



City of Clearwater Planning Commission Meeting Agenda
Tuesday July 1, 2025, at 6:30pm
129 E Ross Clearwater, KS 67026

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1. Call meeting to order

2. Roll Call

Lyle Berntsen
Duane Schneider

Ron Witt
Kenny Watson

Ryan Karrick
John Hurley

Jarod Ledington

3. [Approval of the Minutes of June 3, 2025](#)

4. [Hearing: Zoning Ordinance amendment](#)

a. [Article 8 – R-2 Intensity Use Regulations](#)

b. [Article 23 – Additional Height, Area, and Use Regulations Qualification and supplementations to district regulations.](#)

5. Other Business

6. Adjournment

City of Clearwater, Kansas
Sedgwick County
Planning Commission - **MINUTES**
June 3, 2025
Clearwater City Hall
129 E. Ross Avenue Clearwater, KS 67026

1. Call meeting to order.

Lyle Berntsen called the meeting to order at 6:30 p.m.

2. Roll Call

Deputy City Clerk called the roll to confirm the presence of a quorum. The following members were present: Lyle Berntsen, Kenny Watson, Jarod Ledington, Ron Witt, Duane Schneider. Ryan Karrick and John Hurley were absent.

The following staff members were present:

Courtney Zollinger, City Administrator; Carol Reitberger, Deputy City Clerk, City Attorney Scott Ufford.

Also present: Don and LaDonna Lawrenz

3. Approve May 6, 2025, Minutes

Motion: *Watson* moved, *Ledington* seconded to approve the minutes of the May 6, 2025, as presented. The motion passed unanimously. 5-0

4. Lot Split – 235 and 237 W. Wood

The owners of 235 and 237 W. Wood would like to split one lot into two lots. Per Article 9, Section 9.2 Clearwater Subdivision Regulations, property owners within 200 square feet of the property proposed to be split had 10 days from the date of notification to notify Carol Reitberger, Deputy City Clerk, of any protests. There was one call and once the split was explained the resident said they were fine with it.

The request meets all but one requirement of Article 9, Section 9.2 of the Clearwater Subdivision Regulations. The regulations state that a lot size for a single-family home shall be 6,000 square feet. One parcel will be 4,610 square feet and one parcel will be 5,902 square feet.

When researching other lot splits in Sedgwick County and others have where there is R-2 districts some have set the minimum lots size at 3,500 square feet to account for a single duplex lot that could be divided in half. Clearwater's is 6,000. The other point for setbacks would be "Single-family attached and two-family dwellings: 5 feet on each side, **except for the common lot line of an attached dwelling.**"

With the cost of building and owning this option is becoming more popular. It is recommended to approve the lot split and amend the ordinance to accommodate the twin homes.

The commission discussed and agreed that reducing the minimum lot size for single family dwellings will be necessary for current housing needs. This will require an amendment to the zoning ordinance to make it legal.

Motion: *Witt* moved, *Ledington* seconded to approve the lot split for 235 W. Wood and 237 W. Wood contingent upon the ordinance amendment as presented. The motion passed unanimously. 5-0

5. Lot Size and Accessory Structures

At the May Board of Zoning Appeals meeting the group discussed whether an amendment should be made to the Zoning Regulations to allow a large square foot of detached accessory structures on larger lots.

Park City is addressing this issue, and their Zoning Administrator, Russ Ewy, thinks it's a good idea to allow larger accessory structures on larger lots. During his tenure with them, they have approved all the BZA applications for larger accessory structures, which raises the question of why not just increase the maximum size. The 900 square feet was typically the size of a larger two-car garage, but most property owners now want sheds in the 1,200 square foot range. Park City categorizes them by lot size but only allows larger buildings on five-acre parcels, and there aren't many of those in a small city.

Some of the considerations to handling this issue: (1) stay at 900 square feet for lots smaller than 20,000 square feet (roughly a half-acre), allow 1,200 square feet for tracts between 20,000 square feet and an acre; or (2) use a lot coverage maximum of 30 to 35 percent to create a balance between the larger house and the accessory structure (e.g., smaller house with a larger accessory building, or a larger house with a smaller accessory building). The board will have options for approving exceptions to this standard, either via staff approvals or BZA exceptions.

Our current Zoning Regulations within each zoning district has a section on Lot Coverage. For R-1 and R-L coverage cannot exceed 30% total area and R-2 and R-3 districts is 40%.

There was discussion about lot splits of 9,000 sq feet which would make each lot 4,500 square feet.

There have been some lots split in the Indian Ridge Development according to the Sedgwick County GIS. Zollinger is not sure how this happened but will make some phone calls to stop this practice. Those lot splits need to come through Clearwater.

The Board discussed several larger lots on North Fourth Street that have gotten a variance to have an accessory structure larger than 900 square feet and still have plenty of room on the lot. The Board stated there could be exceptions when there is plenty of room.

The Board also discussed having larger accessory structures but not allowing them to be larger than the primary structure. The 900 square feet regulation was put into place in 2003 and times have changed and people are wanting bigger accessory structures.

The Board consensus on a lot that is .75 the accessory structure cannot be bigger than the primary structure (home) and dwelling and accessory structure cannot exceed 30% of the lot. Zollinger will bring an ordinance amendment to the Commission at the next meeting for a hearing.

6. Other Business

Nothing currently to report. There will be a meeting July 1, 2025

7. Adjournment

With there being no other business, *Ledington* moved, *Watson* seconded to adjourn the meeting.

Voted and passed unanimously. 5-0

The meeting adjourned at 7:20 p.m.

CERTIFICATE

State of Kansas }
County of Sedgwick }
City of Clearwater }

I hereby certify that the foregoing is a true and correct copy of the approved minutes of June 3, 2025, Planning Commission Board.

Given under my hand and official seal of the City of Clearwater, Kansas, this 1st of July 2025.

Carol Reitberger, Deputy City Clerk, Secretary

Lyle Berntsen, Chairperson

ORDINANCE NO. ____

AN ORDINANCE AMENDING ARTICLE 8 OF APPENDIX C – ZONING REGULATIONS OF THE CODE OF THE CITY OF CLEARWATER, KANSAS

WHEREAS, the Planning Commission of the City of Clearwater, Kansas, has identified a need to modify the Zoning Regulations as they pertain to lot sizes; and

WHEREAS, pursuant to Article 27-1 of Appendix C of the Code of the City of Clearwater, Kansas, a hearing was held before the Planning Commission on [date] to address the proposed modifications to the Zoning Regulations regarding lot sizes; and

WHEREAS, the City of Clearwater, Kansas, wishes to amend Article 8-4 and Article 8-7 of Appendix C to the Code of the City of Clearwater to modify its regulations regarding accessory structures

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEARWATER KANSAS:

SECTION 1.

Article 8-4 of Appendix C – Zoning Regulations of the Code of the City of Clearwater, Kansas, is hereby amended to read as follows:

8-4. Intensity of use regulations.

Lots in this district shall be subject to the following minimum size requirements:

- (1) Single-family dwellings. A lot on which there is erected a single-family dwelling shall contain an area of not less than ~~6,000~~ 4,500 square feet with a minimum lot width of 50 feet.
- (2) Two- and three-family dwellings. A lot on which there is erected a two- or three-family dwelling shall contain an area of not less than ~~5,000~~ 4,500 square feet per dwelling unit. This regulation shall be applicable to such structures being converted to individually owned units. Also see Article 23, Additional Height, Area, and Use Regulations.
- (3) Dormitories, lodging houses, nursing homes, and boarding houses shall, in addition to meeting the above requirements for single-family buildings, shall provide at least 500 square feet of lot area for each occupant.

SECTION 2.

Article 8-7 of Appendix C—Zoning Regulations of the Code of the City of Clearwater, Kansas, is hereby amended to read as follows:

8-7. Yard regulations.

(a) Front yard.

- (1) There shall be a front yard having a depth of not less than 25 feet, except as required for arterial and collector streets in Article 23.
- (2) Where a lot or lots have a double frontage, the required front yard shall be provided on both streets.
- (3) Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of the corner lot; provided, however, that the buildable width of a single lot of record, as of the effective date of the ordinance from which this chapter is derived, shall not be reduced to less than 35 feet, except as may be required to preserve a minimum setback of six feet from the property line.

(b) Side yard.

- (1) There shall be a side yard on each side of a principal building which shall be one-third the height of the building or ten percent of the width of the lot, whichever is the greater, with a minimum of eight feet, except that where the lot abuts a R-1 district there shall be a minimum side yard of 12½ feet.
 - (A) single-family attached and two-family dwellings where the common wall is also the common lot line shall have a setback of 0 feet on the common lot line. All other setbacks shall follow the regulations contained herein.
- (2) Where more than one principal building is constructed on a tract for hospitals, nursing homes, churches, schools, institutions of higher learning, public buildings, or other public or quasi-public uses, the spacing of said buildings shall not be less than the average height of the adjacent buildings.

(c) Rear Yard. There shall be a rear yard for each principal building in this district which shall have a depth of not less than 25 feet from the rear lot line.

SECTION 3.

This Ordinance shall take effect and be in force thirty (30) days from and after its publication in the official city newspaper.

PASSED AND APPROVED this ____ day of July, 2025

Burt Ussery, Mayor

ATTEST:

Jaye Poe, City Clerk

ORDINANCE NO. ____

AN ORDINANCE AMENDING ARTICLE 23-1 OF APPENDIX C – ZONING REGULATIONS OF THE CODE OF THE CITY OF CLEARWATER, KANSAS

WHEREAS, the Planning Commission of the City of Clearwater, Kansas, has identified a need to modify the Zoning Regulations as they pertain to accessory structures; and

WHEREAS, pursuant to Article 27-1 of Appendix C of the Code of the City of Clearwater, Kansas, a hearing was held before the Planning Commission on [date] to address the proposed modifications to the Zoning Regulations regarding accessory structures; and

WHEREAS, the City of Clearwater, Kansas, wishes to amend its Article 23-1 of Appendix C to the Code of the City of Clearwater to modify its regulations regarding accessory structures

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEARWATER KANSAS:

SECTION 1.

Article 23-1 of Appendix C – Zoning Regulations of the Code of the City of Clearwater is hereby amended to read as follows:

23-1. Qualifications and supplementations to district regulations.

The regulations hereinafter set forth in this section qualify or supplement, as the case may be, the district regulations appearing elsewhere in this chapter.

- (1) In districts where public buildings, semi-public buildings, public service buildings, hospitals, institutional buildings, schools, and churches and similar places of worship are permitted, one foot of additional height will be permitted for each one foot of additional building setback provided.
- (2) Chimneys, cooling towers, elevator headhouses, fire towers, grain elevators, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers and spires, church steeples, radio and television towers, or necessary mechanical appurtenances, which do not conflict with airport approach zones, may be erected to a height not to exceed 150 feet.
- (3) No accessory buildings or structure shall be closer to the front lot line than the dwelling. Any accessory building constructed in the side or rear yard shall not encroach on any required utility easements and shall not be located any closer to a property line than six feet, except that where vehicular access to a garage is perpendicular to the alley line, a setback of at least ten feet from the alley line shall

be required. No accessory building shall cover more than 30 percent of the required rear yard.

- a. A detached accessory structure having construction techniques and style consistent with the dwelling, may be located toward the front of the lot when conforming with the front and side yard setback requirements of the dwelling. In addition, said accessory structure must be at least three feet from the dwelling. All accessory structures shall be six feet from any other structure.
 - b. Accessory structures which are not consistent with the dwelling in construction technique and style must be located at least 12½ feet from the dwelling. Accessory structures shall not be closer than six feet to any other structure.
 - c. Commercial/industrial zones: Cargo containers may only be placed permanently in areas zoned commercial or industrial but must meet all guidelines for accessory structures. Permanent placement of cargo containers is prohibited in any front or side yard.
 - d. Residential zones: Cargo containers may be placed in areas zoned residential on a temporary basis only but not for more than 30 days. Cargo containers placed for temporary use may be located at the front of any property but may not be placed on the street or be placed in such a way as to restrict the line of sight of any vehicle(s) entering in any direction on that street.
 - e. Accessory structures can not be built over utility lines unless utilities are modified to meet the International Building Code.
 - f. Total area of all detached accessory structures in all residential districts with lots that are less than .75 acres shall not exceed 900 square feet.
 - g. Total area of all detached accessory structures and principal building with lot sizes .75 acres or more except for R-L shall not exceed 30% coverage of total lot area.
 - h. The size of accessory structures may not be greater than the principal building size.
 - ~~g. i.~~ Accessory structures on a lot of less than ten acres may not be erected or constructed to a height greater than the dwelling height on the same property.
- (4) No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used for dwelling purposes.
- (5) The setback line for yard requirements shall be determined by measuring the horizontal distance from the property line to the nearest architectural projection of

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the building except the following structures and features may be located within the required setbacks:

- a. Trees, shrubbery or other features of natural growth;
 - b. Fences or walls that do not exceed six feet in height as measured on the side of the fence with the least vertical exposure above the finished grade;
 - c. Driveways, patios and sidewalks;
 - d. Bay windows and cantilevered floor areas of dwellings that do not project more than two feet into the required setback and extend no more than six feet in width;
 - e. Eaves that do not project more than two feet into the required setback;
 - f. Open outside stairways, decks, entrance hoods, terraces, canopies and balconies that do not project more than five feet into the rear setback nor more than two feet in a required side setback;
 - g. Chimneys, flues and ventilating ducts that do not project more than two feet into a required setback and when placed so as not to obstruct light and ventilation;
 - h. Open, unenclosed porches and carports that do not project more than five feet into a required rear setback;
 - i. Utility lines, wires and associated structures, such as power poles;
 - j. Window wells not over eight inches above grade may project a maximum of 44 inches including all structural elements;
 - k. Condensing units may be placed in setbacks.
- (6) Open or lattice-enclosed fire escapes, fireproof outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into the rear yard may be permitted by the city building inspector for a distance of not more than 3½ feet provided the same are so placed as not to obstruct light and ventilation.
- (7) For the purpose of the side yard regulations, a two-family dwelling or a multiple-family dwelling shall be considered as one building occupying one lot.
- (8) Temporary buildings and temporary construction signs that are used in conjunction with construction work may be permitted in any district during the period that the

building is being constructed, but such temporary building and/or sign shall be removed upon completion of the construction work.

- (9) No side yards are required where dwelling units are erected above commercial structures, and front, side, and rear yard requirements shall not apply to the interior walls of dwelling units established under the Kansas Apartment Ownership Act or under the Kansas Townhouse Ownership Act.
- (10) Whenever the number of employees is restricted in connection with any use in the commercial districts, such maximum number applies only to employees principally engaged in processing, selling, or treating materials or products on the premises and not to employees engaged in delivery or off-site similar activities.
- (11) Electronic communications towers shall be permitted in any commercial, industrial, or agricultural district providing the height of said towers do not conflict with any airport approach or landing zone or with any other ordinance, and providing that towers within 150 feet of a residential district shall not exceed 80 feet in height.
- (12) On a corner lot in any residential district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of 2½ and ten feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines 90 feet from the point of the centerline intersection.
- (13) In any district, more than one structure housing a permitted or permissible principal use may be erected on a zoning lot, provided that yard and other requirements of this chapter shall be met for each structure as though it were on an individual lot.
- (14) Every building hereafter erected or moved shall be on a lot adjacent to a public street, or with access to an approved private street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection and required off-street parking.
- (15) Conversion of a two-family or multiple-family structure to individually owned single-family dwelling units may be permitted subject to the requirements of the subdivision regulations, and to the following:
 - a. An application for such unit conversion shall be filed for review and comment by city staff and the planning commission and approval by the governing body. Such application shall be accompanied by the following information as a minimum:
 - 1. A plot plan showing site and structure arrangements and proposed replatting.

2. A full legal description of the subject property, including legal descriptions of proposed individual properties after re-platting.
 3. A description of proposed structural and utility alterations to provide for individual services and maintenance.
 4. A description of proposed public access patterns, both vehicular and pedestrian.
 5. A copy of protective covenants which shall be written to run with the land in which shall be specified methods for providing for maintenance of shared property and/or easements, responsibilities for shared expenses, and continued use of the property for specified purposes. Such covenants shall be written to provide for the long-term maintenance and use of the premises for residential purposes only, within the overall context of neighborhood development.
 6. Any other supplementary information as may be required to assess short- and long-term neighborhood impacts associated with the proposed conversion.
- b. The applicant for unit conversion shall submit with his application a consent agreement signed by 75 percent of all owners of property within 200 feet of the premises whereon the unit conversion is proposed.
 - c. Where a two-family or multiple-family structure is converted to individually owned, single-family dwelling units, a separation of utility service lines is required from each individually owned, single-family dwelling unit to a public utility line or to a utility line, private well, septic system, or lagoon which is located in an area of a lot or building that is owned by or accessible to a party legally responsible for maintenance of utility lines or systems on behalf of the owners of each converted single-family dwelling unit.
 - d. The planning commission and governing body shall not approve an application for conversion from a two-family or multiple-family structure to individually-owned, single-family dwelling units where it is determined that an existing or proposed utility service line, private well, septic system, or lagoon exists or is proposed to exist in an area where the maintenance of said utilities would require entry into an individually-owned dwelling unit.
 - e. All conversions of two-family or multiple-family structures to individually-owned, single-family dwelling units are subject to all applicable city codes, including building permit application and inspection procedures.

- f. The above procedures and regulations are applicable even where the conversion does not require new construction.
- g. After reviewing a conversion application for compliance with all applicable city codes, the building official/code enforcement officer shall report to the planning commission and governing body all details of noncompliance with city codes.

SECTION 2.

This Ordinance shall take effect and be in force thirty (30) days from and after its publication in the official city newspaper.

PASSED AND APPROVED this ____ day of July, 2025

Burt Ussery, Mayor

ATTEST:

Jaye Poe, City Clerk



Clearwater Planning Commission/ City Council

Zoning Ordinance Amendment – Action

Article:	Article 8 Section 4
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Commission Recommendation

Reason for Recommendation

Petition Filed?	
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Governing Body Action	
Vote	
Date	
Resolution/ Ordinance (If applicable)	
Effective Date	

City Clerk

(SEAL)



Clearwater Planning Commission/ City Council

Zoning Ordinance Amendment – Action

Article:	Article 23 Section 1
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Commission Recommendation

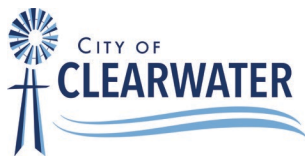
Reason for Recommendation

Petition Filed?	
------------------------	--

Governing Body Action	
Vote	
Date	
Resolution/ Ordinance (If applicable)	
Effective Date	

City Clerk

(SEAL)



City of Clearwater Board of Zoning Appeal Meeting Agenda
Tuesday July 1, 2025, at 6:30pm
129 E Ross Clearwater, KS 67026

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1. Call meeting to order

2. Roll Call

Lyle Berntsen
Duane Schneider

Ron Witt
Kenny Watson

Jarod Ledington

3. Approval of Minutes from June 3, 2025

4. Hearing: 416 N 1st Ct

5. Public Question: Caleb McElroy

6. Other Business

7. Adjournment

City of Clearwater, Kansas
Sedgwick County
Board of Zoning Appeals - **MINUTES**
June 3, 2025
Clearwater City Hall
129 Ross Avenue Clearwater, KS 67026

1. Call meeting to order

Lyle Berntsen called the meeting to order at 7:20 p.m.

2. Roll Call

Deputy City Clerk called the roll to confirm the presence of a quorum. The following members were present: Lyle Berntsen, Kenny Watson, Jarod Ledington, Ron Witt and Duane Schneider.

The following staff members were present:

Courtney Zollinger, City Administrator; Carol Reitberger, Deputy City Clerk, City Attorney Scott Ufford.

3. Approval of Minutes from May 6, 2025

Motion: *Ledington* moved, *Schneider* seconded to approve the minutes of the May 6, 2025, as presented. The motion passed unanimously. 5-0

4. Other Business

Zollinger stated there would be a meeting with a variance on July 1, 2025. It will be for a fence at 416 N. First Ave Court. The resident is proposing the fence be in front of the primary dwelling. There will be more information in the packet that comes out before the meeting.

5. Adjournment

With there being no other business, *Schneider* moved, *Witt* seconded to adjourn the meeting. Voted and passed unanimously. 5-0

The meeting adjourned at 7:26 p.m.

CERTIFICATE

State of Kansas }
County of Sedgwick }
City of Clearwater }

I hereby certify that the foregoing is a true and correct copy of the approved minutes of June 3, 2025,
Board of Zoning Appeals Board.

Given under my hand and official seal of the City of Clearwater, Kansas, this 1st day of July 2025.

Carol Reitberger, Deputy City Clerk, Secretary

Lyle Berntsen, Chairperson



**Clearwater Planning Commission
Board of Zoning Appeals**

Zoning Variance – Action

Property Address:	
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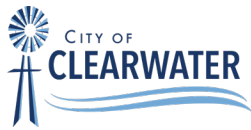
Questions	Supported	Unsupported
Uniqueness The request for a variance must arise from a condition which is unique to the property in question, is not ordinarily found in the same zone or district and is not created by an action or actions of the property owner or applicant.		
Adjacent Property The granting of a variance shall not adversely affect the rights of adjacent property owners or residents.		
Hardship The strict application of this chapter will cause unnecessary hardship upon the property owner represented in the application.		
Public Interest The granting of a variance shall not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.		
General Spirit/Intent The granting of a variance will not violate the spirit and intent of this chapter.		

Commission Recommendation

Petition Filed	
Board Action	
Vote	
Date	

Clerk

(SEAL)



Zoning Variance Request

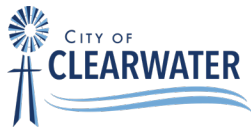
Property Owner:	Donnie Lies, Jr		
Address:	416 N 1 st Street Ct		
Applicant (If different from property owner):			
Home Phone:		Cell Phone:	620-840-1099
Email:	clearwatersooner@gmail.com		

Current Zoning	R-1 Single Family Residential
Legal Description of Property (metes and bounds or subdivision/ block/ lot description)	
ALL LOT 22 & N1/2 LOT 23 BLOCK A HAMMERS ROLLING HILLS 2ND. ADD.	

Present Use of Property
Single family home

Explanation of the Request for a Variance (attach additional sheet if necessary)
I would like to extend a privacy fence on the southern border of the lot to the street. Currently the south property faces Janet and has constructed a fence in their designated back yard, and I would like to extend a privacy fence from their northwest corner of their fence westward towards the street to separate the yards. I understand that anything over 6' is not allowed in the required front yard setback and would be willing to extend a 6' privacy fence for 14' – 16' to the west and then angle it down to a 4' fence as it gets closer to the street. I also understand there is a right of way where utilities are buried and would understand that I should stop the fence short of the right of way so not to interfere with existing utilities. The fence I would like to construct would be wood with 3 crossbars and bolted together for support. I keep a good lawn and have had issues with weeds blowing and spreading into my property from neighboring yards who don't keep the same lawn care regiment.

Provide a drawing to support the request and include the property lines of the application area, existing and proposed structures, appropriate dimensions, and any other information that would be helpful to the Board in evaluating the request.



The applicant/agent hereby declares that all information submitted is true to the best of his/her knowledge and that all information required for this request has been included.

Applicant Signature

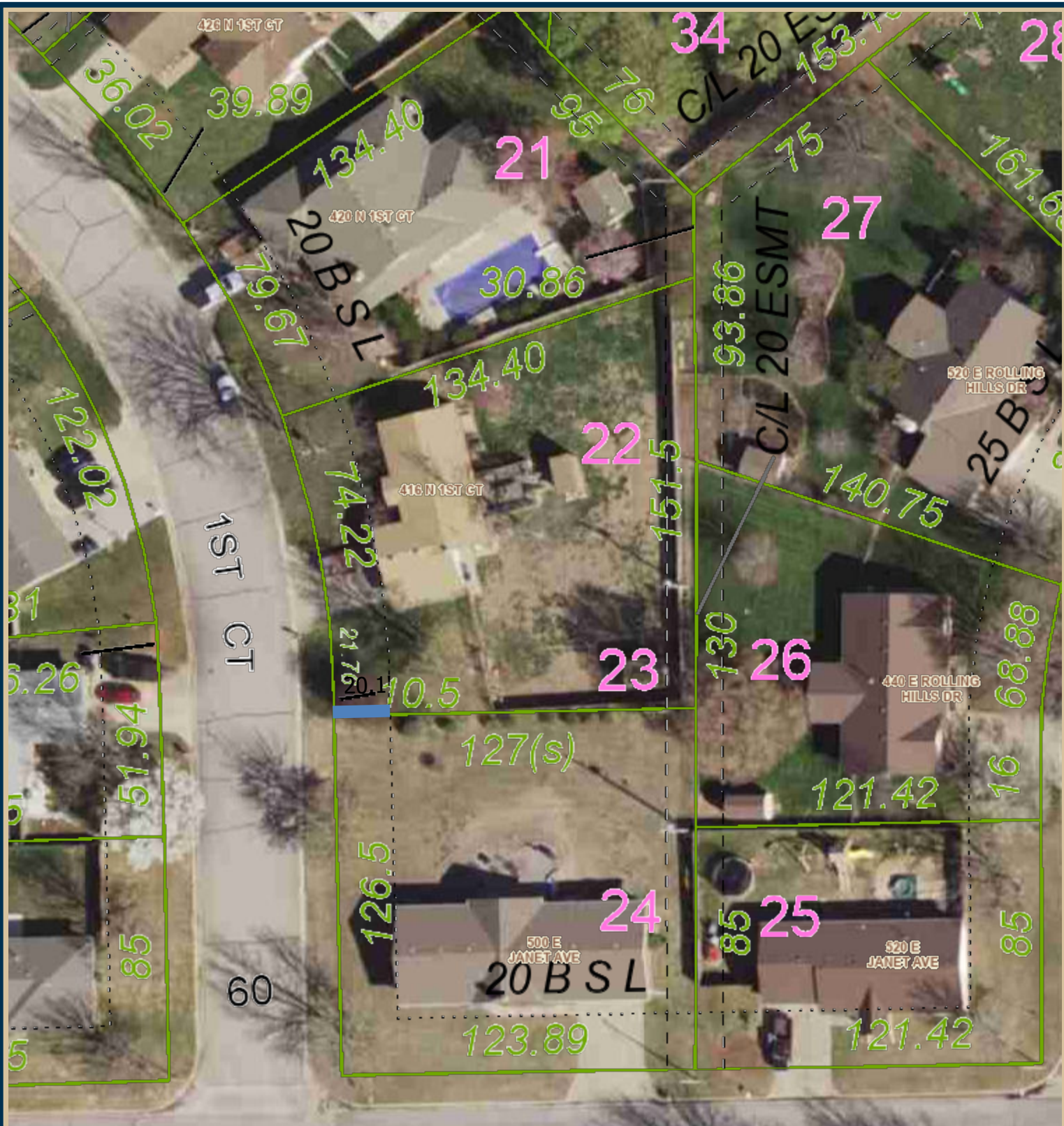
Date

Office Use Only

Adjacent Zoning & Land Use		
Direction	Land Use	Zoning
NORTH	Single Family Home	R-1
SOUTH	Single Family Home	R-1
EAST	Single Family Home	R-1
WEST	Single Family Home	R-1

Article and Description of the Zoning Regulation of Variance Requested
Zoning Regulations Article 23-1 (5)b. The setback line for yard requirements shall be determined by measuring the horizontal distance from the property line to the nearest architectural projection of the building except the following structures and features may be located within the required setbacks: Fences or walls that <u>do not exceed six feet</u> in height as measured on the side of the fence with the least vertical exposure above the finished grade;

Received by:	
Date Received:	
Fee Paid:	
Date Published:	
Public Notice Mailed:	
Hearing Date:	



Date: 5/14/2025



Red Lines indicate existing fence structures either for 416 N 1st Ct or 500 Janet. The request is to extend a privacy fence from the front setback line to the property line. The first 14-16' would be 6' and then decrease as a step down to 4'.









PUBLISH ONCE IN THE TIMES-SENTINEL _____

PUBLIC NOTICE

CHANGE OF ZONING HEARING

The City of Clearwater, Kansas Planning Commission will hold a hearing to amend the zoning ordinance for accessory structures total area, minimum lot sizes in the R-2 district, and yard regulations where a dwelling has a shared common wall.

Accessory Structure proposed changes are as follows: Total area of all detached accessory structures in all residential districts with lots that are less than .75 acres and shall not exceed 900 square feet. Total area of all detached accessory structures and principal building with lot sizes .75 acres or more except for R-L shall not exceed 30% coverage of total lot area. Accessory structures cannot be greater than principal building. Versus all residential districts except R-L accessory structures cannot exceed 900 square feet.

Lot Size proposed change are as follows: Minimum lot size for a single-family dwelling shall not be less than 4,500 square feet versus 6,000. Two-and Three family dwellings shall not be less than 4,500 square feet per dwelling versus 5,000.

The Yard regulation change will add the following: (a) single-family attached and two-family dwellings where the common wall is also the common lot line shall have a setback of 0 feet on the common lot line. All other setbacks shall follow regulations.

THE PLANNING COMMISSION WILL HOLD A HEARING ON THIS SUBJECT IN THE CLEARWATER CITY HALL AT 129 E. ROSS, CLEARWATER, KANSAS ON July 1, 2025.

Those wishing to speak at the hearing should contact the Clearwater Deputy City Clerk by 4:00 p.m. June 30, 2025. Comments will be limited to five minutes each. Further information may be obtained at the Clearwater City Hall, 129 E. Ross, or by calling 584-2311

Article 14. C-1 Central Business District

14-1. Intent and purpose of district.

The C-1 central business district is intended for the purpose of grouping retail merchandising activities into a concentrated area serving the general shopping needs of the trade area. Principal permitted uses include department stores, apparel stores, general retail sales and services, and similar uses appropriate for comparison shopping. The grouping is intended to strengthen the economic level of the primary shopping district.

(Ord. 835, Art. XVIII, § 1, 2-10-2005; Code 2018, 38-271)

14-2. District regulations.

In the C-1 district, no building shall be used and no building or structure altered, enlarged, or erected which is arranged, intended, or designed for other than one of the uses listed in section 14-3.

(Ord. 835, Art. XVIII, § 2, 2-10-2005; Code 2018, 38-272)

14-3. Use regulations.

Uses in the C-1 district:

- (1) Adding machine and other small business machine repair, sales, and services.
- (2) Ambulance service.
- (3) Amusement places.
- (4) Antique shops and stores, providing all merchandise is displayed and sold inside a building.
- (5) Apartments or individual dwelling units on floors other than the ground floor, or on the alley side of the lot.
- (6) Apparel and accessory stores.
- (7) Appliance stores.
- (8) Art and art supply stores.
- (9) Artist studios.
- (10) Auditoriums and similar places of public assembly.
- (11) Automobile accessory and supply store.
- (12) Automobile, truck and other motor vehicle sales and rental.
- (13) Automobile parking lots and garages.
- (14) Bakery and pastry shops (retail only).

- (15) Banks and other savings and lending institutions.
- (16) Barber shops, beauty shops and chiropody, massage, or similar personal services.
- (17) Bicycle shops.
- (18) Boat sales and rental.
- (19) Books and stationery stores.
- (20) Bowling centers and recreational buildings.
- (21) Building materials, retail sales.
- (22) Business and technical schools including schools for photography, dancing, and music.
- (23) Business machine sales, repair and service.
- (24) Catalog stores.
- (25) Churches.
- (26) Cigar and tobacco stores.
- (27) Clothing and costume rental shops.
- (28) Clothing stores.
- (29) Commercial recreational uses.
- (30) Computer and associated equipment, sales and service.
- (31) Custom dressmaking, millinery, tailoring, and similar trades.
- (32) Day care centers.
- (33) Delicatessens and catering establishments.
- (34) Department stores.
- (35) Drug stores and prescription shops.
- (36) Dry cleaning and laundry establishments.
- (37) Dry goods and notion store, including coin shops and fabric shops.
- (38) Electric appliance sales and repair shops.
- (39) Farm and construction equipment, retail sales.
- (40) Fire stations, police stations, jails.
- (41) Fix-it shops (radio, television, and small household appliances).

- (42) Florist and gift shops.
- (43) Frozen food lockers of not more than 10,000 square feet in floor area.
- (44) Funeral Homes.
- (45) Furniture and home furnishing stores.
- (46) Garage and auto repair shops but not including auto body and fender work and auto painting.
- (47) Garden supplies and landscape nursery.
- (48) Government buildings.
- (49) Grocery, fruit, and vegetable stores (retail only).
- (50) Hardware stores.
- (51) Heating and air conditioning shops, provided all merchandise is located in a building.
- (52) Hobby, stamp, and coin shops.
- (53) Hotels and motels.
- (54) Household appliance stores.
- (55) Interior decorator shops.
- (56) Jewelry and metal craft stores and shops.
- (57) Leather goods and luggage stores.
- (58) Libraries and museums (public).
- (59) Liquor stores.
- (60) Lock and key shops.
- (61) Mail order catalog stores.
- (62) Medical, dental, and health clinics.
- (63) Medical and orthopedic appliance stores.
- (64) Meeting halls and auditoriums.
- (65) Messenger and telegraph service stations.
- (66) Milk and milk products distribution stations.
- (67) Manufactured housing and recreational vehicle sales.

- (68) Music instrument sales and repair shops.
- (69) Music stores and studios.
- (70) Newspaper offices, printing and printing supply sales and service.
- (71) Newsstands.
- (72) Offices and office buildings.
- (73) Office supply and office equipment sales and service stores.
- (74) Optician and optometrist shops.
- (75) Paint, wallpaper and glass stores.
- (76) Parking lots and garages.
- (77) Parks and open spaces.
- (78) Pawn shops.
- (79) Pet shops.
- (80) Photographic equipment sales and supply stores.
- (81) Photographic studios.
- (82) Picture framing shops.
- (83) Plumbing shops with five or less employees, provided all merchandise is stored in a building.
- (84) Prescription shops.
- (85) Printing and publishing houses (including newspapers).
- (86) Private clubs, fraternities, sororities and lodges.
- (87) Public buildings, including post office, city offices, county offices, state offices.
- (88) Radio and television studios.
- (89) Railway, taxi, and bus passenger stations.
- (90) Restaurants and snack shops, excluding drive-ins.
- (91) Service stations.
- (92) Sewing machine shops and stores.
- (93) Shoe repair and shoeshine shops.
- (94) Shoe stores.

- (95) Sporting and athletic goods stores.
- (96) Stores and shops for the conduct of retail business similar to the uses listed in this section.
- (97) Tailor shops.
- (98) Taverns.
- (99) Television and radio sales and service.
- (100) Theaters.
- (101) Toy stores.
- (102) Travel bureaus.
- (103) Used car lots.
- (104) Upholstery shops of not more than 10,000 square feet of floor area.
- (105) Utility company offices.
- (106) Variety stores.
- (107) Wallpaper and paint stores.
- (108) Watch and watch repair shops.
- (109) Accessory uses customarily incidental to the above uses.
- (110) The following uses may be allowed by special use permit when submitted, reviewed, and approved by the board of zoning appeals, and under such conditions as the board may impose:
 - a. Motor vehicle repair service, provided that all work shall be performed and all materials shall be stored within an enclosed building; and provided further that all operable or inoperable motor vehicles determined by the building official to be a safety hazard or visual blight shall be screened from public view and access by a solid or semi-solid fence having a minimum height of six feet and a visual density of no less than 90 percent.
 - b. Motor vehicle body shop, provided that all work shall be performed and all materials shall be stored within an enclosed building; and provided further that all operable or inoperable motor vehicles determined by the building official to be a safety hazard or visual blight shall be screened from public view and access by a solid or semi-solid fence having a minimum height of six feet and a visual density of no less than 90 percent.
 - c. Storage and warehousing except for products of a highly explosive, combustible or volatile nature.
 - d. Wholesale establishments except those which handle products of a highly explosive, combustible or volatile nature.
 - e. Retail lumber yards, providing all materials and equipment are stored in a completely enclosed building or are screened by a minimum six-foot high solid fence.

- f. Collection and distribution of recyclable items.
- g. Wireless communications towers subject to the requirements of this chapter.
- h. Adult video and novelty stores.

(Ord. 835, Art. XVIII, § 3, 2-10-2005; Code 2018, 38-273)

14-4. Intensity of use regulations.

No requirements except those to meet fire regulations.

(Ord. 835, Art. XVIII, § 4, 2-10-2005; Code 2018, 38-274)

14-5. Height regulations.

No building shall exceed 35 feet in height except as otherwise provided in the additional height, area, and use regulations of this chapter.

(Ord. 835, Art. XVIII, § 5, 2-10-2005; Code 2018, 38-275)

14-6. Yard regulations.

(a) Front yard. No front yard is required for any building in the C-1 central business district.

(b) Side yard. No side yard is required for any building in the C-1 central business district, except where a lot sides on any residential district, in which case there shall be a 15-foot side yard.

(c) Rear yard. No rear yard is required for any building in the C-1 central business district, except where a lot abuts on a residential district, in which case there shall be a 15-foot rear yard.

(Ord. 835, Art. XVIII, § 6, 2-10-2005; Code 2018, 38-276)

14-7. Sign regulations.

See Article 18.

(Ord. 835, Art. XVIII, § 7, 2-10-2005; Code 2018, 38-277)

14-8. Parking and loading regulations.

None required.

(Ord. 835, Art. XVIII, § 8, 2-10-2005; Code 2018, 38-278)

14-9. Landscaping regulations.

None required.

(Ord. 835, Art. XVIII, § 9, 2-10-2005; Code 2018, 38-279)

14-10. Traffic regulations.

See Article 21.

(Ord. 835, Art. XVIII, § 10, 2-10-2005; Code 2018, 38-280)