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AN OVERVIEW TO THE PROPOSED 2014 ZONING REGULATIONS FOR THE CITY OF ARKANSAS CITY

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Set out in the following pages are the general objectives the proposed 2014 zoning regulations are intended to further, and brief summaries of the more significant proposals for changes to the current zoning regulations. This memo is not intended to be a comprehensive or detailed explanation of all proposed changes.

GENERAL OBJECTIVES

Set out below are the general objectives identified during the course of revising the Arkansas City Zoning Regulations. The overriding objective is to develop thoughtful zoning regulations which promote legitimate interests of the community, and are respectful of the rights of owners of private property. The objectives are organized by major land use category (residential, commercial...). Other objectives relating to procedural aspects of the regulations are identified under "format" and "miscellaneous."

RESIDENTIAL:

1. Adopt regulations which promote residential infill development and carefully accommodate manufactured housing.
2. Adopt regulations which encourage residential uses, with appropriate restrictions, in the central business district.
3. Update regulations affecting group homes to reflect current state and federal law.
4. Avoid regulations that unnecessarily drive up the cost of housing.
5. Adopt proper design standards and aesthetic standards for manufactured housing.
6. Create an overlay zoning classification designed for housing for senior citizens.
7. Create an overlay zoning classification designed to encourage construction of affordable housing.

8. Create an overlay zoning classification intended primarily for historic preservation of residential neighborhoods.

INDUSTRIAL:

1. Reduce the current three industrial classifications to two zoning districts: light and heavy.
2. Identify the appropriate amount of property which should be classified as industrial, and take proper steps to see it is located at the most appropriate areas.

COMMERCIAL:

1. Adopt regulations that adequately accommodate large-scale commercial developments.
2. Adopt regulations which do not detract from the downtown being a retail and office center, and which promote commercial redevelopment downtown.
3. Create a mixed-use zoning classification where certain commercial development can occur alongside residential uses.

FORMAT:

1. Revise the existing administrative procedures and district regulations to make them as user-friendly (e.g., "plain English") as possible.
2. Supplemental regulation provisions should be incorporated within each zoning district regulation, to the extent possible. For example, within each zoning district, following the list of permitted uses, provisions relating to conditional uses, temporary uses and accessory uses should be set forth. This helps make the regulations more readable and organized and in a more logical fashion for the public and landowners.

MISCELLANEOUS:

1. The current nonconforming use provisions should be revised to reflect Kansas law on this subject.
2. Telecommunications tower regulations, with language requiring co-location, are proposed.
3. Wind energy generation is proposed to be allowed within certain zoning districts.
4. Maintain, and simplify where possible, the platting process for minor subdivisions.
5. Simplify where possible the City's sign regulations

II. PROPOSED 2014 ZONING REGULATIONS

Zoning separates incompatible land uses by delineating zoning districts on a map and describing uses that are or may be permitted in each district. Zoning allows a community to plan where it wishes to encourage certain land uses so that the appropriate public infrastructure may be provided in a cost-effective manner, and to preserve the assets or the character of a neighborhood, area or community.

GENERAL OBSERVATIONS

1. Several of the current zoning districts are proposed to be eliminated. Among the commercial districts, the current RO District is most similar to the proposed **C-1**, and current B-1 most resembles the proposed **C-2** District. The current district for general commercial, B-2, would become **C-3**, and current B-3 becomes **C-4** for the downtown area. As for residential districts, the current residential districts (R-1, R-2, R-2Z, R-3, R-4 and RO) and the M-P mobile home district are proposed to be revamped using a simplified system of low-, medium- and high-density housing (**R-1, R-2 and R-3**). The objective of this change, in short, is to create significant residential development opportunities for property owners, and continue the current regulations' flexible pattern of residential development.
2. This proposal calls for the addition of **four new zoning districts: Mixed Use District, Manufactured Home Subdivision District, Countryside District and Public District. Five new overlay districts are proposed: College District, Planned Unit Development District, Historic Conservation District, Elderly Housing District, and Housing Opportunity District.**
3. Each article containing district regulations has been reformatted to make it more "user friendly". The approach followed has basically been to try to include as much information as possible about each district within the confines of the particular article for that district – to help reduce the need to flip through the regulations to find answers to questions about the district that the reader is interested in. A new page-numbering system and more visible Article and Section headings should also aid the public in using these regulations.
4. An important and substantive change to the regulations is to limit the Board of Zoning Appeals' authority to only those powers recognized under state law, *i.e.*, to grant variances and exceptions, and to hear appeals from decisions of the Zoning Administrator.

ARTICLE 1

Quite a bit of the current language in the City's Regulations has been retained here, including purpose (1-2), jurisdiction (1-4), and compliance/permits/certificates (1-6). Present wording for conflict provisions (1-8) and transitional provisions (1-9) is also carried forward. These are primarily what are referred to as "boilerplate" provisions, and deal with the purpose of the regulations and the land area to which they apply.

ARTICLE 2

The definition section contains a large number of new terms. Some deletions have been made from the current list of definitions, usually to remove archaic terms.

For example:

Day Care Facilities – The term “Day Care Facilities” provides new definitions for *adult day care home, child care center, day care home, family day care home, group day care home* and *preschools*. The emphasis has been upon making these terms as compatible as possible with definitions used by the state for licensing and registration purposes.

Family – Amended, generally to recognize as a “family” any group of up to four unrelated persons living together as a household unit.

ARTICLE 3

This Article shows at a glance how the proposed changes take the regulations from its current 16 districts to 15 districts, plus six overlay districts (3-1). The zoning map is incorporated into the regulations (3-2), and the rule for zoning of annexed land is set out (3-3).

ARTICLE 4

Statements explaining purpose or intent have been developed for each of the proposed zoning districts and overlay districts. This Article provides the public, and property owners, with an overview to the regulatory approach the City is taking.

ARTICLE 5

A revised Agricultural (A) District is proposed. Permitted and conditional uses are fairly restricted, with only a few non-agricultural uses allowed. The only residential use, other than farmhouses, is single-family residential development, with no more than one dwelling per 20 acres.

ARTICLE 6

This Article sets out most of the regulations pertaining to the proposed three residential districts: Low Density (R-1) Residential, Medium Density (R-2) Residential and High Density (R-3) Residential. The permitted residential use in Low-Density is single-family housing, with duplexes as conditional uses. In the Medium-Density District one- and two-family housing is permitted, with three-plus family housing allowed as a conditional use. High Density District regulations allow all types of housing, from single-family to apartment houses. In short, the proposed residential district regulations allow considerable development opportunities for property owners, although residential use is not entirely cumulative as is the case in the City's current regulations.

The differences among the R-1, R-2 and R-3 Districts, with respect to allowed residential uses, will be set out in a table of uses, Table 6-1. As for non-residential uses permitted under Table 6-1, there is considerable consistency among the three zoning districts.

The proposed changes make the City's regulation of group living arrangements consistent with state group homes law and the Federal Fair Housing Act and in compliance with the prohibitions in those laws against discrimination on the basis of mental or physical disabilities and familial status.

Bed and Breakfast – Permitted in R-3 if have nine or fewer sleeping rooms, and as a conditional use in R-3 if ten or more sleeping rooms.

Group Homes – This term covers those group homes which are declared to be single family uses by state law (i.e., group homes having no more than ten residents, including up to eight persons with disabilities and up to two staff). Group homes are permitted uses in R-1, R-2 and R-3, as required by state law.

Large Group Homes – Permitted in R-3 if fewer than 20 total persons with disabilities and staff. Large group homes of more than 20 persons are allowed in R-3 as conditional uses. Also a large group home would be allowed as a conditional use in the R-2 District.

Day Care Facilities – Permitted in R-3 as a permitted or conditional use, depending on size. Permitted in R-1 and R-2 if having no more than 12 children or adults.

Safe House – Allowed as a permitted use in R-1, R-2 and R-3.

Group Boarding Home for Minors – In R-3 homes of up to 20 residents, including staff, are permitted uses, and homes above 20 are conditional uses.

Rehabilitation House – Permitted in R-3 as a conditional use if at least 500 sq. ft. of lot area per occupant more than 20 persons. Allowed in R-2 as a conditional use.

Schools – Elementary schools are permitted uses in R-1, R-2 and R-3. Secondary schools are permitted in R-2 and R-3, but are a conditional use in R-1. Post-secondary schools are permitted in R-3 and conditional in R-1 and R-2.

Churches – Permitted uses in R-2 and R-3, and conditional in R-1.

ARTICLE 7

The proposed **Countryside District** takes the place of the current A-L Light Agricultural District. It is intended for use in largely undeveloped areas that would support so-called "cluster development" – a variation of the standard residential subdivision that accommodates preservation of environmentally significant or sensitive lands and setting aside of open space. If the City elects to zone its Growth Area, large portions of it are likely to be Countryside.

ARTICLE 8

The City's current regulations do not provide a zoning classification for public use land and buildings. This **Public (P) District** would be applied to uses such as city hall, schools and parkland. This classification becomes an alternative to public uses being either permitted or conditional uses in residential, commercial and industrial districts.

ARTICLES 9:10

The commercial zoning district regulations that are proposed are: **Office and Service Business District (C-1)**, **Restricted Commercial District (C-2)**, **General Commercial District (C-3)** and **Central Business District (C-4)**.

The lengthy listings of uses for each commercial district under the current regulations are brought down to a more manageable, more understandable size by using broader terminology. It is not the intent of this rewriting to eliminate any use now allowed under the current zoning regulations.

A quick comparison between the current commercial districts and the proposed districts shows: current RO and B-1 allow a few residential and many commercial uses. The proposed C-1 **Office and Service Business District** would substitute in part for current RO, as well as for part of current B-1, allowing some of the same uses, and a number of new commercial uses which are compatible to adjoining residential uses. See also Article 18, Mixed Use, which involves many of the same uses.

The balance of current RO-Residence District, which allows certain offices, at neighborhood intensities, and the B-1 Neighborhood Business District, are replaced by the C-2 **Restricted Commercial District**.

Current B-2 General Business is similar to the proposed C-3 **General Commercial**. Both are designed for retail sales and services located outside the central business district and having an intensity greater than that suited for neighborhood shopping areas.

The current B-3 CBD would be replaced by the C-4 **Central Business District** which is dealt with in both Articles 9 and 10. The uses, and development standards, would be less restrictive than they are currently.

Trailer parks are regulated as a C-3 commercial use at Sec. 9-11.

ARTICLE 11

This Article provides for subdivisions designed for manufactured homes. The Article also allows for site-built housing within the same district.

ARTICLE 12

This proposed new overlay residential district, the **Elderly Housing Overlay District**, provides incentives to developers to construct detached single-family housing for senior citizens. Lot area, yard requirements, etc. are lessened for the purpose of promoting such housing. The incentives are modest but may encourage development that was noted in the 2013 (and earlier) Comprehensive Plan as being needed.

ARTICLE 13

This **Manufactured Home Park District** takes the place of current MP, Mobile Home Park District. It allows only manufactured housing, not mobile homes, that is placed on rental pads and not placed on permanent foundations. Significant requirements are proposed for existing as well as new parks.

ARTICLE 14

This proposed overlay district, **Housing Opportunity (HO-O)**, can be applied to any R-1 or R-2 zoned property. It allows for higher density development, intended to achieve lower cost housing. Other development incentives are provided to encourage construction of affordable housing.

ARTICLE 15

The draft industrial zoning regulations provide for **Light (I-1)** and **Heavy (I-2) Industrial Districts**. The draft uses broader terminology regarding allowed uses than in the current I-1, I-2 and I-3 Districts, and thereby shortens the current extensive listing of uses.

ARTICLE 16

The **Planned Unit Development (PUD)** regulations for this overlay district are intended to give considerable flexibility to property owners, to encourage innovation with respect to type, design and layout of buildings. It is applicable to residential, commercial and industrial districts. The City's Community Unit Plan regulations, by comparison, appears limited to residential uses.

ARTICLE 17

The **College Overlay District** is a new overlay district for property within the R-3 District or P District. Its purpose is to encourage and accommodate master development plans prepared by Cowley College and approved by the City.

ARTICLE 18

This proposed new district, **Mixed Use (MU)**, will allow for a number of potential residential-commercial mixes, all subject to approved design standards. This district is most likely best-suited for current RO and B-1 district properties as well as other areas which have had both residential and low-intensity commercial uses co-exist successfully side-by-side. In a nutshell, property zoned MU can be used for any land use permitted in the proposed R-2, R-3, C-1 or C-2 districts. Conditional uses in those same four districts would also be conditional uses allowed in the MU district.

ARTICLE 19

This Article would allow domestic wind energy conversion systems as accessory uses in the A, CS, P, I-1, and I-2 districts. Certain height and buffer standards are set out.

ARTICLE 20

A number of **special rules** applicable to some or all zoning districts are set out in this Article. Certain height exceptions and front, side and rear yard requirements are found here (20-2). There is also a set of rules for buffering residential areas from commercial and industrial uses (20-5). Accessory uses are identified (20-7:8), and special rules relating to fences and residential-design manufactured homes are set out (20-9, 20-10).

This Article incorporates much of current 18.12.180 (accessory buildings and fencing) and 18.12.190 (front yards), 18.12.200 (side yards) and 18.12.220 (corner visibility). Finally, home occupation regulations are provided, including a non-exclusive listing of permitted home occupations, as well as a listing of prohibited home occupations (20-12).

ARTICLE 21

The rules pertaining to **non-conforming uses, lots and structures** have been extensively revised to make them as precise as possible. This Article is essential to an understanding as to when and how new regulations can be made applicable to existing uses and existing lots. One section deals specifically with nonconforming manufactured houses (21-5).

ARTICLE 22

New **parking** space and loading regulations will affect new commercial and residential construction and replace the numerous current sections that are found at 18.12.060, 18.12.100 and elsewhere.

ARTICLE 23

This Article contains most of the regulations relating to permitting, erecting and maintaining **telecommunication towers**. This is a subject upon which the City's ability to regulate has been limited by federal law.

ARTICLE 24

The objective of the **Historic Conservation Overlay District (HC-O)** is to encourage property owners of historic commercial buildings and homes in historic neighborhoods to request this special zoning designation and thereby trigger certain development and design standards to guide new construction and redevelopment within the district.

ARTICLE 25

This Article sets out the powers and duties of the **Board of Zoning Appeals**. The provisions limit the BZA's powers to those set out specifically under Kansas law – specifically, the authority to hear and decide appeals, and to grant or deny variances and exceptions. Provision is made for an administrative variance (25-11).

ARTICLE 26

This Article governing procedures for **amending the zoning regulations and zoning map** makes many important changes to the current regulations. It provides considerable new detail as to the procedures to be followed by the Planning Commission and Governing Body when handling rezoning applications and applications for conditional use permits.

This Article also provides a detailed explanation of the factors to be considered by the Planning Commission and Governing Body during a rezoning, and also consideration of a similar set of factors for conditional use permits.

ARTICLE 27

Sign regulations are currently found in each of the zoning districts. New requirements and limitations are proposed and attention paid to administrative process to ensure understanding and proper application of regulations on the location, maintenance and removal of signs.

ARTICLE 28

The City's 2010 Floodplain Management Ordinance is incorporated by reference in this Article.

ARTICLE 29

(Reserved for Future Use)

ARTICLE 30

This Article on **enforcement of the zoning regulations** replaces portions of current 18.84.230 and 18.84.240.