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RESOLUTION NO. 01-14-2013

A RESOLUTION AMENDING THE ZONING REGULATIONS OF PRATT COUNTY, KANSAS, AS ORIGINALLY ADOPTED BY RESOLUTION NO. 5-7-2012 AND INCORPORATING AS PARTS THEREOF AMENDMENTS TO THE DEFINITIONS AND ZONING DISTRICTS AND ADDING SITE PLAN APPROVAL PROVISIONS.

THAT WHEREAS on May 07, 2012 Pratt County, Kansas enacted Resolution No. 5-7-2012 which was duly published and provided for the adoption of and incorporation therein of certain Zoning Regulations for said County, official copies of same being on file with the County Clerk; and

WHEREAS, the Pratt County Planning Board has prior hereto and after giving due notice held a public hearing on December 17, 2012 and made certain recommendations on amendments as contained herein; and

WHEREAS, the Governing Body of Pratt County, Kansas desires to approve such amendments to the Zoning Regulations for a portion of the unincorporated area of the County as described therein;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF PRATT COUNTY, KANSAS:

SECTION 1. That Section 2-102 of Article 2 pertaining to Definitions is amended to delete and replace the definition of CAMPGROUND and to add definitions for CREW CAMP and MANUFACTURED HOME PARK:

**CAMPGROUND:** Any parcel of ground which provides space for transient or semi-permanent occupancy and is used or intended to be used for the parking of one or more RV campers and for single-wide, factory built portable housing structures. The term campground does not include sales lots on which unoccupied campers or such housing structures whether new or used are parked for the purpose of storage, inspection or sale. This definition is not intended to prohibit the use of agricultural land to allow for the placement of RV campers during harvest seasons or for occupancy for not more than 30 days during one calendar year for the use of family social events. Such definition shall also not prohibit the placement of RV campers on oil and gas well sites during drilling operations.

**CREW CAMPS:** A grouping of factory-built housing structures and/or RV campers which are used for transient or semi-permanent residential occupancy. Such a group may include single or double-wide modular or portable housing structures, manufactured homes or various types of RV campers and any combination thereof. Zoning for such a grouping shall limit the number of such dwelling accommodations and a period of time for the zoning to remain effective. Such time period may be considered for

extension upon reapplication of the zoning case specifically for the latter extension. A crew camp may be a stand alone facility with related services such as for food and recreation or may be located as an accessory use in conjunction with other businesses and industrial uses in designated business and industrial zoning districts.

**MANUFACTURED HOME PARK:** Any area, piece, parcel, tract, or plot of ground equipped as required for support of single or double-wide manufactured or mobile homes, or factory built portable housing structures and RV campers and used or intended to be used by one or more as living quarters. Such parks shall be under one ownership and control, but under no circumstances shall the home spaces be sold or offered for sale individually. The definition of a park does not include a sales area on which unoccupied structures, whether new or used, are parked for the purposes of storage, inspection or sale. Such a structure may, however, remain on a space for purposes of sale by the owner.

SECTION 2. That Section 104 of Article 3 pertaining to Replacement or Location of Manufactured or Mobile Homes is amended so that RV campers are added to manufactured or mobile homes in sub-sections D, F, G and H as well as the section title.

SECTION 3. That Article 3 pertaining to General Provisions is amended to add the following section:

106 **Site Plan Approval.** The purpose and intent of requiring site plan approval is to encourage the compatible arrangement of buildings, infrastructure, off-street parking and loading, lighting, signage, screening, buffering, landscaping, ingress and egress and drainage on and from the site, any or all of these, in a manner that will promote safety and convenience for the public and will preserve property values of surrounding properties. Once a site plan has been reviewed and approved, no changes shall be made except for minor revisions due to unforeseen circumstances as may be determined and approved by the Zoning Administrator. If other than minor revisions are requested, the changes must be shown on a revised plan, transmitted to and approved by the Site Plan Review Committee.

To undertake the quasi-judicial site plan review and approval process, the Planning Board shall serve as the Site Plan Review Committee. Committee meetings shall be open to the public and an opportunity to be heard extended to the Applicant and other persons present. The Committee shall adopt Bylaws for the orderly transaction of business.

A. **Applicability.** All principal land use developments shall submit site plans for approval by the Site Plan Review Committee except single-family dwellings and duplexes, unless the latter are arranged in courtyard or grouped settings. Such plans are applicable to all new developments and major alterations to an existing site which intensify factors affecting the overall design relationships. Site plans may be considered concurrently with applications for rezoning amendments and special uses.

- B. Enforcement and Appeal. No zoning permit shall be issued by the Zoning Administrator until the related site plan is approved by the Site Plan Review Committee. Anyone aggrieved by a decision of the Review Committee may appeal to the Governing Body within 30 days for a determination based on the reasonableness of the site plan decision including any conditions attached thereto. The procedure, hearing and notification of the appeal shall be the same as required for an appeal case to the Board of Zoning Appeals in Section 10-106.
- C. Fees. Processing fees, if any, are included in the adopted Fee Schedule.
- D. Submittal Time and Review Comments. Site plans shall be submitted to the Zoning Administrator 20 days before a regular Site Plan Review Committee meeting so that they can be distributed to interested parties for review and the resulting comments summarized by the Zoning Administrator for a report to the Review Committee. The Administrator shall compile the final approval report and maintain the files.
- E. Number of Plan Copies. A minimum of 15 legible copies are needed for proper review with additional ones required when necessary to display the scope of the project as may be determined by the Zoning Administrator. At the discretion of the Applicant, separate plans may be submitted to properly present the design details for such features as landscaping, lighting, etc.
- F. General Site Plan Requirements:
1. Oriented to north with north arrow and scale plus dimensions and boundary lines for the zoning lot with legends for graphic clarity.
  2. Show the location and dimensions of all rights of way, access control, easements and setback lines either required by these regulations or by platting.
  3. Topography by contour lines required only if slopes exceed 5% or buffer berms are used.
  4. Show general directional flow of storm drainage by arrows. Provide pad elevations when sites are located in designated floodplain areas.
  5. Locate existing and proposed structures by bulk dimensions plus number of stories, gross floor area and entrances.
  6. Show existing and proposed access entrances or curb cuts, drive-ways, off-street parking, loading spaces and walkways, including type of surfacing and number and dimensions of parking spaces.

7. Indicate location, height and materials for screening walls or fences and landscaped areas, including grass, trees and shrubs.
  8. Show location and direction of proposed lighting.
  9. Locate all major signs by type, height and approximate size.
  10. Indicate location of outdoor work areas: displays, storage of supplies, equipment and vehicles, and trash disposal areas.
- G. General Conditions of Approval. All site plans must meet the applicable standards contained in the Zoning Regulations including the following:
1. Proposed uses that are permitted or have been approved as a special or conditional use in the district in which the property is located.
  2. Proposed arrangement of buildings, off-street parking, loading, access, lighting, signage, landscaping, buffering, screening, and drainage is compatible with adjacent land uses.
  3. Vehicular ingress and egress to and from the site and circulation within the site provides for safe, efficient and convenient movement of traffic not only within the site but on adjacent roadways as well.
  4. Site plan provides for the safe movement of pedestrians within the site and connecting to adjacent land uses when determined to be beneficial to community connectivity.
  5. In addition to agricultural cover, there is a sufficient mixture of grass, trees and shrubs within the interior and perimeter (including public right of way) of the site so that the proposed development will be in harmony with adjacent land uses and will provide a pleasing appearance to the public. Any part of the site plan area not used for buildings, structures, parking, outdoor activities, loading or access ways shall be landscaped with a mixture of grass, trees and shrubs.
  6. All outdoor trash disposal areas are screened and outdoor work and storage areas screened where necessary.
- H. Assurances. Site plan performance is assured by issuance of a zoning permit and occupancy certificate. All plant materials shall be healthy and landscaping, screening and/or buffering in place prior to issuance of an occupancy certificate. A temporary certificate may be issued as provided for in Section 9-101B2 without the landscaping installation; provided, that written assurances or sufficient guarantees are submitted satisfactory to the Zoning Administrator that the planting will take place when the proper season arrives.

Landscaping must be maintained in a healthy, disease-free and debris-free condition or it will be considered a violation of these regulations and become subject to the following maintenance procedure:

1. It shall be the responsibility of the property owner to maintain in good condition all of the required screening, buffering and landscaping improvements on their property. When it is determined by the Administrator that required improvements are not being maintained, it is his or her duty to give notice of a violation in writing to the property owner. Such notice shall specify in what manner the improvements are in need of maintenance and a date for compliance. The owner shall have not less than 30 days to comply with the notice; provided, however, that any person aggrieved by any such order and disagreeing with any of the requirements of the notice, may file an appeal under Section 10-106 within the 30-day period with the Board of Zoning Appeals.
  2. If the owner of the land has failed, refused or neglected to make the necessary maintenance repairs within the time of the notice or time designated by the Board, then the Administrator shall cause such maintenance to be done to the property. The cost of maintenance shall be certified by the Administrator to the Clerk, who shall cause the costs to be assessed against the property on which the maintenance repairs were made.
- I. Review Criteria. From time to time, the Planning Board may adopt or amend design review criteria in the form of policy statements to assist in reviewing site plans. All site plans must be prepared and reviewed in accordance with adopted Site Plan Review Criteria.

SECTION 4. That special and conditional use categories in each of the following zoning districts are either amended to reword or add uses:

A-1 Agricultural District.

8. Special Uses.

3. Campgrounds, subject to the following regulations and accompanied by a plot plan:
  - a. Campgrounds shall be utilized only for accommodations of RV campers and single-wide, factory built portable housing structures and under no circumstances shall a campground be utilized for the occupancy of manufactured or mobile homes.
  - b. The tract to be used for a campground shall be located on a well-drained site properly graded to insure rapid drainage and freedom from stagnant pools of water.

- c. Campgrounds shall have a minimum area of 1,250 square feet for each space and maintain a setback of no less than 25 feet from any public road or highway right of way or property line.

(Note: See Section 4-101B3 for subsections d, e and f.)

- g. Such campgrounds shall only be approved as a special use for a limited time period which may be considered for extension upon reapplication of the zoning case, specifically for the extension period.

20. Crew camps. (See Section 2-102 for definition.)

21. Manufactured home parks, subject to the following regulations and accompanied by a plot plan:

- a. The park shall be located on a well-drained site. The plot plan shall clearly delineate the spaces to rent, vehicle parking spaces and driveways plus any outdoor lighting and the location of all utilities which must be underground, except outlets and risers. The park is encouraged, but not required to have laundry facilities, storm shelter, recreational facilities, outdoor storage area for vehicles and recreational vehicles, and a landscaped or fenced buffer area. (See Section 2-102 for definitions of MANUFACTURED HOME PARK, MANUFACTURED HOME, MOBILE HOME and RECREATIONAL VEHICLE.)

- g. Such parks shall only be approved as a special use for a limited time period which may be considered for extension upon reapplication of the zoning case, specifically for the extension period.

### C. Conditional Uses.

1. Accessory dwellings. (See Section 2-102 for definition.)

5. RV camper space for lease as an accessory use to a rural dwelling for a limited time period on land owned by the occupant of the dwelling. Such time period may be considered for extension upon reapplication of the zoning case specifically for the extension period.

### C-1 General Commercial District.

#### B. Special Uses.

9. Crew camps. (See Section 2-102 for definition.)

### I-1 Industrial District.

#### B. Special Uses.

7. Crew Camps. (See Section 2-102 for definition.)

SECTION 5. Invalidity of a Part. That any provisions of this Resolution which shall be declared to be unconstitutional or otherwise invalid shall not affect the validity and authority of any other section.

SECTION 6. Effective Date. That this Resolution shall take effect from and after its publication once in the official county newspaper.

APPROVED AND ADOPTED this 14<sup>th</sup> day of January, 2013.



Glenna L. Borho  
Glenna Borho, Commissioner

Joe Reynolds  
Joe Reynolds, Commissioner

Charles Rinke  
Charles Rinke, Commissioner

ATTEST:

Sherry Kruse  
Sherry Kruse, County Clerk