending Section 22.03B of the Cheney Zoning Code

22.03E of the City of Cheney Zoning Code is hereby amended to read as follows:

- E. Garages, carports and sheds with permits - Detached garages, carports and sheds may be constructed on any lot, provided that any such garage, carport or shed meets the following requirements:
1. Garage access of open alley may be located 3’ from the alley easement.
 2. Shall be located a minimum of ten (10) feet from the principal building, measured from foundation walls of the principal building.
 3. Shall not be located within a required front or side yard.
 4. Shall not be located within thirty (30) feet of a reversed corner lot property line. Alley access shall be a minimum of eight (8) feet for opening or three (3) feet no opening.
 5. Shall not be located within twenty-five (25) feet of a corner lot property line.
 6. Shall not be located within ten (10) feet of a rear property line.
 7. No garage, carport or shed shall encroach on a drainage or utility easement.
 8. Maximum height of twenty-five (25) feet as measured from the ridgeline.
 9. Maximum thirty (30) percent coverage within a required rear yard either as single or cumulative structures.”

Section 22. Adding Section 22.03B of the Cheney Zoning Code

22.03V of the City of Cheney Zoning Code is hereby added to the Code to read as follows:

- V. Egress windows to and from a Principal Building may project into a rear, front or side yard setback.”

Section 23. Amending Section 22.12 of the Cheney Zoning Code

Section 22.12 of the City of Cheney Zoning Code is hereby amended to read as follows:

“22.12 No Accessory Use Or Structure Exceptions in Front Yards

No accessory use or structure except for any flag pole, fence, retaining wall, porch, patio, deck and/or egress windows (in accordance with Section 22.03V of this Code) that are built/installed in accordance with all other provisions of this Zoning Code as well as

all laws, rules and regulations applicable within the City of Cheney, Kansas, are permitted to be located within the Front Yard of any structure within the City of Cheney, Kansas. Notwithstanding the foregoing sentence, no such retaining wall, porch, patio and/or deck shall be permitted to be installed unless and until the design, location and specifications for the same are also signed off on in writing by the City Zoning Administrator.”

Section 24. Amending Section 23.01 of the Cheney Zoning Code

Section 23.01 of the City of Cheney Zoning Code is hereby amended to read as follows:

“23.01 Parking Required For All Structures

For all buildings or structures hereafter erected, constructed, reconstructed, moved or altered, off street parking in the form of garages or areas made available exclusively for parking shall be provided. Thus, parking spaces shall be located entirely on the same property as the main use, with no portion other than the necessary drives extending into any street or other public way unless offsite parking is specifically provided for via a written cross lot and/or offsite parking/access agreement filed with the Sedgwick County Register of Deeds and the same is approved in writing by the City Zoning Administrator. The issuance of building permits or certificates of occupancy shall require compliance with the parking standards approved in the building permitting process, platting process and/or the planned unit development if one exists.

All parking areas and drives shall be ready for use upon occupancy of a building and shall be surfaced with either (a) a permanent, bituminous or concrete paving meeting the standards of the City or (b) crushed asphalt, rock or other similar material with a defined perimeter, may be approved in writing by the City Zoning Administrator prior to the issuance of a certificate of occupancy. All parking lots, drives, and single-family dwellings, shall have curbs and drainage facilities approved by the City. No residential driveway approach shall exceed 36 (thirty six) feet in width as measured along the outside sidewalk line and expand no larger than the width of the garage. Approach aprons and curbs shall be built with Portland cement concrete.”

Section 25. Amending Section 23.04 of the Cheney Zoning Code

Section 23.04 of the City of Cheney Zoning Code is hereby amended to read as follows:

“23.04 Parking Spaces for Disabled Persons

All newly constructed and/or expanded multifamily, commercial, office and/or industrial parking facilities shall have appropriate parking facilities for individuals with disabilities that comply with the most current version of ADA Standards for Accessible

Design, Guidance published for compliance with said ADA Standards for Accessible Design and all other applicable laws, rules and regulations associated therewith. Compliance with this section shall be determined by the City Zoning Administrator in coordination with the City Engineer.”

Section 26. Amending Section 23.05 of the Cheney Zoning Code

Section 23.05 of the City of Cheney Zoning Code is hereby amended to read as follows:

“23.05 Setbacks

- A. Parking areas and other paved areas such as drive-through aisles in conventional zoning districts shall be set back as follows:
 - 1. In Districts AG, RR, R-1, R-2, R-3, R-4, R-5, and R-6 and for single-family and two-family dwellings in any other district, no parking area shall be located within five (5) feet of a lot line, excluding nonresidential uses.
 - 2. For multifamily dwellings, no parking area shall be located within fifteen (15) feet of a street right-of-way or in a required yard area.
 - 3. No parking area for a nonresidential use in any residential district shall be located within fifteen (15) feet of any street right-of-way or in a required yard area.
 - 4. In commercial and industrial districts, no parking area shall be located within the applicable parking and paving setback requirements within that zoning district.
 - 5. Parking in any zoning district shall be permitted only in designated parking spaces.
- B. Parking area setbacks within the planned zoning districts shall be approved by the City in conjunction with plan review, and shall not occupy any portion of the required yard areas.

Section 27. Amending Chapter 27 of the Cheney Zoning Code

Chapter 27 of the City of Cheney Zoning Code is hereby amended to read as follows:

**“CHAPTER 27
SIGNS**

Sections:

24-101. Purpose and Applicability

24-102. Enforcement

24-103. Maintenance, Repair, Removal, and Abandonment

24-104. Nonconforming Signs

- 24-105. Measurement Standards**
- 24-106. General Provisions**
- 24-107. Standards for Specific Sign Types**
- 24-108 Prohibited Signs.**
- 24-109 Definitions**

- 24-201 Signs Authorized in Agricultural and Residential Districts**
- 24-202 Signs Authorized in Commercial Districts**
- 24-203 Signs Authorized in Industrial Districts**
- 24-204 Signs Authorized in Planned Unit Development Districts**

24-301 Off-Premise Advertising Signs

24-101 Purpose and Applicability:

1. Purpose. This Chapter regulates the location, size, placement, and certain features and characteristics of signs in order to:
 - a. Enable the public to locate goods, services, and facilities without difficulty or confusion.
 - b. Avoid traffic hazards, confusion between signs and traffic control devices, and traffic congestion.
 - c. Reduce visual clutter, distraction, and obstructions along public streets and sidewalks.
 - d. Prevent hazards to life and property.
 - e. Protect property values.
 - f. Ensure the continued attractiveness of the city.
2. Applicability
 - a. Where Allowed. Signs are allowed in the City in accordance with this Chapter, which apply to all signs that are visible from public property, a public right-of-way, or public travel easement. Signs that are not allowed by this Chapter are prohibited.
 - b. Exceptions. This Chapter does not apply to the following signs, except for the traffic and maintenance requirements described in Sec. 24-103, "Maintenance, Repair, Removal, and Abandonment", and Sec. 24-106, General Provisions:
 - i. Art, as defined herein.
 - ii. Address numerals and other signs required to be maintained by law or governmental order, rule, or regulation, provided the size of the signs do not exceed the requirements of such law, order, rule, or regulation.
 - iii. Flags, or emblems that do not include a commercial message and are displayed on public or private property as applicable.
 - iv. Governmental Signs, defined as a sign of a regulatory nature, which is installed, maintained, or used by the city, county, state, or federal

- government; and, a sign required or authorized for a public purpose under city, county, state, or federal government regulations.
- v. Signs existing, or previously displayed, as of February 1, 2024, EXCEPT that any modification, alteration, or change of such signs other than ordinary repair and maintenance require that the entire sign comply with this Article.
 - vi. Letters, logos, and/or graphics located on the bottom six inches of an awning, provided they are no more than six inches in height and consist of no more than one line.
 - vii. News rack and newsstand signs provided they do not display off-premise commercial messages or general advertising messages.
 - viii. Small permanent signs, not exceeding five square feet each in area, displayed on private property and located so as not to cause traffic hazards (note: examples include markers for entrance and exit drive, parking areas, one-way drives, restrooms, freight entrances, accepted credit cards, self-serve pumps, automatic teller machines, teller or drive-up windows, and similar informational signs).
 - ix. Tablet Signs, defined as a noncommercial sign carved into stone, concrete, or similar material or made of metal or other permanent type construction and made an integral part of a structure or permanently attached thereto.
 - x. Messages displayed on equipment such as a gasoline pump, vending machine, or collection box that do not display off-premise commercial messages or general advertising messages and that are located entirely on and internal to the equipment, and do not extend from the surface of the equipment.
- c. Substitution of Messages:
- i. Subject to the consent of the party responsible for the sign, a non-commercial message of any type may be substituted, in whole or in part, in place of any commercial message or non-commercial message, provided that the sign and sign structure otherwise meet the requirements of this Article without consideration of message content. Such substitution may be made without any additional approval or permitting. This provision prevails over any more specific provision to the contrary within this Article.
 - ii. This provision does not create a right to increase the total amount of signage on a parcel; does not affect the requirement that a sign structure, mounting device and method or type of display of the message are properly permitted; does not allow a change in the physical structure of a sign, its mounting device, or the method or type of display of the message; and does not allow the substitution of any off-site commercial message in place of an on-site commercial message or a non-commercial message.

- d. Signs Prohibited or Allowed by State Law: This Article does not allow any sign that is illegal under State or Federal law, or prohibit any sign allowed by State or Federal law.
3. Permitting: No sign may be erected without a sign permit unless otherwise stated in this Article.

24-102 Enforcement:

1. Unlawful Signs. No person may erect, construct, install, place, change, relocate, maintain, or attach, on any premises, any sign in violation of the provisions of this Chapter, or the Code of the City of Cheney, Kansas. All signs which do not comply with this Chapter, and all other codes, ordinances, and regulations of the City, are unlawful and must be immediately removed.
2. Inspections. All signs located within the City are subject to inspection by the City for compliance with this Chapter and other applicable City codes, ordinances, and regulations.

24-103 Maintenance, Repair, Removal, and Abandonment:

1. Maintenance and Repair. Each sign located in the City must be of sound structural quality, maintained in a safe manner, and have a clean and neat appearance, including the replacement of defective parts, painting, repainting, cleaning, and other similar acts.
2. Removal for Repair. Whenever any sign, either conforming or nonconforming, is required to be removed for the purpose of repair, re-lettering, or repainting, the same may be done without a permit or without any payment of fees provided that all of the following conditions are met:
 - a. There is no alteration or remodeling to the structure or the mounting of the sign itself.
 - b. There is no increase in any of the dimensions of the sign or its structure.
 - c. There is no alteration to the type of illumination or operational characteristics of the sign.
 - d. The sign is accessory to a legal permitted, special, or nonconforming use.
3. Removal Due to Damage or Disrepair. Signs that are deemed unsafe or dangerous as defined in the adopted property maintenance code will be remedied by the procedures outlined in that code.
4. Abandoned Signs. Except as otherwise provided in this Chapter, any sign that is located on property which becomes vacant and unoccupied for a period of three months or more, or any sign which pertains to a time, event, or purpose which no longer applies, will be deemed to be abandoned. Permanent signs applicable to a business temporarily suspended because of change of ownership or management of such business will not be deemed abandoned unless the property remains vacant for a period of six months or more. An abandoned sign must be removed in its entirety, including its support structure and base.

24-104 Nonconforming Signs:

1. Continuation of Nonconforming Signs. A nonconforming sign may continue to exist as a nonconforming sign, except as provided in this Section. A sign that does not comply with these regulations, and is not a nonconforming sign as defined, will be considered unlawful.
2. Alteration or Repair of Nonconforming Signs. A nonconforming sign may not be altered or repaired unless the nonconforming sign is brought into conformance with all applicable regulations, except as follows:
 - a. Change of copy: The alteration or change of the copy of a nonconforming sign by replacing sign panels will be permitted, as long as such alteration or change does not change the sign's dimensions, structure, type of illumination, or operational characteristics, or otherwise increase its area.
 - b. Repair or replacement: The repair or replacement of a nonconforming sign, which is necessary due to acts of God, or due to actions or inactions that are not attributed to the sign owner or property owner, will be permitted, as long as the repair or replacement does not change the sign's dimensions, structure, type of illumination, or operational characteristics, or otherwise increase its area. In the case of replacement, a sign permit will be required.
 - c. Normal maintenance: The normal maintenance and repair of a nonconforming sign, as required by Sec. 24-103, Maintenance, Repair, Removal, and Abandonment, will be permitted, as long as the normal maintenance and repair does not change the sign's dimensions, structure, type of illumination, or operational characteristics, or otherwise increase its area.
3. Loss of Nonconforming Status. Notwithstanding any other provision of this Section, a nonconforming sign will lose its nonconforming status and must thereafter comply with all applicable requirements in either of the following circumstances:
 - a. If the nonconforming sign is removed due to actions or inactions that are attributed to the sign owner or property owner, pursuant to Sec. 24-103, Maintenance, Repair, Removal, and Abandonment; or
 - b. If the nonconforming sign is abandoned, pursuant to Sec. 24-103, Maintenance, Repair, Removal, and Abandonment.
4. Signs for Legal Nonconforming Uses. Any new or additional sign for a nonconforming use must comply with this Article 24, District Sign Regulations, for the zoning district that the nonconforming use is located within. Provided that, any new or additional sign to be installed for a nonconforming use that would not comply with this Division may be approved through a special use permit.

24-105 Measurement Standards:

1. Computation of Sign Area. Formulas for calculating sign area in the shape of a rectangle, square, triangle, ellipse, circle, or similar common geometric shapes will

use commonly accepted mathematical methods. These calculations are described in Sec. 24-106 General Provisions.

2. Measurement of the Area of a Sign. (See Figure 24-105a, "Sign Area Measurements")
 - a. Signs in Frames or Cabinets. The area of a sign enclosed in a frame or cabinet will be determined on the basis of the outer dimensions of the frame or cabinet surrounding the sign face(s). The area and dimensions of the sign will encompass a regular geometric shape (rectangle, circle, trapezoid, triangle, etc.), or a combination of regular geometric shapes, which form, or approximate, the perimeter of all elements in the display.
 - b. Signs Composed of Individual Letters, Figures, or Elements on a Wall, Window, or Similar Surface of a Building or Structure. The area and dimensions of the sign will be encompassed by a regular geometric shape (rectangle, circle, trapezoid, triangle, etc.), or a combination of regular geometric shapes, which form, or approximate, the perimeter of all elements in the display, and any applied background that is not part of the architecture of the building or structure. When separate elements are organized to form a single message, but are separated by open space, the sign area and dimensions will be calculated by determining the geometric form, or combination of forms, which encompass all of the display areas, including the space between different elements. For signs with mixed-case lettering, a rectangle will be drawn around either the ascending or descending letters, but not both, as shown in Figure 24-105a, "Sign Area Measurements."
 - c. Monument Signs. The sign area will be determined by the regular geometric shape (rectangle, circle, trapezoid, triangle, etc.), or a combination of regular geometric shapes that encompass the perimeter of the sign display or message and all portions of a background surface that differentiate the message display area from the overall monument structure.
 - d. Pylon Signs. The sign area will be determined by the regular geometric shape (rectangle, circle, trapezoid, triangle, etc.), or a combination of regular geometric shapes that encompass the perimeter of the freestanding structure, but will not include:
 - i. The pole or other structural support, unless such pole or structural support is internally illuminated, or otherwise so designed to constitute a display device, or to be an integral part of the sign display; or
 - ii. Architectural features that are part of the freestanding structure but are not an integral part of the sign display, which may consist of landscaping, retaining walls, or structural forms complementing the site in general.
 - e. Digital Graphic Sign or Digital Animated Sign. If this type of sign is combined with one or more sign types or elements, such as a pylon sign with multiple sign elements, then this sign type's display area will be used to calculate the sign area. If this sign type is not combined with other signs,

such as a separate wall sign, then the sign area will be calculated using the above means of measurement.

- f. Three Dimensional Signs. The sign face area will be determined on the basis of the maximum surface area visible from any one perspective.
- g. Awnings, Canopies and Marquees. When signs are incorporated into awnings, canopies and marquees, the sign area will be determined by measuring the area encompassed by a regular geometric shape (rectangle, circle, trapezoid, triangle, etc.), or a combination of regular geometric shapes, which form, or approximate, the perimeter of all elements in the sign display or message.
- h. Temporary signs. The sign area will be determined on the basis of the perimeter dimensions of the temporary sign.
- i. Double-Faced Signs:
 - i. When two identical sign faces are placed back-to-back so that both faces cannot be viewed from any single perspective at the same time, and are part of the same sign structure, the sign area will be computed by measurement of one of the two faces. When a sign has more than two display surfaces, the area of the sign will be the area of largest display surfaces that are visible from any single perspective.
 - ii. When a double-faced sign having nonparallel faces such that the angle between the faces exceeds 24 degrees, the sign area will be calculated as the total of both sign faces.

Figure 24-105a
Sign Area Measurements

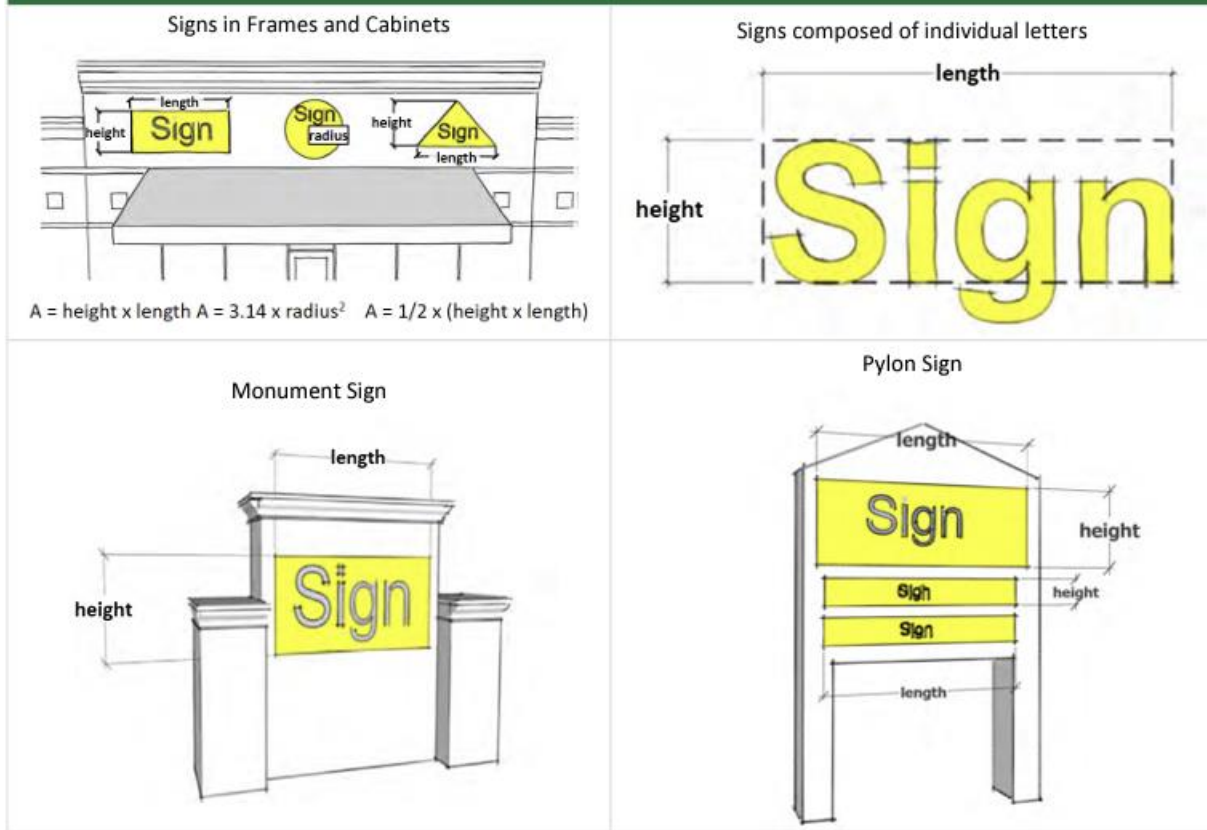
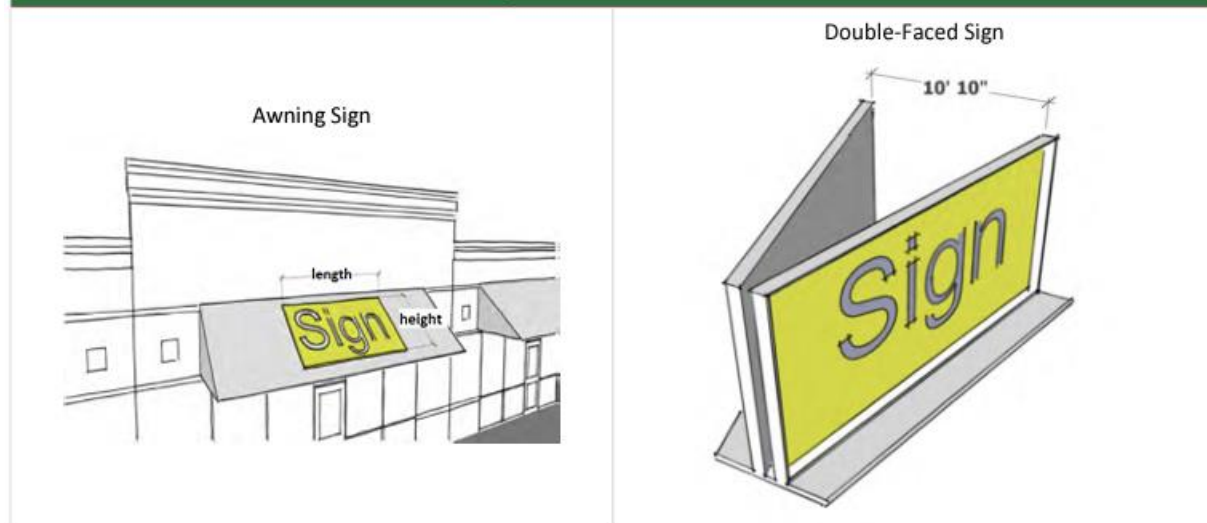
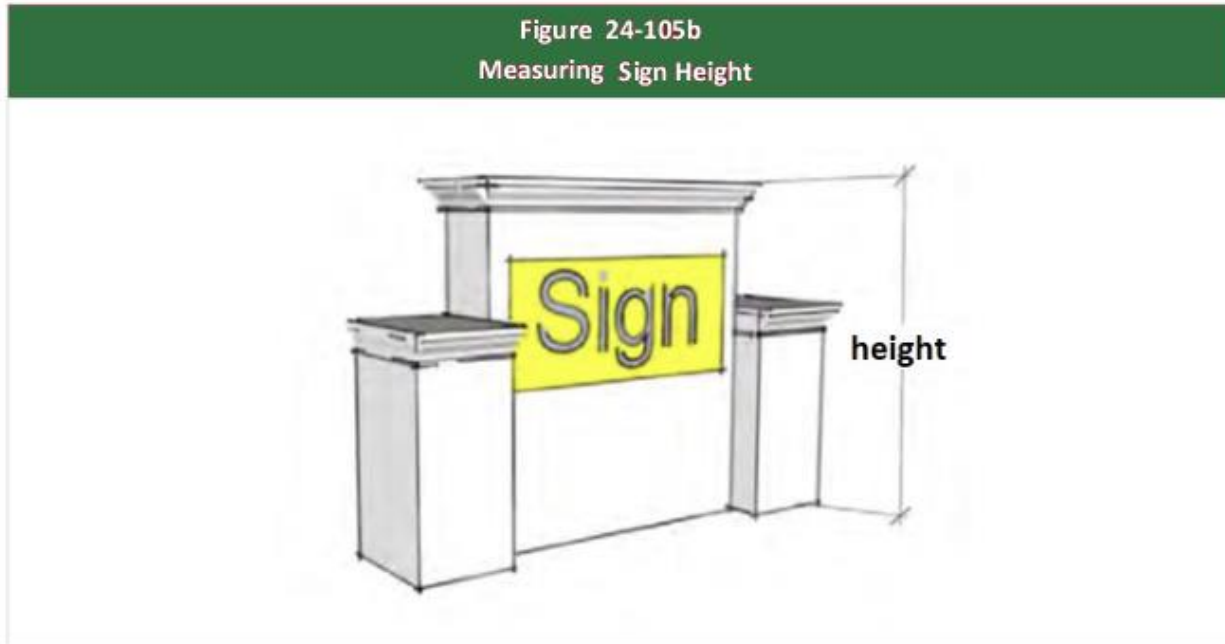


Figure 24-105a (con't)
Sign Area Measurements



3. Determining Sign Height

- a. The height of a ground sign will be measured from the ground to the highest point of the sign structure. (See Figure 24-105b, "Measuring Sign Height")
- b. The height of a wall sign will be measured from the point where the supporting wall meets the ground to the top of the highest point of the wall sign.



24-106 General Provisions:

1. Signs on Public Property Owned or Controlled by the City of Cheney. No sign may project over or be located on public property or a public right-of-way, except as follows:
 - a. A sign for which a sign permit has been issued that specifically authorizes the sign to be placed in the public right-of-way.
 - b. Political Signs. Signs which are political signs and comply with the applicable provisions of this Article.
2. Illumination. Illuminated signs may not cause glare or cast light upon property located in any residential district or upon a public street or travel easement that exceeds three foot-candles at the property line. Neither the direct, nor the reflected light from any signage light source may create a traffic hazard or distraction to operators of motor vehicles or bicycles on public streets or private drives.
3. Other Applicable Federal, State and Local Laws. All signs must comply with all applicable federal, state and local laws.
4. Blockage of Driveways. No sign may block any required driveway. No sign or sign structure may be erected in such a manner that any portion of its surface or supports will interfere in any way with free use of any fire escape, exit, or standpipe. No sign may obstruct any window to such an extent that any light or ventilation is reduced to a point below that which is required by City codes or other laws.

5. Clear-Vision Triangle. No sign is permitted in a clear-vision triangle, except as otherwise specifically provided in this Code.

24-107 Standards for Specific Sign Types:

1. Digital Graphic Signs
 - a. Location. Digital graphic signs are subject to the following location restrictions:
 - i. On a principal building façade.
 - ii. As part of a monument, pylon or island canopy sign for which the digital graphic portion is part of the continuous display surface of the sign.
 - iii. No closer than 100 feet from the nearest residential district property line.
 - iv. On a lot that is part of a district of at least 600 feet of continuous commercial or industrial zoning fronting along the same side of the street as the lot, without interruption by a residence.
 - b. Duration of Message and Transitions. The sign message must remain static for a period of not less than 60 seconds. The transition from one message to the next must be direct and immediate, without any special effects including dissolving, fading, scrolling, starbursts, and wiping.
 - c. Image Characteristics. Digital graphic signs may have a pitch of no greater than 20 millimeters between each pixel.
 - d. Luminance. Between sunrise and sunset the maximum luminance may be 464.5 foot-candles; between sunset and sunrise the maximum luminance may be 46.45 foot-candles. All signs with a digital display having illumination by means other than natural light must be equipped with an automatic dimmer control or other mechanism that automatically controls the sign's brightness to comply with this requirement.
2. Digital Animated Signs. Digital Animated Signs are allowed under written approval from the Zoning Administrator . A Digital Graphic Sign may be temporarily converted to a Digital Animated Sign when allowed in writing by the Zoning Administrator.
3. Portable Signs. Portable signs are considered temporary signs, but due to their unique physical and aesthetic characteristics, are subject to the following restrictions:
 - a. Time limits for the display of portable signs must be specifically stated on the sign permit.
 - b. Portable signs are not permitted in residential zoning districts.
 - c. Portable signs may be displayed for a period up to 30 consecutive days and a total of 60 days per lot in any calendar year.
 - d. There may be no more than one Portable Sign per lot.
4. Temporary Signs. Temporary signs may be permitted in all zoning districts subject to the limitations found in this Section. These signs may remain installed on the

property while the property is for sale or lease, and may remain until the real estate is sold or leased.

- a. Number of Signs: Two signs per street frontage.
 - b. Maximum Gross Area:
 - i. RR, R-1, R-2, R-3, R-4, R-5 and GH Districts: 6 square feet.
 - ii. R-6 and MHP Districts: 16 square feet.
 - iii. C-1, and C-2 Districts: 20 square feet.
 - iv. AG and M-1 Districts: 32 square feet.
 - c. Sign Setback:
 - i. RR, R-1, R-2, R-3, R-4, R-5, R-6, GH and MHP Districts:
 1. Front Yard: Zero feet
 2. Side and Rear Yard: Zero feet
 - ii. C-1 and C-2:
 1. Front Yard: 10 feet
 2. Side and Rear Yard: 5 feet
 - iii. AG and M-1 Districts:
 1. Front Yard: 15 feet
 2. Side and Rear Yard: 10 feet
 - d. Height:
 - i. RR, R-1, R-2, R-3, R-4, R-5 and GH Districts: 4 Feet
 - ii. R-6 and MHP Districts: 5 feet
 - iii. C-1, and C-2 Districts: 8 feet
 - iv. AG and M-1 Districts: 8 feet
5. Subdivision Entry Signs. Subdivision Entry Signs are permitted to be erected in compliance with the following restrictions:
- a. Sign Type Allowed: Monument Sign
 - b. Number of Signs: One sign per subdivision entrance.
 - c. Maximum Gross Area: 80 square feet.
 - d. Minimum Sign Setback:
 - i. Front Yard: 0 feet.
 - ii. Side Yard and Rear Yard: 5 feet.

(NOTE: No Subdivision Entry Sign may violate the Vision Triangle or any other applicable provisions of this Code)

- e. Maximum Height: Six feet.
- f. Illumination Allowed: Externally illuminated or halo lit/reverse channel lit.
- g. Use Limitations
 - i. Must be located outside of applicable clear-vision triangles and intersection sight distances, as well as any utility, drainage, and/or pedestrian/bicycle easements, unless approved by the City Engineer.
 - ii. May not be used to duplicate monument signs associated with street frontages and driveway entrances of multiple-family dwelling structures or complexes, or manufactured home parks.

6. Political Signs. Political signs are permitted on private property in all districts with the permission of the property owner or tenant, and within the unpaved right-of-way of city streets immediately adjacent to private property with the permission of the owner or tenant of such adjacent private property, subject to the following requirements:
 - a. Maximum Gross Area: 16 square feet.
 - b. Maximum height: 4 feet.
 - c. Prohibited placement. Political signs may not be placed:
 - i. Within the center median of a city street; or
 - ii. Within the central island or splitter island of a roundabout; or
 - iii. In a manner that obstructs or interferes with a clear-vision triangle, including the right-of-way adjacent to any such clear-vision triangle; or
 - iv. Fewer than 6 feet from the back of the curb of a street or road; or
 - v. In any manner or location which, in the opinion of the City Engineer, creates a vehicular or pedestrian traffic safety concern due to impeded sight lines or sight distance, or obstructs a sidewalk in violation of the Americans with Disabilities Act.
 - d. Responsible parties. The owner(s) and tenant(s) of property where a political sign is displayed in violation of this Subsection shall be jointly and individually liable for such violation. The person, party, or parties responsible for the placement or distribution of a political sign shall be liable for the removal of such sign.

24-108 Prohibited Signs:

The following signs are prohibited in all zoning districts, except as otherwise specified in this Article:

1. Animated Signs. Signs which consist of beacons, strobe lights, or search lights; or are animated by flashing, blinking, or traveling lights; or anything not providing constant color, brightness, and illumination; and rotating or moving signs; except as applies to permitted digital animated, digital graphic, and tri-vision off-premise signs.
2. Misleading Signs or Signs Impacting Traffic Safety. Signs, including signs located inside a building, which, by reason of position, size, shape, illumination, or color, may obstruct, impair, obscure, interfere with the view of, or be confused with any traffic control sign, signal, or device, or which may interfere with, distract, mislead, or confuse traffic. No sign may be installed in a way that obstructs clear vision of persons using the streets, or may be confused with any authorized traffic sign, signal, or device. No sign, other than a governmental sign, which makes use of the words "Stop", "Look", "Danger", or any other word, phrase, symbol, or character which may interfere with, distract, mislead, or confuse persons, may be visible from a public street, travel easement or private drive

3. Vehicles and Trailers used as Signs. Signs that are placed on or painted on a vehicle or trailer whose primary function is to serve as a sign rather than as a vehicle or trailer used in the day-to-day operation of a business. Such vehicles or trailers may not be driven on the streets of the city and must not be parked so as to be visible from any public street or private drive of the city.
4. Signs in Rights-of-Way.
 - a. Signs in the public rights-of-way and/or public travel easements unless otherwise specifically permitted by this Subsection. No sign that is exempt from this Article may be deemed to be permitted within the public rights-of-way and/or public travel easements.
 - b. Street Banner Signs are prohibited, except when erected by the City or when authorized by an agreement entered into between the City and the sign owner.
 - c. Sidewalk Signs are only allowed upon the public streets and rights-of-way pursuant to and in compliance with the terms and conditions of a currently valid sign permit issued by the City. The following requirements are applicable to Sidewalk Signs:
 - i. Maximum Sign Area (per face): 10 Square Feet
 - ii. Maximum Height: 5 Feet
5. Emitting Signs. Signs that emit audible sound, odor, or matter, except as specifically approved for digital animated signs.
6. Snipe Signs. Signs that are attached to a tree or utility pole.
7. Commercial Signs. No commercial sign is permitted that does not specifically identify or relate to a legally-permitted or approved use of the property such sign is located on.
8. Prohibited Signs. Any other signs that are prohibited by or are not specifically allowed by or exempted from these regulations.

24-109 Definitions:

When used in this Code, the below-listed terms shall be defined as follows:

1. Art means any painting, picture, drawing, sculpture or graphic engraving that is not a commercial sign.
2. Awning and Canopy Sign means a sign that is mounted, painted, or attached to an awning or canopy in such a manner that the sign is attached parallel to or flush against the surface(s) of the Awning or Canopy that such sign is attached to such that the wall becomes merely the supporting structure or forms the background surface, and which does not project more than 12 inches from such surface.
3. Changeable Copy Sign means a sign or portion thereof consisting of letters and/or numbers only that are manually changed or rearranged without altering the face or the surface of the sign.

4. Commercial Sign means a sign that advertises a purchasable good or service. An individual who is not the owner of the property where the sign is installed may display information on the sign in exchange for the payment of a fee.
5. Digital Animated Sign means a sign utilizing LED, LCD, plasma, projected images, or any functionally equivalent technology, that is capable of automated, remote, or computer control to display a series of still images, video, or full-motion animation, or any combination of these.
6. Digital Graphic Sign means a sign utilizing LED, LCD, plasma, projected images, or any functionally equivalent technology, that is capable of automated, remote, or computer control to display a series of letters, numbers, and/or still images.
7. Governmental Sign means a sign of a regulatory nature, which is installed, maintained, or used by the city, county, state, or federal government; and, a sign required or authorized for a public purpose under city, county, state, or federal government regulations.
8. Halo Lit Signs and Reverse Channel Lit Signs means a sign with a hidden internal illumination source located behind individually mounted letters and/or logos having opaque front faces and sides, and clear or no back faces, whereby the illumination is projected onto the mounting surface resulting in a halo effect.
9. Illuminated Sign means a sign utilizing internal or external lights, which make the message more readable, typically, but not necessarily, during hours of darkness.
10. Island Canopy Sign means a sign fastened to, painted upon or otherwise mounted permanently upon an island canopy in such a manner that the sign is attached parallel to or flush against the wall such that the wall becomes merely the supporting structure or forms the background surface, and which does not project more than 12 inches from such wall.
11. Canopy Fascia Sign: A sign mounted flush against the vertical plane of a canopy fascia. In no case may the sign project beyond the perimeter of the fascia it is attached to.
12. Spanner Board Sign: Signs mounted flush against the vertical plane of a spanner board and in no case projecting beyond the perimeter of the spanner board. A spanner board is a structural member extending between two vertical support poles of the gasoline island canopy and permanently mounted to the poles at a height above the gasoline pumps and below the gasoline island canopy.
13. Sign Board Sign: Signage located on sign boards that are permanently mounted on the canopy support poles at a height above the gasoline pumps and below the gasoline island canopy.
14. Marquee Sign means a sign that can include electronic or manual changeable copy sign components on the fascia of a projecting sign that is supported from a building, without pillars or posts, and extends beyond the building, building line, or property line. A sign attached to the bottom of the marquee structure will be considered a pedestrian sign.
15. Monument Sign means a freestanding sign that has a total height of six feet or less.

16. Moving Sign means a sign that includes motion, movement, or the illusion of movement. A moving sign also includes the display of any item as part of such sign, such that the item is displayed and placed in motion, movement, or creates the illusion of movement.
17. Off-Premise Sign. A sign directing attention to a specific business, product, service, organization, person, entertainment, event or activity, or other commercial activity that is not sold, produced, manufactured, furnished, or conducted at the property where the sign is located. Also known as a billboard, off-site advertising, or outdoor advertising sign.
18. Pedestrian Sign means a permanent, projecting sign that is oriented and scaled toward pedestrians.
19. Permanent Sign means a sign that is attached to a building, a structure, or the ground by means of mounting brackets, bolts, welds, or other combination of attachment methods, thereby rendering the sign non-moveable or difficult to reposition without the use of tools.
20. Political Sign means an unlighted sign which is not permanently affixed to the ground, a building or other structure, displayed during a period of time beginning 45 days immediately preceding any primary, general, or special election as defined by the Reno County Election Offices, and continuing until two days after such election.
21. Portable Sign means a sign not permanently attached to the ground or other permanent structure, designed to be moved from one location to another, including signs on wheels or with wheels removed, signs on legs or other framework designed to rest upon the ground or to be driven into the ground.
22. Projecting Sign means a sign, other than a pedestrian sign, which is attached to a building or wall and extends perpendicular at least 12 inches beyond the building or wall, or beyond the surface of that portion of the building or wall it is attached to.
23. Pylon Sign means a freestanding sign for which the support structure may or may not be visible or enclosed and has a total height greater than 6 feet.
24. Reverse Channel Lit Signs - see Halo Lit Signs.
25. Roof Sign. A sign which is erected, constructed, and maintained wholly upon or over the roof of a building and derives its principal support from the roof structure.
26. Sidewalk Sign. A self-supported portable sign that is not secured or attached to the ground or surface where it is located and that is placed upon a sidewalk within a public right-of-way.
27. Sign means any object, device, display, structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, numbers, figures, design, symbols, fixtures, colors, illumination, or projected images.
28. Snipe Sign means a sign made of any material when such sign is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, fences or other objects, and the advertising matter appearing on it is not applicable to the present use of the premises such sign is located on.

29. Spanner Board Sign means a sign that is mounted flush to a structural member extending between two vertical support poles of a gasoline island canopy and permanently mounted to the poles at a height above the gasoline pumps and below the gasoline island canopy.
30. Street Banner Sign means a Temporary Sign that is located across a public right-of-way.
31. Subdivision Entry Sign means a permanent monument sign located on private property within 20 feet of the right-of-way along the vehicular entrance to a residential, commercial, industrial, or mixed-use subdivision consisting of five or more lots.
32. Tablet Sign means a noncommercial sign carved into stone, concrete, or similar material or made of metal or other permanent type construction and made an integral part of a structure or permanently attached thereto.
33. Temporary Sign means a sign which is not permanently affixed to the ground, a building or other structure. As an example, temporary signs include banners, pennants, feather signs, inflatables, and any sign whose structure is inserted into the ground so that it is easily removable.
34. Tri-Vision Sign means an off-premise sign which consists of rotating, non-internally illuminated louver displays which accommodate three separate advertising messages per sign face, to be displayed one at a time on a schedule. Tri-Vision Signs can be a Monument or Pylon Sign, or located on a principal building façade as a Wall Sign.
35. Wall Sign means a sign fastened to or painted on a wall of a building or structure in such a manner that the sign is attached parallel to or flush against the wall such that the wall becomes merely the supporting structure or forms the background surface, and which does not project more than 12 inches from such wall. Wall signs include signs incorporated into or onto a masonry wall or retaining wall.
36. Window Sign means a sign affixed to the surface of a window with its message intended to be read or viewed from the exterior of the building.

24-201 Signs Authorized in Agricultural and Residential Districts.

Signs are allowed within the agricultural and residential districts of this Code (Zones AG, RR, R-1, R-2, R-3, R-4, R-5, R-6, GH and MHP) as follows:

1. Signs allowed in AG District: The following signs are allowed in the “AG” Agricultural District:
 - a. All signs allowed in the RR, R-1, R-2, R-3, R-4, R-5, R-6, GH and MHP Districts, EXCEPT that the maximum number of any type of sign (e.g. Monument Signs, Wall Signs) shall not exceed the number of such type of signs allowed below.
 - b. Monument Signs:
 - i. Maximum Sign Area: 40 square feet
 - ii. Maximum Height: 10 feet

- iii. Total Number Allowed on Premises: 2
 - iv. Minimum Setbacks:
 - 1. Front Yard: 15 feet
 - 2. Street Side Yard: 15 feet
 - 3. Side Yard: 3 feet
 - 4. Rear Yard: 10 feet
 - v. Permitted Illumination: External
 - c. Wall Signs:
 - i. Maximum Sign Area: 60 Square Feet
 - ii. Total Number Allowed on Premises: One allowed per wall
 - iii. Entire sign must be contained within the envelope of the wall it is attached to, so that no portion of the sign projects above or below the perimeter of the wall it is attached to.
 - iv. Permitted Illumination: External
- 2. Signs Allowed in the RR, R-1, R-2, R-3, R-4, R-5, and R-6 Districts. The following signs are allowed in the “RR” Rural Residential District; “R-1” Estate Residential”; “R-2” Single-Family Residential; “R-3” Single-Family Residential; R-4” Single-Family Residential; “R-5” Garden & Patio Homes; and “R-6” Multi-Family Districts:
 - a. Monument Signs:
 - i. Maximum Sign Area: 6 square feet
 - ii. Maximum Height: 3 feet
 - iii. Total Number Allowed on Premises: One sign per dwelling unit, with a maximum of two Monument Signs allowed on Premises.
 - iv. Minimum Setbacks:
 - 1. Front Yard: 10 feet
 - 2. Street Side Yard: 10 feet
 - 3. Side Yard: 3 feet
 - 4. Rear Yard: 10 feet
 - v. Permitted Illumination: External
 - b. Wall Signs:
 - i. Maximum Sign Area: 3 square feet
 - ii. Total Number Allowed on Premises: One allowed per wall
 - iii. Entire sign must be contained within the envelope of the wall it is attached to, so that no portion of the sign projects above or below the perimeter of the wall it is attached to.
 - iv. Permitted Illumination: External
- 3. Signs Allowed in the MHP and GH Districts. The following signs are allowed in the “MHP” Manufactured Home Park and “GH” Group Homes Districts:
 - a. All signs allowed in the RR, R-1, R-2, R-3, R-4, R-5, and R-6 Districts, EXCEPT that the maximum number of any type of sign (e.g. Monument Signs, Wall Signs) shall not exceed the number of such type of signs allowed below.
 - b. Monument Signs:
 - i. Maximum Sign Area: 32 square feet

- ii. Maximum Height: 4 feet
- iii. Total Number Allowed on Premises: One sign per dwelling unit, with a maximum of two Monument Signs allowed on Premises.
- iv. Minimum Setbacks:
 - 1. Front Yard: 10 feet
 - 2. Street Side Yard: 10 feet
 - 3. Side Yard: 10 feet
 - 4. Rear Yard: 10 feet
- v. Permitted Illumination: External
- c. Wall Signs:
 - i. Maximum Sign Area: 8 square feet
 - ii. Total Number Allowed on Premises: One allowed per wall
 - iii. Entire sign must be contained within the envelope of the wall it is attached to, so that no portion of the sign projects above or below the perimeter of the wall it is attached to.
 - iv. Permitted Illumination: External
- 4. Signs for Special Uses: All signs allowed in the zoning district applicable to the property subject to the approved Special Use Permit, as well as all signs authorized by the Special Use Permit EXCEPT that no sign otherwise permitted by the underlying zoning district of the subject property shall be allowed that is specifically prohibited by the Special Use Permit.

24-202 Signs Authorized in Commercial Districts.

Signs are allowed within the commercial districts of this Code (C-1 and C-2 Districts) as follows:

- 1. Signs Allowed in the C-1 and C-2 Districts. The following signs are allowed in the “C-1” Neighborhood Commercial Office and Retail and “C-2” General Commercial Districts:
 - a. Awning Signs:
 - i. Total Number Allowed on Premises: One sign per building façade per establishment located within the Premises.
 - ii. Maximum Sign Coverage: The combined total square footage of Window Signs, Wall Signs, Awning Signs and Canopy Signs may not exceed 30 percent of the surface area of the establishment’s façade they are attached to, except that sign(s) located on a rear façade facing a public street may not exceed 40 square feet in area. In no case may a sign exceed 200 square feet in area.
 - iii. Entire sign must be contained within the envelope of the wall it is attached to, so that no portion of the sign projects above or below the perimeter of the wall it is attached to.
 - iv. Illumination: May be internally or externally illuminated.
 - b. Canopy Signs:

- i. Total Number Allowed on Premises: One sign per building façade per establishment located within the Premises.
 - ii. Maximum Sign Coverage: The combined total square footage of Window Signs, Wall Signs, Awning Signs and Canopy Signs may not exceed 30 percent of the surface area of the establishment's façade they are attached to, except that sign(s) located on a rear façade facing a public street may not exceed 40 square feet in area. In no case may a sign exceed 200 square feet in area.
 - iii. Entire sign must be contained within the envelope of the wall it is attached to, so that no portion of the sign projects above or below the perimeter of the wall it is attached to.
 - iv. Illumination: May be internally or externally illuminated.
- c. Digital Graphic Signs:
 - i. Maximum Sign Area: No more than 55 square feet, which will be included in the calculation of the total permitted sign area.
- d. Island Canopy Signs:
 - i. May incorporate manual changeable copy sign and/or digital graphic sign
 - ii. Maximum Sign Area: The total surface area of all signs on a single common canopy fascia may not exceed 30 percent of the area of the canopy that fascia signs are attached to.
 - iii. Total Number Allowed on Premises: No more than two signs per canopy fascia, which may not project above, below, or beyond the perimeter of the fascia it is attached to.
 - iv. Illumination: May be internally or externally illuminated.
- e. Monument Signs OR Pylon Signs:
 - i. May incorporate manual changeable copy sign and/or digital graphic sign
 - ii. Maximum Sign Area: The maximum area of all of these signs on a single premises may not exceed one square foot for each one foot of frontage for each separate street frontage. Total allowed sign areas may not be combined and applied, in whole or in part, to one street frontage on premises with more than one street frontage. In no case may a sign exceed 200 square feet in area.
 - iii. Maximum Height:
 - 1. Monument Signs: 10 feet
 - 2. Pylon Signs: 30 feet
 - iv. Total Number Allowed on Premises: One sign per lot and per street frontage. If a lot has street frontage along a single street that is greater than 600 linear feet, one additional sign will be permitted within each increment of 600 linear feet.
 - v. Minimum Setbacks:
 - 1. Front Yard: 10 feet
 - 2. Street Side Yard: 10 feet

- 3. Side Yard: 10 feet
- 4. Rear Yard: 10 feet
- vi. Illumination: May be internally or externally illuminated.
- f. Sidewalk Signs: No more than two (2) Sidewalk Signs shall be allowed per establishment located within or upon any Premises.
- g. Wall Signs:
 - i. Total Number Allowed on Premises: One sign per building façade per establishment located within the Premises.
 - ii. Entire sign must be contained within the envelope of the wall it is attached to, so that no portion of the sign projects above or below the perimeter of the wall it is attached to.
 - iii. Maximum Sign Coverage: The combined total square footage of Wall Signs, Awning Signs and Canopy Signs may not exceed 50 percent of the surface area of the establishment's façade they are attached to, except that sign(s) located on a rear façade facing a public street may not exceed 40 square feet in area. In no case may a sign exceed 200 square feet in area. Window Signs may cover the entirety of exterior windows.
 - iv. Illumination: May be internally or externally illuminated.
- h. Window Signs:
 - i. Maximum Sign Area: No more than 25 percent of the window area the sign is attached to.
 - ii. No restriction concerning number of signs.
 - iii. Maximum Sign Coverage: The combined total square footage of Window Signs, Wall Signs, Awning Signs and Canopy Signs may not exceed 30 percent of the surface area of the establishment's façade they are attached to, except that sign(s) located on a rear façade facing a public street may not exceed 40 square feet in area. In no case may a sign exceed 200 square feet in area.
 - iv. Entire sign must be contained within the envelope of the window it is affixed to, so that no portion of the sign projects above or below the perimeter of the window it is affixed to.
 - v. Illumination: May be internally or externally illuminated.

24-203 Signs Authorized in Industrial Districts.

Signs are allowed within the industrial districts of this Code (M-1 District) as follows:

- 1. Signs Allowed in the M-1 District. The following signs are allowed in the "M-1" Planned Industrial District:
 - a. Awning Signs:
 - i. Total Number Allowed on Premises: One sign per building façade per establishment located within the Premises.

- ii. Maximum Sign Coverage: The combined total square footage of, Wall Signs, Awning Signs and Canopy Signs may not exceed 50 percent of the surface area of the establishment's façade they are attached to, except that sign(s) located on a rear façade facing a public street may not exceed 40 square feet in area. In no case may a sign exceed 260 square feet in area. Window Signs may cover the entirety of exterior windows.
 - iii. Entire sign must be contained within the envelope of the wall it is attached to, so that no portion of the sign projects above or below the perimeter of the wall it is attached to.
 - iv. Illumination: May be internally or externally illuminated.
 - b. Canopy Signs:
 - i. Total Number Allowed on Premises: One sign per building façade per establishment located within the Premises.
 - ii. Maximum Sign Coverage: The combined total square footage of, Wall Signs, Awning Signs and Canopy Signs may not exceed 50 percent of the surface area of the establishment's façade they are attached to, except that sign(s) located on a rear façade facing a public street may not exceed 40 square feet in area. In no case may a sign exceed 260 square feet in area. Window Signs may cover the entirety of exterior windows.
 - iii. Entire sign must be contained within the envelope of the wall it is attached to, so that no portion of the sign projects above or below the perimeter of the wall it is attached to.
 - iv. Illumination: May be internally or externally illuminated.
 - c. Digital Graphic Signs:
 - i. Maximum Sign Area: No more than 32 square feet, which will be included in the calculation of the total permitted sign area.
 - d. Island Canopy Signs:
 - i. May incorporate manual changeable copy sign and/or digital graphic sign
 - ii. Maximum Sign Area: The total surface area of all signs on a single common canopy fascia may not exceed 30 percent of the area of the canopy that fascia signs are attached to.
 - iii. Total Number Allowed on Premises: No more than two signs per canopy fascia, which may not project above, below, or beyond the perimeter of the fascia it is attached to.
 - iv. Illumination: May be internally or externally illuminated.
 - e. Monument Signs OR Pylon Signs:
 - i. May incorporate manual changeable copy sign and/or digital graphic sign
 - ii. Maximum Sign Area: The maximum area of all of these signs on a single premises may not exceed one square foot for each one foot of frontage for each separate street frontage. Total allowed sign

areas may not be combined and applied, in whole or in part, to one street frontage on premises with more than one street frontage. In no case may a sign exceed 200 square feet in area.

- iii. Maximum Height:
 - 1. Monument Signs: 10 feet
 - 2. Pylon Signs: 30 feet
 - iv. Total Number Allowed on Premises: One sign per lot and per street frontage. If a lot has street frontage along a single street that is greater than 600 linear feet, one additional sign will be permitted within each increment of 600 linear feet.
 - v. Minimum Setbacks:
 - 1. Front Yard: 10 feet
 - 2. Street Side Yard: 10 feet
 - 3. Side Yard: 10 feet
 - 4. Rear Yard: 10 feet
 - vi. Illumination: May be internally or externally illuminated.
- f. Wall Signs:
- i. Total Number Allowed on Premises: One sign per building façade per establishment located within the Premises.
 - ii. Entire sign must be contained within the envelope of the wall it is attached to, so that no portion of the sign projects above or below the perimeter of the wall it is attached to.
 - iii. Maximum Sign Coverage: The combined total square footage of, Wall Signs, Awning Signs and Canopy Signs may not exceed 50 percent of the surface area of the establishment's façade they are attached to, except that sign(s) located on a rear façade facing a public street may not exceed 40 square feet in area. In no case may a sign exceed 260 square feet in area. Window Signs may cover the entirety of exterior windows.
 - iv. Illumination: May be internally or externally illuminated.
- g. Window Signs:
- i. Maximum Sign Area: 100% of the window can have be covered with a vinyl or similar material with a see-through mechanism.
 - ii. No restriction concerning number of signs.
 - iii. .
 - iv. Entire sign must be contained within the envelope of the window it is affixed to, so that no portion of the sign projects above or below the perimeter of the window it is affixed to.
 - v. Illumination: May be internally or externally illuminated.

24-301 Off-Premise Advertising Signs.

Off-Premise Advertising Signs shall be authorized within the City in the locations and subject to the regulations and restrictions as follows:

1. Districts Where Allowed: “C-1” Neighborhood Commercial Office and Retail; “C-2” General Commercial District and “M-1” Planned Industrial District.
2. Permitted Sign Types: Monument, Pylon, Wall
3. Permitted Sign Types via Special Use Permit: Digital Graphic and Tri-Vision
4. Minimum Sign Separation Distances. The following distances are measured from one sign's extremity to another's.
 - a. The minimum separation distance between two digital graphic off-premise advertising signs is 5,000 feet. The minimum separation distance between a digital graphic off-premise advertising sign and all other off-premise advertising signs is 800 feet.
 - b. The minimum separation distance between all off-premise advertising signs that are not digital graphic signs is 800 feet.
 - c. Separation from Residential Districts: Off-premise advertising signs may be no closer than 200 feet to a residential district.
5. Required Sign Setbacks:
 - a. Front Yard and Rear Yard: 25 feet.
 - b. Side Yard: 15 feet.
6. Maximum Surface Area: 300 square feet.
7. Maximum Height:
 - a. Wall sign: Must not project above the building façade it is attached to.
 - b. Monument sign: Six feet.
 - c. Pylon sign: 50 feet.
8. Illumination: With the exception of digital graphic off-premise advertising signs, any illumination must be external and directed upward.
9. Use limitations:
 - a. Must be located on a parcel, tract, or lot that conforms to the minimum lot size requirements of the zoning district in which the sign is located.
 - b. Must be oriented towards the abutting street.
 - c. Must be constructed using a uni-pole design, except for wall signs.
 - d. The surface area of the off-premise advertising pylon sign does not count towards the permitted maximum surface area for all signs associated with a separate principal use located on the same property.
 - e. The surface area of off-premise advertising monument sign and wall sign will count towards the total permitted surface area for all signs associated with a separate principal use located on the same property.
 - f. Off-premise advertising sign faces must not be placed side by side or stacked vertically.
 - g. Double-faced off-premise advertising signs having nonparallel faces must be constructed so that the angle between the sign faces does not exceed 24 degrees and the total distance between the open ends of the faces does not exceed 10 feet.
 - h. Must not incorporate digital animated signs.

- i. Any trim surrounding an off-premise advertising sign face and any extension(s) of the display surface must be included in the maximum allowed surface area. The sign base, structural members, and supports will be excluded from the maximum surface area, provided they do not constitute part of the display message.
10. Digital Graphic Off-Premise Advertising Sign Standards:
- a. Must be approved by a Special Use Permit
 - b. Duration of Message and Transition: Notwithstanding other duration regulations in this Code to the contrary that generally govern Digital Graphic Signs, the sign message for a Digital Graphic Off-Premises Advertising Sign must remain static for a period of at least 20 seconds. The transition from one message to the next must be direct and immediate, without any special effects including: dissolving, fading, scrolling, starbursts, and wiping.
 - c. Image characteristics: Signs must have a pitch no greater than 20 millimeters between each pixel.
 - d. Luminance: During daylight hours (i.e., between sunrise and sunset) luminance cannot exceed 5,000 nits. During nighttime hours (i.e., and between sunset and sunrise) luminance cannot exceed 500 nits. All signs with a digital display having illumination by means other than natural light must be equipped with an automatic dimmer or other mechanisms that automatically controls the sign's brightness to comply with this requirement.
 - e. Conversion of Billboards. The conversion of an existing off-premise advertising sign to a digital graphic off-premise advertising sign is not considered "maintenance", and must be approved as a new Digital Graphic Off-Premises Advertising Sign by an approved Special Use Permit."

Section 28. Zoning Map Amendment

The official zoning map of the City of Cheney, Kansas is hereby amended in accordance with Sections 1 through 24 of this Ordinance.

Section 29. Repeal

All ordinances or parts of ordinances in conflict herewith are repealed. However, any section of an existing ordinance not in conflict herewith is not repealed and remains in full force and effect.

Section 30. Effective Date

This Ordinance shall take effect and be in force from and after publication in the official city newspaper.

Adopted by the City Council this 9th day of April, 2025.

Approved by the Mayor this 9th day of April, 2025.



MAYOR, PHILIP MIZE

SEAL

ATTEST:



CITY CLERK, ANGIE GASSMANN