

RESOLUTION NO. 2015-08

A RESOLUTION PROVIDING FOR THE AMENDMENT OF CERTAIN PROVISIONS OF THE SEWARD COUNTY / CITY OF KISMET ZONING REGULATIONS

BEFORE the Board of County Commissioners, Seward County, Kansas:

WHEREAS, on the 18th day of February 2008, the Board of County Commissioners adopted Resolution No. 2008-03, which resolution adopted the Seward County Zoning Regulations; and

WHEREAS, the Board of County Commissioners of Seward County, Kansas desires to maintain effective and efficient regulations governing the use of land throughout the unincorporated area; and

WHEREAS, to provide for the effective administration of the zoning regulations in the unincorporated area, said regulations need to be amended from time to time; and

WHEREAS, the proposed amendments will allow the Planned Unit Development District within the unincorporated area of Seward County in addition to the City of Kismet; and

WHEREAS, the Seward County / City of Kismet Planning Commission held a Public Hearing on May 11, 2015 and recommends approval of the proposed changes;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SEWARD COUNTY, KANSAS, that:

Article 17 "PUD" Planned Unit Development District Regulations of the 2008 Seward County Zoning Regulations is hereby amended to read as follows:

Sections:

- 17-101 Application
- 17-102 Use Regulations
- 17-103 Plan Approval Guidelines
- 17-104 Performance Standards
- 17-105 Parking Regulations
- 17-106 Off-Street Loading Regulations
- 17-107 Sign Regulations
- 17-108 Height, Area and Bulk Regulations

17-101 Application: The regulations set forth in this Article, or set forth elsewhere in these Regulations when referred to in this Article, are the regulations in the "PUD" Planned Unit Development District. The "PUD" Planned Unit Development District is a special purpose zoning district that is intended to encourage innovative land planning and design and avoid the monotony sometimes associated with large developments by:

1. Reducing or eliminating the inflexibility that sometimes results from strict application of zoning standards that were designed primarily for individual lots.
2. Allowing greater freedom in selecting the means to provide access, light, open space and design amenities.

3. Promoting quality urban design and environmentally sensitive development by allowing development to take advantage of special site characteristics, locations and land uses.
4. Allowing deviations from certain zoning standards that would otherwise apply if not contrary to the general spirit and intent of these Regulations.

The use of this district may occur anywhere the design and complexity of the proposed development is best accommodated by this district.

17-102 Use Regulations: Any use may be permitted within the "PUD" Planned Unit Development District, provided that it is consistent with the purposes of these Regulations and consistent with the approved Development Plan of the "PUD". Uses requiring Conditional Use approval may be approved as part of a "PUD" provided all the information required for approval of a Conditional Use is also provided as part of the approval process. Those areas of the "PUD" will be designated and the specific approved uses will be documented as part of the development.

17-103 Plan Approval Guidelines: : In order to assure that proposed rezonings to a "PUD" Planned Unit Development meet the requirements of these Regulations and will be compatible with surrounding properties and uses, it is hereby required that all applications for a "PUD" include a development plan which must be approved as specified within these regulations prior to any construction on the property.

A request for rezoning property to a "PUD" shall include the following:

1. Application for rezoning designating which land uses are to be utilized in the "PUD";
2. A detailed explanation of how the proposed plan of development differs from what could be accomplished through strict compliance with the standards of this Code;
3. An explanation of how the proposed PUD represents an improvement over what could be accomplished through application of traditional zoning standards;
4. Submission of a development plan that includes all the requirements listed in Article 20 of these Regulations; and
5. Any other information deemed necessary by the Zoning Administrator or the Planning Commission.

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 for property in a "PUD" Planned Unit Development until the property has been zoned and the development plan for the entire property and/or each phase of development has been approved in accordance with the provisions of these Regulations.

The procedure for approval of a development plan and zoning change application shall follow the requirements outlined in Article 32 of these Regulations.

No permits shall be issued for building in a "PUD" until roads meeting county standards and any other required infrastructure (water, sewer, electric, etc.) are in place.

Additional Plan Approval Guidelines, including site plan submission and content requirements, are contained in Article 20 of these Regulations.

For projects that are proposed for subdividing, the applicant will need to proceed with the platting requirements as set forth in the Seward County Subdivision Regulations following approval of rezoning to a "PUD".

17-104 Performance Standards: The total number of dwelling units and level of nonresidential development allowed within a "PUD" shall not exceed the level that can be adequately served by public facilities. To provide information on the capacity of streets and other facilities serving a "PUD", the Zoning Administrator, the Seward County Planning Commission and/or the governing body having jurisdiction may require the applicant to conduct a traffic impact study or other infrastructure capacity analyses to provide information on the proposed development's expected impacts on existing and planned facilities.

The Performance Standards are repeated in Article 21 of these Regulations.

17-105 Parking Regulations: The parking requirements shall follow the Development Plan approved as part of the establishment of the "PUD" as specified within these Regulations.

17-106 Off-Street Loading Regulations: The off-street loading requirements shall follow the Development Plan approved as part of the establishment of the "PUD" as specified within these Regulations.

17-107 Sign Regulations: The sign requirements shall follow the Development Plan approved as part of the establishment of the "PUD" as specified within these Regulations.

17-108 Height, Area and Bulk Regulations: In the "PUD" Planned Unit Development District, the height of buildings, the minimum dimensions of lots and yards, and the minimum lot area on any lot shall follow the Development Plan approved as part of the establishment of the "PUD" as specified within these Regulations.

This Resolution shall be in full force and effect from and after its publication once in the official county newspaper.

ADOPTED BY THE BOARD OF COUNTY COMMISSISONERS OF SEWARD COUNTY, KANSAS this 1st day of June, 2015.

Jim Rice, Chair

Randy Malin, Vice-Chair

Ada Linenbroker

Nathan McCaffrey

C.J. Wettstein

(seal)

ATTEST:

Stacia Long, County Clerk