

(Summary of Ordinance Published in The Morning Sun on October 28<sup>th</sup>, 2016)

**ORDINANCE NO. G-1259**

**AN ORDINANCE**, amending Sections 23-101, 23-102, 23-103, 23-104, 23-105, 23-106, and 23-107 of the City of Pittsburg Zoning Ordinance Number G-663.

**WHEREAS**, the Planning and Zoning Commission of the City of Pittsburg, Kansas, has filed their report with the Board of Commissioners of the City of Pittsburg, Kansas, recommending amendment of Ordinance No. G-663.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF PITTSBURG, KANSAS:**

**Section 1:** Section 23-101 of Zoning Ordinance No. G-663 is hereby amended and shall read as follows:

**23-101. Purpose.**

The procedures and requirements set forth in this Article, or the requirements set forth elsewhere in this Ordinance when referred to in this Article, are for the "P" Planned zoning districts, a "PUD" Planned Unit Development, or Conditional Use Permits designated elsewhere in this Ordinance. These requirements are specifically intended to accommodate:

1. The fully planned, coordinated, and orderly development of relatively large tracts of land into a "PUD" Planned Unit Development.
2. The planned, coordinated, and orderly development of properties to a use in the "P" Planned zoning districts.
3. The redevelopment or change in use of a tract of land that was zoned in a "P" Planned zoning district at the time of the adoption of this Ordinance but which has never had an approved development plan.
4. The consideration of an application for a Conditional Use under the provisions of this Ordinance.

The erection, construction, reconstruction, moving or altering on an individual lot or property of a single-family, two-family, or three-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 this Ordinance. 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 upon request of the applicant.

**Section 2:** Section 23-102 of Zoning Ordinance No. G-663 is hereby amended and shall read as follows:

**23-102. Application, Review, Approval Procedure.**

In order to assure that proposed rezoning to a "P" Planned zoning district or "PUD" Planned Unit Development and proposed uses requiring Conditional Use permits meet the requirements of this Ordinance and will be compatible with surrounding properties and uses, it is hereby required that all applications for one of the "Planned" districts, a "PUD" Planned Unit Development, or a Conditional Use permit, except those uses exempted in Section 23-101, 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:

"RP-3"	Planned Medium Density Residential District
"RP-4"	Planned Apartment House District
"CP-O"	Planned Commercial Office District
"CP-1"	Planned Neighborhood Commercial District
"CP-2"	Planned General Commercial District
"CP-3"	Planned Highway Service Commercial District
"CP-4"	Planned Central Business District
"IP-1"	Planned Light Industrial District
"IP-2"	Planned Medium Industrial District
"IP-3"	Planned Heavy Industrial District
"AP"	Planned Airport Industrial District

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

1. Application for a:
  - a. "P" Planned district, designating which zone or zones to be utilized, or
  - b. Conditional Use permit, or
  - c. "PUD" Planned Unit Development, and;
2. A development plan.

For proposals for new construction, the development plan shall be submitted at the time the application is submitted for the "P" Planned zoning district, a "PUD" Planned Unit Development, or a Conditional Use 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 "P" Planned

Zoning District, in a "PUD" Planned Unit Development, or for a Conditional Use Permit 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 provision of this Ordinance. Properties classified in a "P" Planned zoning district at the time of the initial adoption of the Ordinance may change users or construct additions to existing buildings without the necessity of obtaining a development plan approval if the Zoning Administrator deems such improvements are within the spirit and intent of the underlying zoning classification. Any construction for the first time on the properties classified in a "P" Planned zoning district at the time of adopting of this ordinance must have a development plan approved as provided herein prior to any building permit being issued, provided that such approval shall not require a public hearing but be acted upon by the Planning Commission consistent with all other provisions of this Ordinance.

**Section 3:** Section 23-103 of Zoning Ordinance No. G-663 is hereby amended and shall read as follows:

**23-103. Development Plan.**

Application for a "P" Planned zoning district, "PUD" Planned Unit Development, or a Conditional Use, and development plan approval shall be made in accordance with the procedures outlined in Article 37 of this Ordinance. The application shall include a development plan which describes the applicant's intentions for the use and development of the property. The development plan shall include and/or display the following information:

1. Property site map drawn to scale of 1" = 20' or greater, indicating the legal description, property boundary, existing utilities and easements, and natural and man-made features of the property.
  - a. A certified topographic survey at no more than 2-foot contour drawn to same scale as the property site map shall be provided when either the Zoning Administrator or the City Engineer determines the development will substantially increase the runoff coefficient, alter the direction of drainage flow from the property or might obstruct traffic visibility.
2. A development plan, drawn to the same scale as the property site map, 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);
- 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. Such a statement of intent will also address the anticipated schedule of development, including any phasing of development over time. The Plan Approval Guidelines, including site plan submission and content requirements, are contained in Article 23 of this Ordinance.

**Section 4:** Section 23-104 of Zoning Ordinance No. G-663 is hereby amended and shall read as follows:

**23-104. Development Plan-Review, Approval.**

The Planning Commission shall review the application along with the development plan and may recommend approval or denial of the development plan, or request modifications to the development plan as deemed necessary to carry out the spirit and intent of this Ordinance. Approval by the Planning Commission 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 may provide approval of the development plan conditioned upon certain limitations or restrictions deemed necessary to protect the public interest 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.

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 the streets and other facilities serving the "PUD", the Zoning Administrator, Planning Commission, and/or Governing Body may require the applicant to conduct a traffic impact study or other infrastructure capacity analysis to provide information on the proposed development's expected impacts on existing and planned facilities.

**Section 5:** Section 23-105 of Zoning Ordinance No. G-663 is hereby amended and shall read as follows:

**23-105. 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 the entire project with a depiction of the phasing sequence; however, all "P" Planned zoning districts, "PUD" Planned Unit Development, and conditional uses approved with a development plan shall have construction begun within one (1) year of said approval by the Planning Commission. The applicant may request a one (1) year extension of this time restriction by submitting a request in writing to the Planning Commission stating the reasons construction has not begun and at what time construction is expected to begin. If the Planning Commission agrees, the one (1) year extension may be granted one time but shall not be granted for any longer period.

The Planning Commission shall review the development plan and shall act on said plan in a reasonable time period following the submission of the plan. Upon approval by the Planning Commission, 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 and approved by the Planning Commission 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.

**Section 6:** Section 23-106 of Zoning Ordinance No. G-663 is hereby amended and shall read as follows:

**23-106. Appeals of Planning Commission Action on Development Plans.**

Any decision of the Planning Commission regarding development plans may be appealed to the Governing Body, whose decision shall be final. An appeal shall be filed in writing with the Zoning Administrator not later than fifteen (15) days following the date of the Planning Commission's final action. If no appeal is taken within that time, the decision of the Planning Commission shall be final. The appeal shall set forth the basis for the appeal and the relief sought by the applicant. The Zoning Administrator shall schedule the appeal before the Governing Body no later than thirty (30) days following the filing of the appeal. The Zoning Administrator shall notify all interested persons in writing of the time and place of the Governing Body's meeting at least ten (10) days prior to said meeting.

**Section 7:** Section 23-107 of Zoning Ordinance No. G-663 is hereby amended and shall read as follows:

**23-107. 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 "P" Planned zoning district, "PUD" Planned Unit Development, or Conditional Use permit shall remain in effect but shall do so without an approved development plan. If the approved development plan is violated and then voided, either the Planning Commission or the Governing Body may initiate an action to have the zoning changed to the

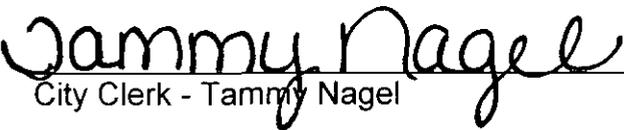
previous zoning classification, or to have the Conditional Use permit revoked, or may seek some other more restrictive zoning classification by following the procedures outlined in this Ordinance.

**Section 8:** This Ordinance shall take effect and be in force from and after its passage and publication in the official City paper.

**ADOPTED AND APPROVED** by the Governing Body on this 25<sup>th</sup> day of October, 2016.

  
\_\_\_\_\_  
Mayor – John Ketterman

ATTEST:

  
\_\_\_\_\_  
City Clerk - Tammy Nagel

(SEAL)

