

## ARTICLE 02

### ESTABLISHMENT OF ZONING DISTRICTS

#### DIVISION 02.000 ESTABLISHMENT OF ZONING DISTRICTS

The City of Paola and the Paola Community Growth Area is hereby divided into the minimum number of zoning districts necessary to achieve compatibility of uses and character within each district, to implement the adopted Paola Comprehensive Plan, and to achieve this Ordinance's purposes.

#### SECTION 02.010 ZONING DISTRICTS

For this Ordinance's purpose, all land and water areas in Paola are divided into community character types and zoning districts (Table 02.010). The purpose of each district is described in Division 02.200.

<b>Table 02.010 CHARACTER TYPES OF ZONING DISTRICTS</b>	
<b>Character of Districts</b>	<b>Zoning District</b>
Downtown	Downtown (D)
Thoroughfare Access	Thoroughfare Access (TA)
	Business Park (BP)
	Industrial (I)
Suburban	Suburban (S)
	Suburban Commercial (SC)
Estate	Estate (E)
Special	Neighborhood Conservation (NC)

#### DIVISION 02.100 ZONING MAP

The boundaries of the zoning districts are hereby established as shown on the map entitled: A Official Copy of Zoning District Map is Incorporated into Zoning Regulations of the City of Paola. This map is on file in the office of the City Clerk. The map and all notation, references, data and other information shown thereon shall be and are hereby adopted and made part of these regulations. The Floodplain Overlay District Maps shall be read in conjunction with the zoning map for areas lying within the regulatory floodplain.

**SECTION 02.110 INTERPRETING DISTRICT BOUNDARIES**

The following rules shall be used to determine the precise location of any zoning district boundary line shown on the Zoning Map:

- A. Boundaries shown as following, or approximately following streets, alleys, or railroads shall be construed as following the centerline of such features.
- B. Boundary lines shown as following, or approximately following, lot lines, section lines, survey or other property lines, or municipal boundaries shall be construed as following such lines.
- C. Boundaries shown as following, or approximately following, the centerline of streams, rivers, other continuously flowing watercourses, or levees shall be construed as following the channel centerline of such watercourses. In the event of a natural change in the location of such streams, rivers, or other watercourses, the zoning district boundary shall be construed as moving with the channel centerline.
- D. Boundaries shown as separated from, and parallel or approximately parallel to, any of the features listed in Section 02.110 A. through C. shall be construed to be parallel to such features and at such distances therefrom as are shown on the Zoning Map.

**SECTION 02.111 NEW OR UNCLASSIFIED LAND**

Any land in the City, within Paola=s Community Growth Area, or added to the Community Growth Area which is not shown or labeled on the Zoning Map, shall be considered zoned Estate (E).

**SECTION 02.112 REDUCTIONS TO COMMUNITY GROWTH AREA**

Any land removed from the Community Growth Area, for reasons other than as a result of annexation by the City of Paola, shall be governed by the following:

- A. Vesting shall be in accordance with Section 01.120 C.
- B. Such land shall be classified in accordance with the Miami County Zoning Regulations.

**SECTION 02.120 DEVELOPMENTS IN MORE THAN ONE ZONING DISTRICT**

Where land is in more than one (1) zoning district, the development may be designed as if each district were a separate parcel, or designed and developed as a single project. The following rules govern developments in two (2) or more districts where developed as a single project:

- A. A concept plan shall be required as a condition of approval to shift densities.
- B. The acreage in both districts may be used to determine minimum site area in Table 04.110 A.
- C. The required open space and maximum dwelling units shall be the sum of that required by separate calculations (see Division 05.100) for each district.

- D. A development=s proportions need not be identical to that calculated for each district. However, the plan for allocating development shall be approved as a preliminary plan for the entire property. Approval shall be based on the following criteria:
1. Where the development is in both residential and nonresidential districts, the area allotted to each may not be changed. The nonresidential district may intrude into the residential district only where at least three hundred (300) feet exist between the intrusion and residential zoning on abutting properties.
  2. The proportion of land used for development shall be increased only in the higher intensity district, except as provided in paragraph 3 below.
  3. Where, for aesthetic or environmental reasons, the concept plan approval may permit the development to occur in the lower density zoning district resulting, in this case, in a better plan, the developer shall submit an environmental impact assessment report showing alternative siting options, as part of the concept plan approval process. These options must demonstrate the advantages of the proposed location as opposed to siting the development as required in 1. and 2. above. See Figure 02.120.
- E. Where a unified development straddles a district boundary, bufferyards are not needed between the development's portions. Where the development is in two (2) separate parts, or changes use or density at the boundary, then the buffer requirements (Table 04.110 A.) shall be required.

**DIVISION 02.200 STATEMENT OF PURPOSE AND INTENT OF ZONING DISTRICTS**

This Division specifies the purpose and intent of the zoning districts established by this Ordinance. All districts share the purpose of implementing the Comprehensive Plan.

**SECTION 02.200 ESTATE-AGRICULTURE DISTRICT IN COMMUNITY GROWTH AREA**

For this Ordinance=s purposes, all land within the boundaries of the Estate (E) zoning district and lying within the Community Growth Area shall have the designation of Estate-Agriculture (E-A), and such designation shall be shown on the official zoning map. Whenever these regulations refer to the Estate zoning district with respect to such lands, such shall be interpreted as referring to the Estate-Agriculture zoning district.

**SECTION 02.210 URBAN DISTRICTS**

URBAN character is exhibited in two different character types: DOWNTOWN and THOROUGHFARE ACCESS. In this Ordinance, four districts display URBAN character (one DOWNTOWN, and three THOROUGHFARE ACCESS).

**SECTION 02.211 DOWNTOWN (D) DISTRICT**

- A. This district is a mixed use district, permitting a full range of uses. The residential, commercial, and office areas in this district that surround the City Square, the County Courthouse, and extend north from the Square along Pearl Street and Silver Street.
- B. This district provides an URBAN character. Buildings are to be built to the sidewalk line, maintaining the Square=s historic character. Design standards ensure the desired character.

Pedestrian activity is encouraged and the City may make allowances to encourage a desirable mix of buildings and uses to enhance the central area's economic vitality.

- C. This district conforms to the general densities called for in the Comprehensive Plan. This district encourages City and County governmental functions. This Ordinance permits uses in this district to reduce required parking by counting on-street parking.

**SECTION 02.212 THOROUGHFARE ACCESS (TA) DISTRICT**

- A. This district provides for high quality, moderate density development with a full range of residential and nonresidential uses.
- B. The design requirements provide a Thoroughfare Access character while encouraging pedestrian and automobile access.
- C. This district's intensity accommodates most community commercial and business activities. These nonresidential uses shall be limited to parcels having access to arterial or collector streets. Interior areas are intended to be residential.
- D. This district is not intended to promote strip development along all arterials and collectors. In newly developing areas, the minimum parcel depth along an arterial or collector shall be six hundred (600) feet. The minimum area shall be twenty (20) acres. In the older built-up areas where there is in-fill development, this zoning shall not displace residential uses in areas where at least one block of residential exists. New zoning shall have depths and areas equal to or greater than similar uses for four hundred (400) feet on either side. This district shall be used in areas designated Thoroughfare Access in the Comprehensive Plan. Access standards and site plan review shall be used to ensure that adequate access and visibility are retained on regionally important land near interchanges to prevent premature development from foreclosing future development options.

**SECTION 02.213 BUSINESS PARK (BP) DISTRICT**

- A. This district permits office, manufacturing, industrial, warehousing, and uses that support them. These areas are located primarily at US 169 interchanges, at K-68, and the current industrial park. The land use restrictions ensure the land best suited for this use is available.
- B. Moderate to high intensities are permitted to achieve maximum land utilization. This development pattern provides an Thoroughfare Access character. The area is intended to attract business and industry. The designated areas are intended to be regional employment centers for the City and Miami County. The area's development (as seen from US 169 or other main roads) provides a high quality business park character. The interior land, screened from US 169 or other main roads, may develop at higher intensities with less landscaped area. Such practices will maximize land use. Exterior storage is limited to interior sites and must be screened.

**SECTION 02.214 INDUSTRIAL (I) DISTRICT**

- A. This district retains the older industrial areas, including some heavy industry that cannot meet the District standards. This district encourages retaining these uses and the continual use of the existing buildings for industrial uses.

- B. The district provides an Thoroughfare Access character. This character is not attractive. Building types, exterior storage, scale, and other features are such that the City does not desire new industrial areas of this type. Therefore, expansion of Industrial Districts shall be limited to areas near the Missouri Pacific rail line and within a quarter (.25) mile north of the existing industrial area. New industrial areas with high visibility contradict the Comprehensive Plan.

**SECTION 02.220 SUB-URBAN DISTRICTS**

Four districts comprise the SUB-URBAN character class. Three districts provide a SUBURBAN character type and one provides an ESTATE character type.

**SECTION 2.221 SUBURBAN, LOW DENSITY (S-1) DISTRICT**

- A. This district permits a wide range of residential uses. This district includes most of the newly developing areas designated Suburban in the Comprehensive Plan.
- B. This district permits low density development and a full range of residential uses in a manner consistent with providing a high quality SUBURBAN character. Significant areas of open space and/or landscaping shall be provided to maintain the balance between green space and buildings that characterize SUBURBAN character.
- C. This district is not intended to be used for fully developed areas -- those areas are zoned Neighborhood Conservation (NC) or in some instances Suburban, Moderate Density (S-2). The S-1 District would be used to infill tracts containing at least three (3) acres or where Paola seeks to redevelop the area to SUBURBAN character.

**SECTION 2.221.1 SUBURBAN, MODERATE DENSITY (S-2) DISTRICT**

- A. This district permits a wide range of residential uses, at densities somewhat greater than that in the Suburban, Low Density (S-1) District, but less than those in the Thoroughfare Access (TA) District. This district is intended primarily for those portions of the City's Community Growth Area which lie in close proximity to the City's boundary and to public infrastructure.
- B. This district permits moderate density development and a full range of residential uses in a manner consistent with providing a high quality SUBURBAN character. Open space and landscaping shall be provided to maintain the balance between green space and buildings that characterize SUBURBAN character.

**SECTION 02.222 SUBURBAN COMMERCIAL (SC) DISTRICT**

- A. This mixed use district provides a small commercial center in a SUBURBAN character area, or provides a commercial and business center serving an ESTATE community. This district is intended to be the community's commercial center by providing convenience type services.
- B. Development intensity is low. Uses are primarily retail, service, and office, but mixed use, including residential, is encouraged. This district's lower intensity commercial and high landscape surface ratio provide the desired SUBURBAN character and eliminate conflicts with surrounding residential land.

- C. This district serves mostly convenience and some neighborhood needs while avoiding creating commercial strips. No area greater than ten (10) acres shall be zoned for this district within one (1) mile of another SC district.

**SECTION 02.223 ESTATE (E) DISTRICT**

- A. This district provides a high quality residential area with a very low density (generally large individual lots). Some single-family lots are large enough for equestrian uses.
- B. The density provides a transition between rural areas outside the City's Community Growth Area and suburban areas. This district ensures an overall ESTATE character is retained. Landscaping, lot size, and open space provide a strong sense of the estate being in a rural area. Substantial areas of open space and/or landscaping shall be provided to ensure this character. Landscaping should promote rural and natural images. This district applies to areas in western Paola, of difficult terrain, and that have developed in this pattern.
- C. Paola's soils have poor absorption characteristics. Except on very large lots, individual wastewater systems are considered an unreliable and temporary solution to sewage disposal. Maximum density can be obtained only where the development is serviced by public utility systems. Standards provide for interim systems and the use of on-site systems.
- D. Water supply shall meet City standards except that E Districts shall not need systems capable of fire-fighting pressures.

**SECTION 02.230 SPECIAL DISTRICTS**

Special districts are applied to existing development areas. The Neighborhood Conservation (NC) District applies to neighborhoods or platted areas whose character is already set by existing uses and lotting and which should be protected or conserved.

**SECTION 02.231 NEIGHBORHOOD CONSERVATION (NC) DISTRICTS**

- A. These districts protect the residential character of existing neighborhoods or platted subdivisions that were or are being developed under previous zoning regulations.
- B. These districts recognize the lotting standards in effect when the community was developed and avoid making older developments nonconforming as development standards evolve. These districts permit minor infill consistent with the existing character, but are not otherwise intended for use of new development or rezoning.
- C. Different types of neighborhoods exist which receive an NC- designation. Distinctions between these neighborhoods are made by numbers or letters following the NC. For example, NC-R3 indicates a land that is zoned R3 multi-family. Each subcategory has lot size and setback standards (see Table 04.110 A.).