

Chapter 6 ZONING DISTRICTS

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6.00 Districts Designated

For the purpose of regulating and restricting the use of land and the erection, construction, reconstruction, altering, moving or use of buildings and structures, the corporate area of the City is divided into zoning districts enacted pursuant to KSA 12-753 et seq. and a floodplain overlay zone enacted pursuant to KSA-12754 and KSA-12766 et seq.

A. For the purpose and intent of this ordinance, the City of Cheney is hereby divided into the following zoning districts:

Agricultural and Residential Districts

- AG - Agricultural
- RR - Rural Residential
- R-1 - Estate Residential
- R-2 - Single Family (min. 13,000 sq ft)
- R-3 - Single Family (min. 10,200 sq ft)
- R-4 – Single Family (min. 7,000 sq ft)
- R-5 – Garden and Patio Homes, Townhouses and Condominiums
- R-6 – Multi-Family District
- MHP - Manufactured Home Park
- RDMH-Residential Design Manufactured Home
- GH – Group Homes

Commercial and Business District

- C-1 - Neighbor Commercial, Office and Retail
- C-2 - Planned Commercial Office and Retail

Industrial District

M-1 - Planned Industrial District

B. The floodplain overlay zones are designated in, and subject to the provisions of, Floodplain Zoning. In addition to the regulations set forth in Floodplain Zoning, all property lying within the boundaries of the floodplain overlay districts shall also be subject to the regulations applicable to the underlying zoning district.

6.01 Official Zoning Map

The location and boundaries of the districts established by this ordinance are as shown on a map officially designated as the Zoning District Map, which map, together with everything shown thereon and all amendments hereto, is hereby incorporated by reference as amended. Said official zoning map is kept in the office of the City Clerk.

6.02 Boundaries of Districts

The following rules shall apply to the boundaries of the various districts as shown on the Zoning District Map:

A. District boundary lines are either the centerlines of railroads, highways, streets, alleys, waterways or easements, or the boundary lines of sections, quarter sections, division of sections, tracts or lots, or such lines extended, unless otherwise indicated.

B. In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent to and paralleling a street or highway, the depth of such strips shall be in accordance with dimensions shown on the maps measured at right angles from the centerline of the street, highway or railroad right-of-way, and the length of the frontage shall be in accordance with dimensions shown on the maps from section, quarter-section, or division lines or center lines of streets, highways, or railroad rights-of-way unless otherwise indicated.

C. Where a district boundary line divides a lot as defined herein, the regulations for either portion of the lot may, in the owner's discretion, extend to the entire lot, but not more than twenty-five (25) feet beyond the boundary line of the district.

D. Questions concerning the exact locations of zoning district boundary lines shall be interpreted by the City Administrator or his/her designee.

6.03 Zoning of Annexed Land

All land which is hereafter annexed into the City shall be placed in a zone compatible with its current county zoning. If compatible zone is not found, it shall be zoned AG-Agricultural unless previous agreement has designated a different zoning district.

6.04 Conformance to Comprehensive Plan

In the consideration of any application for a zoning amendment or a special use request, the Planning Commission and the Governing Body shall determine whether the

proposal conforms to the adopted Comprehensive Plan and any other recognized plans, studies or policies normally utilized by the City in making land use decisions.

6.05 General Requirements

A. Except as otherwise specifically provided, no building or structure shall be erected, constructed, reconstructed, moved or altered, nor shall any building, structure or land be used or any occupancy permit granted for any purpose other than is permitted by the regulations of this ordinance applicable to the zoning district in which such building, structure or land is situated.

B. Except as otherwise specifically provided, no building or structure shall be erected, constructed, reconstructed, moved or altered to exceed the height or area limits established by the regulations of this ordinance applicable to the zoning district in which such building or structure is situated.

C. Except as otherwise specifically provided, no lot area shall be reduced or diminished so that the yards or other open spaces shall be smaller than prescribed, nor shall the density be increased in any manner, except in conformity with the area regulations of this ordinance applicable to the zoning district in which the lot or property is situated.

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

6.06 Performance Standards: Measurement

In some districts, performance standards capable of quantitative measurement are 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.