

## Ordinance 2023-13

AN ORDINANCE AMENDING THE ZONING REGULATION OF THE CITY OF BENTON, ARTICLE 4, ZONING DISTRICTS.

WHEREAS:

- The City of Benton Kansas, planning for growth and expansion of the city, and..
- The City of Benton Kansas embraces and acknowledges the need for more rural style living availability.
- The City Planning Commission recommends adoption of this amendment.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BENTON, KANSAS:

SECTION 1. Amends the Zoning Regulation (dtd 10/3/15) of Benton Kansas as follows:

**Article 4 –**

Add – Section 103.1, R-3 Zoning District

### **Section 103.1 R-3 Rural Residential District.**

The regulations set forth in this Article or set forth elsewhere in these regulations when referred to in this Article, are the regulations in the Rural Residential District (RR). The purpose of this District is to provide for platted, low-density developments which retain the character of a rural area.

This District is intended to serve as a transition area between agricultural lands and low-density development located in the periphery area of the urban growth area (UGA). It is suitable in rural locations inside the UGA where adequate public roads and public services are available, but it is not suitable in all rural locations. It is inappropriate in areas predominately agricultural in character where public services are adequate only to meet the needs of farm residences and farm operations.

Minimum size is 3 acres with a maximum of 12 acres per lot. For a property to be considered for a Rural Residential classification, that property must be annexed into the City between 3 and 12 acres. Any properties outside of this range will be Annexed in as R1

Use of alternative waste treatment or septic system is authorized with the additional requirement of a minimum 5 acre lot for use of a lagoon. Chapter 15, Article 3 of the Benton City Code applies to all sewer systems.

## **A. Permitted Uses.**

1. **Single-family dwellings:** All single-family residences shall be constructed in accordance with all City-adopted building-related codes. Single-family dwellings shall include residential-design manufactured homes but shall not include other manufactured homes, mobile homes or trailers.
2. Home occupations permitted in the R-1 and R-2 Districts.
3. Churches and parish halls, temples, convents and monasteries.
4. Railroad rights-of-way, including a strip of land with tracks and auxiliary facilities for track operations, but not including passenger stations, freight terminals, switching and classification yards, repair shops, roundhouses, powerhouses, interlocking towers, and fueling, sanding and watering stations.

## **B. Conditional Uses.**

1. Those Conditional uses permitted in the R-1 Residential District.
2. Riding stables located on lots less than twelve (12) acres, but more than five (5) acres in area.

## **C. Height, Area, and Yard Requirements.**

In the Rural Residential District, the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area per family permitted on any lot shall be as follows:

1. **Height:** Nonagricultural buildings or structures shall not exceed thirty-five (35) feet and/or two and one-half (2-1/2) stories in height.
2. **Front Yard:** The depth of the front yard shall be at least seventy-five (75) feet.
3. **Side Yard:** There shall be a side yard on each side of a dwelling. No side yard for a dwelling shall be less than fifty (50) feet and no side yard for an accessory structure shall be less than twenty-five (25) feet.
4. **Rear Yard:** The depth of the rear yard shall be at least fifty (50) feet for a residential structure and 25 feet for a non-residential accessory structure.
5. **Lot Dimensions:** The minimum width of a lot shall be two hundred seventy (270) feet. The minimum depth of a lot shall be two hundred seventy (270) feet.

There shall not be a lot depth-to-width ratio greater than 3:1 (i.e. the depth of the lot cannot be greater than three times the width of the lot). In the event of unusual lot configurations, the Zoning Administrator shall determine whether the lot dimensions meet the spirit and intent of this requirement.

6. Lots with dimensions other than the above stated shall be "Grandfathered" when annexation to the city occurs.

#### **D. Development Standards.**

The following standards shall apply to any permitted or conditional use within the RR District:

1. Those standards that are required of uses in the R District.

#### **E. Parking Regulations.**

The parking regulations are found in Article 5. Off-street Parking and Loading of these regulations.

#### **F. Sign Regulations.**

The sign regulations are found in Article 7. Signs of the regulations.

**ADOPTED AND PASSED** by the governing body of the City of Benton, Kansas on October 16, 2023 and;

**APPROVED AND SIGNED** by the Mayor.

  
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TYLER GOTTSCHALK, Mayor

ATTEST:

  
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JOYCE CASADY, City Clerk