

ORDINANCE NO. 5167-25

AN ORDINANCE AMENDING THE ZONING REGULATIONS OF THE CITY OF NEWTON, KANSAS.

WHEREAS, the City of Newton, Kansas (hereafter the “City”) is granted authority by the statutes of the State of Kansas in K.S.A. 12-757 to amend existing zoning regulations; and

WHEREAS, the Planning Commission gave proper notice in the official City newspaper on March 8, 2025, and held a public hearing on April 7, 2025, at which time it initiated a general amendment of the City’s Zoning Regulations and granted an opportunity for all parties to be heard; and

WHEREAS, at the conclusion of the public hearing the Planning Commission voted to recommend approval of amendments to the zoning regulations and transmitted the same to Governing Body along with an accurate written summary of the proceedings of the public hearing.

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

SECTION 1. Article III of the City of Newton, Kansas Zoning Regulations is hereby amended as follows.

3.2 General Use Regulations.

3.2-1 Accessory Uses and Structures: Accessory uses, and structures shall be subject to setback requirements as prescribed in Section 3.2-1.B except as provided in this section. The following permitted accessory uses, and structures shall be allowed in any zoning district in connection with any permitted principal uses:

- A. No accessory structure shall be constructed prior to the construction of a primary structure unless the applicant owns an adjacent lot with an existing primary structure, or by Special Use Permit.
- B. Permitted accessory uses and structures include, but are not limited to, the following:
 - 1) A structure for storage incidental to a permitted use, provided no such structure that is accessory to a residential building shall exceed 200 square feet in gross floor area, the use shall be in keeping with the principal structure, and provided that no part of such structure is located in the front yard setback.
 - 2) A child’s playhouse provided it shall not be more than 120 square feet in gross floor area and further that it not be located in the front yard setback.
 - 3) A detached garage or other accessory structure, provided that no part of such structure exceeds 800 square feet in gross floor area; or ten percent (10%) of

the lot area, whichever is greater. The preceding requirement refers to any and all detached accessory structures.

- 4) A private swimming pool and bathhouse, provided that a swimming pool shall be allowed within required rear and side yards subject to Section 3.2- 5.
- 5) Statuary, arbors, trellises, flagpoles, fences, walls and hedges shall be allowed within the required setback areas.
- 6) Signs, when permitted by Article XII of these Regulations and by the individual district regulations.
- 7) Off-street parking and loading spaces, as permitted by Article XI of these Regulations.
- 8) Restaurants, drug stores, gift shops, clubs, and lounges and newsstands, when located in a permitted hotel, motel, or office building.
- 9) Employee restaurants and cafeterias, when located in a permitted business, manufacturing or industrial building.
- 10) Storage as an accessory use, such as boats, boat trailers, camping trailers, motor homes, or converted buses or trucks shall be allowed: (a) within rear and side yards; and (b) within established front yards when placed upon a hard surface as defined in Article XI. Such uses shall not include the outdoor storage or parking in a residential district, or in a residential section of a PUD district, of mobile homes, or of commercial buses or trucks which exceed a three (3) ton manufacturer's hauling capacity rating.
- 11) Satellite dish antennas, except that such accessory structure shall not be allowed within established front yards.
- 12) One apartment in R-S, R-1, RT, and R2A districts when incorporated within an existing single-family residential structure. Such an accessory apartment shall be allowed on a special use permit basis, standards for which are prescribed in Article IV of this Ordinance.
- 13) One Accessory Dwelling Unit (ADU) in districts RS, R1, RT, and R2A, when located on the same lot as an existing single-family residential structure. ADUs shall be a maximum of 800 square feet or ten percent (10%) of the lot area, whichever is greater. "Tiny Homes" may be considered ADUs in the RT zoning district. ADUs shall only be allowed by Special Use Permit.
- 14) Wind Energy Conversion Systems (WECS) shall be allowed in any district on a special use permit basis, standards for which are presented in Article IV of this Ordinance.

C. Bulk Regulations Applicable to Accessory Structures and Uses:


- 1) No accessory structures or uses shall be located within a required or established front yard and accessory structures shall meet side and rear setbacks for the district in which they are located; and except that accessory structures which are less than 100 square feet in gross floor area shall be located no closer than three (3) feet from the side or rear lot line.
- 2) No accessory structure shall be located closer than ten (10) feet to a principal structure on the same lot; except that swimming pools shall be located no closer than seven (7) feet to a principal structure on the same lot.
- 3) All accessory structures and uses on corner lots shall be set back from the side street a distance not less than that required for the principal structure.
- 4) A garage, whether it is accessory (attached) or detached, shall maintain a twenty (20) foot setback when entered from a street side yard or alley.
- 5) The maximum sidewall height for all accessory structures shall not exceed 80 percent (80%) of the height the primary structure, and shall contain no more than a single, ground level story, the attic of which shall be designed to carry loads for storage only.

D. Use Limitations:

- 1) Accessory structures and uses shall comply with the use regulations applicable in the zoning district in which they are located, but no accessory structure shall be constructed and occupied on any lot prior to the time of the completion of the construction of the principal structure to which it is accessory.
- 2) No accessory building shall be used for dwelling purposes except approved accessory apartments and accessory dwelling units.


Section 2. The Amended Regulation shall take effect and be in force after adoption and publication of this Ordinance's summary in the City's official newspaper.

PASSED AND ADOPTED this 27th day of May, 2025.



Rich Stinnett, Mayor

ATTEST:



Denise R. Duerksen, City Clerk