

**NEWTON ORDINANCE NO. 4908-16**

**NORTH NEWTON ORDINANCE NO. 605-16**

**A JOINT ORDINANCE OF THE CITIES OF NEWTON AND NORTH NEWTON AMENDING ARTICLE IV OF THE ZONING ORDINANCES OF THE CITIES OF NEWTON AND NORTH NEWTON, KANSAS, TO ADD AND INCLUDE A NEW SECTION 4.5-4; CREATING A LIMITED OUTDOOR MARKET SPECIAL USE PERMIT; REQUIRING A LIMITED OUTDOOR MARKET SPECIAL USE PERMIT IN SPECIFIED ZONING DISTRICTS; SETTING FORTH CRITERIA FOR AN APPLICATION AND OPERATIONAL STANDARDS; PROVIDING FOR REVOCATION OF SPECIAL USE PERMIT.**

**BE IT ORDAINED BY THE GOVERNING BODIES OF NEWTON, KANSAS, AND NORTH NEWTON, KANSAS:**

**SECTION 1.** Original Article IV of the Zoning Ordinances of the Cities of Newton, Kansas, and North Newton, Kansas, is hereby amended to add and include the following:

- 4.5-4. Limited Outdoor Market: A seasonal outdoor market place, for the retail sale of seasonal merchandise, plants and flowers, produce or other farm products, whether operated by a single vendor or composed of stalls, stands or spaces rented or otherwise provided to vendors. The term does not include the outside display of merchandise as an incidental part of retail activities regularly conducted from a permanent building on sidewalks or other areas immediately adjacent to, and upon the same lot as, such building. The term also does not include a flea market or other gatherings or markets offering non-seasonal merchandise, personal effects, tools, or outdoor retail sales.
- 4.5-4.1 A special use permit for a Limited Outdoor Market may be granted for a property located in R-1, R-2, R-3 and R-S zoning districts if the following requirements and criteria are satisfied:
  - A. All requirements and procedures applicable to special use permits in general under the Zoning Ordinances shall also be applicable to special use permits for the operation of Limited Outdoor Markets.

- B. In addition to the requirements under the Zoning Ordinances for the submission of a site plan or development plan for the property, such site plan or development plan shall also include a plan illustrating the existing layout of the site, including dimensions of the sales area, access ways, parking areas and location of trash receptacles. Additionally, the submission must include the specific days and hours of operation requested as well as the means, such as stalls, tables or other structures, by which merchandise is to be displayed.
  
- C. The special use permit shall designate the minimum number of off-street parking spaces which must be provided and the maximum number of off-street parking spaces which may be provided. In setting such limitations, consideration shall be given to the following:
  - (1) The extent to which reliance upon on-street parking may cause congestion or inconvenience to the neighborhood; and
  
  - (2) The extent to which off-street parking accommodations may detract from or impair the character of the neighborhood.

4.5-4.2 A special use permit for the operation of a Limited Outdoor Market may be revoked, or may be modified and/or made subject to additional special conditions, upon a finding by the governing body that such Limited Outdoor Market has been operated in violation of the intent, terms or conditions of this Ordinance. Proceedings in this regard may be initiated by the governing body, the Planning Commission, the Zoning Administrator, or by the owners of three or more properties located within the same zoning district as the Limited Outdoor Market. The Planning Commission shall conduct a public hearing upon any such complaint with notice of not less than fifteen days thereof given in writing to both the owners and operators of the Limited Outdoor Market and given by publication in the official newspaper of the City. Upon the conclusion of such hearing, the Planning Commission shall enter and transmit to the governing body its findings and recommendations. The governing body shall receive and consider such findings and recommendations at its next regularly scheduled meeting which is not less than seven days following the date the Planning Commission enters such findings and recommendations.

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SECTION 2. This ordinance shall not be effective unless it is duly adopted by the governing bodies of both the City of Newton, Kansas, and the City of North Newton, Kansas; and, upon such adoption, this ordinance shall take effect and be in force from and after its publication in THE NEWTON KANSAN, the official newspaper of said Cities.

PASSED AND ADOPTED by the governing body of the City of Newton, Kansas, this 23rd day of February, 2016.



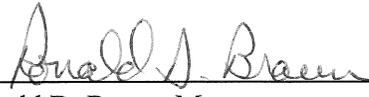
Glen L. Davis, Mayor

ATTEST:

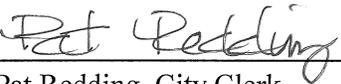


Denise R. Duerksen, City Clerk

**PASSED AND ADOPTED** by the governing body of the City of North Newton, Kansas,  
this 11<sup>th</sup> day of April, 2016.

  
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Ronald D. Braun, Mayor

ATTEST:

  
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Pat Redding, City Clerk

