

APPENDIX

TABLE OF COMPARABILITY FOR ZONING DISTRICTS

In accordance with provisions provided for in K.S.A. 12-757(b) and in Section 11-100E6 of the Zoning Regulations of the City of McPherson, Kansas, the McPherson City Planning Commission hereby establishes a "Table of Comparability for Zoning Districts" as listed below. This table designates the zoning districts which are considered to be "lesser changes" due to their more restrictive characteristics as set forth in the Zoning Regulations.

When considering zoning district amendments, the Planning Commission and the Governing Body may recommend and approve a lesser change in zoning districts for the property already advertised for a public hearing without republication of a notice or redistribution of notices to property owners when such change is more restrictive than the district which is applied for as shown on the table below; provided, however, that such recommendation and approval shall not be for a lesser classification than the existing zoning district. If the applicant at the Governing Body meeting at which a zoning amendment is being considered desires to amend the application and/or the Governing Body desires to consider a "lesser" zoning change, then such a proposed change shall be returned to the Planning Commission for reconsideration and further recommendation to the Governing Body without further publication or notice as provided for in K.S.A. 12-757(c) and in Section 11-104 of the Zoning Regulations.

MOST RESTRICTIVE:	A-1	Agricultural Transition District	
	R-1	Single-Family Residential District	
	R-2	Two-Family Residential District	
	R-3	Multiple-Family Residential District	
	B-1	Office Business District	
	B-2	Neighborhood Business District	
	B-4	Service Business District	
	I-1	Light Industrial District	
	LEAST RESTRICTIVE:	I-2	Heavy Industrial District

Because of the uniqueness and special purpose for which the MH-1 Manufactured Home Subdivision District, MH-2 Manufactured Home Park District, B-3 Central Business District, B-3a Main Street District, B-5 Shopping Center Business District, B-6 Interchange Business District, and PUD Planned Unit Development District serve, these districts are excluded from the Table of Comparability.

Although the notification for a "Special Use" is processed in the same manner as a zoning district amendment, it is not an actual change in zoning districts and, therefore, the Table of Comparability does not apply and reapplication is necessary for consideration of a different "Use" even if in the same zoning district. Part of the property considered for a Special Use, however, may be withdrawn by the applicant or a lesser amount recommended for approval without renotification.

EXAMPLE: If an application is advertised for a public hearing requesting a change from R-1 Single-Family Residential District to I-1 Light Industrial District, the Planning Commission may recommend the lesser, i.e., more restrictive B-1 or B-2 business districts without republication or mailing of new notices.

If an application, however, is advertised for a public hearing requesting a change from the existing B-1 Office Business District to the I-1 Light Industrial District, the recommending of the lesser R-2 or R-3 residential districts shall not be valid without republication and the mailing of new notices.

LEGAL PUBLICATION

ORDINANCE NO. 3016
AN ORDINANCE ENACTED APPROVING AND INCORPORATING BY REFERENCE CERTAIN MODEL ZONING REGULATIONS GOVERNING THE USE OF LAND AND THE LOCATION OF BUILDINGS WITHIN THE CITY OF McPHERSON, KANSAS, AND EXTRATERRITORIAL FLOODPLAIN JURISDICTION IN THE UNINCORPORATED AREAS OF McPHERSON COUNTY DESCRIBED THEREIN, AS PREPARED AND PUBLISHED IN BOOK FORM BY THE McPHERSON CITY PLANNING COMMISSION PURSUANT TO K.S.A. 12-741, AS AMENDED, 12-736, 12-742, 12-753, TO 12-761 INCLUSIVE, 12-763, 12-764, 12-766, 12-3009 TO 12-3012 INCLUSIVE, 12-3301 AND 12-3302; ESTABLISHING ZONING DISTRICT BOUNDARIES AND THE CLASSIFICATIONS OF SUCH DISTRICTS; ADOPTING BY REFERENCE OFFICIAL MAPS OF ZONING DISTRICTS; DEFINING CERTAIN TERMS USED IN SAID REGULATIONS; REGULATING THE MAXIMUM DIMENSIONS OF BUILDINGS AND OTHER STRUCTURES THROUGH BULK REGULATIONS AND LOT AREAS; REGULATING THE LOCATION AND SIZE OF SIGNS; PROVIDING FOR AND REGULATING VEHICULAR PARKING SPACE; REESTABLISHING THE BOARD OF ZONING APPEALS AND PRESCRIBING ITS DUTIES; ADOPTING AIRPORT ZONING REGULATIONS; ADOPTING FLOODPLAIN MANAGEMENT REGULATIONS; PROVIDING FOR THE APPOINTMENT OF A ZONING ADMINISTRATOR AND PRESCRIBING HIS OR HER DUTIES; PROVIDING FOR FEES TO BE CHARGED FOR AMENDMENTS, APPEALS AND PERMITS; ESTABLISHING A MEANS FOR AMENDING SAID REGULATIONS, MAPS AND ORDINANCE; PROVIDING FOR PENALTIES FOR VIOLATION OF ITS PROVISIONS AND A MEANS OF ENFORCEMENT; AND REPEALING ALL OTHER ORDINANCES IN CONFLICT HEREWITH.

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

Section 1. **Adoption:** Zoning regulations are hereby approved and adopted by the Governing Body of the City of McPherson, Kansas, as prepared and published in book form as model regulations by the McPherson City Planning Commission with the technical assistance of Foster & Associates, Planning Consultants of Wichita, Kansas and the City Zoning Administrator, under the date of August 8, 2010, and entitled "Zoning Regulations of the City of McPherson, Kansas." and the same are hereby incorporated by reference as

fully as if set out herein.

Section 2. **Official Maps:** There are further herein incorporated by reference and adopted, Official Zoning Maps including the Flood Insurance Rate Map (F.I.R.M.), the Airport Zoning Map, and the zoning districts map delineating the boundaries of zoning districts and the classification of such districts, which maps shall be marked "Official copy of zoning district map incorporated into zoning regulations by adoption of Ordinance No. by the Governing Body of the City of McPherson on the 8th day of August, 2010" and filed with the Zoning Administrator to be open for inspection and available to the public at all reasonable business hours.

Section 3. **Public Hearing:** The advertised public hearing required by Kansas Law was duly held on August 3, 2010 by the McPherson City Planning Commission, and a discussion of said Zoning Regulations and maps was had at the hearing. The Zoning Regulations and maps in model code form herein adopted are a true and correct copy of those regulations as adopted by the Planning Commission.

Section 4. **Jurisdiction:** From the effective date of this Ordinance, the Zoning Regulations and Official Zoning Maps herein incorporated by reference shall govern all use of the land and the location of buildings and other structures placed within the City of McPherson, Kansas, and the extraterritorial floodplain jurisdiction in certain unincorporated areas of McPherson County.

Section 5. **Official Copies:** Not less than three copies of the Zoning Regulations in book form marked "Official Copy as incorporated by Ordinance No." and to which there shall be a published copy of this Ordinance attached, shall be filed with the City Clerk to be open for inspection and available to the public at all reasonable business hours.

Section 6. **Invalidity of a Part:** Any provisions of this Ordinance which shall be declared by a competent court to be unconstitutional or invalid shall not affect the validity and authority of any other sections of said Ordinance.

Section 7. **Repeal:** Ordinance No. 2976 is hereby repealed and any other ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Section 8. **Modification of Model Regulations:** Subsection 3-104J of the Model Regulations prepared and published by the McPherson City Planning Commission as referenced in Section 1 above is hereby made inapplicable to the City of McPherson.

Section 9. **Effective Date:** This Ordinance shall take effect from and after its passage, approval and publication once in the official city newspaper.

PASSED BY THE GOVERNING BODY this 8th day of August, 2010.

Thomas A. Brown, Mayor

ATTEST:
Tamra Seely, City Clerk

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