

SECTIONS:***21-101 PURPOSE******21-102 APPLICATION, REVIEW, APPROVAL PROCEDURE******21-103 DEVELOPMENT PLAN******21-104 DEVELOPMENT PLAN – JOINT PLANNING COMMISSION REVIEW******21-105 DEVELOPMENT PLAN - PHASING, TIME RESTRICTIONS******21-106 APPEALS OF PLANNING COMMISSION ACTION ON DEVELOPMENT PLAN******21-107 REMEDIES FOR NONCOMPLIANCE******21-101 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 development plans required for Conditional Use Permits designated elsewhere in these Regulations. These requirements are specifically intended to accommodate:

1. The planned, coordinated, and orderly development of properties classified in one of the zoning districts established herein and designated as a “Planned” district.
2. The fully planned, coordinated, and orderly development of relatively large tracts of land into a "PUD" Planned Unit Development.
3. The consideration of an application for a Conditional Use under the provisions of these Regulations.
4. Wind Energy Conversion System – Commercial and Private: All applications for a WECS-C and a WECS-P shall be completed according to Article 21 and Article 28 of the Rice County Zoning Regulations.

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 Rice County Joint Planning Commission upon request of the applicant.

21-102 APPLICATION, REVIEW, APPROVAL PROCEDURE

In order to assure that proposed rezonings to a “Planned” district or "PUD" Planned Unit Development 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 a “Planned” district, a "PUD" or a Conditional Use permit 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 “Planned” district, a "PUD" designating which land uses are to be utilized, or for a Conditional Use permit; and, Wind Energy Conversion System – Commercial and Wind Energy Conversion System – Private.

2. Submission of 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 for property in a “Planned” 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 provisions of these Regulations. Properties classified in a “Planned” zoning district at the time of the initial adoption of these Regulations may change uses or construct additions to existing buildings without the necessity of obtaining 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 properties classified in a “Planned” zoning district must have a development plan approved as provided herein prior to any building permit being issued.

21-103 DEVELOPMENT PLAN

Application for a “Planned” district, a "PUD" Planned Unit Development or a Conditional Use and development plan approval shall be made in accordance with the procedures outlined in Article 28 and Article 33 of these Regulations, as appropriate. The application shall include a development plan that describes the applicant's intentions for the use and development of the property. The Development Plan shall be written so that sources of information are referenced and current. Close consultation with the Zoning Administrator during preparation of the Development Plan is highly recommended. These requirements specify the maps, information surveys and studies that must be submitted as part of the CUP application. The development plan shall include and/or display the following information:

1. A topographic survey indicating the legal description, property boundary, existing contours, existing utilities and easements, and natural and manmade features of the property.
2. 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.
3. 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).
 - 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.
4. When the proposed plan is for a Wind Energy Conversion System-Commercial the following requirements shall be included in the development plan:
- a. Relevant background information on the project, applicant and applicant company including a general overview of the project location, timeframe and project life, phases of development, and possibilities for future expansion.
 - b. Map showing all the residences within 1500 feet of the subject property.
5. Prior to issuing any permits for a Wind Energy Conversion System- Commercial the Rice County Commission may require a performance bond, liability insurance or a PILOT payment or any combination thereof. The purpose of this bond, policy or payment is to assure that costs associated with the construction, operation, or removal of all improvements subject to the CUP at the end of the projects life, or in the event of abandonment, the WECS-C is not a liability to Rice County. The Rice County Commission may also require an agreement between the applicant and the County and the townships in which the Wind Energy Conversion System-Commercial is located to provide adequate road maintenance during construction, operation and decommissioning which meet or exceed KDOT standards.

21-104 DEVELOPMENT PLAN – JOINT PLANNING COMMISSION REVIEW

The Planning Commission shall review the application along with the development plan and shall approve or deny the development plan, or may request modifications to the development

plan as deemed necessary to carry out the spirit and intent of these Regulations. Approval by the Rice County Joint 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 Rice County Joint 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.

21-105 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 all of the project with a depiction of the phasing sequence; however, all "Planned" districts, "PUD"s and Conditional Uses approved with a development plan shall have construction begun with one (1) year of said approval by the Rice County Joint Planning Commission. The applicant may request a one (1) year extension of this time restriction by submitting a request in writing to the Rice County Joint Planning Commission stating the reasons construction has not begun and at what time construction is expected to begin. If the Rice County Joint Planning Commission agrees, the one (1) year extension may be granted one time but shall not be granted for any longer period.

The Rice County Joint Planning Commission shall review the development plan and shall act on said plan in a reasonable time period. Upon approval by the Rice County Joint 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 Rice County Joint Planning Commission before any further work can proceed. Said revised development plan shall not require another public hearing unless the Rice County Joint Planning Commission determines that the revisions requested are so significant that the public interest will be protected only by conducting a public hearing on said revised development plan. Regardless of whether a public hearing is required or not, at no time shall the 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.

21-106 APPEALS OF PLANNING COMMISSION ACTION ON DEVELOPMENT PLAN

Any decision of the Rice County Joint 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 Rice County Joint Planning Commission's final action. If no appeal is taken within that time, the decision of the Rice County Joint 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.

21-107 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 "Planned" district, "PUD" 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 Rice County Joint 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.