

ORDINANCE NO. 1707

**AN ORDINANCE AMENDING CHAPTER 16, ARTICLE 1 OF THE
NORTON CITY CODE RELATING TO SITE PLAN REQUIREMENT
WITHIN THE CITY OF NORTON, KANSAS**

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

Section 1. Chapter Sixteen of the Code of the City of Norton, Kansas, is hereby amended to read as follows:

16-110. SITE PLAN REQUIREMENTS. Prior to the issuance of a building permit for any development on unimproved real estate (excluding structures for agricultural uses), and for significant alterations to existing development on improved real estate (such as the replacement of a building on a lot, the tearing down and proposed building of a new building on a lot, 60% extension of a building on a lot), a site plan shall be submitted to the City with approval by the planning commission, and submission to the Governing Body, for final approval. No work can begin on any project described in the site plan requirement, including any dirt work, until the site plan is approved, and a building permit is issued.

- A. **Applicability** – The requirement for a site plan shall apply to the following zoning districts: Utility District, Business District, Light Industrial District, and Industrial District (which may also be called Commercial Business District, Light Industrial District, Heavy Industrial District and Factory Industrial District), or such similar districts in the current zoning codes. Single-family and two-family units, in any district, are exempted from this requirement, except as to any two or more family units proposed to be built with two or more units in a development, which shall require a site plan, regardless of the district that they are in.
- B. **Criteria** - In addition to the criteria for consideration of a rezoning application, the following criteria shall be considered when reviewing a site plan
- (1) The site is capable of accommodating the buildings, parking areas, and drives with appropriate open space;
 - (2) The site plan provides for safe and easy ingress, egress and internal traffic circulation;
 - (3) The site plan is consistent with good land planning and site engineering design principles, including water drainage;
 - (4) An appropriate degree of harmony will prevail between the architectural quality of the proposed building and the surrounding neighborhood;
 - (5) The site plan represents an overall development pattern that is consistent with the City comprehensive plan.
- C. **Application Required** - Two copies of the site plan shall be submitted in support of the site plan application. The site plan shall contain the following information:
- (1) North arrow and scale;
 - (2) With regard to the subject property only:
 - a. Existing topography and contours at five-foot intervals, and delineating any land areas within the 100-year floodplain;
 - b. Proposed location of buildings and other structures, parking areas, drives, walks, screening, drainage patterns, public streets, existing easements, and landscaping plan;
 - c. Sufficient dimensions to indicate the relationship between buildings, property lines, parking areas and other elements of the site plan;
 - d. General extent and character of the final proposed landscaping
 - (3) With regard to areas within 200 feet of the subject property:
 - a. Any public streets which are of record;

- b. Any drives which exist or which are proposed to the degree that they appear on plans on file with the City, except those serving single-family houses;
 - c. Any buildings which exist or are proposed to the degree that their location and size are shown on plans on file with the City;
 - d. The location and size of any drainage structures, such as culverts, paved or earthen ditches, or stormwater sewers and inlets;
- (4) Preliminary sketches depicting the general style, size and exterior construction materials of the buildings proposed. Where several types are proposed on the plan, such as apartments and commercial buildings, a separate sketch shall be prepared for each type. Such sketches shall include elevation drawings, but detailed drawings and perspectives are not required;
 - (5) A schedule shall be included indicating total floor area, dwelling units, land area, parking spaces, landscaped open space, location of proposed or existing water lines, sewer lines and electrical and gas lines and connections to utilities, and other quantities and locations relative to the submitted site plan in order that compliance with requirements of this Article can be determined;
 - (6) Name and address of the landowner;
 - (7) Name and address of the architect, landscape architect, planner, engineer, surveyor, or other persons involved in the preparation of the site plans;
 - (8) Date of preparation of the site plan.
- D. **Preliminary Review of Site Plan.** Upon receipt of the proposed site plan, the building inspector or other city administration shall review the proposed site plans within fourteen days. If the plans meet the requirement in this Article, then such plans shall be brought to the Planning Commission pursuant to Section E. If the plans do not meet the requirement of this Article, they shall be returned to the owner/developer with a notation as to why they do not meet the application requirements.
 - E. **Approval of Site Plan.** Within thirty days of the receipt of the final proposed site plan, the Planning Commission shall review such plan and approve, amend or reject such plan. Upon approval of such plan, the plan will be forwarded to the Governing Body for final approval, and then recorded as indicated in this section. If amended, and approval is received from the developer for such amendment, the plan shall be forwarded to the Governing Body for final approval, and filing. If the plan is rejected or amended and there is no approval by the developer, notification shall be given to the developer, and no further action can be taken on the development, unless and until an approved plan is in place.

16-111. RECORDING OF SITE PLANS.

- A. Following the approval of a site plan a statement shall be recorded with the register of deeds acknowledging that a site plan has been approved for the property. The recorded statement shall contain the following information:
 - (1) A legal description of the property;
 - (2) A specification of the nature of the site plan by identifying the zoning districts which apply to the property and the rezoning case number established by the rezoning ordinance or resolution;
 - (3) A statement that the restrictions on development established by the site plan and the rezoning ordinance or resolution shall be binding upon all successors and assigns unless amended in conformance with the city rezoning procedures.

16-112. ASSURANCE OF PERFORMANCE; PERIOD OF VALIDITY OF SITE PLAN APPROVAL; AND REVISION OF SITE PLANS.

- A. **Assurance of Performance.** The governing body shall require a site plan performance agreement to guarantee compliance and completion of the site plan requirements, including landscaping and paving, for the site plan as provided in the site plan as approved. In addition to a site plan performance agreement, the governing body may require alternate forms of performance assurance, such as: a

performance bond, escrow bond, or some other form of surety acceptable to the City. Alternative forms of performance assurance may be required if the site plan is to be developed in phases allowing temporary occupancy of a portion of the site, or if the governing body determines that other aspects of the site plan require alternate performance assurance. In general, no temporary occupancy of industrial, commercial, office or residential property shall take place before all of the conditions of the site plan have been satisfied unless some form of financial assurance is provided.

- B. **Period of Validity of Site Plan Approval.** Final site plan approval by the governing body shall not be valid for a period longer than 12 months from the date it is approved, unless within such period a building permit is obtained and substantial construction is commenced and all additional building permits necessary to complete the project as approved in the final site plan completion schedule are obtained in a timely fashion as determined by the Planning Commission. The Planning Commission may grant one extension not exceeding 12 months upon written request of the original applicant and resubmission of the application, if the application, as resubmitted, is substantially the same as the initially approved application. However, the Planning Commission has the power in such cases to attach new conditions to its reapproval or to disapprove the reapplication.
- C. **Revision of Site Plan.** An applicant who wishes to alter or revise an approved site plan must contact the Building Inspector. If the proposed changes or revisions are of a nature that the revised site plan is a minor alteration to existing development, the building inspector may provide such site plan to the Planning Commission who may administratively approve the revised site plan. If the approved plan is subsequently proposed to be in phases, the Planning Commission may approve the development in phases, which are self-contained and independently meet the requirements of this article. If the proposed site plan represents a significant alteration to an existing development, the applicant must apply for approval of the revised plan, and the site plan shall require governing body approval.

Section 2. That any ordinances in conflict herewith are hereby amended.

Section 3. This ordinance becomes effective upon publication in the official city newspaper.

PASSED AND ADOPTED by the Governing Body of the City of Norton, Kansas, this 4th day of October, 2017.

/s/_James L. Miller, Mayor

Attest:

/s/ Darla R. Ellis, City Clerk

First Reading: 09-06-2017

Second Reading: 09-20-2017

Third Reading: 10-04-2017