

RESOLUTION 2023- 13

A RESOLUTION AMENDING THE ZONING REGULATIONS ARTICLE 24  
AFFECTING DEVELOPMENT PLANS AND THE CUP PROCESS

BE IT ORDERED, by the Board of County Commissioners of Wabaunsee  
County, Kansas:

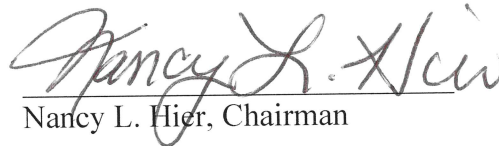
WHEREAS, the Board of County Commissioners seek to amend the County  
Zoning Regulations to simplify the creation of development plans associated with  
conditional use applications;

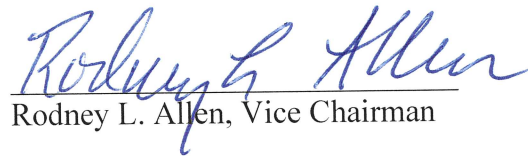
WHEREAS, on December 15, 2023, the Planning Commission held a public  
meeting on proposed changes to the County Zoning Regulations. Subsequently, at  
its meeting on January 19, 2023, the Planning Commission voted unanimously to  
approve amendments to the County Zoning Regulations making requirements for  
development plans more flexible. The Planning Commission approved the language  
attached as Exhibit A.

THEREFORE, pursuant to K.S.A. 12-757, the Wabaunsee County Board of  
Commissioners hereby amends the County Zoning Regulations to conform with the  
recommendations of the Planning Commission and as indicated in Exhibit A.

BE IT FURTHER RESOLVED that this resolution and its regulation amendments shall be effective after publication in the *Wabaunsee County Signal Enterprise*.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS of Wabaunsee County, Kansas this 6<sup>th</sup> day of February, 2023.

  
Nancy L. Hier, Chairman

  
Rodney L. Allen, Vice Chairman

  
James W. MacGregor, Commissioner

Attested by:

  
Abby Amick, County Clerk



**SECTIONS:**

**24-101 PURPOSE**

**24-102 APPLICATION, REVIEW, APPROVAL PROCEDURE**

**24-103 DEVELOPMENT PLAN**

**24-104 DEVELOPMENT PLAN - PHASING, TIME RESTRICTIONS**

**24-105 REMEDIES FOR NONCOMPLIANCE**

**24-101 PURPOSE**

The purpose of this Article is to outline the procedures and requirements for the approval of a Development Plan. Said Development Plan is a required submission when seeking a Conditional Use Permit. Those land uses requiring a Conditional Use Permit 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 one of the specified uses requiring a Conditional Use Permit.

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.

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 in the Development Plan as a part of the Conditional Use process, or may be allowed upon request of the applicant after approval by the Planning Commission and Governing Body as an amendment to a previously approved Development Plan or as a first approval of a Development Plan on properties that have never had an approved Development Plan.

**24-102 APPLICATION, REVIEW, APPROVAL PROCEDURE**

In order to assure that 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 a Conditional Use Permit, except those uses exempted in Section 10-101 above, include a Development Plan which must be approved as specified within this Article prior to any construction on the property.

The procedure for approval of a Development Plan shall consist of the following:

1. Application for a Conditional Use Permit, and;
2. A Development Plan.

**ARTICLE 24: PLAN APPROVAL GUIDELINES (EXHIBIT A RESOLUTION 2023-13)**

The Development Plan may be submitted with the application, but no later than 30 days prior to the scheduled Planning Commission meeting and public hearing.

**24-103 DEVELOPMENT PLAN**

Application for a Conditional Use and Development Plan approval shall be made in accordance with the procedures outlined in 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 be sufficient in detail and include statements as to the proposed use of the buildings.

A statement of intent shall accompany the 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.

The Planning Commission shall review the application for a Conditional Use Permit, along with the Development Plan, and shall recommend approval or denial of the Conditional Use Permit along with 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 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 and construction of new buildings.
6. Pedestrian and vehicular circulation, and their relationship to existing streets, alleys and public right-of-way as well as points of ingress and egress.
7. Prohibition of use or construction of any structure to be used for a single-family dwelling, including a manufactured home.
8. Plans for control or elimination of smoke, dust, gas, noise or vibration caused by the proposed use.

**ARTICLE 24: PLAN APPROVAL GUIDELINES (EXHIBIT A RESOLUTION 2023-13)**

9. 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.
10. Such other conditions and/or limitations that are deemed necessary.

**24-104 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 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.

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. The review shall be limited to review of requested revisions.

**24-105 REMEDIES FOR NONCOMPLIANCE**

If the applicant fails to comply with any of the restrictions or limitations established with an approved Development Plan, including 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.