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ARTICLE 14

PLAN APPROVAL GUIDELINES

Sections:

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14-101 Purpose: The procedures and requirements set forth in this Article, or the requirements set forth elsewhere in these Regulations when referred to in this Article, are for the "P" Planned zoning districts designated elsewhere in these Regulations, and for the purpose of considering an application for a conditional use pursuant to the provisions of Article 28 of these Regulations. Zoning districts carrying the "P" designation are specifically intended to accommodate:

1. The fully planned, coordinated, and orderly development of relatively large tracts of land.
2. The conversion of relatively small parcels of land to a use in the planned districts.
3. The redevelopment or change in use of a tract of land that was zoned in a "planned" district at the time of the adoption of these Regulations but which has never had an approved development plan.

The erection, construction, reconstruction, moving or altering on an individual lot or property of a single-family residential unit shall not be subject to the provisions of this Article, regardless of the zone in which such unit is placed.

The requirements and regulations herein prescribed pertaining to height, open space, setbacks, parking, loading, and signs may be adjusted or modified so that the property in question may be developed in a reasonable manner and, at the same time, will not be detrimental to the public welfare and the interests of the community, but in keeping with the general intent and spirit of these Regulations. Such adjustments or modifications may be made as a part of the rezoning or Conditional Use process, or may be allowed after approval by the Planning Commission and Governing Body upon request of the applicant.

14-102 Application, Review, Approval Procedure: In order to assure that proposed rezonings to a "Planned" district and proposed uses requiring Conditional Use permits meet the requirements of these Regulations and will be compatible with surrounding properties and uses, it is hereby required that all applications for one of the "Planned" districts, or a Conditional Use permit, except those uses exempted in Section 14-101, above, include a development plan which must be approved as specified within this Article prior to any construction on the property. The "Planned" Districts subject to this Article are:

- "CP-1" Planned Neighborhood Commercial District
- "CP-2" Planned General Commercial District
- "CP-3" Planned Highway Service Commercial District
- "IP-1" Planned Light Industrial District
- "IP-2" Planned Medium Industrial District
- "V-1" Village District

The procedure for approval of a development plan shall consist of the following:

1. Application for a:
 - A. "Planned" district, designating which zone or zones to be utilized, or;
 - B. Conditional Use permit, and;
 - C. A development plan.

The development plan shall be submitted at the time the application is submitted and no application shall be deemed complete nor set for public hearing until said development plan is submitted. No building permit shall be issued in a "Planned" district until the property has been zoned and the development plan for the entire district and/or each phase of development has been approved in accordance with the provisions of these Regulations.

14-103 Development Plan: Application for a "Planned" zoning, or a Conditional Use, and development plan approval shall be made in accordance with the procedures outlined in Article 28 of these Regulations. The application shall include a development plan which describes the applicant's intentions for the use and development of the property. The development plan should demonstrate its consistency with the applicable resource protection or land use plans, and any interlocal planning or coordination agreements. At a minimum, the development shall include and/or display the following information:

1. A certified topographic survey at no more than 2 foot contour intervals, drawn to a scale of 1" = 100' or greater, indicating the legal description, property boundary, existing contours, existing utilities and easements, and natural and manmade features of the property.
2. A development plan, drawn to the same scale as the topographic survey, indicating:
 - A. Existing contours (shown as dashed lines);
 - B. Proposed contours (shown as solid lines);
 - C. Location and orientation of all existing and proposed buildings;
 - D. Areas to be used for parking, including the number and arrangement of stalls;
 - E. Areas to be developed for screening, including the location of plant materials, and screening structures and features;
 - F. Pedestrian and vehicular circulation, and their relationship to existing streets, alleys and public right-of-way;
 - G. Points of ingress and egress;
 - H. Location of all existing and proposed utilities (sanitary sewage systems, water systems, storm drainage systems, gas lines, telephone lines and electrical power lines);
 - I. Drainage controls (retention or detention ponds);

For all
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State Permit or
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-Floodplain Mgmt
or KDHE BOW

- J. Location, size and characteristics of identification and business signs;
- K. Lighting layout, appurtenances, and intensity of illumination;
- L. Proposed finished floor elevations of all buildings and structures.

3. A statement of intent shall accompany the preliminary development plan to explain the measures used to achieve compatibility of the proposed development with surrounding properties through the planning of the site and the location and design of structures.

~~A development plan for any of the conditional uses listed below, or for any other use which significantly affects the quality of the environment, must be accompanied by an environmental impact statement: _____~~

- ~~A. Commercial stockyard or feedlot.~~
- ~~B. Quarrying, mining, removal of sand, gravel, stone, coal or topsoil and the processing of the same, including asphalt and concrete plants, except temporary asphalt or concrete plants, which are defined as such plants which are not proposed to be maintained in the same location for more than one year.~~
- ~~C. Radio or television broadcasting towers and/or stations, microwave transmitting and/or receiving towers and/or stations, or any tower or other similar structure 50 feet or more in height, whether publicly or privately owned.~~
- ~~D. Solid waste disposal area, construction/demolition landfills, industrial landfills, or other solid waste processing facility or scrap material recycling and processing facility.~~
- ~~E. Any industrial use listed in section 21-103 (40) of these Regulations as amended.~~

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The Planning Commission shall review the application along with the development plan and shall recommend approval or denial of the development plan to the Governing Body, or may request modifications to the development plan as deemed necessary to carry out the spirit and intent of these Regulations. Approval by the Governing Body shall constitute approval and permanency of the development plan, thereby establishing the criteria for construction of the proposed development.

In the process of reviewing any development plan, the Planning Commission and/or Governing Body may provide approval of the development plan conditioned upon certain limitations or restrictions deemed necessary to protect the public interest, the environment and surrounding properties, including, if any, the following:

1. Limitations on the type, illumination and appearance of any signs or advertising structures.
2. Direction and location of outdoor lighting.
3. Arrangement and location of off-street parking and off-street loading spaces.
4. The type of paving, landscaping, fencing, screening and other such features.
5. Limitations on structural alterations to existing buildings.
6. Plans for control or elimination of smoke, dust, gas, noise or vibration caused by the proposed use.

7. Waiver of any standards, requirements or depiction of information required by this Article when requested by the applicant and shown to be unnecessary as applied to the specific case in question.
8. Such other conditions and/or limitations that are deemed necessary.

14-104 Development Plan - Phasing, Time Restrictions: The applicant may proceed with construction based on the entire development plan, or may elect to develop the property in phases. The applicant may submit the development plan separately for the first and each successive phase of construction, or for all of the project with a depiction of the phasing sequence; however, all rezonings and conditional uses approved with a development plan shall have construction begun within one (1) year of said approval by the Governing Body. The applicant may request a one (1) year extension of this time restriction by submitting a request in writing to the Governing Body stating the reasons construction has not begun and at what time construction is expected to begin. If the Governing Body agrees, the one (1) year extension may be granted one time but shall not be granted for any longer period.

The Governing Body shall review the development plan and shall act on said plan in a reasonable time period. Upon approval by the Governing Body, the development plan shall be filed for record in the office of the Zoning Administrator.

After the development plan has been approved, and when in the course of carrying out the development plan, minor adjustments are requested by the applicant and such adjustments conform to the minimum standards established by the approved development plan for building coverage, parking spaces, points of ingress and/or egress, heights, setbacks and/or other requirements, such adjustments may be made by the Zoning Administrator. If the requested adjustments are deemed by the Zoning Administrator to exceed the minimum standards established by the approved development plan, the revised development plan must be submitted to and approved by the Planning Commission and Governing Body before any further work can proceed. At no time shall the zoning or conditional use previously approved be subject to disapproval. The only issue in said review shall be the requested revisions to the previously approved development plan.

14-105 Remedies for Noncompliance: If the applicant fails to comply with the time requirements herein established, the approved development plan shall be declared null and void and no permit for construction shall be issued until a new development plan has been approved following the procedures previously cited. The zoning or Conditional Use permit shall remain in effect but shall do so without an approved development plan. If the approved development plan is voided, the Planning Commission or the Governing Body may initiate an action to have the zoning changed to the previous zoning classification, or to have the Conditional Use permit revoked, or may seek some other more restrictive zoning classification by following the procedures outlined in these Regulations.