

Chapter Eight: Land Use/Growth Management

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8.1 INTRODUCTION

A request often heard over the course of the preparation of a city's comprehensive plan is that development should occur in a way that will preserve the city's "character". A critical aspect of any city's character is its pattern of land use – the types, location, mix and density of uses. While past and present day development patterns put a face on "character", future development patterns will either maintain or change that character. Although not entirely within the power of citizens or their city government, development patterns are influenced by a community's policies on land use, housing, economic development and other policies such as those contained within this Plan, as well as the community's land use laws.

The pattern of land use, most notably the location of development, also significantly impacts the quality and cost of public facilities and services. Level of demand, costs of infrastructure and cost-effectiveness of providing municipal services are all a function of patterns of land use – with great cost differences (often borne by the public) resulting from sprawl development as compared to development at higher-density, urban levels.

This chapter attempts to summarize the goals necessary to achieve the development pattern desired by the City. Those policies attempt to not only advance land use objectives, but also complement, integrate and promote the goals for Housing, Economic Development and Infrastructure as set out in other chapters of this Plan.

This chapter also sets out the goals and policies the City should use as it reviews applications for development and rezonings, as it considers annexations and/or extraterritorial land use regulation, and as it adopts capital improvement plans and budgets.

8.2 VISION

Arkansas City will experience growth and stability in part due to careful thought given to regulation of the location of different uses of land. Those regulations will minimize conflicting uses and maximize efficiencies in public infrastructure serving those uses.

The City's land use regulations will recognize and respect private property rights, provide landowners and developers with flexibility, and will avoid development requirements and costs that do not serve a valid interest of the community.

The City will continue to plan not only for the future growth and development of land within its corporate limits, but also continue planning for its extraterritorial "growth area". The growth area is generally that unincorporated area lying north and south from the City's limits along the US-77 corridor and west along and north of US-166, as detailed in this Chapter, where the nature, timing and intensity of land development have consequences for Arkansas City.

The City will encourage new development to occur in proximity to existing or planned streets, water, electricity, sewer and other public infrastructure. Its regulations will attempt to promote growth while simultaneously preserving the existing character of Arkansas City.

8.3 2003 COMPREHENSIVE PLAN: LAND USE ANALYSIS

The 2003 Comprehensive Plan devoted significant thought and space to a survey of then-existing land uses within the City and the three-mile study area covered by the plan. Trends in land use change were noted and presented in sections labeled for four planning areas within the City and five in the three-mile study area.

As noted elsewhere in this Plan, it is an objective to reiterate, or at least reference, those key findings and recommendations set forth in earlier comprehensive plans which hold relevance for the 2013 Comprehensive Plan. This has been the past practice of the City, and it is a commendable one for numerous reasons.

Just as the 2003 Comprehensive Plan reached back and utilized information from as far back as the City's 1964 plan, the 2013 Comprehensive Plan carries forward the following excerpts of the "Key Findings" and "Recommendations", relating to land use, taken from the 2003 Comprehensive Plan:

Key Findings [Chapter Six, Land Use Analysis]

- The historic area of Downtown remains the focal point of the physical fabric of the community.
- Development along Highways 77 and 166 have led to a lineal ribbon of commercial land use corridors bisecting the community.
- There is a lack of visual continuity and cohesion within the retail corridors, particularly on South Summit and along Madison Avenue.
- The residential neighborhoods situated in the floodplains of the Arkansas and Walnut Rivers are expected to experience serious decline over the next 20 years without thoughtful intervention.
- There are several industrial uses located south of Madison Avenue that are incompatible with surrounding residential uses. The expansion of these industrial uses should be restricted.
- At various locations in the community there are individual mobile homes situated in site-built residential neighborhoods. The placement of non-residential designed mobile homes should be encouraged to locate in mobile home parks.
- There are numerous older industrial sites located near the railroad right-of-way. These older industrial sites will present the City with long-term readaptive challenges.
- The residential development east of the Walnut River provides a unique opportunity to keep rural housing in close proximity to the City.
- The entranceways leading into Arkansas City need to present a better “first impression” of the community.

Recommendations [Chapter Eight, Future Land Use & Transportation]

- Arkansas City should focus on preserving the livability and historic character of the community. It will be important to maintain the physical characteristics that make Arkansas City unique and desirable.
- Development of commercial or industrial uses adjacent to Highway 166 east of the Walnut River should be discouraged.
- The following future road improvements are recommended as part of the major street plan:
 - ✓ Extend Eighth Street north of Skyline Road to Cowley 10.

- ✓ Widen and add center turning lane on Summit St. from Kansas Ave. to Radio Lane.
- ✓ Improve the Kansas Ave and Summit St. intersection controls.
- The City should discourage further commercial rezonings on West Kansas Avenue.
- The future land use plan for the area north of Linden Avenue seeks to preserve the existing residential character. This area has not experienced the number of commercial conversions and the area should be preserved as residential.
- Commercial buildings, whether conversion of existing residential structures or new commercial buildings, should be evaluated for potential problems created from lighting, noise, building setbacks, etc. Requirements for landscape screening or fencing should also be included in the zoning regulations.
- New medium or high density housing should be located in selected areas along major streets or adjacent to major activity areas to provide a transition of land uses to low-density housing.
- The City should be careful to not encourage additional retail development outside the existing retail corridors. Land within the existing retail pattern is available to accommodate new retail development. In general, the City should encourage redevelopment of existing commercial sites and not add to the inventory of commercial land.

Planning Framework [Chapter Eight, Future Land Use & Transportation]

- **Plan the Urban Fringe of Arkansas City.**
Understanding how urban fringe development influences and impacts the regional community is important. The housing developments in the townships rely on Arkansas City for employment, services, shopping, recreation and other activities. Local leadership should coordinate goals and action plans between Arkansas City, Cowley County, and the Townships to ensure public safety and wise use of fiscal and natural resources.
- **Preserve and Maintain the Character, Infrastructure and Services of the Community.**
Arkansas City should focus on the livability of the community. A small town sense of place is what people leaving metropolitan areas desire. It will be important to preserve and maintain the character that makes Arkansas City unique and desirable. The physical characteristics that create a sense of place include:
 - ✓ Neighborhoods with good housing, tree-lined streets, nearby parks and schools.

- ✓ Pedestrian-friendly Downtown shopping district with easy access.
- ✓ Good road circulation, community parks, and cultural resources.
- ✓ Preservation of buildings, places and environments that connect the present with the history of a community.

Preserving the town character by maintaining and improving the physical characteristics, infrastructure and services should be a top priority.

Implementing measures necessary to promote reinvestment into and improvement of what is already in place will not only enhance the quality of life for existing residents, but can lead to attracting new business and homeowners.

8.4 LAND USES UNDER THE CITY'S PRESENT ZONING REGULATIONS

The City's current set of zoning regulations were adopted in 1964 with frequent amendments since then in response to changing needs and circumstances. The most recent significant updating of the regulations was in 2008.

The Zoning Regulations have 14 different land use districts, which are summarized below by categories of principal use, *i.e.*, residential, commercial and industrial.

Residential Districts

Residential land use districts identify areas where a principal planned land use is residential. Arkansas City has nine such districts, including two districts for agricultural uses:

- (1),(2) **A** and **A-L**. These zoning classifications, Agricultural and Agricultural-Light, allow agricultural, certain ag-related commercial uses, and low-density residential uses. Urban scale development is not anticipated for land so zoned, unless and until infrastructure is extended by the City.
- (3) **R-1**. The Single-Family Residential District provides for low-density (.5 acre minimum lot area) single family residential development. Certain public uses, such as schools, churches, libraries and some agricultural uses are permitted.
- (4) **R-2**. This Single-Family Residential District has the same permitted uses as the R-1 District, but development of residences can occur at higher density (6,000 sq. ft. minimum lot area).

- (5) **R-2Z**. The Single-Family Zero Lot Line Residential District is intended to accommodate single-family residences with interior side yards without minimum setback requirements. Permitted uses are the same as for the R-1 District.
- (6) **R-3**. The Two-Family Residential District allows both single-family and duplex development along with the nonresidential uses allowed in the R-1 District.
- (7) **R-4**. This Multiple-Family Residential District allows any R-1 use, plus duplexes, multi-family dwellings, boarding, rooming and lodging houses, apartment hotels, and fraternities and sororities. Minimum lot areas range from 6,000 sq. ft. for a single-family residence or duplex up to 1,500 sq. ft. per dwelling unit for four-or-greater family units and 500 sq. ft. per dwelling unit in an apartment hotel.
- (8) **MP**. The Mobile Home Park District provides for low-density mobile home parks. Parks must be at least two acres in area, with pads for the mobile homes rented or leased, but not sold, to the occupants. Some infrastructure requirements, e.g., recreational areas, laundry facilities, are set out. This District also allows for mobile home subdivisions, where lots are owned by mobile home owners.
- (9) **R-O**. The Residence-Office District is essentially a residential-commercial mixed use district, allowing any of the R-1:R-4 district uses along with broad categories of offices including medical, accounting, law, real estate, insurance and government.

Commercial Districts

The City's current regulations have three zoning districts where the principal land uses are commercial. An interesting feature of the commercial districts is that each allows for any of the residential uses allowed in the R-4 Residential District.

- (1) **B-1**. The Neighborhood Business District is, as its name states, intended for commercial uses serving neighborhood residents. It allows a range of retail and other commercial uses, but at a relatively low-density of development.
- (2) **B-2**. The main commercial areas outside the downtown district, intended for basic retail sales and office uses, comprise the General Business District. This classification allows large floor areas, with screening and off-street parking requirements. Some noncommercial uses are allowed as special uses.

- (3) **B-3.** The Central Business District has as its purpose the grouping of retail businesses and offices into the downtown area of Arkansas City. Development is permitted here at high density.

Industrial Districts

The current regulations provide three zoning districts for industrial uses:

- (1) **I-1.** The Restricted Industrial District is intended for those uses which emit virtually no adverse impacts and are housed within structures.
- (2) **I-2.** The Light Industrial District permits a large number of industrial and related uses which do not require intensive land coverage or create obnoxious odor, noise or dust.
- (3) **I-3.** By comparison the Heavy Industrial District is intended for high intensity uses which may create obnoxious odor, noise or dust, the effects of which may be experienced off-site.

8.5 PROPOSED 2014 LAND USE REGULATIONS

GENERAL OBJECTIVES

Set out below are the general objectives which the Planning Commission believes are promoted by the zoning regulations it expects to recommend for adoption by the City Commission following adoption of this Plan.

Residential:

1. Adopt regulations which promote residential infill development, carefully accommodate manufactured housing, and protect historic neighborhoods and houses.
2. Adopt regulations which allow residential uses, with appropriate restrictions, in the central business district, but avoid the approach of the current zoning regulations which allow residential uses in virtually all zoning districts, including industrial.
3. Ensure that zoning regulations do not unnecessarily drive up the cost of housing.
4. Adopt proper design standards and aesthetic standards for manufactured housing, but avoid any unnecessary regulations which might discourage utilization of this important source of new housing stock.

5. Create a zoning classification designed for housing for senior citizens.
6. Create a zoning classification designed to encourage construction of affordable housing.

Industrial:

1. 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 help maintain the downtown as the principal retail and office center, and promote commercial redevelopment downtown, while also protecting the historic features and character of structures in the downtown area.
3. Create a mixed-use zoning classification where commercial development can occur alongside residential.

DRAFT 2014 ZONING REGULATIONS

GENERAL OBSERVATIONS
COMPARING CURRENT TO PROPOSED ZONING REGULATIONS AS
RECOMMENDED BY THE PLANNING COMMISSION FOR ADOPTION BY
THE ARKANSAS CITY CITY COMMISSION:

1. The current zoning districts should be reshaped, redefined and simplified wherever possible.
2. The nine current residential districts (including the two agricultural districts) should be revamped to a simplified system of low-, medium- and high-density housing (**R-1, R-2 and R-3**). Complementing those three districts will be districts designed specifically for manufactured homes and housing for seniors.
3. The proposed 2014 regulations call 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 also proposed: College District, Planned Unit Development District, Historic Conservation District, Elderly Housing District and Housing Opportunity District.**

4. The new regulations would 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. The Planning Commission should make recommendations on applications for conditional use permits, which will replace the current system of special uses and special use permits.

SPECIFIC ZONING PROPOSALS

Following is a brief description of some of the more significant features of the zoning regulations, as expected to be recommended by the Planning Commission for adoption by the City Commission:

Intent of Districts.

An Article should be included of brief statements explaining the purpose or intent for each of the proposed zoning districts and overlay districts. This Article will provide the public, and property owners, with an overview to the regulatory approach the City is taking.

Agricultural District.

A single Agricultural (A) District is proposed to take the place of the current A and A-L districts. Permitted and conditional uses are fairly restricted, with only a few non-agricultural uses allowed. The only residential use is single-family residential development, subject to a minimum acreage requirement.

Residential Districts.

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, but duplexes are also allowed as conditional uses. Likewise 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 permit all types of housing, from single-family to apartment houses. The proposed residential district regulations are intended to allow optional development opportunities for property owners in hopes of encouraging new development and redevelopment that will increase and improve the City's housing stock, consistent with Plan goals.

Countryside District (Residential).

The proposed Countryside District is intended for use in largely undeveloped areas that would support "cluster development" that accommodates preservation

of environmentally significant or sensitive lands and setting aside of open space. This District is similar in purpose to the current A-L Light Agricultural District.

Elderly Housing Overlay District (Residential).

This proposed new overlay district, the Elderly Housing Overlay District, is intended to provide incentives to developers to construct detached single-family housing for senior citizens, thereby addressing a housing need identified in this Plan.

Manufactured Home Park District.

This District will replace current Chapter 18.68 and is intended to accommodate manufactured housing placed on rented spaces.

Commercial Districts.

The proposed commercial zoning districts 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 proposed C-1 Office and Service Business District would replace the R-O District, placing similar focus on commercial uses which are compatible to adjoining residential uses.

The current B-1 Neighborhood Business, which allows specified categories of retail sales uses, at neighborhood service intensities, is 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 of intensity greater than that suited for neighborhood shopping areas.

The current B-3 is replaced by the C-4 Central Business District. The uses, and development standards, would remain basically the same as they are currently.

Manufactured Home Subdivision District.

This Article provides for subdivisions designed for manufactured homes. The Article also allows for site-built housing within the same district. This district replaces the mobile home subdivision provisions currently in Chapter 18.68.

Public Use District.

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 fairgrounds. This classification becomes an alternative to public uses being either permitted or conditional uses in residential, commercial and industrial districts.

College Overlay District.

The College Overlay District is a new overlay district for property within the R-3 district. Its purpose is to encourage and accommodate master development plans for the campus and any related properties comprising Cowley College.

Planned Unit Development District.

The Planned Unit Development (PUD) regulations are new for the City. This overlay district is intended to give considerable flexibility to property owners, to encourage innovation with respect to type, design and layout of buildings.

Housing Opportunity Overlay District.

This proposed overlay district, Housing Opportunity (HO-O), can be applied to any R-1, R-2 or R-3 zoned property. It allows for higher density development, intended to achieve lower development costs, and in turn lower-cost housing for homebuyers. Other development incentives are provided to encourage construction of affordable housing, again responding to housing goals and objectives set out in this Plan.

Mixed Use District.

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 suitable for current R-O zoning as well as other areas which have had both residential and low-intensity commercial uses side-by-side, for example properties now zoned B-1, even if uses are presently nonconforming. In a nutshell, property zoned MU can be used for any land use permitted in the proposed R-1, R-2, C-1 or C-2 districts. Conditional uses in those same four districts would also be conditional uses allowed in the MU district.

Historic Conservation Overlay District.

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.

Board of Zoning Appeals.

This Article sets out the powers and duties of the Board of Zoning Appeals. The proposed provisions limit the BZA’s powers to those set out specifically under Kansas law – namely to hear appeals of administrative determinations and orders, and to consider granting variances and exceptions. It replaces current Chapter 18.84.

8.6 COMMUNITY SURVEY RESPONSES

In early 2013 citizens of Arkansas City were surveyed on a number of issues relevant to the preparation of this Plan, and its goals. One question directly related to the proposed Growth Area -- asking citizens whether the use and development of land nearby but outside the City was a matter of such interest to Arkansas City that it should be regulated by the City. The response to that question, as well as a follow-up question, follows. These responses reflect modest citizen support for City efforts to provide some degree, greater or lesser, of regulation over the use and development of land which lies outside the city limits.

Property Outside the City Limits

- a. Should the City be concerned with land development, outside and adjacent to existing city limits?

Yes - 46% No - 34% No Response - 20% Total Responses - 694

- b. *If you answered yes to the question above, indicate the step(s) the City should take to regulate the use and development of land adjoining the City's present limits:*

	Yes	No
Annexation	55%	45%
Make the property subject to city zoning without annexing it	60%	40%
Encourage Cowley County to adopt zoning	81%	19%
Make the property subject to City-adopted building codes	77%	23%

The 2013 survey also asked for agreement or disagreement with the following statements:

	Strongly Disagree	Disagree	Neutral	Agree	Strongly Agree	Total Responses
The City needs to increase its planning efforts to encourage quality development.	2%	7%	38%	41%	12%	685
I support future expansion of the city limits if developers share in the cost of infrastructure improvements.	8%	10%	28%	40%	13%	685

The 2013 survey listed 12 examples of how new land development can affect the community, and asked which of those were the most important. The following are the three most selected choices:

	Total Responses
Whether the existing public water and sewer service is adequate for the development.	279
Compliance with reasonable and well-drafted zoning and subdivision regulations.	244
Compliance with reasonable and well-drafted building codes.	210

A number of survey respondents wrote comments reflecting their views on land use and development outside the City. Some of those comments are found at Appendix B.

8.7 FUTURE LAND USE MAP FOR ARKANSAS CITY

The City's Future Land Use Map (FLUM) is not a zoning map, nor is it a map of existing land uses. Rather it reflects the best judgment of the Planning Commission and City Commission of the most appropriate use of land throughout the City. The map is intended to show consistency with the goals and objectives of the Comprehensive Plan and is an important component of this Plan. A separate future land use map appears later in this chapter for land in the fringe area ("Growth Area") surrounding the City.

The Future Land Use Map's official purpose is to guide the City in the consideration of zoning and rezoning applications. Beyond that it serves as a visual representation of the future of the community.

Following is an overview of the dominant land uses within the City as envisioned by the Future Land Use Map, broken down on a quarter basis, plus the

downtown. This FLUM does not vary significantly from the FLUM in the 2002 Comprehensive Plan:

Northwest: The City anticipates additional commercial development west of Summit and north of West Radio Lane. As the commercial development is expected to occur alongside existing and new residential uses, Mixed-Use is appropriate here. This development is expected due to new multi-family housing projects nearby, as well as continued single family home construction, and the location of the high school.

There is a need for a wastewater facility, possibly a package plant, at some location east of North 8th Street and north of West Radio Lane. This will help supply the infrastructure needed to support continued development in this area, which will remain predominantly residential.

Northeast: Residential uses will continue to dominate this area. A major public use is the golf course which is anticipated to continue. New commercial development may fill in east of Summit, both north and south of East Radio Lane. The FLUM shows several areas well-suited for commercial-residential Mixed Use zoning -- north of Kansas Avenue and east of the railroad tracks. The office and other commercial uses now present are expected to continue.

Southwest: Changes in land use in this quadrant of the City may occur if the second stage to the US-77 Bypass is constructed, linking US-166 to US-77. In that case the areas south of that Bypass could experience some Mixed Use development. For the balance of the quadrant, the FLUM shows little change from the 2002 Plan's FLUM, with the exception of the reduction of industrial areas.

Southeast: Land uses, present and future, in this part of the City are influenced greatly by the floodplain and floodway fringe areas, which effectively limit usage to agriculture and open space. The existing residential areas extending eastwards toward Parkerfield are expected to continue at a modest rate of growth.

8.8 FRINGE AREA DEVELOPMENT: THE "GROWTH AREA"

The planning area for this Comprehensive Plan is not only the land within Arkansas City's corporate limits, but also the extraterritorial area of unincorporated Cowley County noted on the attached Future Land Use Map as the "Growth Area". The need for the City's planning for the growth and development of this land area outside its limits is clear and immediate. As will be explained in the following paragraphs, how and when the Growth Area develops will directly affect how and when land within Arkansas City will develop and redevelop. Should development in the Growth Area not be planned for, the

quality of life for citizens of Arkansas City will be impacted, as will the ability of the community to achieve many of the goals set out in this Plan.

Why should what happens outside the City's limits be any business of the City? A fair argument can be made that if land area is important to the City, then the City ought to avoid any possible controversy of extraterritorial regulation by annexing that land – once it is made part of the corporate entity of Arkansas City any questions about legal authority to regulate land use and development become moot. However there are reasons, practical and political, why annexation is not always the preferred course of action for a city. Sometimes the less consequential action of planning – but not making such property subject to other city laws or to city-levied taxes – is the better way to proceed for all parties.

Often when people think of sprawl development they think of low-density residential development on the fringe of a city's limits. Such development often has lower up-front costs due to land values, differences between city and county land use regulations and development requirements.

The low-density development which already typifies the Arkansas City Growth Area – and which can only be expected to continue along present lines – affects the entire community. It increases infrastructure costs, stretches municipal services to or past their limits, increases transportation costs, removes open space and can remove valuable agricultural land from production prematurely. A pattern of leapfrog development is costly and can diminish the quality of life of citizens on both sides of the city limits. Further, the more development occurs in the Growth Area, and the further out that development is, the more likely it will diminish the character and identity of Arkansas City. Such development may take away public resources much needed to restore and develop areas within the City, and create more public costs for county taxpayers – both within and outside Arkansas City – than it will generate in tax revenues or other economic value.

There are other problems which can arise in areas next to a city's limits, in cases where a city does not exercise authority over land use and development, or where a city and county are not fully cooperating in their land use planning and regulation. For example:

- Desired development does not occur because developers are leery of what the land development "rules" are, and are concerned about undesirable uses locating near their property.
- Development occurs, but at an intensity not efficient for urban-scale growth. The city gets hemmed in by sprawl development that makes extension of municipal services and infrastructure inefficient or economically impossible.
- Development occurs without proper thought as to future extension of city's infrastructure. Streets, sewers, water lines etc., do not line up or are

otherwise incompatible. Parks and open spaces are not provided for, neither are schools or other public uses.

- Development occurs, but too much, too fast. This may take the form of relocation of homes and businesses from locations within the “more regulated” city to the “less regulated” urban fringe area.
- Development occurs, but is the wrong type of development at the wrong location (cement plant, salvage yard, landfills, shopping malls).
- Loss of natural resources, environmentally-sensitive land, prime agricultural land, open space, etc., consumed by unplanned, sprawl development.

In short:

- Growth that is wanted does not materialize, or
- Growth occurs, but it is of a character that creates adverse consequences for the community.

Notwithstanding the possible consequences for a city from having adjacent unzoned land, it is not uncommon for disagreement and controversy to arise from action proposed by a city to exercise its state law grant of extraterritorial zoning authority -- authority which is discussed under the following heading.

Such disagreement and controversy has accompanied the preparation of the 2013 Plan. The initial recommendations of the Planning Commission was for the City to exercise its planning, zoning and subdivision authority over an area running one mile either side of U.S. 77 for a distance of three miles north and south of the City's limits, and an area running two miles north along U.S. 166, three miles west of the City. A few other areas to the east and northwest of the City were also proposed to be included. While this recommendation did propose to extend zoning authority over an approximately 19 square mile area, it would also reduce the planning and subdivision authority the City has had since at least 1996 by approximately 74% or 53 square miles.

The City Commission requested the Planning Commission's reconsideration of the recommendations to extend City zoning authority and retract City planning and subdivision authority.

The Planning Commission did so reconsider and recommended that the language set out in the 1996 Plan, recommending extraterritorial zoning, not be carried forward as part of this Plan, but instead that the City should:

- (1) Reduce its planning jurisdiction to the US-77 and US-166 corridors as described above; and

- (2) Reduce its extraterritorial subdivision regulation to the boundaries of the Growth Area.

EXTRA-TERRITORIAL JURISDICTION UNDER KANSAS LAW

Comprehensive Planning - A city planning commission is authorized by state law to make a comprehensive plan for the development of not only that city but also any unincorporated territory lying outside of the city but within the same county in which that city is located. K.S.A. 12-747(a). The planning commission of any city that plans, zones or administers subdivision regulations extraterritorially must have at least two members who reside outside the city limits and within three miles of the city. K.S.A. 12-744(a).

Zoning Regulations. In Kansas, a city may apply its zoning regulations to land located outside the city which is not currently subject to county zoning regulations and is within three miles of the city limits, and not more than one-half the distance to the nearest city. To use this power a city must have a planning commission and its adopted comprehensive plan must "include" the extraterritorial area. K.S.A. 12-715b; K.S.A. 12-754(a). County zoning "displaces" city zoning -- the city's regulations terminate upon county zoning regulations taking effect in the extraterritorial area. K.S.A. 12-715d. Extraterritorial zoning can also occur pursuant to an interlocal agreement between a county and city.

Subdivision Regulations. In situations, such as with Cowley County presently, where no county subdivision regulations are in effect outside a city's limits, a city may exercise its power under K.S.A. 12-749(a) to regulate the subdivision of land within three miles of its corporate limits, but not more than one-half the distance to another city having subdivision regulations. A city and county could also provide for such extraterritorial regulation by the city by means of interlocal agreement.

Building Codes. While any county may adopt and enforce building codes for the unincorporated areas regardless of whether the county also engages in planning, zoning or subdivision regulation, a city may only enforce building codes outside its limits under the authority of K.S.A. 12-751 or pursuant to an interlocal agreement. K.S.A. 12-751 allows such extraterritorial actions by cities "in conjunction with subdivision or zoning regulations."

K.S.A. 12-751a adds a protest petition provision to the law allowing cities to enforce building codes extraterritorially. K.S.A. 12-751a establishes a protest petition and election procedure to be conducted in the area outside and within three miles of the corporate limits of a city which adopts an ordinance providing for the enforcement of building codes in this unincorporated area. A sufficient protest petition (20 percent of the qualified electors residing within the

extraterritorial area) must be filed within 90 days of the effective date of the ordinance. If a majority vote in favor of rejecting the building code regulation, the city must modify its ordinance to exclude the area and the city may not adopt any ordinance extending building codes in this area for at least four years.

INTERLOCAL AGREEMENTS

The Kansas Interlocal Cooperation Act (K.S.A. 12-2901, *et seq.*) is a broad, liberal grant of authority that cities and counties can use to craft regulatory arrangements best-suited for local needs and conditions. The Act has been used many times and in many places to provide for more effective, efficient regulation of development at the urban fringe.

ARKANSAS CITY GROWTH AREA

The "Growth Area" described in this chapter, and on the maps accompanying this chapter, is that land area outside the present limits of the City where development potential is greatest and such development is reasonably expected to impact Arkansas City -- either positively or negatively.

The planning area of the 2003 (as well as earlier) Comprehensive Plan extended in all directions three miles from the city limits. The fact that the 2003 Plan identified future land uses only for five areas within that three-mile radius indicates the City believed only a fraction of the three-mile area was likely to experience development. The 2013 Plan recommends reducing the City's planning area to its north and west corridors. This land area is the City's "Growth Area".

The land area of the Growth Area is best shown by the accompanying map, but generally is a corridor one mile east and west of US-77 and extending three miles north of the City; a corridor one-half mile east and west of US-77 and extending three miles south of the City; and a corridor bordering US-166, two miles north of the highway and extending three miles west of the City.

8.9 FUTURE LAND USE MAP FOR THE GROWTH AREA

The City has determined the Arkansas City Growth Area to be that land area designated on the Future Land Use Map – Growth Area. In general the City envisions the existing land uses to continue at their present sites – meaning non-agricultural residential development will, and should, stay in close proximity to its present locations. For the existing commercial and industrial uses, the map reflects where such uses are proposed to continue.

The great majority of the land area comprising the Growth Area is envisioned to remain in agricultural use. That preference reflects the determination by the City

that non-agricultural development is not to be encouraged in the absence of adequate public infrastructure. Further, any investment of public funds by the City to accommodate development in the Growth Area should be approved only following a determination that such will not adversely affect development and redevelopment inside the City, or otherwise obstruct or detract from any of the Goals of this Plan.

The following summarizes the Future Land Use Map (FLUM) for the Growth Area, by compass direction from Arkansas City:

North: The Growth Area FLUM is consistent with the future land uses designated in the City-adopted US-77 Corridor Management Plan, with minor revisions to reflect changes in and use since adoption of the US-77 Plan. This north corridor of the Growth Area takes in a larger area than the US-77 Plan did, in part because the US-77 Plan had a more limited mission than does this Plan -- a mission that did not consider uses of land more than one-half mile from US-77.

As shown on the FLUM, most of the land area distant from US-77 is projected to remain in agricultural use, with some limited low-density residential development as well.

South: The FLUM shows commercial uses extending south from the City along the west side of US-77. Commercial uses are also expected to occur at the intersection of US-77 and 322nd Road, with some Mixed Uses (MU) to the east of that intersection, reflecting a continuation of the mixture of uses now in that area. Otherwise the City envisions this south corridor to continue in agricultural use with some scattered and low-density residential use.

West: The principal interest in having this corridor, which extends to the west with US-166 as its southern border, is to protect the community's investment in, and need for, municipal water wells. As the greatest portion of this corridor is in the floodplain the future uses for the entire area are projected as agricultural and scattered, low-density residential.

8.10 GOALS AND ACTIONS

Goal	Approve a "Growth Area" Which Will Serve as the City's Extraterritorial Planning Area.
Goal	Continue to Apply the City's Subdivision Regulations Within the Growth Area.
Goal	Preserve the Character of Arkansas City While Providing Opportunities for Growth and Development that Benefit the Community.
Goal	Provide Adequate and Appropriate Area for Current and Future Residents for Opportunities for Quality Housing Consistent With the Housing Goals of this Comprehensive Plan
Goal	Provide Adequate Area for Convenient, Safe and Appropriately-Scaled Commercial Development.
Goal	Provide Adequate and Appropriate Areas for Industrial Land Uses.
Goal	Use Land Use Regulations and Other Means to Promote Preservation of the City's Historical and Cultural Heritage.
Goal	Keep the Plan and Land Use Regulations Up-to-Date in Order to Serve the Needs of Property Owners and the Community At-Large.

GOAL APPROVE A "GROWTH AREA" WHICH WILL SERVE AS THE CITY'S EXTRATERRITORIAL PLANNING AREA.

Action:

- The City will continue to plan for its "Growth Area", as designated on the Growth Area Future Land Use Map which is part of this Plan.

GOAL CONTINUE TO APPLY THE CITY'S SUBDIVISION REGULATIONS WITHIN THE GROWTH AREA.

Action:

- The City will continue to apply its subdivision regulations within the Growth Area, as it has done since at least 1996 in its Planning Area.

GOAL PRESERVE THE CHARACTER OF ARKANSAS CITY WHILE PROVIDING OPPORTUNITIES FOR GROWTH AND DEVELOPMENT THAT BENEFIT THE COMMUNITY.

Action:

- As applications and proposals for new development are reviewed, the Planning Commission and City Commission should consider issues of community character, compatibility of use and the efficiencies and economics of the provision of municipal services.
- Ensure that development adjacent to parks and other public open space is designed so as to facilitate public access to, and use of, such property while at the same time minimizing potential conflicts between park users and residents.
- Encourage future patterns of land use and development which will result in infill development, which will have the positive effects of minimizing the need for extension of public infrastructure and making more efficient use of existing and planned public infrastructure.
- Give priority to development of vacant or underutilized land within the City limits and lesser priority to development of land within the unincorporated fringe area. Capital improvement plans and budgeting decisions are a principal aspect of such prioritization.

GOAL PROVIDE ADEQUATE AND APPROPRIATE AREA FOR CURRENT AND FUTURE RESIDENTS FOR OPPORTUNITIES FOR QUALITY HOUSING CONSISTENT WITH THE HOUSING GOALS OF THIS COMPREHENSIVE PLAN.

Consistent with the housing-specific goals and actions of this Plan, the City's Land Use goals and actions should promote good quality housing that meets the needs of current and future residents, with respect to cost, size and type. Also, those citizens who invest in housing should be protected as much as possible from impacts from nearby development that reduces the value of their property.

Action:

- Incentives should be provided for the maintenance and preservation of existing housing stock.
- Preserve historic neighborhood features and characteristics.

- Support the development of new, affordable housing, with an emphasis upon such housing constructed as infill development within the City. Specifically, adopt regulations which enable manufactured housing, including single-wide units, of sound quality to be placed on the narrow lots found in many older neighborhoods in the community. Such manufactured housing should be accommodated as replacement housing for site-built homes as well as for manufactured housing which has exceeded its useful life or suffered damage.
- Residential development should be planned and designed to protect natural features such as wetlands, streams and woods.
- Residential development should be encouraged to locate adjacent to existing public infrastructure in order to achieve cost-efficiencies.

GOAL PROVIDE ADEQUATE AREA FOR CONVENIENT, SAFE AND APPROPRIATELY-SCALED COMMERCIAL DEVELOPMENT.

Generally, commercial uses should be integrated with surrounding residential development in ways that buffer and serve those residential areas. Commercial development should occur within or adjacent to existing commercial development or within areas zoned for mixed uses.

Action:

- Commercial development in the Downtown area should not be of such a design or scale as to harm the existing character of the Downtown.
- Any commercial development parallel to US 77 should occur only when in compliance with KDOT requirements for access to US 77.
- Reasonable landscaping requirements should be made applicable to commercial development.
- The City should discourage commercial development at locations where there is no contiguous urban development.
- Encourage commercial development to locate in the Downtown district and in the existing commercial area at the northern end of the City.
- All reviews of requests for rezonings for commercial development should take into account potential adverse impacts upon the Downtown area and/or the northern commercial area.

- Commercial sign regulations should be sensitive to the objective of preserving the City's character.

GOAL PROVIDE ADEQUATE AND APPROPRIATE AREAS FOR INDUSTRIAL LAND USES.

The City needs sufficient land area for expansion of existing industries and location of new industries. The current zoning map provides substantial acreage of industrial-zoned property, and a review and analysis of undeveloped industrial-zoned land should be undertaken to identify land where rezoning should be encouraged. Adequate infrastructure and utilities to support industrial uses are as critical as the land area itself. Placement of industrial zoning classification must be sensitive to the external impacts of industrial uses.

Action:

- Ensure that industrial parks and other areas are designed to minimize the adverse impacts of industrial uses upon neighboring properties.
- Industrial areas should have convenient access to highways and railroad facilities.

GOAL USE LAND USE REGULATIONS AND OTHER MEANS TO PROMOTE PRESERVATION OF THE CITY'S HISTORICAL AND CULTURAL HERITAGE.

By acting to preserve Arkansas City's cultural and historical heritage and resources, the community's "character" is preserved. Efforts for preservation should be done in ways which simultaneously enhance the economy of the community.

Action:

- Work with public and private entities to identify and preserve historic buildings and sites of historical, cultural and aesthetic value.
- Encourage preparation and dissemination of informational materials to educate both citizens and visitors of the City's historic and cultural resources.
- Identify and promote ways to partner with state, federal and private entities for funding and technical assistance in revitalizing historic buildings, neighborhoods and areas.

- Adopt land use regulations which encourage development and redevelopment within designated historic areas to maintain or enhance the historic character of those areas. The City should continue its use of overlay zoning for historic areas of the community.
- Encourage efforts by property owners to preserve and renovate buildings and facades of architectural and historic significance.

**GOAL KEEP THE PLAN AND LAND USE REGULATIONS UP-TO-DATE
IN ORDER TO SERVE THE NEEDS OF PROPERTY OWNERS
AND THE COMMUNITY AT-LARGE.**

Action:

- The Planning Commission and City Commission should schedule annual reviews of the Comprehensive Plan, future land use maps, land use regulations and the zoning map to identify the need for amendments and revisions that take into account changing conditions and needs of the community, new approaches that may successfully address those needs and conditions, and changes to state and federal law that require amendment to the City's Plan and/or laws.