

To Manhattan Urban Area Planning Board

From Chad Bunger, AICP, CFM, Assistant Director of Community Development

Date April 13, 2021 *for 4/19/2021 meeting*

Subject **Unified Development Ordinance - Overview and Review of Articles 1, 2 and 3**

## Background

The City of Manhattan and the consultant team of Kendig Keast Collaborative (KKC), Gateway Planning, Confluence, and White and Smith Attorneys at Law have completed drafting and reviewing the City's new development code. Originally the project was titled the Unified Development Ordinance (UDO). During the drafting of the regulations, staff realized that simply calling it the Manhattan Development Code (MDC) would be a better suited name, so the title of the set of regulations has changed to reduce confusion and offer a more concise title.

As a refresher, the MDC significantly updates the City's zoning and subdivision regulations, as well as other applicable requirements and combines them into one document to regulate land use and development in the City. The City's objectives for the MDC project are to create an integrated set of land development regulations that:

- Implement the vision, goals, guiding principles, and policy recommendations identified in the Manhattan Urban Area Comprehensive Plan.
- Identify barriers to Plan implementation and opportunities to streamline the development review and approval process to the extent feasible.
- Promote ongoing coordination between City and County development review and approval processes in the developing urban fringe areas.
- Create development regulations that utilize best practices that are effective and practical within the existing and future economic, social, and political climate.
- Address unique issues associated with the Manhattan area, and incorporate existing zoning and development tools as appropriate.
- Create regulations that are legally sound and consistent with applicable federal and state laws.
- Create regulations that are concise, consistent, and effective for use by citizens, developers, property owners, design professionals, and City Administration.
- Involves stakeholders through an open, fair, and equitable process that focuses on community engagement and creates support for the final product.
- Incorporates graphics and internet/mobile-based platforms and implementation approaches to make the MDC more user-friendly, searchable, and easier to understand for citizens, business and property owners, and consultants and developers.

The MDC was drafted in three separate modules comprising different sections of the regulations. City Administration has spent the last several months reviewing the complete version (all three modules) of the MDC for consistency and to make sure it meets community and development

needs of Manhattan, now and in the future. Unfortunately, the COVID-19 Pandemic response halted the initial roll out to the community. However, Community Development Department took that time to routinely meet with the City Attorney's Office to complete their review of the draft to ensure it meets applicable legal standards and policies. The final draft has been provided to the City to begin the final community review and to begin the adoption process.

This work session will provide an overview of City Administration's approach towards public engagement and outreach to review the new development code with the community, the overall framework of the MDC, and review Articles 1, 2, and 3 of the regulations.

## **Discussion**

### *Public Engagement and Outreach*

Included with this memorandum is a tentative schedule of future work sessions with the Planning Board, City Commission, and the Ordinance Advisory Committee (OAC). The OAC is an ad hoc committee of citizens and stakeholders to provide feedback on concepts and topics. The OAC has not met for a while because City Administration was focused on reviewing and rewriting the document and finalizing the concepts and feedback into the final draft to address the needs of Manhattan. City Administration was focused on reviewing and rewriting the document and finalizing the concepts and feedback into the final draft to address the needs of Manhattan. The OAC was scheduled to meet to go over the draft document in March 2020, but the response to the COVID-19 Pandemic required the City to cancel those meeting.

The Community Development Department is developing informational videos and blog posts so that Manhattan residents and business owners can get an overview of the MDC and updates of the regulations from the comfort of their home or office. These videos, blog posts, and other information can be found on the project page on EngageMHK.com, <https://engagemhk.org/manhattan-development-code>

The Community Development Department will also be reaching out to stakeholders that would use the new development code, such as regional developers, area design consultants (e.g., architects and engineers), realtors, and builders, to arrange meetings.

Originally, the Community Development Department had intended to host in-person public meetings, such as open houses, to provide educational opportunities to the broader public, but the COVID-19 Pandemic cancelled that plan. The Community Development Department is evaluating how best to host those meetings in the upcoming months, either in-person or virtually. Once a decision on how to host these meetings safely and effectively is made and the schedule is finalized, City Administration will provide that to the City Commission. Updates and comments from stakeholder meetings will also be provided to the Board.

### *Overall MDC Framework*

The Manhattan Development Code will now be collated in as a part of the City's Code of Ordinances, as Chapter 26. The new development code will replace existing reference language to the current Zoning and Subdivision Regulations that is found in Chapter 26 and other places in the Code of Ordinances.

The development code has been created to operate on the **enCodePlus** website, which is designed to seamlessly function with Municode, the vendor housing the City’s Code of Ordinances. The enCodePlus website is offered by the Kendig Keast consultant team and allows for easy cross-references across the development code, search functions, pop-up definitions, and other interactive features. The website address for Manhattan’s development code is <http://online.en-codeplus.com/regs/manhattan-udo>. To view the current draft of the development code, click “View” at the top of the webpage. Some of features listed in the header, such as the calculators, tables, and land use map, will become operational in the upcoming weeks. These functions have not been built yet because they are time-consuming to initially create, and the consultant team does not want to duplicate their efforts if significant changes are made during adoption hearings.

Chapter 26 is divided into Articles, Divisions, Sections, subsections, paragraphs, and subparagraphs. Subsequent levels may be used but are not named. Each article focuses on a specific topic of the development code (i.e., Overlay Districts Regulations, Development and Design Standards, Site Development Standards, etc.). A high-level overall structure of the development code is attached to this memorandum.

It should be noted that the development code is formatted and designed to be viewed and utilized most effectively online. However, the document can be downloaded as a PDF and/or printed as a hard copy version but will lose some of its functionality in that format. City Administration has provided a full PDF draft of the development code for a complete viewing of the updated regulations. We will provide links to the enCodePlus website and page numbers for this and future work sessions to provide easy navigation to review topics.

### Articles Review

#### [Article 1 Overview](#) (pages 1–10)

Among other items, Article 1 establishes the authority of the development code, its purposes for zoning and land use regulations, historic preservation and the subdivision of land, and the jurisdictional areas of the development code.

#### [Article 2 Overview](#) (pages 10–81)

Article 2 establishes the base zoning districts, provides the tables for permitted, conditional, and limited uses for both residential and non-residential districts, and establishes the lot and development standards for each base zoning district, as well as regulations for accessory uses and structures.

As discussed during previous work sessions, the development code establishes new zoning districts. These districts rename and combine several current zoning districts or are new districts for Manhattan. [Table 26-2A-2](#) summarizes these new districts (pages 13-17). The development code also establishes special districts for universities and colleges, public and institutional uses—such as parks and government buildings—and maintains the ability to create a planned development district (currently PUD). These districts are found in [Division 26-2B](#) (pages 19–21).

Divisions [26-2C](#) and [26-2D](#) (pages 21–48) delineate the uses allowed in each residential and non-residential district and the standards associated with each of the districts (i.e. minimum lot size

and building setbacks). Also discussed at previous work sessions, the development code is proposing new residential development types, which provides “density bonuses” to accommodate topography and/or preserve site resources, such as wetlands or mature forested areas, or the ability to streamline a master-planned neighborhood with a mix of residential and non-residential uses to be allowed in the neighborhood.

In the district bulk and lot standards tables, you will notice that some minimum lot sizes are different, and some setbacks are smaller when compared to applicable zoning districts in our current Zoning Regulations. After considering several variables, including an extensive review of the types of Board of Zoning Appeals requests, City Administration is proposing to adjust some of these requirements to give developers and property owners more flexibility in home design and building additions, while still preserving an adequate front yard appearance and separation from adjacent properties.

[Division 26-2E](#) (pages 48–70) provides specific use limitations and standards for a variety of uses that are listed as “L” Limited Use, or “C” Conditional Use on the residential and non-residential use tables. The idea is that a use listed as “L” in a specific zoning district would need to comply with the specific limitations and standards before the use can be established. This review would be done by the Zoning Administrator or their designee and would occur at the time of building permit or before the use is established. This is practically the same as the use limitations noted in Sec. 3-304 of the current Zoning Regulations.

A use listed as “C” will require a Conditional Use approval from the Board of Zoning Appeals, as is currently required. Specific requirements for a conditional use are provided in this section, if any. These standards are primarily for telecommunication structures and bed and breakfast inns in some residential districts.

[Article 3 Overlay Districts](#) (pages 81–89)

This article establishes the various overlay districts and includes their specific regulations. By and large, only the name has changed for most overlay districts, when compared to the current districts. The exceptions are some new building setback, site, and building design standards in the O-EN, Established Neighborhood Overlay District (formerly the TNO District), to strengthen the preservation of the character of the original older grid neighborhoods in Manhattan, while at the same time allow for easier and more appropriate improvements and building additions to homes in this overlay district.

Two new overlay districts will be established: the Eureka Valley/K-18 Overlay District and the Gateway Corridor Overlay (O-GC). Both districts have been drafted and ready for adoption for several years, as a joint effort with Riley County, to create minimum site and design standards for commercial and industrial uses that are envisioned to be developed along the highway corridors leading into Manhattan from the southwest (K-18) and southeast (K-177).

## Planning Board Action

As this is a work session, no formal action is required. However, City Administration would appreciate that Planning Board review Articles 1–3 of the draft development code and provide comments on any substantial concerns or issues. City Administration will develop a process to determine if there is consensus from the Board that there are no significant issues with each batch of the articles being reviewed. Any significant and specific issues will be revised after the OAC and City Commission have provided their comments. Any revisions will be revisited by the Board, the OAC, and the City Commission at subsequent meetings.

### Attachments

- [MDC Informational Meetings Schedule](#)
- [Overall structure of the Manhattan Development Code](#)
- [Draft Manhattan Development Code \(4/12/2021\)](#)