

RE: AN OVERVIEW TO THE PUBLIC HEARING DRAFT OF THE PROPOSED ZONING AND SUBDIVISION REGULATIONS AND ZONING MAP FOR THE CITY OF LaCYGNE

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PREPARED BY: Jim Kaup, Law Office of James M. Kaup, P.A.

I. BACKGROUND

In 2004 the City of LaCygne undertook the revising and updating of the zoning and subdivision regulations and zoning map for the use and development of land within the City limits.

These proposed zoning regulations, subdivision regulations and zoning map are presently before the Planning Commission for its consideration. By law these proposals must be the subject of a public meeting conducted by the Planning Commission. The purpose of this meeting is to answer questions from the public, explain the proposed changes, and hear suggestions for different or additional changes, or criticisms of any of the changes proposed. **These proposed zoning regulations, subdivision regulations and zoning map have no effect whatsoever unless and until they are adopted by the City Council following Planning Commission action.**

Set out in the following pages are a statement of the general objectives the proposed regulations are intended to further, and brief summaries of the more significant proposals for changes to the current zoning and subdivision regulations. This is not a comprehensive or detailed explanation of all proposed changes. At the public hearing the City's consultant will attempt to highlight and explain the significant proposed changes to the City's regulations, and answer questions on any other proposed regulation.

A. GENERAL OBJECTIVES

Set out below are the general objectives identified so far in revising of the regulations. The objectives are organized by land use category (residential, commercial...). Other objectives relating to procedural aspects of the regulations are identified under "format."

RESIDENTIAL:

1. Regulations should promote residential infill development and accommodate manufactured housing.

2. Group home regulations need updating to reflect changes in state and federal law. Such regulations should not unnecessarily restrict home occupations.
3. It is possible that current regulations might unintentionally adversely affect the supply of affordable housing. New regulations must be studied for their impacts upon the cost of construction of housing.
4. Regulation of manufactured housing under the current zoning regulations is somewhat confusing. Design standards and aesthetics should be considered.

INDUSTRIAL:

1. There is a need to determine whether the appropriate amount of property has been classified as industrial, and if it is located at the most appropriate areas.

COMMERCIAL:

1. The City should consider the need for regulations that adequately accommodate both smaller and large-scale commercial developments.
2. Regulations should help maintain the downtown as the principal retail and office center.

FORMAT:

1. Generally, the administrative procedures and substantive regulations are difficult to follow. They should be more user-friendly.
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 there should be appropriate provisions relating to conditional uses, temporary uses and accessory uses. This will help make the regulations more readable and logical for the public and landowners.

MISCELLANEOUS:

1. Reasonable landscaping standards should be considered for certain types of development.
2. The current nonconforming use provisions need refinement.
3. There is a need for new telecommunications tower regulations, with language requiring co-location.

B. SUMMARY OF PROPOSED DRAFT OF ZONING REGULATIONS

GENERAL OBSERVATIONS:

1. Some of the current zoning districts have been restructured and relabeled.
2. Each article containing district regulations has been revised to make it more “user friendly.” The approach followed is 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. For example, conditional uses are listed immediately following the permitted uses for each district. A new table of contents, page-numbering system and more visible Article and Section headings should also aid the public in using these regulations.

ARTICLE 1.

These are primarily “boilerplate” provisions of zoning regulations, including the purpose of the regulations and the land area to which they apply.

ARTICLE 2.

The definition section has a large number of new terms. A number of outdated terms were deleted from the list of definitions under the current regulations.

The following new or revised definitions are among the most significant.

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 made upon making these terms as compatible as possible with definitions used by the state for licensing and registration purposes.

Family – New

Group Boarding Home for Adults and Group Boarding Home for Minors – New

Manufactured Home – New

Rehabilitation Home – New

Site Triangle – New

Street Network – Revised

ARTICLE 3.

This Article shows at a glance how the recommended changes would take the regulations from its current number of districts to 13 proposed districts, plus two overlay districts.

ARTICLE 4.

Statements explaining the purpose or intent are set out here for each zoning district and overlay district.

ARTICLE 5.

This Article creates a new Agricultural use district (A). These regulations deal with tracts of land greater than 3 acres but less than 20 acres.

ARTICLE 6.

This Article sets out most of the regulations pertaining to the recommended three residential districts. Low Density Residential (R-1), Medium Density Residential (R-2), and High Density Residential (R-3).

While single family dwellings are allowed in both the R-1 and R-2 Districts, when located in the R-2 District they must generally build under the same standards as they would in the R-1 District. The R-2 District allows both single-family and duplexes. The R-3 District then allows for all multi-family dwellings larger than duplexes. As for non-residential uses permitted under Table 6-1, the draft attempts to achieve reasonable consistency among the three zoning districts.

Much of this Article relates to how group living arrangements should be regulated as permitted and conditional uses. The recommended changes are meant to make the regulation of group living arrangements consistent with the Federal Fair Housing Act and prohibitions in that law against discrimination on the basis of mental or physical disabilities and familial status. The following paragraphs summarize the nature of the regulations for these uses:

- ! Bed and Breakfast and Lodging Homes. Permitted in R-3 if have fewer than ten sleeping rooms, and as a conditional use in R-3 if ten or more sleeping rooms. A bed and breakfast is also a conditional use in the R-1 and R-2 districts, for any size.

- ! Group Homes. This term is intended to cover those group homes which are declared as 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.

- ! 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-1, R-2 and R-3 if having no more than 12 children. Allowed as conditional uses in R-3 if more than 12 children.
- ! Group Boarding Home for Minors. In R-1 and R-2 this is treated essentially like group homes for persons with disabilities (i.e., permitted if eight or fewer residents plus up to two staff). Permitted in R-3 if have no more than 20 total (residents plus staff). In R-1 and R-2, a group home over the total of ten persons is allowed only as a conditional use. In R-3 allowed as a conditional use if more than 20 total persons.
- ! Group Boarding Home for Adults. Permitted in R-3 if no more than 20 total, and as a conditional use if more than 20 persons. In R-1 and R-2, allowed as a conditional use if fewer than 20 persons.
- ! Rehabilitation House. Permitted in R-3 if no more than 20 total, and as a conditional use if more than 20 persons. Not allowed in R-1 or R-2.

ARTICLE 8.

This proposed overlay district (HO-O) may encourage construction of affordable housing by means of decreasing lot size and other area requirements. It is modest in nature, but does provide incentives for developers. It can also encourage “infill” development, as opposed to development at the edge of the City.

ARTICLE 9.

The commercial zoning district regulations have also been rewritten, as Restricted Commercial District (C-1), General Commercial District (C-2) and Central Business District (C-3).

The very lengthy current listings of permitted and conditional uses is brought down to a more manageable size by using broader terminology. It is not the intent of this rewriting to eliminate uses now allowed under the current zoning regulations. Travel trailer parks are regulated under section 9-11.

ARTICLE 10.

The C-3 Central Business District would allow any use allowed in the C-1 or C-2 Districts, as permitted or conditional uses. Generally the objective of the C-3 regulations is to encourage commercial development downtown.

ARTICLE 11.

The Public Use District (“P”) provides a “stand-alone” zoning classification alternative to public uses as opposed to being permitted or conditional uses in residential, commercial or industrial districts.

ARTICLE 12.

The CS Countryside District provides for very low density residential, and agricultural, uses.

ARTICLE 13.

New Floodway and Floodplain District regulations are placed into this Article. The text will also be subject to state approval.

ARTICLE 14.

This Article provides for subdivisions designed for residential-design manufactured homes. The Article can provide for site-built housing within the same district, but non-residential designed manufactured housing would not be permitted. Part of the objective of having this zoning district is to encourage affordable housing.

ARTICLE 15.

The draft Industrial zoning regulations provide for I-1 and I-2 Industrial Districts. The draft uses broader terminology than in the current regulations, and thereby shortens the current extensive listing of uses.

ARTICLE 16.

The Planned Unit Development (PUD) regulations in the initial draft is a simplified version of what the City currently has in its regulations at Article VII.

ARTICLE 17.

Regulations for home occupations, both those permitted and those prohibited and the justification for such, are set out in this Article.

ARTICLE 18.

New Manufactured Home Park district regulations have been developed, using some of Article IX from the City’s current regulations. The nature and extent of regulations of manufactured home parks is proposed to be significantly increased.

ARTICLE 21.

The rules in Article XVIII pertaining to non-conforming uses, lots and structures have been extensively revised to make them clearer and more concise. One section deals specifically with nonconforming manufactured houses.

ARTICLE 22.

New parking space regulations will affect new commercial and residential construction.

ARTICLE 23.

This Article contains regulations relating to loading and unloading for certain new developments.

ARTICLE 24.

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. There is also a set of rules for buffering residential areas from commercial and industrial uses. Accessory uses are identifiable, and special rules relating to fences and standards for residential-design manufactured homes are set out.

ARTICLE 25.

This Article sets out the powers and duties of the Board of Zoning Appeals. The most fundamental change relating to the BZA is to limit its powers to those set out specifically under Kansas law – namely to hear appeals, and to consider granting variances and exceptions. Current provisions relating to issuing special use permits for exceptions have been replaced.

ARTICLE 26.

This Article governing amending the zoning regulations and map is much different than Article XXI. It provides considerable, and 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, which take the place of the City’s currently-used special 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.

This Article has a table of lesser changes which functions similar to the City’s current Article XXIV.

ARTICLE 27.

As existing Article XIV sign regulations were thought to be inadequate, new provisions have been developed, based upon a rewrite of regulations in effect in a nearby city.

ARTICLE 29.

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 30.

This Article on enforcement of the zoning regulations has been rewritten and expanded but covers basically the same ground as the current regulations, at Article XIX.

C. PROPOSED SUBDIVISION REGULATIONS

Subdivision regulations complement zoning regulations, but differ from them in that they focus more on the specific details of land development rather than on the types of uses being proposed. The subdivision regulatory process generally is implemented through a requirement that subdivision plats be filed and approved before land may be subdivided and sold, or building permits issued.

Subdivision regulations apply to the division of land into parcels. They govern the division of a tract of land into two or more parcels, including blocks, lots, streets or other rights-of-way. They set standards for the construction of public improvements, for the manner and methods by which those improvements are installed and paid for, and for the dedication and acceptance of rights-of-way, easements and public improvements.

The division and development of land has a significant and lasting impact upon the physical environment. Development places demands upon public facilities and services. Creating new streets and utility systems requires significant public and private capital investment. Failure to properly size and construct sewers and streets, ensure adequate water supplies, manage stormwater runoff and erosion, and plan for public services results in physical and environmental problems which are wasteful of natural resources and public funds.

ARTICLE 1

There are a number of new “purposes” identified for subdivision regulations. Several of those relate specifically to land reservation and dedication.

ARTICLE 2

This Article proposes new language for appealing engineer and zoning administrator decisions regarding subdivision regulations.

The Article includes language similar to current regulations stating that there will be no issuance of building permits unless the subdivision regulations are complied with.

ARTICLE 3

A few new definitions have been recommended. Note specifically: frontage, impact fee, exactions, performance bonds, right-of-way, stormwater management, drainage and vision triangle.

ARTICLE 4

This Article expressly allows the Planning Commission or Governing Body to disapprove a subdivision because it is not compatible with the adopted Comprehensive Plan. Similar language appears at several other places in the proposed subdivision regulations. Other language requires public street access for all lots. A number of changes have been proposed to more completely cover the subject matter of stormwater drainage improvements required by developers.

Language has been proposed that clarifies that the Governing Body takes final action on subdivision plats, not just on proposed dedications of public property.

ARTICLE 5

This Article makes a modest increase regarding establishing dedication and exaction requirements of developers. It provides for parkland dedications or fees in lieu of up to 7% of the fair market value of the subdivided land. It replaces current Article VI.

ARTICLE 6

Language here recognizes the ability of licensed surveyors to prepare plats, as well as engineers.

ARTICLE 7

This Article makes some changes to the current listing of required improvements, with changes suggested relating to streets, sidewalks, stormwater drainage, monuments, street trees and street lights, and general language relating to the provision of utilities. It also provides for a waiver mechanism by action of the Governing Body. Portions of current Article XI are included here.

ARTICLE 8

Most of the proposed changes in this Article, regarding procedures for approval and construction of public improvements, are changes from current Article XI.

ARTICLE 9

Much of this Article regarding new improvements is proposed new language. Language provides some detail as to the acceptable alternatives for a developer guaranteeing the installation of public improvements. Also, section 9-2 allows for the requirement that a developer construct, or improve, certain off-site public improvements.

ARTICLE 10

This Article on allowing variances and exceptions from the subdivision regulations is an expansion of current Article XII.

ARTICLE 11

There is new language proposed relating to lot splits, replacing current Article VII.

ARTICLE 12

New language is proposed relating to unrecorded plats, corrections to plats and vacations of streets and plats.