

Proposed Changes to Zoning Regulations Articles 2, 6 & 22 and Subdivision Regulations Article 11

Zoning Regulations Article 2:

All changes are to Section 2-301 which are a list of definitions. I have listed each term that is deleted, altered or new with the reasons for the changes. Deletions are in red and struckthrough, new provisions are highlighted and in italics.

~~**Attached.** A foundation, wall, or roof of a building or structure which is connected to and supported by the foundation, wall, or roof of another building or structure.~~

This definition is vague and the term is also confusing, it is replaced by **Dwelling, attached**.

~~**Detached.** A building that does not have a wall, roof or other structural member which is connected to and supported by the foundation, wall or roof of another building or structure.~~

Similar to Attached, this definition is replaced by **Dwelling, detached**.

Dwelling. A building or portion thereof which is designed or used for residential occupancy including a condominium, but not an Earth-sheltered dwelling, group home, residential-design manufactured home or a manufactured home.

This is a new term that was previously undefined.

Dwelling, attached. A residential building which is joined to no other dwelling at one or more sides by a party wall or walls, including walls of an attached garage. Separate ownership of attached dwelling units shall be in compliance with K.S.A. 58-3701 et seq. and accompanied by a duly recorded lot split. All utilities and facilities must be independent of each other unless ownership and maintenance are provided by an association of townhouse owners.

Dwelling, detached. A residential building which is entirely surrounded by open space on the same lot.

These definitions will replace **Attached** and **Detached** to better explain what each are and also were termed like this so that they are all together with **Dwelling**.

Dwelling, multiple-family. A residential building having accommodations for and occupied by more than two (2) families, independently.

Dwelling, multiple. is replaced by **Dwelling, multiple-family**. This just clarifies the term and harmonizes it with similar definitions' formats. The definition was otherwise unchanged.

Earth-sheltered dwelling. A single-family dwelling constructed so that 50% or more of the exterior surface area of the building, excluding garages and other accessory structures, is covered with earth. Such a dwelling is a complete structure that does not serve just as a foundation or substructure for above-grade construction. A partially completed building shall not be considered earth-sheltered. Bulk regulations shall be measured from the structural part of the dwelling as distinguished from the earth covering.

This was a previously undefined term made necessary by the new term **Dwelling**.

Lot of record. A lot which is a part of a subdivision, which has been recorded in the office of the Register of Deeds of Cowley County or a lot described by metes and bounds, the description of which has been recorded in the office of the Register of Deeds of Cowley County, prior to the effective date of Arkansas City Ordinance No. 4360.

The ordinance number was previously missing. The other amendments provided an opportunity to fix this omission.

Mobile home. A transportable, factory-built structure designed to be used as a year-round residential dwelling, which does not meet or was built prior to enactment of the National Manufactured Home Construction and Safety Standards Act, which became effective June 15, 1976. For purposes of these regulations a mobile home is not a manufactured home. *Mobile homes are not permitted inside the City limits.*

It is important to understand the difference between a mobile home and a manufactured home. Mobile homes by this definition were already prohibited by Sections 11-101 and 13-605 of the Zoning Regulations. The manufacture date is the key here (before or after June 15, 1976 that is). This modification helps clarify that mobile homes (again by this definition) are prohibited anywhere in the City. **Manufactured homes** are permitted in the appropriate districts and **Residential design manufactured homes** are also permitted in the appropriate districts.

Modular home. *A residential building located on a permanent foundation and connected to public utilities, consisting of pre-selected, prefabricated units or modules, and transported and/or assembled on the site of its foundation; excluding a dwelling structure which is custom-built on the site of its permanent location; and also excluding a manufactured/mobile home, either single-width, double-width or multi-width, located on a permanent foundation. In general, such modular home shall have exterior building materials and somewhat similar appearance to custom-built single-family dwellings and meet the standards of the City building codes.*

This term was previously undefined. It is necessary to differentiate it from a manufactured home or a residential design manufactured home.

Residential building. *A building all or part of which contains one or more dwelling units, including single-family dwellings, two-family dwellings, multiple-family dwellings, earth-sheltered housing, lodging houses, dormitories, sororities and fraternities, as well as modular homes.*

This term was previously undefined and is made necessary by the terms added regarding dwellings.

Zoning Regulations Article 6:

Section 6-301 in Table 6-1, use #7 was altered the following way:

7.	Dwellings: a. Single family <i>(including modular home and Residential design manufactured home)</i> . b. Two family. c. Three or more families.	P	P	P
		C	P	P
			C	P

This was to clarify that dwellings meeting the definition of residential design manufactured home were synonymous with single family dwellings and the appropriate use designations are the same for both.

Zoning Regulations Article 9:

Section 9-601:

d. All new commercial development or redevelopment that exceeds 50 percent of the fair market value of the existing development shall include a public sidewalk with minimum width of four (4) feet and a minimum thickness of four (4) inches. Such sidewalk shall be placed on the public right-of-way along any arterial or collector street frontage. The Board of Zoning Appeals may grant an exception in instances where sufficient right-of-way is not available for construction of sidewalk or where this requirement would create an undue hardship upon the property owner.

Typically as part of the site plan review process, we required sidewalks for commercial development but that wasn't really in writing. This provision makes it a requirement to place a sidewalk along the frontage of commercial development. This is an effort to make the community more walkable. A provision to allow for exceptions was added to help deal with extenuating circumstances.

Zoning Regulations Article 22:

Section 22-303:

22-303. Design standards. Minimum parking facility design standards shall comply with ~~Section 22-7.~~ *City-adopted specifications and the most current version of the U.S. Department of Justice ADA Standards for Accessible Design.*

It was determined that the design standards in 22-7 did not fully comply with ADA Standards so this section was altered to reflect the removal of Section 22-7.

Section 22-305:

22-305. Surfacing. All off-street parking facilities, loading areas, vehicular storage areas and drives and access to and from such areas shall be surfaced and maintained with four (4) inches of asphalt, or concrete to create a permanent all-weather, dust-free surface. Such paving must be completed prior to occupancy of the facility that the paving is intended to serve, unless temporary occupancy approval is received from the Zoning Administrator. An exception to the surfacing requirements may be granted by the ~~Board of Zoning Appeals~~ **Zoning Administrator** in instances where the off-street areas take access from a graveled public street.

Staff felt that requiring approval from the Board of Zoning Appeals was a bit egregious and that the Zoning Administrator in conjunction with the Technical Advisory Committee could make this site plan review decision administratively. To date, this provision for an exception has not been used.

Section 22-7 Design Standards:

It is proposed to remove this section in its entirety. Parking lot design standards are primarily engineering related and can be submitted based on standard details provided by the City or otherwise approved plans by staff and the Technical Advisory Committee. This also avoids the non-compliance with ADA Standards by removing the graphics in 22-701 that did not otherwise comply with the *Standards*. Due to this change Sections 22-8 and 22-9 were renumbered 22-7 and 22-8 respectively. Those sections are otherwise unchanged.

Subdivision Regulations Article 11:

Section 11-1 Objective

11-102. *A property owner shall apply for a lot split prior to the construction or placement of a non-abutting, non-accessory building or other structure on a lot already containing a building or other structure if the new lot, building or structure (a) has a different owner than the rest of the lot or (b) the new building or other structure may create increases in service requirements or interfere with maintaining existing services levels, such as those described in Section 11-103(a)(3).*

~~11-102.~~ **11-103.** No building permit shall be issued for any structure to be located on a lot produced by a lot split until (a) the lot split has been approved by the Zoning Administrator in accordance with the requirements of this Article, or (b) upon which a lot split has been denied under Section 11-301(a) without thereafter complying with Article 6 of these Regulations.

This change is an effort to clarify when a lot split is required. 11-102 is a new section and the new 11-103 (previously 11-102) also clarifies when a building permit may be issued. As before any division of land that does not meet the requirements for a lot split must comply with Article 6 of these regulations concerning plats.