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ARTICLE 9 SPECIAL PURPOSE OVERLAY DISTRICTS

Sections:

- 100 "I1" Institutional Overlay District
- 101 General Events Overlay District
- 102 "P" Planned District
- 103 Special Development Zone Overlay

PURPOSE: An overlay district is a special purpose zoning device that does not change the underlying zone requirements. Overlay districts typically carry special restrictions on use and operating guidelines designed to make activities compatible with surrounding uses of the land and are approved solely by the Planning Commission.

100. "I1" INSTITUTIONAL OVERLAY DISTRICT

A. Purpose: This is a special overlay district intended to be potentially compatible with a wide range of developed or agricultural land uses. The Planning Commission, after an adequate demonstration of need, may permit the overlay in any of the following districts:

1. "A1" or "A2" Agricultural Districts.
2. "R" Residential Districts.
3. "C" Commercial Districts.
4. "M1" Light Manufacturing District.

The purpose of this district is to provide flexible design for the unique requirements of a rural county by using a special purpose overlay for institutional developments. Therefore, only baseline physical design requirements are provided for the actual development of institutional land uses. Detailed analysis for development purposes is conducted by the Planning Staff and Planning Commission at a sketch plan or site plan review hearing.

1. Permitted Uses

- a. Institutions {either public or private} which give group care to special populations such as: the infirm; the terminally ill; or, social, drug, penal facilities.
- b. Institutions for religious group living; places of worship; chapels.

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- c. Public or private schools; institutions for higher learning; training facilities.
- d. Research and experimentation facilities of all types, but not domestic animal shelters or sanctuaries.
- e. Camps, RV parks, retreats, resorts; other recreational areas.
- f. Commercial or private cemeteries.
- g. All customary accessory facilities and buildings necessary to serve the principal institutional use: includes offices, dwellings, storage, recreation, facilities, lodging, food service, industrial arts, and the similar facilities

C. Requirements

1. Applicants for "I1" Districts begin the application process by submitting a sketch plan to the Director of Planning.
2. Applicants, as the next step, must prepare a detailed narrative on the anticipated use of the property, and a sketch map with all buildings and proposed future uses.
3. The Planning Commission, after an initial review of the overlay application, may require detailed and specific studies related to health and fire hazards, protection of the public, landscaping, increased site design, or socio-economic impacts.
4. Applicants should note that Sanitary and Floodplain requirements are in effect for the "I1" Overlay District.

D. Basic Design

1. The outdoor storage or accumulation of material is not permitted. Materials, machinery, supplies, and similar items must be stored in the interior of a building.
2. No building shall be placed closer than 16' to another building.
3. Reserved
4. Reserved
5. When parking is provided in the front of a building that is adjacent to a public road, a green area of 8' must be reserved between the surfaced parking area and the R.O.W.
6. Buildings used for institutional purposes as an overlay in residential districts must incorporate a residential design, except that metal buildings may incorporate a color coordination scheme approved by the zoning staff.

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101. GENERAL EVENTS OVERLAY DISTRICT

A. Policy Statement

1. A need occasionally arises for limited uses in the nature of an amusement or attraction {recreation/entertainment} that will typically fall within "a gray area" of regulation. Contemplated uses of this nature are:

- a. Tractor pulls; races
- b. Festivals; concerts
- c. Fireworks stands
- d. Sports events
- e. Fairs and carnivals
- f. Large, single event auctions

B. Procedure

1. The Zoning Administrator, if he/she determines that the use is a one time, occasional, or annual event, under the control of a reliable sponsor, may issue a letter of "**Special Events Permit**" and allow the activity to proceed.

2. If the Zoning Administrator determines that the use will be conducted occasionally {as opposed to a single event}, or that the activity is likely to be associated with site impacts [traffic, dust, noise and activity], he/she may refer the matter to the Board of Zoning Appeals.

3. The Board of Zoning Appeals, after an examination of all facts and circumstances, and the imposition of appropriate conditions, may allow the use on an occasional basis, as a special permit.

C. Special Permit Requirements

1. Special Permit requirements shall include, but are not limited to:
 - a. Establish appropriate time limits for operation, if necessary.
 - b. Establish the number of times the activity may operate.
 - c. Set conditions as operating principles, including the advice and approval of the Director of Emergency Management.

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d. Incorporate rules and conditions established by the Kansas State Fire Marshal or other Kansas State institution, agency or statutes & and any general resolutions established by Pottawatomie County

2. The Special Permit is a license to operate an activity. It may be revoked for failure to operate within the established conditions, and shall not run from operator to operator. The Special Permit shall be signed by both the property owner and the operator.

3. Any Special Permit approved by the Board of Zoning Appeals shall also be countersigned by the Zoning Administrator.

102. "P" Planned District

A: Purpose - Any of the zoning districts listed in these Unified Development Regulations may be designated as a "Planned District" by adding thereto the designation "P", such as "R-P-1". When such a designation is affixed to a district by the Planning Commission, the owner or developer of such land shall submit a site plan to the Planning that which must be approved by the BOCC before the land may be developed.

The general procedures of these regulations relating to zoning amendments shall be followed in a planned district. A planned district shall provide for and encourage latitude and flexibility in the location of buildings, structures, roads, drives, variations in yards and open spaces, all subsequent to approval of the plan by the Planning Commission & and the BOCC. The purpose is to allow development of tracts of land to their fullest extent and at the same time observe the general intent and spirit of these regulations.

B. General Provisions The proponents of a planned development shall prepare and submit to the Planning Commission for review and approval by the BOCC a development a plan with at least the following elements:

1. The boundaries of the area to be rezoned and the development of property adjacent to the area and within two hundred (200) feet thereof.
2. The existing topography with contour intervals not greater than five (5) feet unless waived by the Board.
3. Proposed specific uses, location, number and arrangement of buildings, structures, parking areas, existing and proposed streets, drives, open spaces, play areas and other reasonable information required by the Commission. The plan shall be accompanied by a plat giving full legal description of the boundaries of the property.

C. The uses permitted in any planned district shall be the same as in the corresponding regular district. For example, "R-P-1" shall be the same as in "R-1".

D. Requirements and Standards.

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1. The amount of open space, buffer zone, yard, parking, play areas, density and height requirements shall be determined by the Planning Commission after review of the proposed plan. The Planning Commission shall use the requirements and standards found in the corresponding district as detailed in these regulations as a guide in making their determination but may permit variances from these requirements and standards in the interest of efficient land development and utilization.

In reviewing such development plan, the maximum heights of buildings and structures within such planned district shall be as set out in the corresponding districts. It shall be permissible that side yards may be reduced to zero (0) in appropriate circumstances.

2. In the event of any proposed substantial change or uses thereof in the development plan in any planned district, the modified site plan must again be submitted to the Planning Commission and approved before such modification can be made.

E. Basic Appearance & Design Guidelines.

The following basic guidelines reflect the core principles of attractive building design in the "P" Planned District.

Attractive color schemes, employing earth tones with contrasting colors that accent architectural details such as trim, windows and entrances.

Compatible size and style of buildings.

Natural materials such as wood or stone.

Prominent entries and windows.

Facades with varying depths and corners.

Relate the size and proportions of new commercial structures to the scale of adjacent buildings.

F. Building in the "P" Planned District shall be subject to the following appearance and design review guidelines:

1. Building(s) shall incorporate a building front and facade pattern that avoids the appearance of a continuous, unbroken front and shall use vertical or horizontal patterns to vary the linear nature of large storefronts. The storefront shall incorporate wood, masonry, or other attractive design materials to treat the unattractive nature of metal buildings.
2. Outlying buildings [uses separate from the principal merchandise store] must incorporate separate landscaping design and buffering to provide an offset from the general parking lot.
3. No more than 60% of the required parking for the principal use may be maintained in the front yard or front setback space. The remaining 40% parking requirement must be developed to the rear of the principal building unless waived by the Planning Commission.

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4. Parking lots must employ attractive landscaping and separation strips in the front yard or front setback area - separation strips must be at least 4' in width. The location of separation strips and the use of plant materials shall not obstruct the clear vision of traffic or pedestrians.
5. All parking spaces must be clearly delineated and painted. Traffic flow must be directed by the uses of painted directional symbols of the surface of the parking lot, by directional signs, or both. Handicapped parking spaces shall only be located in the front of the first tier of parking spaces, or at building fronts.
6. Storefront(s) must employ signage design elements that give the appearance of a unified color and scale scheme for all building, projecting, and/or flat signs and logos.
7. Specific variances and/or site plan waivers may be granted for the above requirements in the case of practical difficulties related to difficult lot design, topography, or excessively narrow lots of record.
8. Loading bays and/or docks must be located to the rear or side of all principal or accessory buildings.
9. All refuse must be stored in specially designed enclosures that have an appearance which is compatible with surrounding buildings.

G. The Planned Development shall include such provisions for the ownership and maintenance of the common open spaces as are reasonably necessary to insure its continuity, care, conservation and maintenance, and to insure that remedial measures will be available to the BOCC if the common open space is permitted to deteriorate, or is not maintained in a condition consistent with the best interests of the planned development or of the entire community.

H. Sidewalks shall be built to County specifications along all public county roads, however, an alternative pedestrian and sidewalk plan may be developed which provides pedestrians access between each use in the planned development.

I. In Planned industrial and commercial districts, all utility lines, other than large mains shall be placed underground. Areas used for telephone or electrical service must be visually screened from adjacent streets, and properties with lineal or grouped masses of trees and shrubs, provided that, where said service areas about public walkways or streets, the landscaped area shall not exceed three (3) feet in height.

103. SPECIAL DEVELOPMENT ZONE OVERLAY

A. Purpose

1. This is a limited use overlay zone designed specifically for the small unincorporated communities in Pottawatomie County. The Planning Commission recognizes that the process of change, economic development and limited expansion places a considerable financial burden on small communities. These

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areas may wish to develop small industrial/commercial areas on their boundaries {under county jurisdiction}, but often find that the limited purpose zoning districts of this ordinance restrict the range of use and activity contemplated by local governments.

B. Implementation

1. The SDOZ permits tracts under one ownership to be developed as an entire unit with mixed use. The first use established in the SDOZ determines the official underlying land use designation. The overlay mix permitted is:

- a. Any "A" district other than PURD, AR or AR1
- b. Any "C" district
- c. Any "M" district

1. Application is initiated by a sketch plan or plat indicating the tract, range of uses desired, significant features, access and internal streets.

2. If the Planning Commission approves the initial sketch plan, the applicant shall submit a Final Plat, together with sufficient documentation and covenants necessary to restrict operation and use.

C. Guidelines

1. The SDZO uses the individual district requirements of this ordinance to control each aspect of the mixed use proposal.

D. Space Requirements

1. Yard, bulk, setback requirements, and the range of permitted uses are specified in the "C" and "M" districts.

E. Applications

1. The SDOZ is intended to be used only in conjunction with a community, rural settlement, or highway corridor area. It is not a general purpose development tool for use in the rural areas of the county.