

RURAL ZONING WORKSHOP INFORMATION

There are approximately 150 parcels of land annexed to the City of De Soto over the last 15 years or so that still retain their County zoning district designation. This situation is the result of two separate types of actions. First, the City annexed several properties using the retention of their county zoning as an incentive. Most of these occurred in the late 1990's.

Second, it was the practice and of the City of De Soto—and allowed in all Kansas cities—to place newly annexed properties into an appropriate City zoning district. However, state statutes were changed, requiring a newly annexed property to meet the same requirements as all other properties when changing their zoning classification—submit an application to the city, notify the public and surrounding neighbors, appear at a public hearing, take a recommendation from the Planning Commission to the governing body and have the zoning changed by an official, published Ordinance.

Instead of adopting regulations requiring the timely rezoning of newly annexed properties, the City of De Soto has followed a more lenient policy of not requiring a rezoning action until the owner wants to make a physical change in their property or the existing use. Intended as a benefit to newly annexed properties, the practice has become a burden to owners that only want to add a garage or remodel their homes. As you can tell from above, the rezoning process can be confusing and time consuming. Also, by not requiring a rezoning until a change is made in the property, the rezoning becomes a requirement of the building permit and thus may not be supported by the court if the practice is challenged.

The County RUR Rural zoning district was adopted by the City in 1998. Although the County has updated their regulations over the years, the City has not adopted any of these updates. This only adds to the confusion when trying to enforce regulations. Since the county regulations have not been reviewed and tested by City officials, they are often found to be conflicting with City regulations and goals. County regulations are generally geared toward suppressing growth and/or directing growth toward municipalities. City regulations are generally geared toward encouraging growth, but directing it toward areas where services are available. While both entities adopt regulations intended for protection and enhancement of property values and the general welfare, often these qualities are perceived differently in the rural areas of a county than they are in the denser, urban areas of a city. These philosophies often put the County and City regulations at cross purposes to each other.

For the above reasons, the City thinks it advisable to bring the existing County-zoned parcels into the City zoning districts. For many parcels, a new rural district incorporating many of the county regulations is appropriate. For others—due to size, current use or the future goals of the De Soto Comprehensive Plan, one of the existing City zoning districts may be more appropriate. The City is actively seeking the input from current property owners concerning any future zoning changes—whether a change is to an existing zoning district or in helping to create a new Rural zoning district.

This action by the City is undertaken with the full expectation that several properties may need to take advantage of the Non-Conforming Use regulations. Non-Conforming Uses—often called pre-existing uses or grandfathered uses—is a method of allowing existing uses to continue, even though those uses may be contrary to the current zoning regulations for their property. To qualify for a Non-Conforming Use status, the property owner must be able to show that the use was legal at the time it began. Also, Non-Conforming uses can be applied to more than just how the property is used. It can also apply to lot/tract sizes, building sizes and setbacks or building placement on a property. The workshop will be a good opportunity for property owners to learn about the City's Non-Conforming

regulations and how they may apply to their property. It will also be a good opportunity for the City to create a record of and Non-Conforming property for future reference.

Most properties with County zoning are in areas that are not served by City sewer services—and may not be served for many years. However there are areas that sewer service may be extended to in the near future, especially if development is anticipated. Property owners in these areas may wish to rezone their property to a district that would allow development of their land in ways that are designated by the Comprehensive Plan. The City recently updated their Comprehensive Plan in the area of 95th Street. Several parcel owners may be able to take advantage of the designations assigned to land in that area.

The City wants to make it clear that all costs and notifications connected with any rezoning will be borne by the City. Staff will be on-hand to discuss the zoning districts and answer your questions. They will be able to counsel you concerning the most desirable zoning for your property based upon existing use and anticipated growth and development of the City. This will also be a good opportunity for you to establish the current use of your property in the city records and if needed you can obtain a non-conforming classification that will protect the existing uses, lot sizes and/or building locations on your property.

If you are unable to attend the workshop, but are interested in the rezoning issue, please contact City Planner Linda Bohnsack at (913) 583-1182 extension 115 or lbohnsack@desotoks.us. Information on zoning districts and the comprehensive plan is located on our website at www.desotoks.us under 'Online Documents and Regulations'. You can also check the current Zoning Map and the Future Land Use map from the Comprehensive Plan on our website under 'City Maps'. The Sewer Accessibility Map in the Comprehensive Plan shows the proposed areas for future extensions of the City sewer system.