



## **City of Derby Special Development District Policy**

### ***I. Purpose***

The purpose of this policy is to establish the official policy of the City of Derby for the creation of special economic development districts, including uses in accordance with State law. The appropriate purpose and use of special development districts is to broaden and diversify the tax base, create new job opportunities and promote the economic growth and welfare of the City of Derby.

### ***II. Special Development Districts***

Special development district programs that will be considered by the City of Derby may include, but are not limited to, Community Improvement Districts (CID), Tax Increment Financing Districts (TIF), and Transportation Development Districts (TDD). The City established the Buckner Business District (BBD) as a mixed use district suitable for both residential and commercial development. Complete program information is available from City economic development staff.

### ***III. Eligibility***

Eligibility for special development district incentives will vary from program to program. In general, special development district projects must meet the following criteria:

- a. Generate development that will enhance the city's economic conditions;
- b. Result in significant property improvements that otherwise would not be economically feasible;
- c. Promote the redevelopment of property that would otherwise remain unimproved;
- d. Apply to commercial, industrial or mixed-use properties.

### ***IV. Application Process***

Applying for a special development district program is typically a multiple-step process. Typically, about 60-90 days are needed to achieve approval for projects. This time frame begins the day an application is submitted and allows time for staff review, Economic Development Board review, required public hearings or other actions, Kansas Department of Commerce action, City Council consideration and City council approval. Refer to the *City Incentives Application Packet* for additional information.

## **V. *Project Evaluation***

Projects are evaluated on a case by case basis. Projects must meet all statutory requirements as set forth by State law; refer to specific program for details.

## **VI. *Program Summaries***

### **A. Community Improvement Districts**

The Community Improvement District program enables financing of certain projects through special assessments or a dedicated CID sales tax. Projects can be funded with general or special obligation bonds, or on a pay-as-you-go basis. CID districts can be created without notice or a public hearing upon receiving a petition signed by all landowners in the proposed district, if financing only by assessments is requested and no general obligation bonds are to be issued. A second petition method allows financing through special assessments and a CID sales tax, as well as general obligation bonds of the municipality. Such a petition must be signed by owners of more than 55% by area of land and owners collectively owning more than 55% by assessed value of the land within the proposed district. Before creation of the CID, a public hearing must be held following proper notice being published.

### **B. Tax Increment Financing Districts**

Tax Increment Financing (TIF) is a financing and development tool that allows future real property taxes and other taxes generated by new development to pay for costs of construction of public infrastructure and other improvements. TIF is designed to encourage development of blighted, substandard and economically underutilized areas that would not be developed without public assistance.

### **C. Transportation Development Districts**

A Transportation Development District (TDD) is a special taxing district whereby a petitioner of 100% of the landowners in an area request either the levy of special assessments or the imposition of a sales tax of up to 1% on goods and services sold within a given area. Upon creation of a TDD by a municipality, the revenue generated by TDD special assessments or sales tax under Kansas law may pay the costs of transportation infrastructure improvements in and around the new development.

### **D. Buckner Business District**

Located on Buckner Street between Baltimore and Meadowlark, this area was rezoned in 2009 to allow mixed uses on both sides of the street. Previously, residential properties were located on one side of the street and businesses on the other. The new B-2A zoning designation allows structures either to continue as residential dwellings or permits

conversion to commercial properties. The high traffic counts in this area make it an attractive location for many types of small businesses as allowed within a list of permitted business types. See Appendix B for a map of the area and Appendix C for the complete zoning regulations.

***VII. Appendices***

- a. Buckner Business District Map
- b. Buckner Business District B-2A Zoning



Buckner Business District

## **410A B-2A BUCKNER BUSINESS DISTRICT**

This district was created to provide enhanced standards for the conversion of existing residential buildings as identified on Map 1, to institutional, office and commercial uses. The new district standards allow the present property owners to capitalize on the existing high traffic volume along the Buckner Street and Meadowlark corridor by providing expanded allowable uses for their property. Because of the commitment by the City to enhanced appearance standards within the streetscape, these standards should assist with the conversion to non-residential uses while maintaining the existing residential character.

All buildings are required to maintain the general single story residential character by either maintaining said appearance of existing buildings, or by constructing new structures to such appearance. Additionally, specific requirements for screening, signage, and parking for the B-2A District are included in Articles 3, 5, and 7. Special accommodations are provided for meeting parking needs based on the present lot configurations within this district and the lack of ability to provide additional off-street parking because of said lot configuration.

### **A. Permitted Uses.**

1. Appliance Sales and Rental Shops.
2. Arts and Crafts Shops.
3. Art Studio and/or Gallery.
4. Banks, Credit Unions, Savings & Loans, and other Financial Institutions.
5. Barber, Beauty, Tanning, Massage Therapy, Nail Care Shops and Spas.
6. Bicycle Sales and incidental bicycle rental and Bicycle Repair Shops.
7. Book Stores.
8. Business, Professional and Public Offices.
9. Camera and Film Processing Shops.
10. Candy, Ice Cream, Coffee and Donut, Cake and Cookie Shops, and Bakeries.

11. Child and Adult Day Care.
12. Clothing and Wearing Apparel Sales and Alteration Shops.
13. Florist Shops.
14. Gift, Stationary, Antique and Collectibles Shops.
15. Interior Design/Decorating Studios.
16. Jewelers and Jewelry Repair Shops.
17. Key, Security Device and Locksmith Shops.
18. Mail Service and Photocopying Shops.
19. Medical and Dental Offices and Other Health Care Services.
20. Music Stores, including Musical Instrument Sales, Rental, Repair, and Instruction.
21. Novelty Stores, including Costume and Apparel Rental.
22. Pet Grooming Shops, including Ancillary Supply Services.
23. Picture or Portrait Framing Shops and Photographic Studios.
24. Shoe, Tailor, Dress Making and Bridal Shops, including Rental and Repair.
25. Single Family Detached Dwelling.
26. Specialty Sporting Goods Shops, including incidental equipment rental.
27. Specialty Toy/Game Stores.
28. Vision and Optical Shops.
29. Other general limited retail, office and service uses not specifically listed above as permitted uses, but which in the opinion of the Zoning Administrator are in keeping with the intent of this section and compatible with the uses listed above.

**B. Special Uses.**

1. Any retail, office or service business listed as permitted herein where such business includes a drive-up or drive-through window.
2. Bed and Breakfast Inns
3. Physical fitness services.
4. Public Utility Uses such as substations. (See 303(G)).

**C. Conditional Uses.**

1. None Allowed.

**D. Lot Size Requirements.**

1. Minimum Lot Area: 7,500 square feet.
2. Minimum Lot Width: 55 feet.
3. Minimum Lot Depth: 115 feet.

**E. Bulk Regulations.**

1. Maximum structure height: 35 feet.
2. Yard requirements:
  - a. Minimum front yard (new construction): 25 feet on all sides abutting a street.
  - b. Minimum side yard: 5 feet
  - c. Minimum rear yard: 25 feet
3. Maximum lot coverage: 40%
4. Maximum impervious surface: 75%

**F. Use Limitations.**

1. All areas not otherwise used for structures, parking, loading, driveways or walkways shall be landscaped with plant materials.
2. Outdoor storage is prohibited.

3. Unless specifically permitted by Special Use, no business establishment shall offer goods or services directly to customers waiting in motor vehicles.
4. Exterior lighting fixtures shall be shaded and/or directed to minimize light cast upon any adjacent district.
5. The outdoor display of items for sale is prohibited.
6. The promotional activities of any business establishment shall not involve the following:
  - a. Outdoor use of string lighting or outdoor use of reflective or non-reflective banners, streamers, pennants, balloons or promotional flags;
  - b. Outdoor use of sound projecting devices or loudspeakers;
  - c. Advertisement materials attached or painted on any wall or on any fence erected to provide screening from adjacent properties;
7. Temporary outdoor uses identified by Section 601 of this Ordinance are prohibited.
8. Outdoor signs as permitted by Article 7 of this Ordinance.
9. Off-street parking and loading as required by Article 5 of this Ordinance.
10. Screening and Landscaping as required by Section 304 of this Ordinance.
11. The hours of operation for all uses, except the Single Family Detached Dwelling, shall be limited to 6:00 AM – 10:00 PM daily.
12. Commercial developments within this district shall be limited to a maximum of five contiguous platted lots and/or un-platted parcels.

**G. Uses Not Permitted.**

1. Any retail, office or service business which involves the outside storage or inventory and/or equipment on either a temporary or permanent basis.
2. Health Clinics.
3. Motels and Hotels.
4. Raising and wholesale sales of plant nursery stock.
5. Repair or servicing of motor vehicles, boats or trailers, including the on-site installation or removal of parts or accessories.
6. Sale of new or used automobiles, trucks, recreational vehicles, motorcycles, trailers or boats.
7. Storage Warehouses or Mini-Storage Warehouses.
8. Tattooing and Body Piercing Facilities.
9. Theaters.
10. Vehicle Paint & Body and Repair Shops.
11. Wholesale Businesses.