

This is a business meeting of the governing body for the City of Herington. There is no implied or expressed right for persons outside the governing body to speak or voice their opinion unless specifically recognized by the chair.

**Regular Meeting
February 3, 2026
6:00 p.m.**

1. Pledge of Allegiance
2. Call to Order
3. Public Forum
4. Consider Minutes of January 20, 2026, Regular Meeting Minutes

Motion _____ Seconded _____ Action _____
Commissioner Naylor, Commissioner Scarff, Commissioner Mann, Commissioner Bell, Mayor Gares

5. Approval of Agenda

Motion _____ Seconded _____ Action _____
Commissioner Naylor, Commissioner Scarff, Commissioner Mann, Commissioner Bell, Mayor Gares

6. Consent Agenda
 - I. None

Motion _____ Seconded _____ Action _____
Commissioner Naylor, Commissioner Scarff, Commissioner Mann, Commissioner Bell, Mayor Gares

7. Proclamations and Announcements
 - a. City Hall Closed Monday, February 16 in Observance of Presidents Day

8. Schedule Updated Public Hearing for Vacation of Portions of Right-of-Way from City of Herington to Union Pacific Railroad. Public Hearing will be convened on Tuesday, February 17 at 6:00 PM or soon thereafter

Motion _____ Seconded _____ Action _____
Commissioner Naylor, Commissioner Scarff, Commissioner Mann, Commissioner Bell, Mayor Gares

9. Department Head Updates
 - a. Public Facilities Manager – Josh Alexander
 - i. Introduction
 - ii. Manages: Hilltop, Homestead, Community Building, Hospital, Public Safety Office, City Hall, Pool Building, Local IT, etc.
 - b. Public Works
 - c. Police Department
 - d. Fire Department
 - e. Code Enforcement

10. Presentation from Planning Commission Steering Committee on Zoning Code Regulations Update

11. Consider 2026 Goals and Objectives

- b. Initial Goals Discussion
- c. City Manager Discussion of Existing Goals, Upcoming Projects, and Initiatives
- d. Discuss Goals Outlined in January 19 Budget Workshop
- e. Consider March 3 follow up Discussion

12. City Manager Comments

13. Mayor and Commissioner Comments

14. Adjournment

Motion _____ Seconded _____ Action _____
Commissioner Naylor, Commissioner Scarff, Commissioner Mann, Commissioner Bell, Mayor Gares

To join the City Commission meetings from your computer, tablet, or smartphone, go to
<https://www.youtube.com/channel/UCbvSBw6l4w85XQHsX0S1BXg> Public Forum Comments can be
dropped in the deposit box or emailed to cityoffice@cityofherington.com.

**Regular Meeting
January 20, 2026
6:00 p.m.**

The Herington City Commission met on the above date and time in the commission chambers at city hall. In attendance were Mayor Eric Gares, Commissioner Cynthia Naylor and Commissioner Larry Mann. Absent were Commissioner Robbin Bell and Commissioner Dalton Scarff. Also in attendance were City Manager Thatcher Moddie, City Clerk Megan Lawrenz, City Attorney via phone for the IdeaTek agenda items, Kyle Becker, Rhonda Rice and Curtiss Schlesener.

The meeting opened with the Pledge of Allegiance.

Mayor Gares called the meeting to order.

Public Forum – None.

Consider Minutes of January 6, 2026, Regular Meeting Minutes – Commissioner Mann made a motion to approve the minutes from the January 6, 2026, regular city commission meeting, seconded by Commissioner Naylor. Motion carried 3-0.

Approval of Agenda – Add 9a short recess. Commissioner Naylor made a motion to approve the agenda with the addition of 9a short recess, seconded by Commissioner Mann. Motion carried 3-0.

Consent Agenda – Commissioner Mann made a motion to approve the following consent agenda items Accept Resignation of Karen Soliz from Herington Public Library Board, Accept Resignation of Karen Soliz from Herington Planning Commission, Accept Resignation of Janet Wade from Herington Convention and Visitor's Bureau, Herington Public Library Board Meeting Minutes November 18, 2025 – Receive and File, seconded by Commissioner Naylor. Motion carried 3-0.

Proclamations and Announcements - Lori Dornbusch Retirement Ceremony – January 30, 2026, 1:00-4:00 PM, Hilltop Community Center

Discussion of 2026 Insurance Renewal. Q&A with SMART Insurance Rep. Kyle Becker. Consider City Insurance Workshop & Presentation during 2027 Budget Workshop #1 this Spring – Renewal coming up, should see renewal estimates within a week or two. We will have to look into finding an alternative insurance option for the Hilltop and Homestead Village apartments.

Update and Presentation from Stantec on Area Wide Plan and Brownfield Program.

9a. 5 Minute Recess.

Update and Status Report from Rural Champion, Lisa Schlesener.

Consider Updated IdeaTek Franchise Agreement. Commissioner Mann made a motion to approve the Ordinance in the next sequential number, subject to staff review and to authorize the mayor's signature, seconded by Commissioner Naylor. Motion carried 3-0.

Open Public Hearing for Union Pacific ROW Vacation – The public hearing opened at 7:13 pm.

Close Public Hearing – There was no public comment, and the public hearing was closed.

Consider Petition for Vacation of a Portion of Street Right-of-Way from City of Herington to Union Pacific Railroad – Commissioner Mann made a motion to approve the petition for vacation, and to authorize the mayor's signature, seconded by Commissioner Naylor. Motion carried 3-0.

Consider Order Vacating a Portion of Street Right of Way for Union Pacific Railroad – Commissioner Mann made a motion to approve the order vacating a portion of the street right of way for the Union

Pacific Railroad, and to authorize the mayor's signature, pending staff review, seconded by Commissioner Naylor. Motion carried 3-0.

Authorize Quit Claim Deed Between City of Herington and Union Pacific – Commissioner Mann made a motion to approve the Quit Claim Deed and to authorize the mayor's signature, pending staff review, seconded by Commissioner Naylor. Motion carried 3-0.

Consider 2026 Goals and Objectives – The City Manager discussed the following goals and objectives, Initial Goals Discussion – Budget Workshop, Recommend Annual Review of Comprehensive Plan, Strategic Plan and Capital Improvement Plan, Consider Review of Lake Master Plan, City Manager Discussion of Existing Goals, Upcoming Projects, and Initiatives, Discuss any Goals Outlined in January 19 Budget Workshop, Consider February 3 follow up Discussion and Further Goal Setting.

City Manager Comments –

Invited the Commissioners and the Community to Lori's Retirement on Friday, January 30th. Thanked the commissioners for attending the budget workshop yesterday, will be sending follow up documents soon. Staff are continuing to schedule apartment showings at hilltop and homestead. Staff are preparing for potential severe weather. Working on outstanding airport projects including potential fire station, new hangars, hoping to utilize FAA CCLIP funding. Working through CDBG application for lake shower station. Thanked Stantec for their presentation especially Jana Williams and Flint Hills Regional Council.

Mayor and Commissioner Comments -

Commissioner Mann – Thanked Thatcher for the Budget Workshop, and the tour of Herington facilities.

Commissioner Naylor – Wondering how we are with board numbers. Housing Authority is full, CVB is short 2, Planning/Zoning is short 3 members.

Mayor Gares – Asked if all the boards have a separate page on the city website, staff will need to add some. Eric has started attending the library board meetings. Their concern now is their budget.

Adjournment – Commissioner Mann made a motion to adjourn, seconded by Commissioner Naylor. Motion carried 3-0.

Megan Lawrenz, City Clerk

**BEFORE THE GOVERNING BODY OF THE CITY OF
HERINGTON, KANSAS**

**In the Matter of the Application for the
Vacation of a Certain Tract of Land Currently
Identified as a Street Right-Of-Way and with Reserved
accompanying easements of record in the
City of Herington, Kansas**

NOTICE OF HEARING

You are hereby notified that a petition has been filed in the Office of the City Clerk of the City of Herington, Kansas, directed to the Governing Body of the City of Herington, Kansas, requesting the following – described tract currently identified as a portion of R.R. Street right-of-way within Dolan’s Addition to the City of Herington and with reserved accompanying easements of record within the City of Herington, Kansas, be vacated, subject to reservation of any and all current easements of record as well as the noted remaining easement described herein, pursuant to K.S.A.12 – 504 *et seq.*, to wit:

As noted in Exhibit A incorporated herein by reference as if set out in full.

and reserving the remaining easement for public use as currently established and described as follows:

As noted in Exhibit A incorporated herein by reference as if set out in full.

You are further notified that said petition shall be heard by the Governing Body of the City of Herington, Kansas on the 17 day of February, 2026, at 6:00 P.M., or as soon thereafter as possible in the course of a regular meeting or special meeting called for that purpose in the City Council Chambers, 17 North Broadway St, Herington, Kansas, at which time and place all persons interested can appear and be heard regarding said Petition.

at which time and place all persons interested can appear and be heard regarding said
Petition.

Eric Gares, Mayor of the City of
Herington, Kansas

ATTEST:

Megan Lawrenz, City Clerk

EXHIBIT A

LEGAL DESCRIPTION

TRACT 1

A PART OF RR STREET IN DOLAN'S ADDITION TO THE CITY OF HERINGTON, ALL IN THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 16 SOUTH, RANGE 04 EAST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF DICKINSON COUNTY, STATE OF KANSAS, BEING MORE PARTICULARLY DESCRIBED AND PREPARED ON FEBRUARY 10, 2025 BY RANDY G. ZERR WITH PROFESSIONAL ENGINEERING CONSULTANTS P.A., C.L.S. #65, AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 21, BLOCK 3, DOLAN'S ADDITION; THENCE S01°59'50"E, (BEARINGS BASED ON THE KANSAS COORDINATE SYSTEM 1983 NORTH ZONE (FIPS 1501)), 7.49 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING S01°59'50"E, 32.25 FEET TO THE NORTHERLY RIGHT-OF-WAY OF THE UNION PACIFIC RAILROAD; THENCE S47°00'54"W, ALONG SAID RIGHT-OF-WAY, 26.50 FEET; THENCE, DEPARTING SAID RIGHT-OF-WAY, N01°59'50"W, 32.32 FEET; THENCE N47°07'31"E, 26.45 FEET TO THE POINT OF BEGINNING.

CONTAINING 646 SQUARE FEET OR 0.01 ACRE.

Tract 2

A PART OF 9TH STREET IN DOLAN'S ADDITION TO HERINGTON, KANSAS IN THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 16 SOUTH, RANGE 04 EAST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF DICKINSON COUNTY, STATE OF KANSAS, BEING MORE PARTICULARLY DESCRIBED AND PREPARED ON FEBRUARY 10, 2025 BY RANDY G. ZERR WITH PROFESSIONAL ENGINEERING CONSULTANTS P.A., C.L.S. #65, AS FOLLOWS:

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CONTAINING 1908 SQUARE FEET OR 0.04 ACRE.

Tract 3

A PART OF AN ALLEY IN JOHN BERETT'S ADDITION TO THE CITY OF HERINGTON, ALL IN THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 16 SOUTH, RANGE 04 EAST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF DICKINSON COUNTY, STATE OF KANSAS, BEING MORE PARTICULARLY DESCRIBED AND PREPARED ON FEBRUARY 10, 2025 BY RANDY G. ZERR WITH PROFESSIONAL ENGINEERING CONSULTANTS P.A., C.L.S. #65, AS

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CONTAINING 316 SQUARE FEET OR 0.01 ACRE.

Tract 4

A PART OF BARETT STREET IN JOHN BERETT'S ADDITION TO THE CITY HERINGTON, ALL IN THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 16 SOUTH, RANGE 04 EAST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF DICKINSON COUNTY, STATE OF KANSAS, BEING MORE PARTICULARLY DESCRIBED AND PREPARED ON FEBRUARY 10, 2025 BY RANDY G. ZERR WITH PROFESSIONAL ENGINEERING CONSULTANTS P.A., C.L.S. #65, AS FOLLOWS:

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CONTAINING 933 SQUARE FEET OR 0.02 ACRE.

Tract 5

A PART OF R.R. STREET IN DOLAN'S ADDITION TO THE CITY HERINGTON, ALL IN THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 16 SOUTH, RANGE 04 EAST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF DICKINSON COUNTY, STATE OF KANSAS, BEING MORE PARTICULARLY DESCRIBED AND PREPARED ON NOVEMBER 7, 2025 BY RANDY G. ZERR WITH PROFESSIONAL ENGINEERING CONSULTANTS P.A., C.L.S. #65, AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 21, DOLAN'S ADDITION; THENCE N47°00'54"E, (BEARINGS BASED ON THE KANSAS COORDINATE SYSTEM 1983

NORTH ZONE (FIPS 1501)) ALONG THE SOUTH LINE OF SAID LOT 21, ALSO BEING THE NORTH RIGHT-OF-WAY LINE R.R. STREET, 185.48 FEET TO THE INTERSECTION OF SAID NORTH RIGHT-OF-WAY LINE AND THE WEST RIGHT-OF-WAY LINE OF 9TH STREET; THENCE, DEPARTING BOTH RIGHT-OF-WAY LINES, S01°59'50"E, 39.75 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD; THENCE S47°00'54"W, ALONG SAID NORTH RIGHT-OF-WAY, 185.48 FEET; THENCE DEPARTING SAID NORTH RIGHT-OF-WAY, N01°59'50"W, 39.75 FEET TO THE POINT OF BEGINNING.

CONTAINING 5,565 SQUARE FEET OR 0.13 ACRE.

VACATION DESCRIPTION

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CONTAINING 646 SQUARE FEET OR 0.01 ACRE.

I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY RESPONSIBLE CHARGE AND THAT I AM A DULY LICENSED PROFESSIONAL SURVEYOR UNDER THE LAWS OF THE STATE OF KANSAS.

(SIGNATURE) (DATE)

PRINTED OR TYPED NAME: RANDY G. ZERR

LICENSE NUMBER: PS 1396

MY LICENSE RENEWAL DATE IS MARCH 31, 2025.

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PRELIMINARY



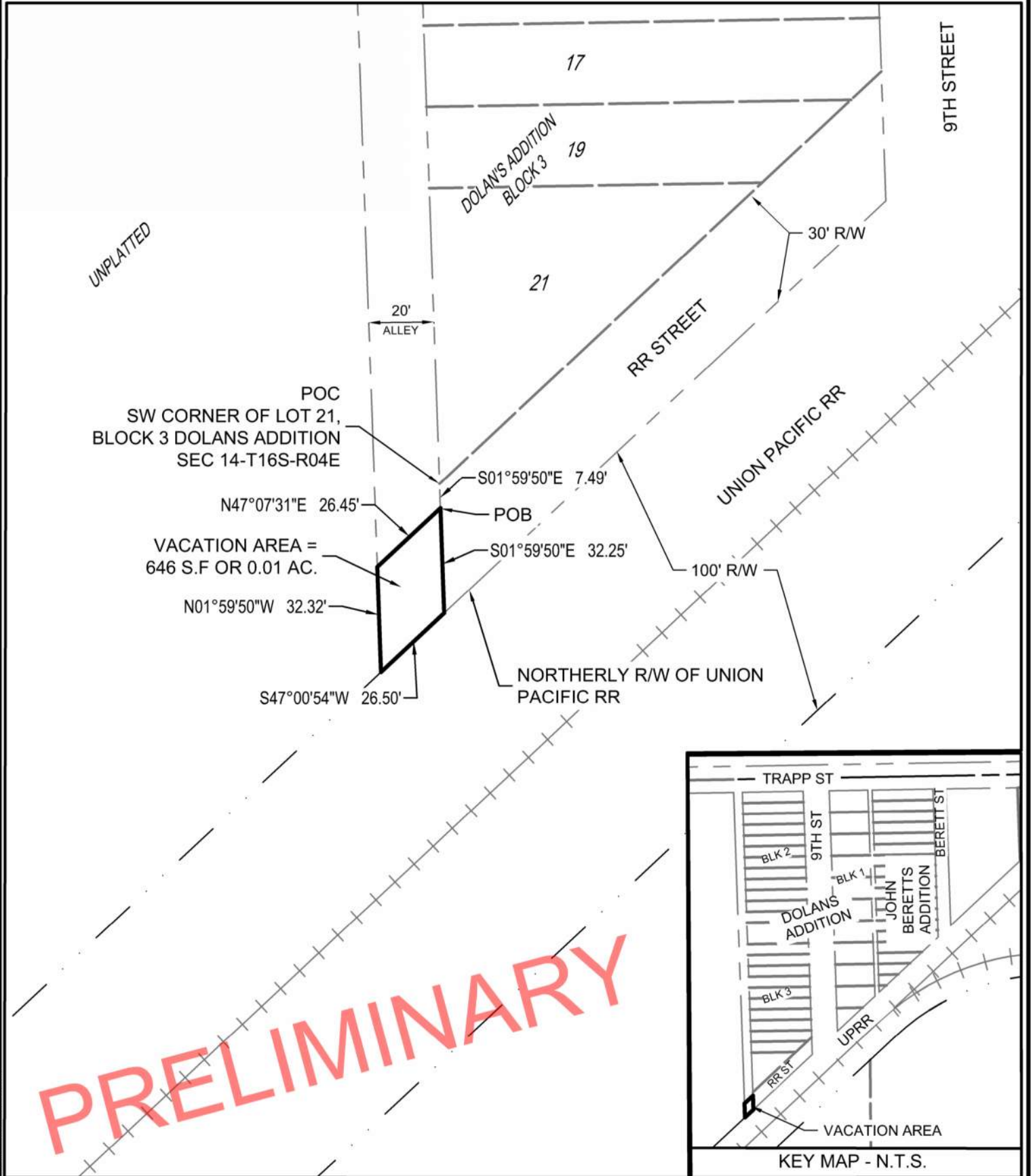
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HERINGTON ROAD VACATION	
COUNTY	PROJ. NO. 239033-002
DICKINSON	DATE: 02/10/2025

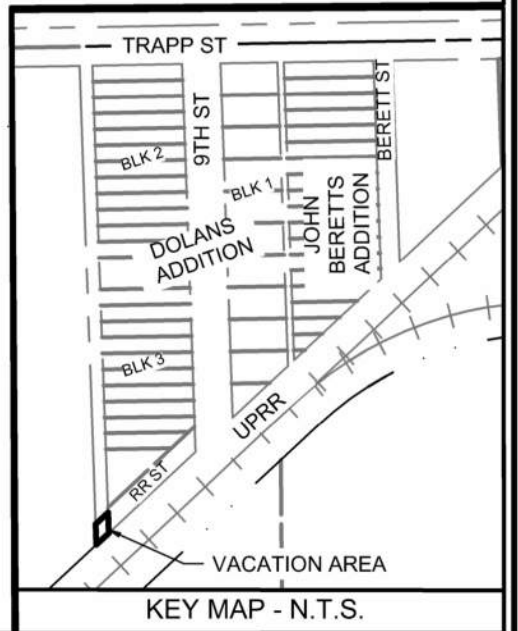
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SHEET 2 OF 2

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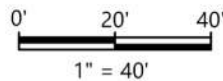
PRELIMINARY



LEGEND

- SECTION LINE
- ROAD R/W LINE
- LOT LINE
- RAILROAD TRACK CENTERLINE
- RAILROAD RIGHT OF WAY LINE
- VACATION AREA
- RIGHT OF WAY
- POINT OF BEGINNING

ROW
POB



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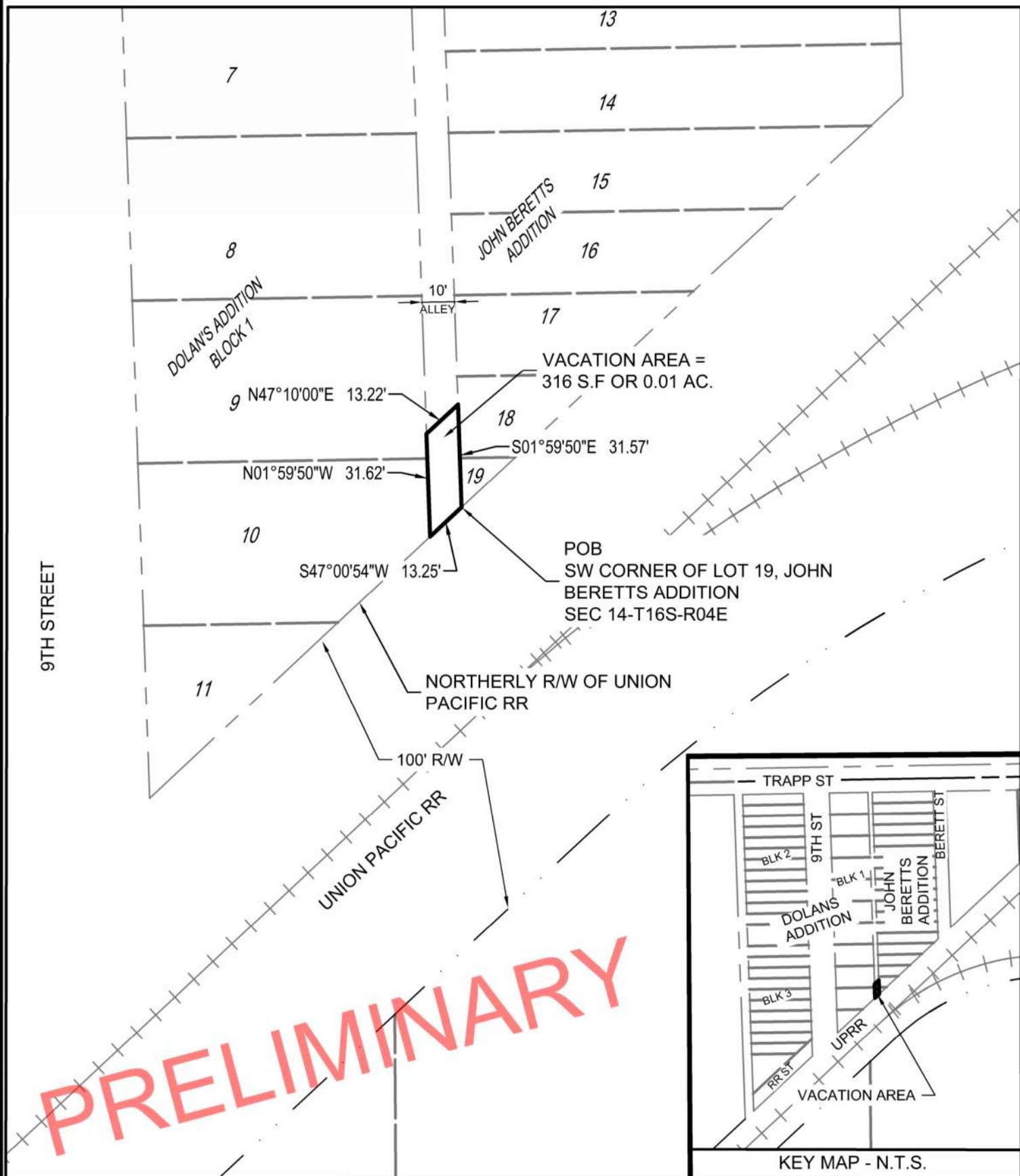
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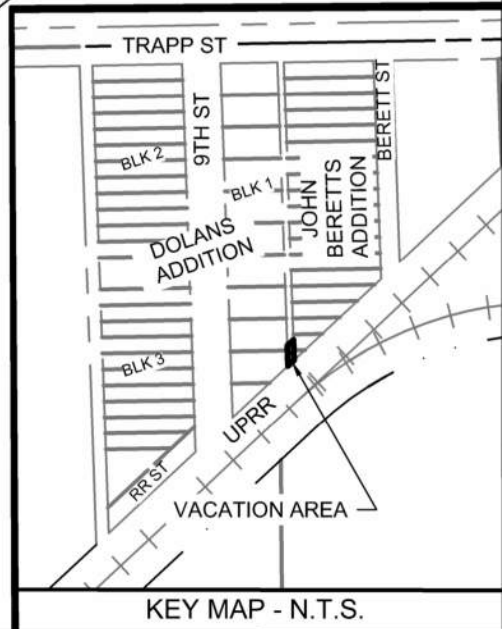
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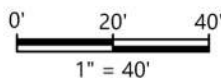


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CONTAINING 933 SQUARE FEET OR 0.02 ACRE.

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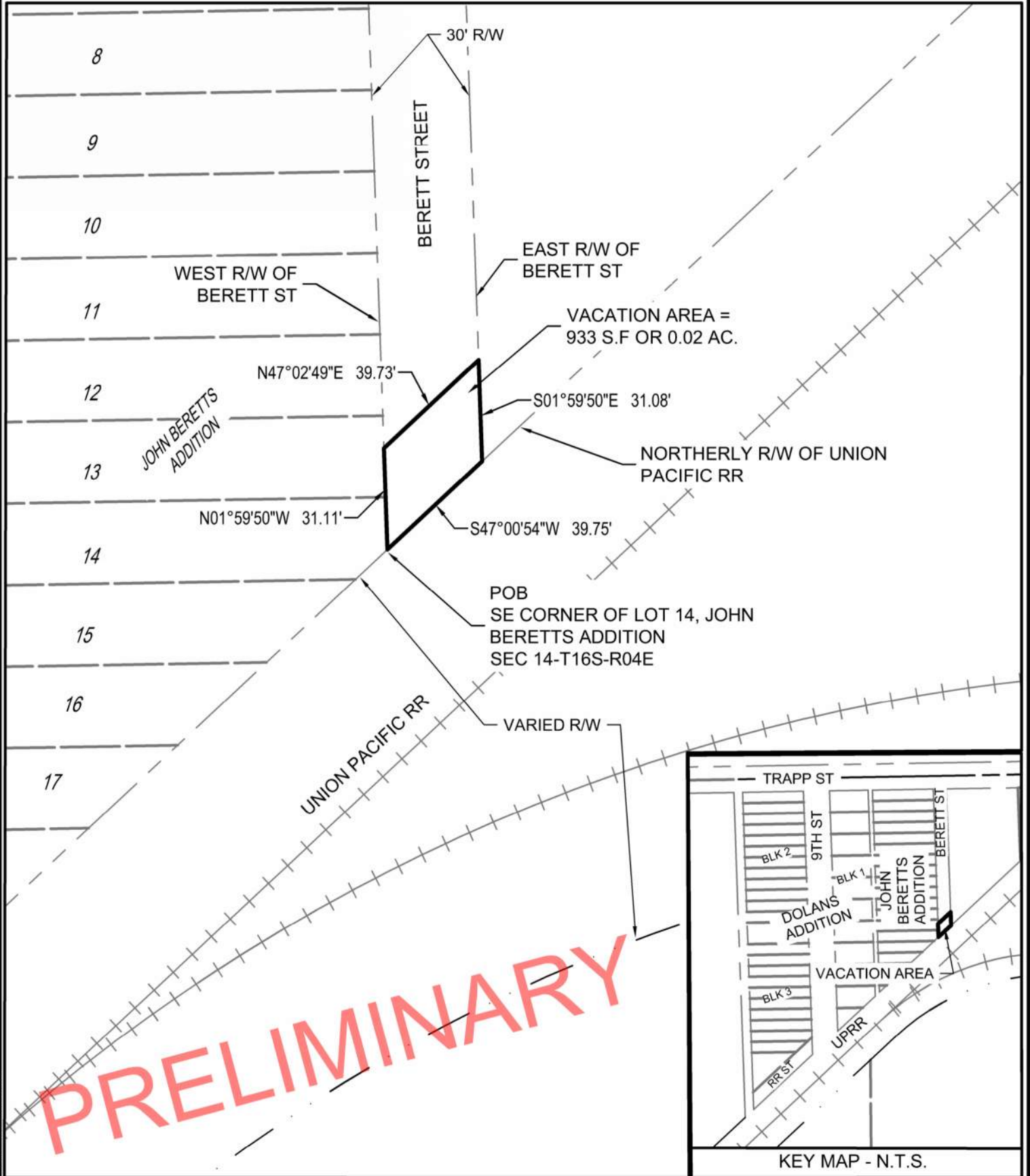
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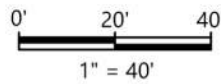
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A TRACT OF LAND BEING THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 16 SOUTH, RANGE 04 EAST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF DICKINSON, STATE OF KANSAS. DISTANCES AND BEARINGS ARE BASED ON GROUND MEASURED UNITS MODIFIED FROM KANSAS COORDINATE SYSTEM NAD 83 (2011) NORTH (FIPS 1501).



LEGEND

- SECTION LINE
- ROAD R/W LINE
- LOT LINE
- RAILROAD TRACK CENTERLINE
- RAILROAD RIGHT OF WAY LINE
- VACATION AREA
- RIGHT OF WAY
- ROW
- POB



PEC
PROFESSIONAL ENGINEERING CONSULTANTS, P.A.
303 SOUTH TOPEKA WICHITA, KS 67202
316-262-6457 www.pec1.com

HERINGTON ROAD VACATION	
COUNTY	PROJ. NO. 239033-002
DICKINSON	DATE: 02/10/2025



EXHIBIT A
SHEET 1 OF 2

Tract 5

VACATION DESCRIPTION

A PART OF R.R. STREET IN DOLAN'S ADDITION TO THE CITY HERINGTON, ALL IN THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 16 SOUTH, RANGE 04 EAST OF THE SIXTH PRINCIPAL MERIDIAN, COUNTY OF DICKINSON COUNTY, STATE OF KANSAS, BEING MORE PARTICULARLY DESCRIBED AND PREPARED ON NOVEMBER 7, 2025 BY RANDY G. ZERR WITH PROFESSIONAL ENGINEERING CONSULTANTS P.A., C.L.S. #65, AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 21, DOLAN'S ADDITION; THENCE N47°00'54"E, (BEARINGS BASED ON THE KANSAS COORDINATE SYSTEM 1983 NORTH ZONE (FIPS 1501)) ALONG THE SOUTH LINE OF SAID LOT 21, ALSO BEING THE NORTH RIGHT-OF-WAY LINE R.R. STREET, 185.48 FEET TO THE INTERSECTION OF SAID NORTH RIGHT-OF-WAY LINE AND THE WEST RIGHT-OF-WAY LINE OF 9TH STREET; THENCE, DEPARTING BOTH RIGHT-OF-WAY LINES, S01°59'50"E, 39.75 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD; THENCE S47°00'54"W, ALONG SAID NORTH RIGHT-OF-WAY, 185.48 FEET; THENCE DEPARTING SAID NORTH RIGHT-OF-WAY, N01°59'50"W, 39.75 FEET TO THE POINT OF BEGINNING.

CONTAINING 5,565 SQUARE FEET OR 0.13 ACRE.

I HEREBY CERTIFY THAT THIS LAND SURVEYING DOCUMENT WAS PREPARED AND THE RELATED SURVEY WORK WAS PERFORMED BY ME OR UNDER MY RESPONSIBLE CHARGE AND THAT I AM A DULY LICENSED PROFESSIONAL SURVEYOR UNDER THE LAWS OF THE STATE OF KANSAS.

(SIGNATURE)

(DATE)

PRINTED OR TYPED NAME: RANDY G. ZERR

LICENSE NUMBER: PS 1396

MY LICENSE RENEWAL DATE IS MARCH 31, 2025.

PAGES OR SHEETS COVERED BY THIS SEAL: 2

PRELIMINARY



PROFESSIONAL ENGINEERING CONSULTANTS, P.A.
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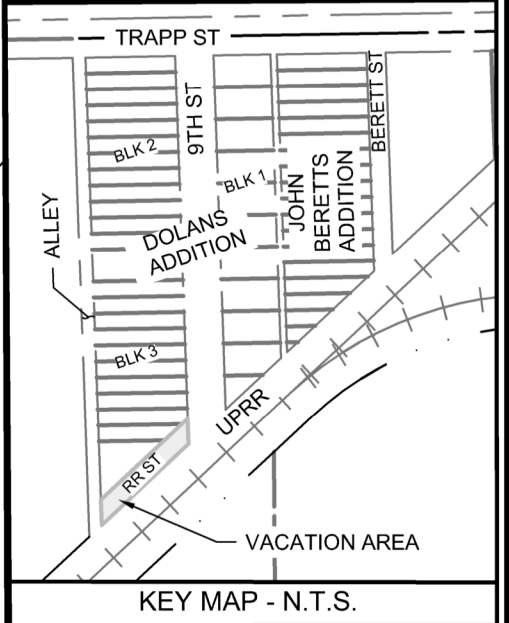
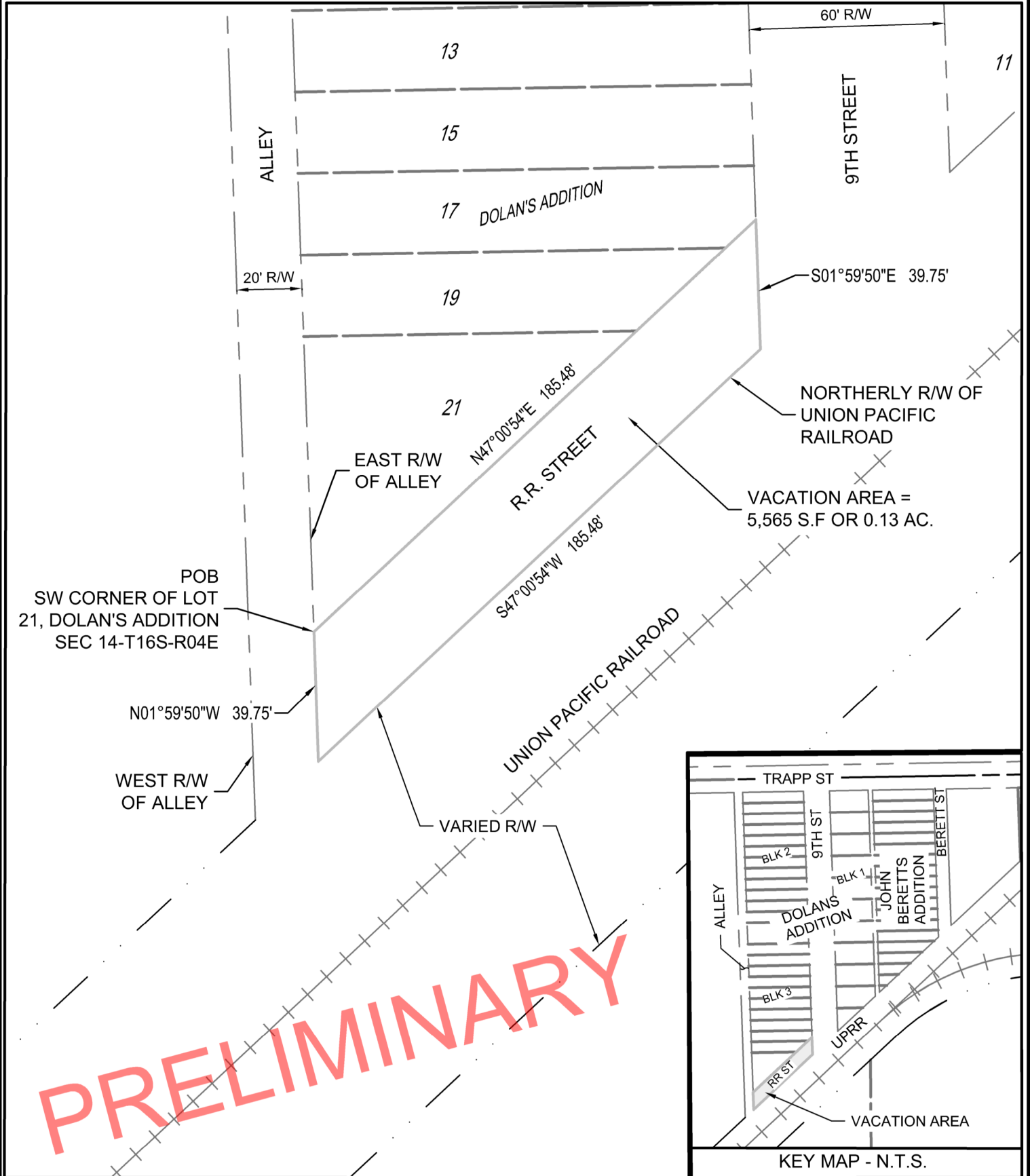
HERINGTON ROAD VACATION	
COUNTY	PROJ. NO. 239033-002
DICKINSON	DATE: 11/5/2025

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EXHIBIT A

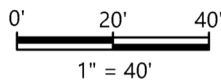
SHEET 2 OF 2

A TRACT OF LAND BEING THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 16 SOUTH, RANGE 04 EAST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF DICKINSON, STATE OF KANSAS. DISTANCES AND BEARINGS ARE BASED ON GROUND MEASURED UNITS MODIFIED FROM KANSAS COORDINATE SYSTEM NAD 83 (2011) NORTH (FIPS 1501).



LEGEND

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**THE CITY OF HERINGTON
PLANNING COMMISSION**

17 North Broadway • Herington, KS 67449
Telephone: (785) 258-2271, FAX: (785) 258-3552



MEMO

TO: THATCHER MODDIE, CITY MANAGER

FROM: PLANNING COMMISSION, STEERING COMMITTEE
RHONDA RICE
KAREN SOLIZ
JANET WADE
ANDREW AVANTAGIATO, FIRE CHIEF/CODE ENFORCEMENT

DATE: NOVEMBER 18, 2025

SUBJECT: ZONING REGULATIONS UPDATE RECOMMENDATION

The Planning Commission created a Steering Committee Summer 2025 to address the Zoning Regulations' current edition, updated 2022, for accuracy pertaining to the current Zoning Map conditions and the Comprehensive Plan, 2024, Future Land Use impact. After several months of careful review, the steering committee is recommending a professional consultant's update of the zoning regulations.

This decision is based on the thorough review of the existing regulations noting the many anomalies between the Zoning Map, (ATT 1), and zoning language, (ATT 2). Each sub-committee member reviewed their assigned sections (ATT 3) of the current Zoning Regulations and found numerous grammatical, spelling errors, language discrepancies and zoning rules anomalies. Planning Commissioner Soliz created an exhaustive list (ATT 4) of the spelling errors, language issues and conflicts between the stated map and the stated language, a condition also found by the other steering committee members. Members also found examples of language that should not be included in the Zoning Regulations due to lack of relevance to existing conditions.

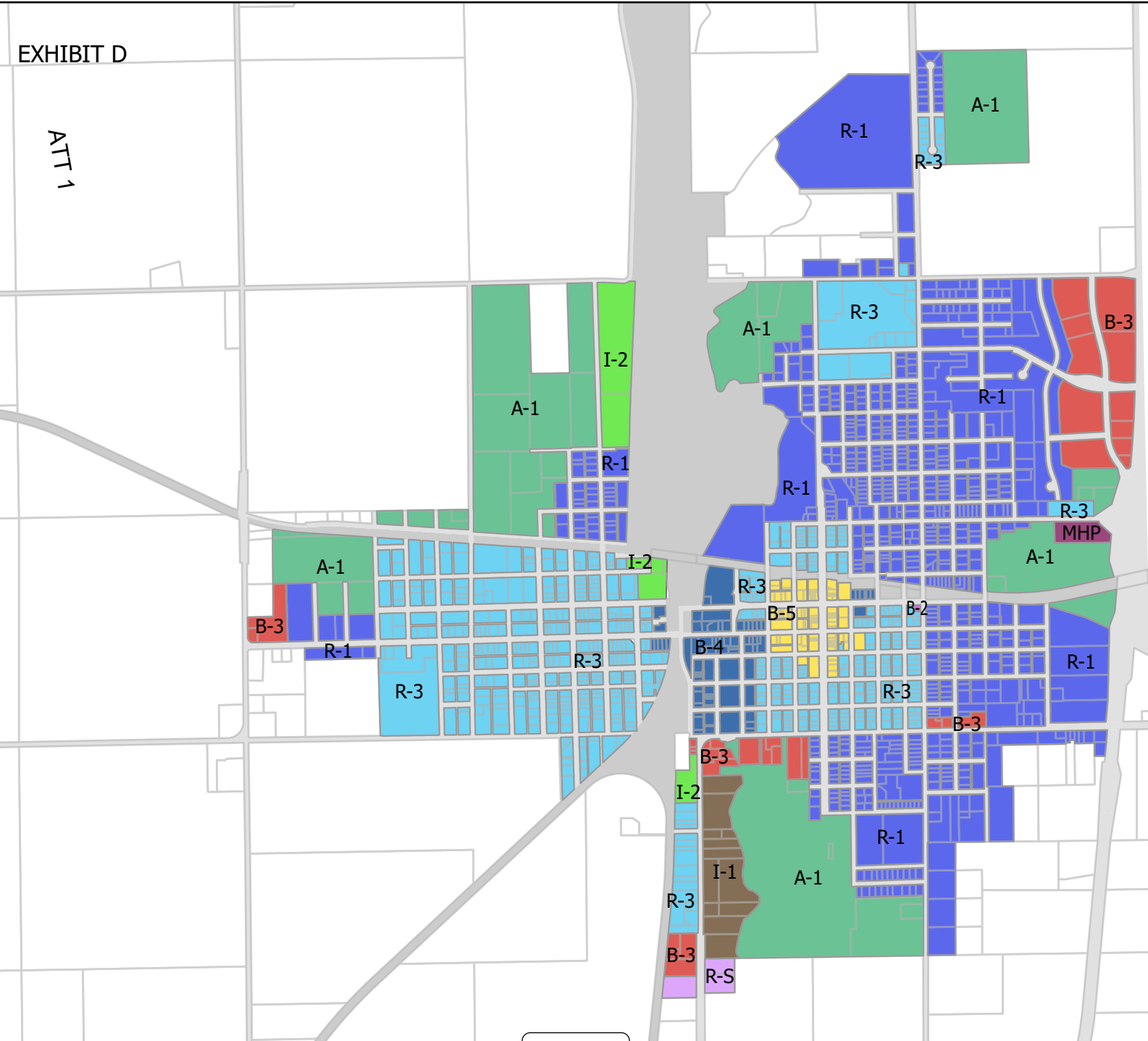
After much discussion in the following work sessions, the steering committee reviewed the current conditions and short comings of the Zoning Regulations, and though Chief Avantagiato is able to work within its confines, with at times necessary variance requests, he confirms the need to align the code with the existing and the future use conditions of Herington's Land Use Vision stated in the Comprehensive Plan, short notes taken by Janet Wade (ATT 5). There is the need to change the zoning regulations to create the conditions needed to build and manage for the future.

City Manager Moddie considered the idea of the Planning Commission working through these errors and language update needs, but after much discussion with the steering committee and the rest of the Planning Commissioners, there is an agreement that volunteer Planning Commissioners (ATT 6) are not expertise in the role needed to do a complete assessment and language update. This should and can be accomplished by Planning Consultants that have the skills and training.

Zoning Districts

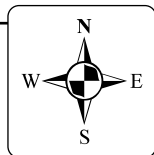
Zone ID : Description

- A-1 : Agriculture District
- B-2 : Neighborhood Commercial District
- B-3 : Highway Business District
- B-4 : General Business District
- B-5 : Central Business District
- I-1 : Light Industrial District
- I-2 : Heavy Industrial District
- MHP : Manufactured Home Park
- R-1 : Single Family Residential District
- R-3 : General Residential District
- R-S : Residential Suburban District



City of Herington - Zoning

Printed: 10/25/2021



This map is for informational purposes only and should not be used to determine precise boundaries, roadways, property boundary lines or legal descriptions. It shall not be construed to be an official survey of any data depicted.
 -Dickinson County GIS-

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APPENDIX B: INTENSITY OF USE

Zoning District	Minimum Lot Dimensions (feet)			Minimum Yard Size (feet)			Maximum(%)	Maximum (feet)
	Size	Width	Depth	Front	Side	Rear	lot Coverage	Structure Height
A	2 acres	300	500	75	10	20	20	45
RS	2.5 acres	250	300	75	25	25	20	45
R1	7,500 sq. ft.	75	100	25/35 ¹	10	25	40	35
R2	7,500	75	100	25/35 ¹	10	25	40	35
R3	s, 000 ²	50	100	25/35 ¹	53	25	50	85
B1	7,500	75	100	25/35 ¹	10	25	40	35
B2	7,500	75	100	25/35 ¹	10	25	40	35
B3	10,000	100	100	0	s*	15	60	65
B4	7,500	75	100	25/35 ¹	10	25	80	75
BS	2,500	25	100	0	0	0	100	85
11	10,000	100	100	25/35 ¹	15	15 ⁵	60	65
12	10,000	100	100	25/35 ¹	15	15 ⁵	60	65
13	12,500	0	0	50	50	50	60	one story'
MHP	(see Section 9)							

¹ 25 feet measured from the front lot line on collector streets, and 35 feet on arterial streets,

exception: see variance appeal within residential code sections

² 5,000 sq.ft. first dwelling unit

7,000 sq. ft. second dwelling unit (duplex)

9,000 sq. ft. third dwelling unit (triplex)

if additional dwelling units are constructed as the second or third story, the minimum lot size will be 5,000 square feet. The 50% lot coverage remains.

³ 5 feet per story

⁴ 10 feet when abutting residential district

⁵ 25 feet when abutting residential district

⁶ See Section 16 for additional FAA regulations

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Rhonda Rice <rhonda.rice61@gmail.com>

Zoning code assignment

1 message

Rhonda Rice <rhonda.rice61@gmail.com>

Thu, Jul 3, 2025 at 11:38 AM

To: Janet Wade <wade.janet@yahoo.com>, karen soliz <karen.soliz@att.net>, City Manager Thatcher Moddie <citymanager@cityofherington.com>

Read over your section

All--Articles 1,2, 17, 20, 24, 25

Janet-Articles 4, 15-16, MHP, 22

Karen-Articles 4, 9, 19, 21, 23

Vinnie -Articles 10-14, 18

ATT 3

typographical and spelling errors

Article 1-7 Page 1-3 Paragraph 1 line 4
Should read /conformity with the use regulations herein
specified for the district

Article 1-711 Page 1-5 Paragraph 1 line 4, 5, 6
Should read / shall be provided and maintained; unless, some
other provisions of these regulations requires or permits a different
minimum setback for, side or rear yard.

Paragraph / The front side and rear yard shall not be required on
zoning lots used xxxxxxx

Article 1-901 Page 1-5 Paragraph 1
Should read / Vested Rights: No structure or zoning permit
lawfully issued prior to the effective date of these regulations, (or of
any change or amendment hereto,, and which permit, by its own
terms and provisions, is in full force and effect at said date), shall be
invalidated by the passage of these regulations or any change or
amendment, shall remain a valid existing permit, subject only to its
own terms and provisions effective at the time of the issuance;
provided that all permits shall expire no later than 180 days from the
effective date of these regulations; unless, actual construction has
begun and will continue pursuant to the terms of said permit.

Article 2-101 Page 2-2 Paragraph 1

Should have a new paragraph in line 7 after greenhouse
products.

Paragraph / Land devoted to agricultural use shall not include

Apartment: should read
A room or suite of rooms within an apartment house used as the
place of residence for a single family or group of individuals living
together as a single housekeeping unit.

Apartment House: should read
A building arranged, intended, or designed with multiple units for, or occupied by more than two families per unit.

Page 2-3 Basement: should read
That useable portion of a structure which is partly or wholly below grade.

Bed and Breakfast: Line 3
guest house and historic inns.

Building Heights: Line 6
_roof types shall not be considered part of a structure height.

Page 2-5 Family: Line 1
_One (1) or more persons related by blood, marriage or

Page 2-7 Lot: Line 4, 5
regulations, which may include more than one (1) lot of record or metes (natural boundary) described tract having its principal frontage upon a public street.

Page 2-10 Sign: Line 4
governmental notice, religious or fraternal flag.

Article 4-101 Page 4-1 Line 5
resources. Allows residential us of fewer than 10.0 acres as a

Article 17-901 Page 17-8 Paragraph 4 Line 1
In recommending approval or conditional approval of a General Site Plan for

Paragraph 4 Line 9
be met when the conditions to which the approval is made subject are

Phasing: Page 17-10 Paragraph 2 Line 3, 5, 7
all of the foregoing criteria and all other applicable regulations herein provision and improvement of public or common area improvements,

guaranteeing their improvement is phased generally proportionate to

Article 19-103 Page 19-1 Paragraph 3 Line 4

Commission shall give consideration to the health, safety, morals, comfort

Article 19-301 Page 4 should be numbered Page 5
Paragraph 1 Line 4

months, it will forfeit its Conditional Use Permit, and will not be allowed to

Sections 21-2 Definitions Page 21-2

7. Line 3
vertical members that are not attached to a structure.

11. Line 2
or permanent sidewalk canopy of a structure but not on the upper

13. Line 8
of the structure or complex it serves and be constructed of

17. Line 6
however, a flag, badge, or insignia of any government agency or

23. Page 21-3 Line 4
one face shall be calculated as one face only.

Section 21-601 Nonconforming Signs Page 21-14
21-601 Line 1

Every sign in existence at the time these regulations become effective

Section 21-7. Removal of Obsolete Signs Page 21-14
21-701 Line 5

the owner shall be responsible for restoring the facade of the building,

21-702 Line 4
owner of record indicating that the sign shall be removed. If the

21-703 Line 7
assessment for such cost against the loss or piece of land; the City

Section 21-8 Sign Regulation, Herington Municipal Airport
Page 21-15

21-801
General Signage: One free standing sign per business parcel shall be

Section 23-1. General Authority and Procedure Page 23-1

23-102 Line 4
affects specific property, upon application by the owner of the
property

Section 23-3. Receipt of Rezoning Applications Page 23-2

23-301 Line 2
Administrator shall note thereon the filing date, and make a
permanent

Section 23-6. Conditional Use Permits Page 23-6

23-601 Line 6
23-507 of these regulations shall not apply to conditional use permits.

...-based

Form vs. strict use

Design Stds

Overlay Districts

- s.a. Downtown Character
- See Goal 15

Mixed-Use

incl. recreation

Housing Variety (Affordability)

- Multi Family
- Tiny Houses
- Acc Dwelling Units
- Transient Guest Accom.

Smaller lot sizes (parcel)
 Adaptive re-use

2 Capitalize on Transportation Assets

space

practices

Complete

ReUamp

Regs & Map

Simple but Adequate

- Enforcement by non professional planning staff
- User friendly format (modular / fact sheet-like)

Interim

set target
100% implementation

- Correct conflicting provisions
- Glaring issues
- consider desirable actions on case-by-case basis (streamline, work w/ owner)

↑ create a written policy
 → public awareness

AI CoPilot Draft 7-22-25 (JW)

Why Volunteer Citizen Planning Commissioners Are Ill-Suited to Re-Write Community Regulations

A Critical Examination of Expertise, Capacity, and Process

Executive Summary

Communities across the United States entrust Planning Commissions with a broad mandate to oversee, recommend, and sometimes directly shape local land use and development regulations. These commissions are typically composed of volunteer citizen members—dedicated individuals appointed to represent the public interest. While their input is invaluable during the review and advisory phases, this white paper argues that the comprehensive re-writing of a community’s regulations—such as zoning ordinances, comprehensive plans, or development codes—demands specialized expertise, sustained capacity, and an understanding of legal and technical intricacies that far exceed what can typically be expected from volunteer citizen commissioners. This paper explores the complex nature of regulatory reform and recommends the appropriate role for citizen volunteers in such processes.

Introduction

Local government relies on the active participation of its citizens. Planning Commissions exemplify this principle, providing an avenue for residents to shape their community’s future. However, the trend of assigning the task of re-writing complex regulations directly to these volunteer panels has become increasingly common, often to the detriment of both the process and outcomes. The following analysis outlines the reasons why volunteer citizen members are ill-suited to undertake this critical and highly technical responsibility.

The Complexity of Community Regulations

Community regulations—whether zoning ordinances, subdivision codes, or comprehensive plans—are multi-faceted documents developed over years, frequently in response to legal precedents, evolving policy goals, and technical assessments. The process of re-writing these regulations requires:

- **Legal Expertise:** Regulations must comply with federal, state, and sometimes regional laws. Legal missteps can lead to costly litigation or nullification of ordinances.

- **Technical Knowledge:** Modern regulations address issues such as stormwater management, traffic engineering, affordable housing, historic preservation, environmental protection, and more. Each area may require input from subject matter experts (engineers, architects, planners, environmental scientists, etc.).
- **Policy Integration:** Effective codes synthesize community values, sustainability principles, economic realities, and growth projections into a coherent legal document.
- **Stakeholder Engagement:** The process must provide opportunities for robust public participation and negotiation with diverse interests, including residents, businesses, developers, and advocacy groups.

Volunteer Planning Commissioners, though often highly engaged and intelligent, may lack the training, time, and resources to fully address these areas.

The Role and Limitations of Volunteer Citizen Members

Time Constraints and Commitment Challenges

Planning Commission members tend to have other full-time commitments. Most serve without compensation and dedicate only a few hours per month to their official duties. The re-writing of community regulations is a multi-month or even multi-year process, involving dozens (if not hundreds) of working sessions, document reviews, and stakeholder meetings. Volunteers are unlikely to maintain the sustained focus and presence required for such a comprehensive initiative.

Lack of Specialized Training

While many commissioners bring valuable perspectives from their professions or community involvement, few possess backgrounds in urban planning, municipal law, or civil engineering. Effective regulation re-writes frequently require command of legal language, familiarity with case law, and the technical ability to interpret and draft regulatory text. The learning curve for a layperson is steep, and mistakes can have lasting consequences for the community.

Risk of Unintended Consequences

Without deep technical and legal knowledge, well-intentioned volunteers may overlook important nuances, inadvertently introduce ambiguities, or fail to address key statutory requirements. These errors can create loopholes, expose the municipality to lawsuits, or result in regulations that are out of step with community needs and best practices.

Potential for Bias and Lack of Objectivity

Volunteer commissioners are, by nature, community members with their own experiences and preferences. While their perspectives are critical, their proximity to the issues can sometimes lead to unintentional bias—either in favor of maintaining the status quo or advancing personal agendas. Consultants and professional staff are generally trained to approach regulatory work more objectively and to base recommendations on empirical evidence and best practices.

Process Disruptions and Reduced Credibility

When re-writing efforts are led by a group perceived as lacking expertise or capacity, the process can lose credibility among stakeholders, including the public, elected officials, and the development community. This may result in delays, repeated revisions, or wholesale rejection of the final product.

The Case for Professional Support

Expertise and Experience

Professional planners, attorneys, and technical consultants bring years of specialized education and practical experience to the task of regulatory reform. They understand current trends, common pitfalls, and evolving legal requirements. Their involvement ensures that new regulations are legally defensible, internally consistent, and aligned with the community's long-term vision.

Efficient and Effective Process Management

Consultants and staff offer project management skills, facilitating meetings, documenting feedback, and incorporating revisions efficiently. They can devote the necessary time and resources to ensure that the process moves forward as scheduled, freeing commissioners to focus on high-level policy direction rather than line-by-line drafting.

Broad and Inclusive Engagement

Professionals are adept at designing and managing public engagement strategies, ensuring that a wide range of voices are heard and incorporated into the regulatory framework. This builds public trust and increases the likelihood of successful implementation.

The Ideal Role of Planning Commissioners in Regulatory Reform

This critique is not intended to diminish the value or importance of the Planning Commission. Rather, it clarifies the appropriate scope for volunteer citizen involvement.

- **Policy Guidance:** Commissioners should shape the vision and goals that guide the regulatory re-write.
- **Review and Oversight:** Volunteer members should review drafts, provide feedback, and ensure the regulations reflect community values.
- **Facilitating Public Input:** Commissioners are well-suited to engage with residents, interpret feedback, and advocate for the community's interests.
- **Final Recommendations:** The commission's endorsement should signify that the process has been transparent, participatory, and consistent with the public good.

Conclusion

Volunteer citizen members of a Planning Commission play an essential role in local democracy. However, the technical, legal, and logistical demands of re-writing community regulations far exceed what can reasonably be expected of unpaid volunteers without specialized training. Municipalities should invest in professional technical support for such efforts, while relying on Planning Commissioners for policy guidance, community engagement, and final review. This ensures regulations are robust, defensible, and truly reflective of the community's needs and aspirations.