

*Ordinance Summary published in the Legal Record on \_\_\_\_\_ and the full text of the Ordinance made available at [www.desotoks.us](http://www.desotoks.us) for a minimum of 1 week from the date of publication*

### **Ordinance No. 2418 Summary**

On May 18, 2017, the City of De Soto, Kansas, adopted Ordinance No. 2418, amending the De Soto Zoning Regulations (incorporated as Appendix C to the De Soto City Code via Section 16-201 of Article 2 of Chapter XVI) to include regulations governing non-agricultural land disturbance or grading activities which are not part of a related building permit or public infrastructure project. A complete copy of this ordinance may be obtained or viewed free of charge at the Office of the City Clerk at City Hall, 32905 West 84<sup>th</sup> Street, De Soto, Kansas or at [www.desotoks.us](http://www.desotoks.us). This summary is certified by Patrick G. Reavey, De Soto City Attorney pursuant to K.S.A. 12-3001, et seq.

### **ORDINANCE NO. 2418**

#### **AN ORDINANCE ADOPTING THE PLANNING COMMISSION'S RECOMMENDATION TO REVISE THE DE SOTO ZONING REGULATIONS (INCORPORATED AS APPENDIX C TO THE DE SOTO CITY CODE VIA SECTION 16-201 OF ARTICLE 2 OF CHAPTER XVI) TO PROVIDE FOR REGULATIONS ON NON-AGRICULTURAL LAND DISTURBANCE OR GRADING ACTIVITIES WHICH ARE NOT PART OF A RELATED BUILDING PERMIT OR PUBLIC INFRASTRUCTURE PROJECT**

**WHEREAS**, the City Planning Commission has recommended that the Governing Body amend the City's Zoning Regulations to provide for regulations, including permit requirements, on non-agricultural land disturbance or grading activities which are not part of a related building permit or public infrastructure project; and

**WHEREAS**, all newspaper notifications were performed and a public hearing was properly held before the City Planning Commission as to the requested text amendment; and

**WHEREAS**, after review of the proposed text amendment, the Planning Commission recommended that said amendment be made part of the Zoning Regulations.

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

**Section 1.** That Article 5 of the City's Zoning Regulations (incorporated as Appendix C to the De Soto City Code via Section 16-201 of Article 2 of Chapter XVI) is hereby amended to include the following new Section 18:

#### **18. Land Disturbance and Grading**

In all zoning districts, land disturbance or grading activities that are not part of a related building permit or public infrastructure project are regulated in accordance with this section. Agricultural uses are exempt from this requirement.

A. General Information.

1. The Owner/Applicant must satisfy themselves of sub surface conditions including but not limited to sanitary sewers, stormwater structures, water, telephone and gas lines and electric conduits prior to land disturbance or grading operations.
2. Soil, sand, rock, or other debris must be kept off the roads and not allowed to enter storm sewer systems. If debris escapes the construction site, the debris must immediately be removed to the maximum extent practicable by the Owner/Applicant.
3. Vegetative buffers or other protection must be provided by the Owner/Applicant along streams, rivers, and ponds to avoid erosion of banks and siltation.
4. Stabilization measures must be performed by the Owner/Applicant within fourteen (14) days in portions of the site where construction activities have temporarily or permanently ceased.

B. Permits.

1. A Land disturbance & grading permit is required for any activity that opens up, disturbs, or creates a cut or fill of bare soil exceeding 1 or more acres of land.
2. The Owner/Applicant may not proceed with land disturbance/grading operations until the completed application with permit fee is approved by the City Building Official.
3. The Owner/Applicant must call for inspection after installing perimeter erosion and sediment control devices but before beginning other work on site.
4. In addition to the required De Soto permit, the applicant must submit a "Notice of Intent (NOI) to the Kansas Department of Health and Environment for authorization to discharge stormwater runoff from construction activities in accordance with the Kansas Water Pollution Control General Permit under the National Pollutant Discharge Elimination System (NPDES)

C. Required Permit Submittals. The following information must be provided by the Owner/Applicant to obtain a land disturbance and grading permit. Additional information, studies, details, or narratives may be required by the City Building Official depending on the scale and complexity of the proposed grading operation.

1. A completed Land Disturbance/Grading Application
2. A site-specific Erosion and Sediment Control Plan
3. A site-specific grading plan showing property lines, easements, utilities and roadways, existing and proposed structures.
4. A site-specific plan for disposal of building materials and litter, and all other pollutants onsite that may have an adverse impact to water quality.
5. Proposed schedule for completing land-disturbing activities.

**Section 3.** City Staff is authorized to revise other portions of the City Code or Zoning Regulations to be consistent with the above text amendments.

**Section 4.** This ordinance shall take effect and be enforced from and after its publication once in the official city newspaper.

**PASSED** by the Governing Body of the City of De Soto, Kansas on the 18<sup>th</sup> day of May, 2017 by at least a 2/3 majority vote of the entire Governing Body.

(Seal)

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Timothy J. Maniez, Mayor

ATTEST:

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Lana R. McPherson, MMC, City Clerk

APPROVED AS TO FORM:

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Patrick G. Reavey, City Attorney