



ADMINISTRATIVE FORMS
for the
ZONING REGULATIONS
of the
CITY OF DOUGLASS, KANSAS

PART 1

REZONING AND SPECIAL USE CASES
(Inside the City)

PART 2

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(Outside the City)

PART 3

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ZONING ASSISTANCE FORMS

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SITE PLAN REVIEW

Prepared by

C. Bickley Foster, J.D., AICP
FOSTER & ASSOCIATES
Planning Consultants
2818 N. Edwards St.
Wichita, KS. 67204-4621
(316) 838-7563

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* Note: See Reference Notebook No. 3 for Administrative Forms
for Board of Zoning Appeals Cases.

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PART 1

ADMINISTRATIVE FORMS FOR
REZONING AND SPECIAL USE CASES
(Inside the City)

<u>Form</u>	<u>Name of Form (Number of Pages)</u>
Z-1	Status Report on Zoning Case Inside the City Limits (2) (Rezoning and special use cases)
Z-2	Instructions to the Applicant for a Change of Zoning District Classification or Special Use (3)
Z-3	Application for Change of Zoning District Classification (2)
Z-4	Official Notice of Zoning Hearing (1) (Rezoning case with legal description)
Z-5	Official Notice of Zoning Hearing (1) (Rezoning case without legal description)
Z-6	Notice to Property Owners of Zoning Hearing (1) (Rezoning case with legal description)
Z-7	Notice to Property Owners of Zoning Hearing (1) (Rezoning case without legal description)
Z-8	Instructions for Filing Protest Petitions for Zoning Cases (2) (Rezoning and/or special use cases)
Z-9	Protest Petition for Zoning Cases (1) (Rezoning and/or special use cases)
Z-10	Ordinance Changing the Zoning District Classification (1) (Without conditions)
Z-11	Ordinance Changing the Zoning District Classification (1) (With conditions)
Z-12	Application for Special Use (2)
Z-13	Official Notice of Zoning Hearing (1) (Special use case with legal description)
Z-14	Official Notice of Zoning Hearing (1) (Special use case without legal description)

<u>Form</u>	<u>Name of Form (Number of Pages)</u> (Continued)
Z-15	Notice to Property Owners of Zoning Hearing (1) (Special use case with legal description)
Z-16	Notice to Property Owners of Zoning Hearing (1) (Special use case without legal description)
Z-17	Official Notice of Zoning Hearing (1) (Rezoning and special use cases with legal description)
Z-18	Official Notice of Zoning Hearing (1) (Rezoning and special use cases without legal description)
Z-19	Notice to Property Owners of Zoning Hearing (1) (Rezoning and special use cases with legal description)
Z-20	Notice to Property Owners of Zoning Hearing (1) (Rezoning and special use cases without legal description)
Z-21	Ordinance Approving a Special Use (1) (With conditions)

STATUS REPORT ON REZONING OR SPECIAL USE CASE

This form is to be maintained by the Zoning Administrator in a file as a status report on the progress of a zoning amendment or a special use case. The date on which action occurred should be entered in the blank spaces accompanied by the initials of the recorder.

Zoning Application for _____

Name of (Applicant) (Agent) _____

Address _____ Phone _____

General location _____

Application received _____, 20__

Complete legal description filed _____, 20__

Official Notice published _____, 20__
(20 days must elapse between publication date and hearing.)

Notice to Property Owners mailed _____, 20__
(20 days must elapse between mailing date and hearing.)

Zoning Lot platted: Yes ___ No ___ Exempt from platting: Yes ___ No ___

Planning Commission hearing _____, 20__

Planning Commission action _____, 20__

Recommended for approval _____ Approval with modification(s) _____

Disapproval _____

(14 days elapse for Protest Petitions and 14 days to submit Summary of Hearing* to Clerk.)

Planning Commission's Summary of Hearing* sent to Governing Body
_____, 20__.

Approved Planning Commission's Summary of Hearing* placed in file
_____, 20__.

Protest Petitions received: Yes ___ No ___ Percent of protest area _____%

Governing Body action _____, 20__ Decision to approve ___
Referred back to Planning Commission ___ Override Planning Commission ___

* The Summary of Hearing may be included in the Minutes or in a separate Report to the Governing Body.

Approved Governing Body Minutes placed in file _____, 20__.

Reconsidered by Planning Commission _____, 20__.
Recommended for approval _____ Approval with modification(s) _____
Disapproval _____

Governing Body final action _____, 20__.
Decision to approve _____ Disapprove _____

Approved Governing Body Minutes placed in file _____, 20__.

Ordinance published once on _____, 20__.

Ordinance and certification of publication placed in file _____,
20__.

Zoning subject to platting and Clerk to withhold publishing Ordinance until Plat
recorded. Yes _____ No _____

Deadline for recording Plat or the effectuating Ordinance is null and void
_____, 20__. Plat recorded _____, 20__.

Plat not recorded in time and Ordinance declared null and void and case closed
_____, 20__.

Screening Plan (landscape and/or fencing) approval by Planning Commission
required for Zoning Permit: Yes _____ No _____

Site Plan approval by Planning Commission required for Zoning Permit:
Yes _____ No _____

Recorded on Official Zoning Map(s) _____, 20__.

Tape which recorded the hearing recycled for reuse. _____, 20__.

NOTES: _____

CITY OF DOUGLASS, KANSAS

INSTRUCTIONS TO THE APPLICANT FOR A CHANGE OF
ZONING DISTRICT CLASSIFICATION OR SPECIAL USE

(For use inside the City only)

1. An application form for a change of zoning district classification or a special use must be completed and signed by all the property owners or by their authorized agent(s) and filed with the Zoning Administrator. (See Section 11-100B of the City Zoning Regulations for information required on the application.)
2. It is very important that the legal description in the application be accurate. Should it be discovered at a later date in processing the case that the legal description in either one or both notices is inaccurate, then the notice(s) is null and void and the notification process must begin at the beginning again. In the event that the description is particularly lengthy, the notices may use only a general description sufficient to identify the property under consideration. When the latter occurs, then the notice must state that a complete legal description is available for public inspection and is on file with the Zoning Administrator.
3. The application must be accompanied by a current ownership list of names, mailing addresses and zip codes of all owners of record of real property within 200 feet of the exterior boundary of the area in the City described in the application both within the city limits and extending outside the city limits when necessary. If such area is located adjacent to but inside the city limits, the ownership list, in addition to the 200 feet inside the city limits, shall provide similar information extending to 1,000 feet into the unincorporated area. The Zoning Administrator will mail to all property owners on the ownership list a notice of the public hearing on the application by the City Planning Commission so that **at least 20 days shall elapse** between the mailing date and the hearing date. (See Section 11-100 D 1 of the Zoning Regulations for Notice of Hearing.) Whenever application is made for rezoning from a less restrictive to a more restrictive zoning classification for five or more owners of real property owning 10 or more contiguous or noncontiguous lots of the same zoning classification, see Sections 11-100 D2 and 3 for instruction.
4. The application must be accompanied by a fee to the City as established by the Fee Schedule in Section 9-104 of the Zoning Regulations in order to defray the cost of notices, hearings, legal advertisements, inspections and administration of the case. The fee is not refundable. See Zoning Administrator for Fee Schedule information.
5. The Planning Commission meets monthly to consider zoning applications. In order that an application be heard, it must be filed before the deadline with the Zoning Administrator before the next regular Commission meeting. Time is needed to notify nearby property owners, advertise in the official city newspaper so that **at least 20 days elapse** between the date of publication and the hearing date and assemble information on the case for the Planning Commission. See Zoning Administrator for the Meeting and Closing Date Schedules.

6. It is the policy of the Planning Commission that any requests for a deferral of this case before the hearing shall be submitted to the Zoning Administrator at least five days preceding the advertised hearing date. If, at the discretion of the Chairperson of the Planning Commission, such deferral is granted, notices of such deferral and of the next hearing date will be mailed to those who received original notice of the hearing. Applicants requesting deferrals will be charged with the cost of preparing and mailing such new notices.
7. By state statute, the Zoning Regulations must state the "matters", i.e., the factors on which consideration is based in order to approve or disapprove a change of zoning. Similar factors apply in the consideration of special uses. Since both the Planning Commission in its recommendation and the ultimate decision by the Governing Body must be based upon such factors, it is very helpful if the applicant will address as many factors as are directly applicable to their request when they are called upon to make a presentation. (See Section 11-100H of the Zoning Regulations for factors for Amendments to Change Zoning Districts.)
8. After the Planning Commission hearing on the case, their recommendation will be forwarded to the Governing Body who will meet to consider the matter **after a 14-day waiting period elapses** to provide for the legal time within which protest petitions from the notification area, if any, may be submitted. Regardless of whether the Planning Commission has recommended approval or disapproval on the case, if the valid protest petitions as determined by the City Clerk represent the required percentage of owners of record of real property then an effectuating ordinance cannot be passed except by a 3/4 majority vote of the City Council. If the Governing Body approves the application upon the recommendation of the Planning Commission, an ordinance effectuating the change of zoning or permitting the special use will be published in the official city newspaper and you may proceed to obtain a zoning permit. If the Governing Body desires to change the recommendation of the Planning Commission, whether it be for approval or disapproval, the case can be returned by a majority vote to the Planning Commission for its reconsideration at its next regular meeting. After such reconsideration, the Governing Body may proceed to a final determination in the case. If the Governing Body desires to override and change the Planning Commission's recommendation, it may do so by a 2/3 majority vote of the City Council and, thus, returning the case for reconsideration is not necessary.
9. It is the policy of the Planning Commission that nothing shall prohibit submission of information relating to the appropriateness of the particular application. Any materials, however, such as photographs of the existing area, renderings, site plans, planting plans or reports which are submitted at the hearing may, at the discretion of the Commission, become the property of the Commission and a part of the case file.

10. An applicant may be required to submit a screening plan or site plan in addition to a lot split, plat or replat for the property to provide adequate street right-of-way, drainage and utility easements, access control, building setback lines, etc. Guarantees for the installation of improvements may be required as part of the platting process. For some required improvements, separate legal instruments may be utilized in lieu of platting if deemed feasible. It should be noted that zoning permits cannot be issued on unplatted land for principal uses unless it is otherwise exempted from the City Subdivision Regulations. As a condition of issuing a zoning permit, all of the public improvements which are required by the Subdivision Regulations may be required to carry out the requested permit, including dedications in lieu of platting such as for additional rights of way and easements.

11. Applications for a special use are processed in the same manner as for a change in zoning district classification; however, applicants should be aware that the Planning Commission can only consider those special uses which are specifically permitted in a given district and depending upon their characteristics additional requirements may be made beyond those normally required of uses permitted outright in the district. Such requirements, in addition to those referred to in item #10 above, may affect the lot size or yard dimensions; changing rights-of-way; extent and location of entrance or exit drives; location and number of signs; period and time of operation; percent of lot coverage and height of structures; screening in the form of fencing or landscaping; environmental standards for air and water pollution, noise, vibration, lighting and other such conditions; and improvements such as construction of streets, utilities, sidewalks and storm drainage, if necessary. If the special use is approved, such requirements will be included in the effectuating ordinance and be made part of the requirement for a zoning permit. (See Section 11-101 of the Zoning Regulations for Special Uses.)

12. Please note that the City is processing your application under the minimum time periods prescribed by state law.

APPLICATION FOR CHANGE OF ZONING DISTRICT CLASSIFICATION

This is an application for a change of zoning district classification. The form must be completed in accordance with directions on the accompanying instructions and filed with the Zoning Administrator at 322 South Forrest, Douglass, Kansas 67039 or FAX: (316) 747-3159.

(AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED.)

1. Name of applicant(s) and/or his/her agent(s). The owners of all property requesting to be rezoned must be listed.

a. Applicant _____

Address _____ Phone _____

Agent, if any _____

Address _____ Phone _____

b. Applicant _____

Address _____ Phone _____

Agent, if any _____

Address _____ Phone _____

(Use a separate sheet, if necessary, for names of additional applicants.)

2. The applicant hereby requests a change of zoning from the _____
_____ District to the _____
_____ District for
property legally described as Lot(s) _____ of Block
_____ in the _____
_____ subdivision.

(If appropriate, metes and bounds description may be provided in the space below or on an attached sheet.)

3. Dimensions of the property are _____ feet in depth by _____ feet in width and _____ acres (round to the nearest tenth) or _____ square feet in area.

4. The general location of the property is (use appropriate section):
- a. The address is _____.
 - b. At the _____ corner of _____ Street and _____ Street.
 - c. On the _____ side of _____ Street between _____ Street and _____ Street.
5. Is this property part of a recorded plat? Yes _____ No _____
6. The property is presently used for _____ and this change of zoning is requested for the following reasons:
- _____
- _____
- _____
7. I (We) the applicant(s), acknowledge receipt of the instructions and further state that I (We) have read the material. If an agent, I further state that I have or will provide the owner(s) of the property for which the change of zoning is requested an explanation of or copy of this material. I (We) realize that this application cannot be processed unless it is complete and is accompanied by a current real property ownership list for the notification area and the appropriate fee.

Applicant	Date	Applicant	Date
Agent (If any)	Date	Agent (If any)	Date

OFFICE USE ONLY

This application was received by the Zoning Administrator at _____:_____ (a.m., p.m.) on _____, 20____. It has been checked and found to be complete and accompanied by the required real property ownership list, development plan for certain districts and the fee of \$_____.

cc: Applicant

Zoning Administrator

** The cost of recording documents, plats, publications, writs, engineering costs and inspections are payable in addition to filing fees. These, if any, will be billed to the applicant.

There are publication costs associated with Rezoning, Variances, Special Uses and Conditional Uses.

** The cost of recording documents, plats, publications, writs, engineering costs and inspections are payable in addition to filing fees. These, if any, will be billed to the applicant.

There are publication costs associated with Rezoning, Variances, Special Uses and Conditional Uses.

(Published once in _____ on _____, 20__.)

OFFICIAL NOTICE OF ZONING HEARING

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on _____, 20__, the Douglass City Planning Commission will consider the following zoning application at _____: _____ p.m. in the Council Room at the City Hall in Douglass, Kansas:

Case No. Z-_____-_____. Proposed change of zoning district classification from the _____ District to the _____ District.

Legal description: _____

General location: _____

You may appear at this time either in person or by agent or attorney, if you so desire, and be heard on the matter. After hearing the views and wishes of all persons interested in the case, the Planning Commission may close the hearing and consider a recommendation to the Governing Body which, if approved under the City Zoning Regulations, would be effectuated by ordinance. The public hearing may be recessed and continued from time to time without further notice.

DATED this _____ day of _____ 20__.

/s/ _____
_____, Secretary
Douglass City Planning Commission

(Published once in _____ on _____, 20__.)

OFFICIAL NOTICE OF ZONING HEARING

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on _____, 20__, the Douglass City Planning Commission will consider the following zoning application at _____:_____ p.m. in the Council Room at the City Hall in Douglass, Kansas:

Case No. Z-_____-_____. Proposed change of zoning district classification from the _____ District to the _____ District.

Legal description: (A complete legal description is available for public inspection which is on file with the Zoning Administrator at City Hall.)

General location: _____

You may appear at this time either in person or by agent or attorney, if you so desire, and be heard on the matter. After hearing the views and wishes of all persons interested in the case, the Planning Commission may close the hearing and consider a recommendation to the Governing Body which, if approved under the City Zoning Regulations, would be effectuated by ordinance. The public hearing may be recessed and continued from time to time without further notice.

DATED this _____ day of _____ 20__.

/s/ _____
_____, Secretary
Douglass City Planning Commission

NOTICE TO PROPERTY OWNERS OF ZONING HEARING

The Douglass City Planning Commission will consider the following zoning application at its meeting at ____:____ p.m. on _____, 20__ in the Council Room at the City Hall in Douglass, Kansas:

Case No. Z-_____-_____. Proposed change of zoning district classification from the _____ District to the _____ District.

Legal description: _____

General location: _____

You may appear at this time either in person or by agent or attorney, if you so desire, and be heard on the matter. After hearing the views and wishes of all persons interested in the case, the Planning Commission may close the hearing and consider a recommendation to the Governing Body which, if approved under the City Zoning Regulations, would be effectuated by ordinance. The public hearing may be recessed and continued from time to time without further notice.

If you have any questions prior to the hearing, please call me at (316) 747-2109 and refer to the above case number.

_____, Zoning Administrator

cc: Applicant

NOTICE TO PROPERTY OWNERS OF ZONING HEARING

The Douglass City Planning Commission will consider the following zoning application at its meeting at ____:____ p.m. on _____, 20__ in the Council Room at the City Hall in Douglass, Kansas:

Case No. Z-_____-_____. Proposed change of zoning district classification from the _____ District to the _____ District.

Legal description: (A complete legal description is available for public inspection which is on file with the Zoning Administrator at City Hall.)

General location: _____

You may appear at this time either in person or by agent or attorney, if you so desire, and be heard on the matter. After hearing the views and wishes of all persons interested in the case, the Planning Commission may close the hearing and consider a recommendation to the Governing Body which, if approved under the City Zoning Regulations, would be effectuated by ordinance. The public hearing may be recessed and continued from time to time without further notice.

If you have any questions prior to the hearing, please call me at (316) 747-2109 and refer to the above case number.

_____, Zoning Administrator

cc: Applicant

CITY OF DOUGLASS, KANSAS

INSTRUCTIONS FOR FILING PROTEST PETITIONS FOR ZONING CASES

The attached protest petition form may be used to submit legal protests to the Governing Body on changes in zoning district classifications and/or special use cases. Such petitions may be submitted regardless of whether or not the City Planning Commission recommends approval or disapproval of the zoning case. According to K.S.A. 12-757(f) and Section 11-103 of the City Zoning Regulations quoted below, if a protest against such a change is:

". . . filed in the office of the Clerk within 14 days after the date of the conclusion of the hearing by the Commission which is signed and an accurate legal description of their property provided by the owners of record of 20% or more of any real property proposed to be altered or changed, excluding streets or public ways, or by the owners of record of 20% or more of the real property within the total area required in the official area of notification by Section 11-100D, excluding streets and public ways and specific statutorily excluded property as described below; then the effectuating ordinance shall not be passed except by at least a 3/4 vote of all the members of the City Council.

"Property statutorily excluded from determining the sufficiency of a protest petition when calculating the total real property within the notification area is that which was (1) requested by the owner of the specific property for rezoning or a special use; or (2) the owner of the specific property requested for rezoning or a special use who does not oppose in writing such rezoning or special use. (See Sections 11-100 D2 and D3 for protest petition exceptions for rezoning from a lesser restrictive to a more restrictive zoning classification.)"

Note that owners of property **both** inside and outside the city limits are permitted to join in the protest petition process if they are within the required notification area.

In completing this form:

1. Enter in Section I of the petition the case number of the property **against which** the protest is made. This information can be found on the notice which you received on this matter from the Planning Commission.

2. Except for joint owners, use a separate form for each property owner(s) making a protest.

Example below is for a husband and wife jointly owning one lot:

		<u>Property Owned</u>		
		<u>Subdivision</u>	<u>Block(s)</u>	<u>Lot(s)</u>
a.	_____	Glenwood	3	5
	Signature			
	John A. Smith			
	Typed or Printed Name			
b.	_____	Glenwood	3	5
	Signature			
	Mary E. Smith			
	Typed or Printed Name			

3. Enter in Section 2 of the petition:
 - a. Your full name as it appears on documents showing ownership of real property and spouse's also if he/she is a joint owner.
 - b. The full legal description by subdivision, block and lot or by metes and bounds description of your property.
4. Protest petitions must be submitted to the City Clerk at City Hall within 14 days after the date of the conclusion of the Planning Commission's public hearing and recommendation if they are to be considered as a legal requirement making necessary a three-fourths vote by the City Council to enact a proposed change in zoning or approve a special use. Days are counted as calendar days.
5. Protest petitions cannot be withdrawn once they have been filed with the City Clerk.
6. The percentage of property in the protest area calculated from valid protest petitions will be presented to the City Council by the City Clerk when a particular change in zone is considered as well as for special uses when specifically referred to in the petition.

CITY OF DOUGLASS, KANSAS

PROTEST PETITION FOR ZONING CASES

SECTION 1. The undersigned owner(s) of real property protests the proposed change of zoning for property described as Case No. Z-_____ - _____ and/or special use as Case No. SU-_____ - _____.

SECTION 2. Protestor(s)

Property Owned
Subdivision Block(s) Lot(s)

a. _____
Signature

Typed or Printed Name

b. _____
Signature

Typed or Printed Name

(If land is not platted, insert metes and bounds description in the above space and continue on back side of page, if necessary.)

(Published once in _____ on _____, 20__.)

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING DISTRICT CLASSIFICATION OF CERTAIN PROPERTY LOCATED IN THE CITY OF DOUGLASS, KANSAS, UNDER THE AUTHORITY GRANTED BY THE ZONING REGULATIONS OF THE CITY.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF DOUGLASS, KANSAS:

SECTION 1. Having received a recommendation from the Douglass City Planning Commission on Case No. Z-_____-_____, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of the Zoning Regulations of the City as originally approved by Ordinance No. _____, the zoning district classification of the property legally described herein is changed as follows:

Change of zoning district classification from the _____
_____ District to the _____
_____ District.

Legal description: _____

General location: _____

SECTION 2. Upon the taking effect of this Ordinance, the above zoning change shall be entered and shown on the Official Zoning Map(s) as previously adopted by reference and said map(s) is hereby reincorporated as a part of the Zoning Regulations as amended.

SECTION 3. This Ordinance shall take effect and be in force from and after its passage, approval and publication once in the official city newspaper.

PASSED BY THE GOVERNING BODY ON _____, 20__.

APPROVED BY THE MAYOR ON _____, 20__.

ATTEST: (S E A L)

/s/ _____
_____, Mayor

/s/ _____
_____, City Clerk

(Published once in _____ on _____, 20__.)

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING DISTRICT CLASSIFICATION OF CERTAIN PROPERTY LOCATED IN THE CITY OF DOUGLASS, KANSAS, UNDER THE AUTHORITY GRANTED BY THE ZONING REGULATIONS OF THE CITY.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF DOUGLASS, KANSAS:

SECTION 1. Having received a recommendation from the Douglass City Planning Commission on Case No. Z-_____-_____, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of the Zoning Regulations of the City as originally approved by Ordinance No. _____, the zoning district classification of the property legally described herein is changed as follows:

Change of zoning district classification from the _____ District to the _____ District.

Legal description: _____

General location: _____

Such change of zoning is subject to the following conditions: _____

SECTION 2. Upon the taking effect of this Ordinance, the above zoning change shall be entered and shown on the Official Zoning Map(s) as previously adopted by reference and said map(s) is hereby reincorporated as a part of the Zoning Regulations as amended.

SECTION 3. This Ordinance shall take effect and be in force from and after its passage, approval and publication once in the official city newspaper.

PASSED BY THE GOVERNING BODY ON _____, 20__.

APPROVED BY THE MAYOR ON _____, 20__.

ATTEST: (S E A L) /s/ _____

/s/ _____, Mayor
_____, City Clerk

** The cost of recording documents, plats, publications, writs, engineering costs and inspections are payable in addition to filing fees. These, if any, will be billed to the applicant.

There are publication costs associated with Rezoning, Variances, Special Uses and Conditional Uses.

APPLICATION FOR A SPECIAL USE

This is an application for a special use. The form must be completed in accordance with directions on the accompanying instructions and filed with the Zoning Administrator at City Hall, 322 South Forrest, P.O. Box 412, Douglass, Kansas 67039-0412 or FAX: (316) 747-3159.

(AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED.)

1. Name of applicant(s) and/or his/her agent(s). The owner(s) of all property requesting the special use must be listed.

a. Applicant _____

Address _____ Phone _____

Agent, if any _____

Address _____ Phone _____

b. Applicant _____

Address _____ Phone _____

Agent, if any _____

Address _____ Phone _____

(Use a separate sheet, if necessary, for names of additional applicants.)

2. The applicant hereby requests a special use to establish a _____

_____ (use) to be located in the _____

_____ District for the property legally described as Lot(s) _____

of Block _____ in the _____ subdivision.

(If appropriate, metes and bounds description may be provided in the space below or on an attached sheet.)

3. Dimensions of the property are _____ feet in depth by _____ feet in width and _____ acres (round to the nearest tenth) or _____ square feet in area.

4. The general location of the property is (use appropriate section):
- a. The address is _____.
 - b. At the _____ corner of _____ Street and _____ Street.
 - c. On the _____ side of _____ Street between _____ Street and _____ Street.
5. Is this property part of a recorded plat? Yes ___ No ___
6. The property is presently used for _____ and this special use is requested for the following reasons: _____
7. I (We) the applicant(s), acknowledge receipt of the instructions and further state that I (We) have read the material. If an agent, I further state that I have or will provide the owner(s) of the property for which the special use is requested an explanation of or copy of this material. I (We) realize that this application cannot be processed unless it is complete and is accompanied by a current real property ownership list for the notification area and the appropriate fee. I (We) acknowledge that the Governing Body has authority to require such conditions as it deems necessary and reasonable in order to serve the public interest.

_____ Applicant	_____ Date	_____ Applicant	_____ Date
_____ Agent (If any)	_____ Date	_____ Agent (If any)	_____ Date

OFFICE USE ONLY

This application was received by the Zoning Administrator at _____:_____ (a.m., p.m.) on _____, 20____. It has been checked and found to be complete and accompanied by the required real property ownership list and the fee of \$_____.

cc: Applicant _____ Zoning Administrator

(Published once in _____ on _____, 20__.)

OFFICIAL NOTICE OF ZONING HEARING

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on _____, 20__ the Douglass City Planning Commission will consider the following zoning application at _____:_____ p.m. in the Council Room at the City Hall in Douglass, Kansas:

Case No. SU-_____-_____. Special use requested to establish a _____
_____ in the _____
District.

Legal description: _____

General location: _____

You may appear at this time either in person or by agent or attorney, if you so desire, and be heard on the matter. After hearing the views and wishes of all persons interested in the case, the Planning Commission may close the hearing and consider a recommendation to the Governing Body which, if approved under the City Zoning Regulations, may include additional requirements to make such a use compatible to the neighborhood. The public hearing may be recessed and continued from time to time without further notice.

DATED this _____ day of _____ 20__.

/s/ _____
_____, Secretary
Douglass City Planning Commission

(Published once in _____ on _____, 20__.)

OFFICIAL NOTICE OF ZONING HEARING

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on _____, 20__ the Douglass City Planning Commission will consider the following zoning application at ____:____ p.m. in the Council Room at the City Hall in Douglass, Kansas:

Case No. SU-____-____. Special use requested to establish a

_____ in the _____
District.

Legal description: (A complete legal description is available for public inspection which is on file with the Zoning Administrator at City Hall.)

General location: _____

You may appear at this time either in person or by agent or attorney, if you so desire, and be heard on the matter. After hearing the views and wishes of all persons interested in the case, the Planning Commission may close the hearing and consider a recommendation to the Governing Body which, if approved under the City Zoning Regulations, may include additional requirements to make such a use compatible to the neighborhood. The public hearing may be recessed and continued from time to time without further notice.

DATED this _____ day of _____ 20__.

/s/ _____
_____, Secretary
Douglass City Planning Commission

NOTICE TO PROPERTY OWNERS OF ZONING HEARING

The Douglass City Planning Commission will consider the following zoning application at its meeting at ____:____ p.m. on _____, 20__ in the Council Room at the City Hall in Douglass, Kansas:

Case No. SU-____-____. Special use requested to establish a

_____ in the _____

District. If recommended for approval, additional requirements may be considered to make such a use compatible to the neighborhood.

Legal description: _____

General location: _____

You may appear at this time either in person or by agent or attorney, if you so desire, and be heard on the matter. After hearing the views and wishes of all persons interested in the case, the Planning Commission may close the hearing and consider a recommendation to the Governing Body which, if approved under the City Zoning Regulations, would be effectuated by ordinance. The public hearing may be recessed and continued from time to time without further notice.

If you have any questions prior to the hearing, please call me at (316) 747-2109 and refer to the above case number.

_____, Zoning Administrator

cc: Applicant

NOTICE TO PROPERTY OWNERS OF ZONING HEARING

The Douglass City Planning Commission will consider the following zoning application at its meeting at ____:____ p.m. on _____, 20__ in the Council Room at the City Hall in Douglass, Kansas:

Case No. SU-____-____. Special use requested to establish a

_____ in the _____

District. If recommended for approval, additional requirements may be considered to make such a use compatible to the neighborhood.

Legal description: (A complete legal description is available for public inspection which is on file with the Zoning Administrator at City Hall.)

General location: _____

You may appear at this time either in person or by agent or attorney, if you so desire, and be heard on the matter. After hearing the views and wishes of all persons interested in the case, the Planning Commission may close the hearing and consider a recommendation to the Governing Body which, if approved under the City Zoning Regulations, would be effectuated by ordinance. The public hearing may be recessed and continued from time to time without further notice.

If you have any questions prior to the hearing, please call me at (316) 747-2109 and refer to the above case number.

_____, Zoning Administrator

cc: Applicant

(Published once in _____ on _____, 20__.)

OFFICIAL NOTICE OF ZONING HEARING

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on _____, 20__, the Douglass City Planning Commission will consider the following zoning applications at ____:____ p.m. in the Council Room at the City Hall in Douglass, Kansas:

Case No. Z-_____-_____. Proposed change of zoning district classification from the _____ District to the _____ District.

Case No. SU-_____-_____. Special use requested to establish a _____ in the _____

District. If recommended for approval, additional requirements may be considered to make such a use compatible to the neighborhood.

Legal description: _____

General location: _____

You may appear at this time either in person or by agent or attorney, if you so desire, and be heard on the matter. After hearing the views and wishes of all persons interested in the cases, the Planning Commission may close the hearings and consider recommendations to the Governing Body which, if approved under the City Zoning Regulations, would be effectuated by ordinances. The public hearing may be recessed and continued from time to time without further notice.

DATED this _____ day of _____ 20__.

/s/ _____
_____, Secretary
Douglass City Planning Commission

(Published once in _____ on _____, 20__.)

OFFICIAL NOTICE OF ZONING HEARING

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on _____, 20__, the Douglass City Planning Commission will consider the following zoning applications at ____:____ p.m. in the Council Room at the City Hall in Douglass, Kansas:

Case No. Z-_____-_____. Proposed change of zoning district classification from the _____ District to the _____ District.

Case No. SU-_____-_____. Special use requested to establish a _____ in the _____

District. If recommended for approval, additional requirements may be considered to make such a use compatible to the neighborhood.

Legal description: (A complete legal description is available for public inspection which is on file with the Zoning Administrator at City Hall.)

General location: _____

You may appear at this time either in person or by agent or attorney, if you so desire, and be heard on the matter. After hearing the views and wishes of all persons interested in the cases, the Planning Commission may close the hearings and consider recommendations to the Governing Body which, if approved under the City Zoning Regulations, would be effectuated by ordinances. The public hearing may be recessed and continued from time to time without further notice.

DATED this _____ day of _____ 20__.

/s/ _____
_____, Secretary
Douglass City Planning Commission

NOTICE TO PROPERTY OWNERS OF ZONING HEARING

The Douglass City Planning Commission will consider the following zoning applications at its meeting at ____:____ p.m. on _____, 20__ in the Council Room at the City Hall in Douglass, Kansas:

Case No. Z-____-____. Proposed change of zoning district classification from the _____ District to the _____ District.

Case No. SU-____-____. Special use requested to establish a _____ in the _____

District. If recommended for approval, additional requirements may be considered to make such a use compatible to the neighborhood.

Legal description: _____

General location: _____

You may appear at this time either in person or by agent or attorney, if you so desire, and be heard on the matter. After hearing the views and wishes of all persons interested in the cases, the Planning Commission may close the hearings and consider recommendations to the Governing Body which, if approved under the City Zoning Regulations, would be effectuated by ordinances. The public hearing may be recessed and continued from time to time without further notice.

If you have any questions prior to the hearing, please call me at (316) 747-2109 and refer to the above case number.

_____, Zoning Administrator

cc: Applicant

NOTICE TO PROPERTY OWNERS OF ZONING HEARING

The Douglass City Planning Commission will consider the following zoning applications at its meeting at ____:____ p.m. on _____, 20__ in the Council Room at the City Hall in Douglass, Kansas:

Case No. Z-____-____. Proposed change of zoning district classification from the _____ District to the _____ District.

Case No. SU-____-____. Special use requested to establish a _____ in the _____ District. If recommended for approval, additional requirements may be considered to make such a use compatible to the neighborhood.

Legal description: (A complete legal description is available for public inspection which is on file with the Zoning Administrator at City Hall.)

General location: _____

You may appear at this time either in person or by agent or attorney, if you so desire, and be heard on the matter. After hearing the views and wishes of all persons interested in the cases, the Planning Commission may close the hearings and consider recommendations to the Governing Body which, if approved under the City Zoning Regulations, would be effectuated by ordinances. The public hearing may be recessed and continued from time to time without further notice.

If you have any questions prior to the hearing, please call me at (316) 747-2109 and refer to the above case number.

_____, Zoning Administrator

cc: Applicant

(Published once in _____ on _____, 20__.)

ORDINANCE NO. _____

AN ORDINANCE APPROVING A SPECIAL USE TO ESTABLISH A _____
_____ IN THE
_____ DISTRICT ON CERTAIN
PROPERTY LOCATED IN THE CITY OF DOUGLASS, KANSAS, UNDER THE
AUTHORITY GRANTED BY THE ZONING REGULATIONS OF THE CITY.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF DOUGLASS, KANSAS:

SECTION 1. Having received a recommendation from the Douglass City Planning Commission on Case No. SU-_____-_____, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of the Zoning Regulations of the City as originally approved by Ordinance No. _____, a special use is hereby approved to establish a

_____ in the _____ District.

Legal description: _____

General location: _____

Such special use is subject to the following condition(s): _____

SECTION 2. This Ordinance shall take effect and be in force from and after its passage, approval and publication once in the official city newspaper.

PASSED BY THE GOVERNING BODY ON _____, 20__.

APPROVED BY THE MAYOR ON _____, 20__.

(S E A L)

/s/ _____
_____, Mayor

ATTEST:

/s/ _____
_____, City Clerk

PART 3

ADMINISTRATIVE FORMS FOR
ZONING PERMIT AND OCCUPANCY CERTIFICATE

<u>Form</u>	<u>Name of Form (Number of Pages)</u>
ZP/OC-1	Instructions to the Applicant Filing for a Zoning Permit and Occupancy Certificate (2)
ZP/OC-2	Application for Zoning Permit and Occupancy Certificate (2)
ZP/OC-3	Plot Plan (1)
ZP/OC-4	Complaint/Concern/Inquiry Report (1)
ZP/OC-5	Request Form to Answer Inquiry on Proposed Development (2)

CITY OF DOUGLASS, KANSAS

**INSTRUCTIONS TO THE APPLICANT FILING FOR A
ZONING PERMIT AND OCCUPANCY CERTIFICATE**

1. Prior to the construction, reconstruction, moving or structural alteration of any structure or the improvement of land prior to its use or the use of any land or structure being changed to any other use, an application for a Zoning Permit must be completed when required and approved by the Zoning Administrator. Application forms are provided by the Zoning Administrator. Either the property owner or a contractor as an agent may obtain the permit. (See Section 9-101 of the City Zoning Regulations for information on zoning permits and occupancy certificates.)
2. The applicant must provide, at the time of application, two copies of a plot plan drawn to scale showing the actual dimensions of the zoning lot to be built upon and/or used; the size, shape and location of the structure to be constructed and/or the land to be used; **required setbacks** for each yard **as measured from the lot lines of the property**; points of ingress and egress, driveways, circulation aisles, parking lots, individual parking spaces and loading and service areas; location of all utility connections and other such information as may be deemed necessary. **No Zoning Permit will be issued unless a plot plan is submitted.** See Zoning Administrator for plot plan form or submit drawing with similar information.
3. Whenever an application is made for a Zoning Permit where a Master Drainage Plan has been approved with the recorded plat for the subdivision and filed with the City Clerk, the applicant must also provide two copies of the four-corner grading plan developed for the zoning lot(s). The plan shall include minimum pad elevations if located in a flood prone area. If no Master Drainage Plan has been developed for the zoning lot(s), the applicant shall include on the plot plan directional arrows showing the means by which drainage will be discharged. **Final grades will be inspected before an Occupancy Certificate is issued.**
4. Unless the Zoning Administrator can verify the actual dimensions of the zoning lot to be built upon from a recorded plat on file with his/her office, then the applicant must provide, at the time of application, two copies of a drawing of the plat showing the actual dimensions of the lot according to the recorded plat unless the lot is otherwise exempted from platting under the City Subdivision Regulations.
5. Payment of the Zoning Permit and Occupancy Certificate fee is required at the time of application in the amount provided for in Section 9-104 of the Zoning Regulations. See Zoning Administrator for Fee Schedule information. Because of the additional administrative costs involved, if construction or work other than permitted grading has already commenced on a structure or a use before an application is filed, the fee otherwise required will be increased. The fee is not refundable unless the permit is not approved.

6. A Zoning Permit shall be either approved or disapproved by the Zoning Administrator within 10 days after the receipt of a completed application thereof or within such further period as may be agreed to by the applicant. When the Zoning Administrator decides that he/she cannot issue a Zoning Permit, he/she shall advise the applicant in writing of the reasons for its disapproval.
7. A Zoning Permit shall become null and void 180 days after the date on which it is issued unless within such a period construction, reconstruction, moving or structural alteration is commenced or a use is commenced. If the construction or work is abandoned or suspended for any 180-day period after such a permit is issued, then application must be made for a new permit.
8. Upon the completion of construction or moving or a change in the use of a structure or land, the applicant shall notify the Zoning Administrator so that a field inspection can be made and an Occupancy Certificate issued. A certificate shall be issued or written notice shall be given to the applicant stating the reasons why a certificate cannot be issued within 10 days after the receipt of an application therefore or after the Zoning Administrator is notified in writing that the structures or premises are ready for occupancy or use. (See Section 9-101B2 of the Zoning Regulations for information on temporary occupancy permit.)
9. Any Zoning Permit issued which is based on an application containing false information shall be considered null and void. Similarly, any Zoning Permit or Occupancy Certificate issued in conflict with the provisions of the Zoning Regulations shall be null and void.
10. Any applicant aggrieved by a decision of the Zoning Administrator with respect to the interpretation or application of the Zoning Regulations in applying for a Zoning Permit and Occupancy Certificate may appeal to the City Board of Zoning Appeals for a determination within **30 days** after such decision is made.
11. The applicant should be aware that any Zoning Permit or Occupancy Certificate issued does not nullify any private deed restriction or restrictive covenant validly filed of record which are still enforceable by other property owners. (See Section 2-100C of the Zoning Regulations for information on Private Agreements.)
12. You should check with the Zoning Administrator to determine if a screening plan or site plan approved by the Planning Commission is required prior to issuance of a Zoning Permit.

Zoning District: _____

APPLICATION FOR ZONING PERMIT AND OCCUPANCY CERTIFICATE

Name of Owner _____

Address _____ Phone _____

Name of Contractor as Agent of Owner _____

Address _____ Phone _____

Street Address or General Location of Property _____

Legal Description: Lot(s) _____ block _____ Subdivision: _____

Type of Work: Construct ___ Structurally Alter ___ Move ___ Other _____

Existing Use _____ Proposed Use * _____

Zoning Lot Data: Frontage _____ Feet Width ** _____ Feet

Depth _____ Feet Area _____ Sq. Ft.

* If applicable, manufactured date of manufactured/mobile home.

** Should be calculated at the required front yard setback line.

<u>Building Information</u>	<u>Principal Structure/Use</u>	<u>Accessory Structure/Use</u>
Width (Feet)	_____	_____
Depth (Feet)	_____	_____
Floors (Number)/Height (Ft.)	_____	_____
Total Floor Area (Sq. Ft.)	_____	_____
Total Lot Coverage (%)	_____	_____
Dwelling Units (Number)	_____	_____
Surface Area of Signs (Sq. Ft.)	_____	_____
Sign with Largest Area (Sq. Ft.)	_____	_____
Maximum Height of Signs (Ft.)	_____	_____
Beginning and Ending Date for Portable Sign Use	_____	_____
Height/Percent of Open Space of Front Yard Fence	_____	_____

Setback Information

Front Yard (Feet) _____

Front/Side Yard (Feet)*** _____

Side Yard (Feet) _____

Rear Yard (Feet) _____

*** Corner lots have two or more front yards.

Water Supply _____ Sewage Disposal _____

Number of permanent Off-Street Parking Spaces _____

Plot Plan of lot, structure(s), parking space(s) and driveway(s) attached:
Yes _____ No _____

The undersigned hereby certifies that: (1) They have read and understand the accompanying form entitled, "Instructions to the Applicant Filing for a Zoning Permit and/or Occupancy Certificate"; (2) The information given herein is correct; (3) They agree to comply with all provisions of the Zoning Regulations including the right of the Zoning Administrator to inspect the zoning lot and any structures thereon before approving the Zoning Permit and/or Occupancy Certificate; (4) All rights of way, easements, setback lines, access controls and other building or use restrictions as shown on a recorded plat or separate instrument are accurately indicated to scale on the attached plot plan; (5) Except for permitted grading, no construction has been initiated on the zoning lot; and (6) They understand that any Permit or Certificate issued upon false statement of any fact which is material to the issuance hereof shall be null and void.

_____, 20__
(Owner or Contractor's Signature)

ZONING PERMIT

Amount of Zoning Permit and Occupancy Certificate fee received: \$_____

Zoning Permit (approved) (not approved) _____ By _____
(Date) Zoning Administrator

(Conditions of approval) (Reasons for not approving): _____

cc: Applicant
Building Inspector
Floodplain Administrator

OCCUPANCY CERTIFICATE

All of the foregoing applicable items in the application were field inspected on _____ and the premises are hereby approved for the above stated proposed structure(s) and/or use(s).

Approved _____ By _____
(Date) Zoning Administrator

cc: Applicant
County Appraiser's Office

CITY OF DOUGLASS, KANSAS

PLOT PLAN

This Plot Plan is to accompany the application for a Zoning Permit and Occupancy Certificate of _____ (Owner) (Contractor) dated _____, 20___. In addition to data required by Section 2 of the Instructions to the Applicant Filing for a Zoning Permit and Occupancy Certificate, the applicant must show on the Plan below the adjacent street names, scale and an arrow pointing north. Setbacks for yards must be measured from the lot lines of the property. Eight lines on the grid equal one inch.

Scale: _____ Draw North Arrow:

CITY OF DOUGLASS, KANSAS

COMPLAINT/CONCERN/INQUIRY REPORT

Date: _____ Phone: () _____

Name/Title: _____

Address: _____

Reason for Contact: _____

Action Taken: _____

Copy sent for Action/Information to: _____

Date Completed: _____ By _____

CITY OF DOUGLASS, KANSAS

REQUEST FORM TO ANSWER INQUIRY ON PROPOSED DEVELOPMENT

The following questions are asked to assist the Zoning Administrator in providing you with an answer as to the effect that the City Zoning Regulations may have on your inquiry for potential development on your property. Since the answer will be based on the information which you provide, **it is important** that you describe all relevant details of the development that you have in mind. Please remember that zoning among many other subjects is mainly concerned with how property is used and the placement or extension of structures thereon. Return your completed form to the Zoning Administrator at City Hall, 322 South Forrest, P.O. Box 412, Douglass, Kansas 67039 or FAX (316) 747-3159.

Date: _____ Phone: () _____

Name/Title: _____

Mailing Address: _____

What proposed use of the property is desired? If this is for a business activity, indicate whether it is: (1) an industrial or commercial venture or a home occupation in a residence; (2) How many employees?; (3) What hours of operation?; and (4) Outside or inside storage or display? _____

Will there be a new structure placed on the property or the use or extension of an existing structure? _____

Will there be a need for accessory uses and structures such as a detached garage, detached storage building, communication tower, etc.? _____

If the property has been platted, provide the lot, block and subdivision identification. If unplatted, provide a legal description and the size of the parcel in square footage or acreage. _____

Is the property outside the city limits and desiring to be annexed in order to implement the proposed development? _____

Is the property in a designated 100-year floodplain or a floodway? _____

How will the proposed use affect the need for parking and loading spaces and driveway entrances? _____

What type, size and location of a sign(s), if any, do you anticipate needing? _____

Would an understanding of your proposed development benefit by attaching a simple drawing of its layout? _____

Any additional information? _____

Based on the above information, _____

Date: _____

Zoning Administrator

PART 4

ZONING ASSISTANCE FORMS

<u>Form</u>	<u>Name of Form (Number of Pages)</u>
ZA-1	Resolution Establishing a Fee Schedule (3)
ZA-2	Outline of Procedures for Rezoning and Special Use Cases (2)
ZA-3	Rezoning Report (4)
ZA-4	Special Use Report (4)
ZA-5	Check List for Conducting A Public Hearing by the Planning Commission on Rezoning Amendment and/or Special Use Case(s) (6)
ZA-6	Check List for Consideration of a Rezoning Amendment and/or Special Use Case(s) by the Governing Body (4)

RESOLUTION NO. 03-05

A RESOLUTION ESTABLISHING A FEE SCHEDULE FOR CHARGES FOR PROCEEDINGS GOVERNED BY THE ZONING REGULATIONS AND SUBDIVISION REGULATIONS OF THE CITY OF DOUGLASS, KANSAS.

WHEREAS, the City of Douglass has adopted Zoning Regulations and Subdivision Regulations which create the need for a fee schedule to wholly or partially defray the costs for administration and enforcement of such regulations; and

WHEREAS, the City is authorized pursuant to K.S.A. 12-757(a) to establish reasonable fees to be paid in advance by the owner of any property at the time of making application for a zoning amendment; and

WHEREAS, the City is authorized pursuant to K.S.A. 12-759(a) to establish a scale of reasonable fees to be paid in advance by applicants for cases heard by the Board of Zoning Appeals; and

WHEREAS, the City is authorized pursuant to K.S.A. 12-752(d) to establish a scale of reasonable fees to be paid by the applicant for each plat filed with the Planning Commission;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF DOUGLASS, KANSAS:

Section 1: That the following fees are hereby established for the purpose of wholly or partially defraying costs for proceedings under the City Zoning Regulations for amendments to zoning district classifications and for special use applications:

Amendment to District Classification \$150.00

(Note: Fees can also be based on each classification of district requested; a general breakdown classification of residential, commercial or industrial; and/or by the size of the area requested. Sometimes the fee is increased if a plot plan is part of the application process.)

Special Use Application \$100.00

If an amendment to a district classification and a special use application are concurrently processed for the same zoning lot, only one fee is to be charged which would be the higher of the two fees listed.)

(Note: An alternative would be to charge a portion of the special use application fee, e.g., one-half the fee.)

If notifications have been given for an amendment to a district classification or a special use application and the applicant requests a deferral of the hearing, the applicant will be charged the direct cost of renotification.

OUTLINE OF PROCEDURES FOR
REZONING AND SPECIAL USE CASES
FOR THE CITY OF DOUGLASS, KANSAS

Statute References:

K.S.A. 12-715b, 12-736, 12-741 and 742, 12-753 to 764 and 12-766.

1. Case initiated by property owner, Planning Commission or Governing Body.
2. Application made to Zoning Administrator with zoning district classification or boundary request, legal description, ownership list and filing fee.
3. Legal notice published in official newspaper so that 20 days elapse between publication date and public hearing.
4. Written notice in same time period as #3 above distributed to all surrounding real property owners **within 200 feet of the application area** both inside and extending outside the City. If such area is **adjacent to but inside the city limits**, the area of notification shall extend for 200 feet inside the City and 1,000 feet outside. If such area is **outside the City**, notification shall be given for 1,000 feet including 200 feet inside of the city limits if the 1,000 feet extends inside the City for any distance.
5. Public hearing held by Planning Commission which may be adjourned from time to time and continued to a specified date, time and place.
6. Republication and re-mailing of notice not necessary if table of zoning comparability adopted for lesser zone classification changes.
7. Amendment presumed reasonable by court "if in accordance with the land use plan or the land use element of a comprehensive plan."
8. Amendment may be recommended to be approved, approved in part or disapproved.
9. When a quorum is present at the hearing, a majority of the Planning Commission members present and voting shall be required to make a recommendation. A tie vote is a failure to recommend which automatically results in a recommendation of disapproval.
10. "Accurate written summary" of the public hearing, summary of findings of fact from evidence presented and recommendations based on a statement of factors, all to be noted in the minutes or a separate report and submitted to the Governing Body within **14 days after the hearing**.
11. Right to submit protest petitions to City Clerk within **14 days** after the date of the public hearing from owners of 20% or more of certain real property proposed to be rezoned or altered within the area of notification excluding streets and public ways and statutorily excluded property.

12. Governing Body shall not consider any amendments until after 14-day petition period ends.
13. If legal petition is submitted, effectuating ordinance cannot be passed except by at least a 3/4 vote of all the members of the City Council.
14. The City Council may (1) adopt by at least a majority vote such recommendations by ordinance; (2) override the Planning Commission's recommendations by at least a 2/3 majority vote of the membership of the City Council and thereby adopt the ordinance; or (3) return the same to the Planning Commission for reconsideration by at least a majority vote which is based on reasons stated by the Governing Body.
15. Planning Commission has until its next regular meeting to resubmit the original recommendations with reasons or submit new or amended recommendations. If no action is taken, original recommendations are automatically resubmitted.
16. Governing Body may by at least a majority vote finally adopt, revise and adopt, disapprove or take no further action.
17. If amendment adopted, ordinance is published to effectuate change.
18. Ordinance incorporates an amendment to the Official Zoning Map by reference.
19. Zoning permit may be issued subject to having a recorded plat and/or an approved screening plan or site plan. Conditions may also be attached to the occupancy certificate.
20. Special uses are processed in the same manner, except that they are not considered lesser changes on the Table of Comparability, are not placed on the Official Zoning Map and may have conditions attached which must be specified in the effectuating ordinance.
21. Amendments to the text of the zoning regulations are made by the same procedures, except mailing notices to property owners is not required nor are protest petitions permitted or the 14-day petition period necessary.

REZONING REPORT *

CASE NUMBER: Z-_____ - _____

APPLICANT/AGENT: _____

REQUEST: _____

CASE HISTORY: _____

LOCATION: _____

SITE SIZE: _____

PROPOSED USE: _____

ADJACENT ZONING AND EXISTING LAND USE:

North:

South:

East:

West:

* **NOTE:** This report is to assist the Planning Commission to determine their findings from the evidence presented at the hearing so as to base their rezoning recommendation on the required 17 factors found in Section 11-100 H of the Zoning Regulations. The responses initially provided need to be evaluated with the evidence and reworded as necessary to reflect the Commission's considered opinion. Conditions attached to the motion, if any, should be carefully worded to provide instructions to the applicant and facilitate enforcement by the Zoning Administrator. A copy of the report should be provided to the applicant before the hearing. The completed report can be included within the minutes following the statutory required summary of the hearing or attached thereto. The minutes and report should be forwarded to the Governing Body within 14 days to serve as a basis for their decision.

BACKGROUND INFORMATION:

FACTORS AND FINDINGS:**

1. What are the existing uses and their character and condition on the subject property and in the surrounding neighborhood? (See Adjacent Existing Land Use on page 1 of 4.) _____

2. What is the current zoning of the subject property and that of the surrounding neighborhood in relationship to the requested change? (See Adjacent Zoning on page 1 of 4.) _____

3. Is the length of time that the subject property has remained undeveloped or vacant as zoned a factor in the consideration? _____
4. Would the request correct an error in the application of these regulations?

5. Is the request caused by changed or changing conditions in the area of the subject property and, if so, what is the nature and significance of such changed or changing conditions? _____

6. Do adequate sewage disposal and water supply and all other necessary public facilities including street access exist or can they be provided to serve the uses that would be permitted on the subject property? _____

7. Would the subject property need to be platted or replatted or in lieu of dedications made for rights-of-way, easements, access control or building setback lines? _____

**** NOTE:** Of those factors considered as relevant to the requested change in zoning district classification or boundary, not all factors need to be given equal consideration by the Commission in deciding upon its recommendation.

8. Would a screening plan be necessary for existing and/or potential uses of the subject property? _____

9. Is suitable vacant land or buildings available or not available for development that currently has the same zoning as is requested? _____

10. If the request is for business or industrial uses, are such uses needed to provide more services or employment opportunities? _____

11. Is the subject property suitable for the current zoning to which it has been restricted? _____

12. If the request was approved, would the uses which would be permitted on the subject property be compatible with the uses permitted on other property in the neighborhood? _____

13. Would the request be consistent with the purpose of the zoning district classification and the intent and purpose of these regulations? _____

14. Is the request in conformance with the Comprehensive Plan and does it further enhance the implementation of the Plan? _____

15. What is the nature of the support or opposition to the request? _____

16. Are there any informational materials or recommendations available from professional persons or persons with related expertise which would be helpful in its evaluation? _____

17. By comparison, does the relative gain to the public health, safety and general welfare outweigh the loss in property value or the hardship imposed upon the applicant by not approving the request? _____

CONDITIONS: (Determine conditions, if any, applicable to the case with rewording if necessary and add additional conditions as deemed desirable.)

1. **Platting:** That (all) (or a portion of) such property to be platted (or replatted) and recorded within one year from the date of Governing Body approval or the case be considered disapproved and closed, and that the Ordinance effectuating the zone change not be published by the City Clerk until the final plat has been recorded with the Register of Deeds during the period stated above.

2. **Dedication:** That, in lieu of platting, a dedication be made before the effectuating ordinance is published for (an additional _____ foot right-of-way to the _____ side of _____) (and) (a _____ foot easement located on _____ for (utility) (drainage) (screening) (_____) purposes) (and) (total access control along _____ with not more than _____ openings permitted which are not more than _____ feet wide and not less than _____ feet from the corner of the property at the street intersection) (and) (a building setback line of _____ feet on _____.)

3. **Screening Plan:** That a screening plan be submitted to the Planning Commission for approval prior to the issuing of a zoning permit.

4. **Site Plan:** That a site plan be submitted to the Planning Commission for approval prior to the issuing of a zoning permit.

5. **Annexation:** That an annexation ordinance be approved and published prior to the effectuating ordinance for the rezoning amendment.

6. _____

cc: Applicant

SPECIAL USE REPORT *

CASE NUMBER: Z- _____ - _____

APPLICANT/AGENT: _____

REQUEST: _____

CASE HISTORY: _____

LOCATION: _____

SITE SIZE: _____

PROPOSED USE: _____

ADJACENT ZONING AND EXISTING LAND USE:

North:

South:

East:

West:

* **NOTE:** This report is to assist the Planning Commission to determine their findings from the evidence presented at the hearing so as to base their special use recommendation on the required 17 factors found in Section 11-100 H of the Zoning Regulations. The responses initially provided need to be evaluated with the evidence and reworded as necessary to reflect the Commission's considered opinion. Conditions attached to the motion, if any, should be carefully worded to provide instructions to the applicant and facilitate enforcement by the Zoning Administrator. A copy of the report should be provided to the applicant before the hearing. The completed report can be included within the minutes following the statutory required summary of the hearing or attached thereto. The minutes and report should be forwarded to the Governing Body within 14 days to serve as a basis for their decision.

BACKGROUND INFORMATION:

FACTORS AND FINDINGS:**

1. What are the existing uses and their character and condition on the subject property and in the surrounding neighborhood? (See Adjacent Existing Land Use on page 1 of 4.) _____

2. What is the current zoning of the subject property and that of the surrounding neighborhood in relationship to the requested change? (See Adjacent Zoning on page 1 of 4.) _____
3. Is the length of time that the subject property has remained undeveloped or vacant as zoned a factor in the consideration? _____
4. Would the request correct an error in the application of these regulations?

5. Is the request caused by changed or changing conditions in the area of the subject property and, if so, what is the nature and significance of such changed or changing conditions? _____

6. Do adequate sewage disposal and water supply and all other necessary public facilities including street access exist or can they be provided to serve the uses that would be permitted on the subject property? _____

7. Would the subject property need to be platted or replatted or in lieu of dedications made for rights-of-way, easements, access control or building setback lines? _____
8. Would a screening plan be necessary for existing and/or potential uses of the subject property? _____

**** NOTE:** Of those factors considered as relevant to the requested special use, not all factors need to be given equal consideration by the Commission in deciding upon its recommendation.

- 9. Is suitable vacant land or buildings available or not available for development that currently has the same zoning as is requested? _____

- 10. If the request is for business or industrial uses, are such uses needed to provide more services or employment opportunities? _____

- 11. Is the subject property suitable for the current zoning to which it has been restricted? _____

- 12. If the request was approved, would the uses which would be permitted on the subject property be compatible with the uses permitted on other property in the neighborhood? _____

- 13. Would the request be consistent with the purpose of the zoning district classification and the intent and purpose of these regulations? _____

- 14. Is the request in conformance with the Comprehensive Plan and does it further enhance the implementation of the Plan? _____

- 15. What is the nature of the support or opposition to the request? _____

- 16. Are there any informational materials or recommendations available from professional persons or persons with related expertise which would be helpful in its evaluation? _____

17. By comparison, does the relative gain to the public health, safety and general welfare outweigh the loss in property value or the hardship imposed upon the applicant by not approving the request? _____
- _____
- _____

CONDITIONS: (Determine conditions, if any, applicable to the case with rewording if necessary and add additional conditions as deemed desirable.)

1. **Platting:** That (all) (or a portion of) such property to be platted (or replatted) and recorded within one year from the date of Governing Body approval or the case be considered disapproved and closed, and that the Ordinance effectuating the zone change not be published by the City Clerk until the final plat has been recorded with the Register of Deeds during the period stated above.
2. **Dedication:** That, in lieu of platting, a dedication be made before the effectuating ordinance is published for (an additional _____ foot right-of-way to the _____ side of _____) (and) (a _____ foot easement located on _____ for (utility) (drainage) (screening) (_____) purposes) (and) (total access control along _____ with not more than _____ openings permitted which are not more than _____ feet wide and not less than _____ feet from the corner of the property at the street intersection) (and) (a building setback line of _____ feet on _____.)
3. **Screening Plan:** That a screening plan be submitted to the Planning Commission for approval prior to the issuing of a zoning permit.
4. **Site Plan:** That a site plan be submitted to the Planning Commission for approval prior to the issuing of a zoning permit.
5. **Annexation:** That an annexation ordinance be approved and published prior to the effectuating ordinance for the special use amendment.
6. _____
7. _____
8. _____

cc: Applicant

DOUGLASS CITY PLANNING COMMISSION

CHECK LIST FOR CONDUCTING A PUBLIC HEARING ON
REZONING AMENDMENT AND/OR SPECIAL USE CASE(S)

PURPOSE:

This check list is to assist: (1) the Chairperson in conducting the hearing; (2) the Secretary in an orderly process of minute taking; (3) the applicant in presenting their request; and (4) any property owners or the persons who have questions or concerns or wish to know their rights in the matter. Although the order of the outline should be followed, the material will need to be modified to relate to the nature and extent of the particular case, the number of persons to be heard and whether the hearing is for a rezoning amendment and/or a special use. If a rezoning amendment and a special use case are heard concurrently, separate consideration and action should be taken on the findings and factors and recommendations since the reasons for approval or disapproval or attaching any conditions may be different. The Chairperson will find it helpful to mark up a check list on each case(s) prior to the hearing so that important procedural points are not inadvertently missed.

CALL AGENDA ITEM(S):

It is ___:___ p.m. and I call Agenda item(s) #_____ and #_____ which (is a) (are) public hearing(s) on Case(s) No(s). (Z _____-_____) (and) (SU _____-_____). (This is) (These are) for a (rezoning amendment requesting a change from the present _____ District to the _____ District) (and) (an application for the establishment of _____ as a special use in the _____ District.) We would like to welcome everyone interested in this hearing and lay out a few ground rules:

1. It is important that you present any facts or views you have as evidence at this hearing so that an informed recommendation can be made by the Planning Commission to the Governing Body for their final decision.
2. The Governing Body does not have to hold another public hearing on the matter, although they may listen to whomever they wish. They may ask you questions and, in particular, you will be asked if you had a fair hearing and whether there is any new information which was not heard at this hearing. The Governing Body will decide if the question of a fair hearing or new information warrants returning the case to the Planning Commission before consideration by the Governing Body. It is to everyone's advantage if you present all the necessary information at this hearing.

3. After our Zoning Administrator provides us with some background information, I will call upon the applicant and then we will hear from other interested parties. After all have been heard, each party will have an opportunity for final comments. The Planning Commission will close the hearing to public comments and will then consider their recommendation during which time they may direct questions to the applicant, the public, the staff or our consultant.

4. In presenting your comments, you should be aware that the Planning Commission can recommend that the site be platted or replatted if necessary and that a screening plan approval for fencing and/or landscaping may be required. (Since [this] [one of these cases] is for a special use, more stringent conditions including a site plan approval may be required to make the use compatible with the surrounding property, the neighborhood and the zoning district. (Such conditions are further described in Section 11-101 of the Zoning Regulations.)

5. You should also be fully aware that any uses permitted outright in a district by the regulations can receive a zoning permit, not just the use(s) being proposed now by the applicant. For this reason, I have asked the Zoning Administrator to circulate a copy of the district regulations among you so that you can see the permitted uses. Furthermore, if the applicant chooses to describe various features of their development plans, the City can only enforce those provisions which are covered in zoning and other City codes.

6. Please write your name and address on the form being circulated among you so we will have a record of who is present and for any future communications if necessary. Anyone wishing to speak must be recognized by the Chairperson and give their name and address. Please use the podium and speak clearly so that your comments may be (picked up by the tape recorder to be) summarized for the minutes by our Secretary.)

DISQUALIFICATION DECLARED AND QUORUM DETERMINED:

Before we proceed with the hearing, I'll ask the Commission if any of them intend to disqualify themselves from participating in this case because they or their spouses own property in the area of notification or have conflicts of interests or a particular bias on this matter. (Please let the minutes show that _____ has disqualified himself/herself because

and has temporarily disassociated himself/herself from our Commission.) (According to our Bylaws, those members who only abstain from voting are still part of the quorum.) I declare that we have a quorum of _____ present for the hearing.

NOTIFICATION:

According to the Secretary, a notice for this hearing was published in the _____ on _____, 20____ and notices were mailed to the applicant and _____ real property owners of record in the area of notification on _____, 20____. The record shows that at least 20 days elapsed between the publication and mailing date(s) and the hearing date. Unless there is evidence to the contrary from anyone present, I'll declare that proper notification has been given.

EX PARTE COMMUNICATIONS:

Although we do not encourage such communications, I will ask the Commission if any of them have received any ex parte verbal or written communications prior to this hearing which they would like to share with all the members.

ZONING ADMINISTRATOR'S REPORT:

I call on our Zoning Administrator, _____, to provide us with a background report on the case(s). (See Rezoning Report.) (See Special Use Report.)

Thank you for your presentation. Are there any questions from the Commission, staff or consultant?

APPLICANT'S REQUEST:

I call upon the applicant to make his/her presentation on the request and any response to the Zoning Administrator's report.

Thank you for your presentation. Are there any questions for the applicant from the Commission, the staff or consultant?

PUBLIC COMMENTS:

Are there any members of the public who wish to speak on this case? (Recognize first come, first served; obtain name and address; and continue until all public comments are completed. People can also be asked not to repeat what has already been said, but to indicate that they hold similar views.)

WRITTEN COMMUNICATIONS:

Are there any written communications or petitions? (Secretary could be asked to read them.)

APPLICANT'S RESPONSE TO PUBLIC COMMENTS:

Does the applicant wish to respond to the public comments?

FINAL PUBLIC COMMENTS:

Does anyone from the public wish to respond to the applicant's comments?

CLOSE THE HEARING:

Hearing no further public comments, I hereby close the public portion of the hearing. There will be no further public comments unless the Commission wishes to ask questions to clarify information.

PLANNING COMMISSION DELIBERATIONS:

The Planning Commission will now deliberate (the) (each) request. There are 17 factors which the Commission must consider in order to make findings on the factors and a recommendation (on each case). They are found in the (Rezoning Report) (Special Use Report). Each factor will be considered and our collective opinion will be summarized.

RECOMMENDATION:

Having discussed and reached conclusions on our findings on the factors, I would remind the Commission that a proper motion should reflect the factors on which it is based and, if approval is recommended, then consideration should be given to conditions. Is there a motion to either recommend approval, modification and approval, disapproval or to table the decision?

SAMPLE MOTIONS:

To Table Application

Having considered the evidence at the hearing and the factors to evaluate the (rezoning) (and) (special use) application(s), I (_____) move that Case(s) No(s). (Z ____-____) (and) (SU ____-____) be deferred until _____, 20__ at ____:____ p.m. in this same meeting room for more (information) (and) (study) in regard to _____
_____.

Rezoning Application

Having considered the evidence at the hearing and the factors to evaluate the rezoning application, I (_____) move that we recommend to the Governing Body that Case No. Z _____ - _____ be (approved) (modified and approved) (disapproved) to change the zoning district classification from the _____ District to the _____ District based on the findings of the Planning Commission as recorded in the Rezoning Report (as amended). (and that such approval be subject to the following condition[s]:)

Special Use Application

Having considered the evidence at the hearing and the factors to evaluate the special use application, I (_____) move that we recommend to the Governing Body that Case No. SU _____ - _____ be (approved) (modified and approved) (disapproved) for the establishment of _____ in the _____ District based on the findings of the Planning Commission as recorded in the Special Use Report (as amended). (and that such approval be subject to the following condition[s]:)

Having heard the motion by _____, is there a second? Having been seconded by _____, is there any discussion of the motion? Is the Commission ready to vote on the motion? All those in favor say, "Aye." All those opposed say, "Nay." (If divided vote, ask for a show of hands and Secretary will record a roll-call vote.) The motion (passes) (fails) by a (unanimous) vote of _____ to _____. (An affirmative vote must be at least a majority of the members present and voting. Except in the case of a tie vote, abstentions are counted as part of the majority vote. If the Commission fails to make a recommendation such as may occur with a tie vote, it is forwarded to the Governing Body as a recommendation of disapproval. See Bylaws to settle other voting procedures including abstentions, disqualifications and Chairperson voting.)

CLOSING REMARKS AND PROTEST PETITIONS:

This case will be forwarded to the Governing Body with the Planning Commission's recommendation and a written summary of the hearing for consideration at their regular meeting of _____, 20__ which begins at ____:____ (a.m., p.m.) in the Council's meeting room in City Hall. (The tape recording of this hearing will be retained for at least 60 days after the final determination is completed on this case.)

Protest petitions against the (change in zoning) (and/or) (special use), but not directed at the Commission's recommendation(s) as such, may be received by the City Clerk for 14 days after tonight, i.e., until _____, 20__ at 5:00 p.m. If there are properly signed protest petitions with accurate legal descriptions from the owners of record of 20% or more of the total real property within the official area of notification both inside and outside the City not counting public street rights-of-way or specific statutorily excluded property, then such a change shall not be passed except by a three-fourths vote of all the members of the City Council. (See Section 11-103.)

We want to thank all of you for participating in this hearing and you are welcome to stay for the remainder of our meeting. I call for Agenda item #_____.

DOUGLASS CITY COUNCIL

CHECK LIST FOR CONSIDERATION OF A
REZONING AMENDMENT AND/OR SPECIAL USE CASE(S)

PURPOSE:

This check list is to assist: (1) the Mayor in conducting the discussion and decision on a rezoning amendment and/or special use case(s); (2) the City Clerk in an orderly process of minute taking; (3) the applicant in presenting new information; and (4) any property owners or persons who have new information or wish to know their rights in the matter. Although the order of the outline should be followed, the material will need to be modified to relate to the particular case and whether the case is for a rezoning amendment and/or a special use. If rezoning and special use cases are heard concurrently, separate consideration and action will need to be taken on the findings and factors and recommendations since the reasons for approval or disapproval or attaching any conditions may be different. The Mayor will find it helpful to have a check list marked up on each case(s) prior to the meeting so that important procedural points are not inadvertently missed. This check list is in keeping with the procedures in K.S.A. 12-757(c), (d) and (e) and the decision in Houston v. Board of (Wichita) City Commissioners, 218 Kan. 323 (1975). The latter determined that:

"Where the statutory requirements are fully met (Ed: Notice and public hearing) and a full and complete record of the substance of the planning commission proceedings is before the governing body, due process does not require the governing body to conduct a second public hearing on the advisability of the proposed change." (Syllabus)

CALL AGENDA ITEM(S):

I call Agenda item # _____ which is on Case(s) No(s). (Z _____ - _____) (and) (SU _____ - _____). (This is) (These are) for (a rezoning amendment requesting a change from the present _____ District to the _____ District) (and) (an application for the establishment of _____ as a special use in the _____ District.)

DISQUALIFICATION DECLARED AND QUORUM DETERMINED:

Before we proceed, I'll ask the Council if any of them intend to disqualify themselves from participating in this case because they have conflicts of interests or a particular bias on this matter. (Please let the minutes show that _____ has disqualified himself/herself because _____ and has temporarily disassociated himself/herself from our Council.) We have a quorum of _____ present for the consideration of the case.

ANNEXATION:

In order to have jurisdiction over (the) (these) zoning matter(s), we need to have a motion to tentatively act upon their petition for annexation.

(Sample Motion: To authorize the publication of Ordinance No. _____ to annex the land for Case(s) No(s). (Z _____-_____) (and) (SU _____-_____) subject to approval of the related zoning application(s).)

PROTEST PETITIONS:

Has the City Clerk received any protest petitions on (either of) the case(s)? (If yes) Do they constitute the statutory required 20% necessitating a 3/4 vote of the Council to approve (either of) the case(s)? (If yes) Having determined that a valid protest petition has been submitted to the Clerk, I would remind the Council that _____ affirmative votes are necessary to approve (either of) the case(s).

SUMMARY OF HEARING:

I ask the Council members if they have all received copies of the (approved) (unapproved) Minutes of the Planning Commission for _____, 20__ which summarizes the hearing on (the) (these) case(s)? (If yes) Having determined that the members have received the required information, I am going to ask the applicant and members of the public present the first of two questions:

(1) To those who are present on (this) (these) case(s), do you feel that you had a fair and impartial hearing?

(Should any questions arise as to this matter, the Council with the assistance of the City Attorney needs to determine if such response(s) warrants returning the case(s) to the Planning Commission for a reconsideration of the issue(s) or a rehearing de novo, i.e., from the beginning.)

(2) After the Zoning Administrator's report, I will be asking the second question to the applicant and the public who may wish to speak to this item. Is there any new information on (this) (these) case(s) not otherwise presented at the hearing that should be brought to the attention of the Council?

The Council may also want to direct questions to the applicant, the staff or other persons present.

ZONING ADMINISTRATOR'S REPORT:

I call on our Zoning Administrator to provide us with a report on the case(s) and recommendation(s) of the Planning Commission.

Thank you for your presentation. Are there any questions for the Zoning Administrator from the Council members?

WRITTEN COMMUNICATIONS:

Are there any written communications or petitions? (Clerk could be asked to read them.)

APPLICANT'S RESPONSE:

Does the applicant wish to present any new information?

Thank you for your information. Are there any questions to the applicant from Council members?

FINAL PUBLIC COMMENTS:

Does anyone from the public wish to respond to the applicant's information or provide any new information?

COUNCIL DELIBERATION:

Assuming the Council has received all the information they need on (this) (these) case(s), I will outline the choices provided under the state statutes for Council action: (K.S.A. 12-757[c])

(Note: Each case will need to be acted upon separately.)

- (1) By a majority vote, move to adopt the findings and factors and recommendation of the Planning Commission on Case No. (Z-_____-_____) (SU-_____-_____) and to **approve** Ordinance No. _____. *
- (2) By a majority vote, move to adopt the findings and factors and recommendation of the Planning Commission to **disapprove** Case No. (Z-_____-_____) (SU-_____-_____).
- (3) By a 2/3 majority vote, move to **override** the Planning Commission's recommendation, **approve** Case No. (Z-_____-_____) (SU-_____-_____), describe in detail the findings and factors supporting the motion, attach appropriate conditions, if any, and **approve** Ordinance No. _____. *
- (4) By a 2/3 majority vote, move to **override** the Planning Commission's recommendation, **disapprove** Case No. (Z-_____-_____) (SU-_____-_____) and describe in detail the findings and factors supporting the motion.

* (Note: If a valid protest petition is determined, _____ affirmative votes will be needed to approve the case.)

- (5) By a majority vote, **return the recommendation** to the Planning Commission on Case No. (Z-_____-_____) (SU-_____-_____) **for further consideration** at its next regular meeting with a statement specifying the basis for the Council's concern whether to approve or disapprove the recommendation. **

** **(Note:** If the Council returns the Planning Commission's recommendation, the Planning Commission, after considering the same, may resubmit its original recommendation giving the reasons therefor or submit a new and amended recommendation. Upon the receipt of such recommendation, the Council, by a simple majority thereof, may adopt or may revise or amend and adopt such recommendation by ordinance, or it need take no further action thereon. If the Planning Commission fails to deliver its recommendation to the Council following the Planning Commission's next regular meeting after receipt of the Council's report, the Council shall consider such course of inaction on the part of the Planning Commission as a resubmission of the original recommendation and proceed accordingly. In either circumstance, the Council may take any action they desire by majority vote unless legal protest petitions are received which would necessitate a 3/4 vote.)

- (6) By a majority vote, move to **table** Case(s) No(s).
(Z-_____-_____) (and) (SU-_____-_____) until _____, 20__
at ____:____ p.m. in this same meeting room for more (information) (and)
(study) in regard to _____

CLOSING REMARKS:

(For approval)

Persons aggrieved by the final decision of the Council on this matter have 30 days after the effectuating ordinance is published within which to appeal to District Court.

(For disapproval)

Persons aggrieved by the final decision of the Council on this matter have 30 days after today's action within which to appeal to District Court.

We want to thank all of you for participating in this matter and you are welcome to stay for the remainder of our meeting. I call for Agenda item #_____.

PART 5

ADMINISTRATIVE FORMS FOR
SITE PLAN REVIEW

<u>Form</u>	<u>Name of Form (Number of Pages)</u>
SP-1	Application for Site Plan Review (2)
SP-2	Check List for Review and Approval of Site Plan (3)

APPLICATION FOR SITE PLAN REVIEW

This is an application for a site plan review. The form must be completed and filed with the Zoning Administrator at 322 South Forrest, P.O. Box 412, Douglass, Kansas 67039-0412 or FAX: (316) 747-3159.

(AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED.)

1. Name of applicant(s) and/or his/her agent(s).

a. Applicant _____

Address _____ Phone _____

Agent, if any _____

Address _____ Phone _____

b. Applicant _____

Address _____ Phone _____

Agent, if any _____

Address _____ Phone _____

(Use a separate sheet, if necessary, for names of additional applicants.)

2. The applicant hereby requests a review of a site plan titled _____

_____ which is proposed in the _____

_____ District under the City Zoning Regulations.

3. The property is legally described as Lot(s) _____ of

Block _____ in the _____

_____ subdivision.

(If appropriate, metes and bounds description may be provided in the space below or on an attached sheet.)

4. Dimensions of the zoning lot are _____ feet in depth by _____ feet

in width and _____ acres (round to the nearest tenth) or _____

square feet in area.

5. The general location of the property is (use appropriate section):
- a. The address is _____.
 - b. At the _____ corner of _____ Street and _____ Street.
 - c. On the _____ side of _____ Street between _____ Street and _____ Street.
6. Is this property part of a recorded plat? Yes _____ No _____
 If no, has a plat been submitted? _____
7. The property is presently used for _____
 _____ and this site plan is requested for the following purposes:

8. I (We), the applicant(s), acknowledge receipt of the Site Plan Review Criteria and further state that I (we) have or will read the material. If an agent, I further state that I have or will provide the Applicant(s) an explanation of or copy of this material. I (We) realize that this application cannot be processed unless it is complete and is accompanied by the appropriate filing fee.

Applicant	Date	Applicant	Date
Agent (If any)	Date	Agent (If any)	Date

OFFICE USE ONLY

This application was received by the Zoning Administrator at _____:_____ (a.m., p.m.) on _____, 20____. It has been checked and found to be complete and accompanied by the required copies of the site plan and the filing fee of \$100.00.

cc: Applicant

 Zoning Administrator

CHECK LIST FOR REVIEW AND APPROVAL OF SITE PLAN

This check list is to be completed by the Zoning Administrator to assist the Planning Commission in determining whether the site plan should be approved, approved with conditions, disapproved or deferred for more study. Information should be compiled from Section 3-105 on Site Plan Approval and Section 3-104 on Screening and Landscaping in the Zoning Regulations. The completed check list should be distributed to the Planning Commission and the Applicant with the related agenda to facilitate the discussion, maximize the use of time and serve as a basis for decision making.

Description

Name of Site Plan _____ Application Date _____

General Location _____

_____ Inside City ____ To Be Annexed ____

Name of Zoning Administrator _____ Date _____

Name of Applicant _____

Name of Agent _____

Name of Designer _____

Background Information

Comments

Review of the site plan by various affected and interested parties would indicate the following action:

A. Approval. ____

B. Deferral for more information ____ or study ____ as listed below:

C. Disapproval with deficiencies listed below: ____

D. Approval subject to conditions listed below:

	<u>Planning Commission Action</u>		
	<u>Yes</u>	<u>No</u>	<u>Change</u>
1. _____ _____	_____	_____	_____
2. _____ _____	_____	_____	_____
3. _____ _____	_____	_____	_____
4. _____ _____	_____	_____	_____
5. _____ _____	_____	_____	_____
6. _____ _____	_____	_____	_____
7. _____ _____	_____	_____	_____
8. _____ _____	_____	_____	_____
9. _____ _____	_____	_____	_____
10. _____ _____	_____	_____	_____

(Note: Any variances from the City Zoning Regulations must be processed by the Board of Zoning Appeals.)

Planning Commission Action to Approve

Having reviewed the site plan dated ___ / ___ / ___ for _____
filed as SP _____ - _____, I (_____) move that we approve
the site plan and direct the Zoning Administrator to issue a zoning permit upon
application thereof and to subsequently issue an occupancy certificate when all
required site plan provisions have been completed. (and that such approval be
subject to the condition(s) on the previously agreed upon list.) Motion seconded
by _____ and passed by a (unanimous) vote of ___ to ____.
Member(s) abstaining from the vote (was) (were): _____
_____.

Planning Commission Action to Disapprove

Having reviewed the site plan dated ___ / ___ / ___ for _____
filed as SP _____ - _____, I (_____) move that we disapprove
the site plan based on the previously agreed upon list of deficiencies.
Motion seconded by _____ and passed by a (unanimous) vote of
___ to _____. Member(s) abstaining from the vote (was) (were): _____
_____.

Planning Commission Action to Table

Having reviewed the site plan dated ___ / ___ / ___ for _____
filed as SP _____ - _____, I (_____) move that it be deferred
until _____, 20__ at ___:___ p.m. in the same meeting room for more
(information) (and) (study) in regard to _____
_____.
Motion seconded by _____ and passed by a (unanimous) vote of
___ to _____. Member(s) abstaining from the vote (was) (were): _____
_____.

(Note: Except in the case of a tie vote, abstentions are counted as part of the majority vote. Members disqualifying themselves are not part of the quorum and unable to vote. A majority vote of the members present and voting is necessary to pass a motion on a site plan.)

Date: _____

cc: Applicant

