

Zoning Amendments Executive Summary

The current Zoning Regulations were adopted in 2014 shortly after the 2013 Comprehensive Plan was adopted. A major rewrite to the zoning regulations had not been done since 1964. Since 2014 several amendments have been made to the regulations. In 2022, the Comprehensive Plan was updated again. In it, there were several recommendations for changes to the regulations. Staff also noted several changes that needed to be made because of conflicts with interpretation and changing conditions. The Board of Zoning Appeals also expressed a desire to lessen the number of variances granted. In a perfect world, variances would never have to be granted because the regulations would be perfect. Unfortunately, there is no way to write regulations for every possible situation, but staff have attempted to rectify some of the situations. What follows is a highlight summary of the changes. A separate document outlines all the changes and each of the affected Articles is also available in full of proposed changes within them.

Article 2 is the main location for definitions for the regulations. Key changes include the definition of fences, short term rentals are also newly defined. The definition of permanent wall foundation is also slightly altered to add the required depth and the definition for sight distances was eliminated and is better defined in Section 20-4.

In the 2022 Comprehensive Plan, it was noted that the **Countryside (CS) district** is not used and since we have not adopted Extraterritorial zoning is unnecessary. All references throughout the regulations to the Countryside (CS) district will be removed. This also requires the removal of Article 7 in its entirety. The sections and articles removed are reserved for future use to avoid renumbering.

Article 6 covers our **Residential districts**. The only change there is to the **use table** by adding short-term rentals as a use and defining where this use is both a permitted use and one which would require a conditional use permit. It would be permitted in the R-3 district and would require a conditional use permit in the R-1 and R-2 districts. There was discussion of **tiny homes** but ultimately it was determined that tiny homes are just small single-family dwellings and don't require a separate definition. Some discussion was held about how to handle cases where lots don't meet the minimum size required for building a new dwelling but that is covered by Article 21 Nonconformities. If a lot was split prior to the current regulations that was too small, a home could still be built on the lot provided it would meet the required setbacks and cover no more than 50% of the lot.

Articles 9 & 10 cover our **Commercial Districts**. In Article 9 there were several changes. The first change was to the **use table**. Several uses were altered as to when they would be permitted or when they would require a conditional use permit. Many of the changes made the regulations a bit less stringent than before. Often permitting a use by right in a district where it had required a conditional use permit previously. Affected uses include public buildings, automobile and truck wash services, motor vehicle repair and body shops and package liquor store. Two uses mini-storage and package liquor stores also have footnotes added to the table to clarify the requirements for these uses. See the proposed changes document for a look at each of the uses and their proposed changes. The next change to Article 9 involves bringing some of the **development standards** from the Subdivision Regulations into the Zoning Regulations. See the Subdivision Regulations Summary for more details. Article 10 focuses on the Central Business District. A clarification that no **off-street parking** is required in the **Central Business District (C-4)** was made.

Article 15 covers our **Industrial Districts**. Like the Commercial District use table, a number of changes were made to the Industrial Districts **use table** much for the same reason. In this case the table was changed because a number of uses were more strictly regulated in the Heavy Industrial District than they were in the Light Industrial District. It is unclear to staff why that was the case originally. The general premise is that the heavier uses should be relegated to the Heavy Industrial (I-2) district while the less intense uses could be in the light industrial (I-1) district but that shouldn't preclude those less intense uses from being next to higher intensity uses in the I-2 district. See the proposed changes document for the specific changes. Also, in Article 15 some **development standards** were brought over from the subdivision regulations for the same reasons as in Article 9 mentioned above.

Article 18 covers our **Mixed Use district**. This district allows some residential and commercial districts to be side by side. In most cases this has worked well but staff have observed some problems and has proposed some changes. The **setbacks** were lessened to encourage buildings to be moved closer to the street while pushing parking back to the sides and rear of the lot. Some language was also added to **screen nearby residential properties from commercial uses**. Some of that language was there but was clarified.

Article 19 covers **Wind Energy Conversion Systems or wind turbines**. These are now allowed in the R-1, Low Density Residential District, the P, Public Use District, and the Industrial Districts. Most of the changes here involved clarification but also a provision for blade height was removed and a provision for security measures was added.

Article 20 covers our **Supplemental Regulations**. These regulations cover items that aren't district specific but nevertheless must be included as part of the regulations.

A definition for **Accessory Dwelling Units** was added. This allows an accessory dwelling to be added to a property if it meets certain criteria. This will lessen the requirement for a conditional use permit in the R-1 districts when a property owner wants to add a new unit for instance for an ailing parent or other family member that could also be rented out in the future. The criteria do require the owner to live in the primary dwelling.

Regulations for **Licensed Amateur Communications** were added. This section sets out the requirements for amateur radio operators to place antenna support structures on their property. If the support structure does not meet these requirements, it will be subject to the requirements of Article 23 Telecommunication Towers which require a conditional use permit to be built.

The **fence regulations** also received a major overhaul. **Allowed heights** for privacy fences were reduced from 8 feet to 6 feet in residential districts and clarification about how high fences could be in front and side yards was added. **A listing of permitted and prohibited fencing materials** was also added as was a provision requiring that the finished side of a fence should face outward. Staff will produce a document outlining these changes after they are adopted.

Article 22 covers our **Off-Street parking regulations**. Some clarification on when **hard surfacing** is required was added. The **table that states the required minimum off street parking** was also updated to match other cities' standards. Some of the standards seemed a bit arcane and needed to be updated. In many cases the minimum parking was lowered. The idea is to help induce development by lowering

some of the requirements while also ensuring that customers have adequate parking at each business. If a business disagrees with our standards, they can also provide a parking analysis which will be reviewed by the zoning administrator.

Article 27 covers **signs**. Some clarification about when and where **temporary signs** (including political signs) can be placed. A U.S. Supreme Court ruling, and a state statute have caused a lot of conflict in temporary sign regulations across Kansas. This causes us to have two sets of temporary sign regulations. One for the election cycle and one for all other times. Cities are not allowed to regulate signage based on content to protect First Amendment (free speech) rights according to the Supreme Court, so all temporary signs are regulated the same way. These proposed regulations would separate requirements into two categories, Residential and Non-Residential property. This greatly simplifies the regulations from what they are now while also loosening the regulations and making enforcement easier. They continue to protect the residential areas from large signs but also help those using the signs in high visibility areas to get their message out. Regulations for signs in both the **Public and Industrial Districts** were made **less stringent** due to recent variance and use cases. This involved increased allowed height, size and number of signs allowed. For specifics, please see the Proposed Changes document.

Article 29 was previously reserved. The 2022 Comprehensive Plan recommended moving the **Site Plan Regulations** from the Subdivision Regulations to the Zoning Regulations. Most of those regulations will now be in Article 29 while some of the embedded development standards were moved to either Article 9 (Commercial Districts) or Article 15 (Industrial Districts).

Finally, the Comprehensive Plan recommended several changes to both the future land use map and the **Zoning map**.

SW Mixed Use area-there is currently a Mixed Use District with some other districts interspersed in it in the southwest portion of the City, primarily between Tyler, Lincoln, 1st and 6th. The proposed map would change any district in this area that is currently a Mixed Use District (**MU**) to a Medium Density Residential District (**R-2**). All other zoning districts in this area would remain unchanged.

Former railroad right of way along future Hike-Bike Trail-There is a city owned area along what will eventually become the Hike-Bike Trail along the Mill Canal from the 300 block of W Madison to the intersection of 1st & Jackson Ave. Because this was formerly railroad right of way, it was unzoned. This change would designate this property as a Public Use District (**P**).

W Radio Lane between 6th (from the alley behind this block) & 8th Streets changed from Mixed use (**MU**) to Medium Density Residential District (**R-2**). This matches the new Future Land Use map.