

CITY OF CHANUTE, KANSAS

PROCEDURES MANUAL

OFFICIALLY ADOPTED

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Prepared By:

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CORPORATION



**PROCEDURES MANUAL
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**ARTICLE 1
THE ROLE OF EACH PARTICIPANT**

INTRODUCTION

The purpose of the city zoning regulations and subdivision regulations is to promote orderly growth and redevelopment in the City of Chanute and its environs. The degree to which these regulations are effective is largely dependent upon the caliber of implementation. The best regulations are ineffective by themselves and perform their functions only through proper administration on a day-to-day basis.

The purpose of this procedures manual is to set forth guidelines for the proper administration of the city zoning regulations and subdivision regulations. Included are descriptions of the general role of each participant, a discussion of the decision-making process, a recommended code of conduct, and a step-by-step outline of the most common development requests. Through the use of the procedures manual, the city zoning regulations and subdivision regulations will be applied more equitably and consistently.

The power to enact zoning and subdivision regulations has been granted to cities and counties by the state enabling legislation. These statutes require the participation of three separate bodies in the process of administering the regulations: The Planning Commission, the Board of Zoning Appeals, and the Governing Body.

Chanute Regional Planning Commission

Comprehensive Plan: By Kansas statutes, in order to implement land use regulations, the Planning Commission must adopt a city plan (comprehensive plan) for the physical development of the municipality. Before adopting or amending the plan, the Planning Commission must hold a public hearing. Upon the conclusion of the public hearing, the Planning Commission must prepare and adopt a recommendation to the Governing Body. The Governing Body must approve such plan or amendments prior to adoption. After adoption of the plan, a copy should be recorded in the office of the County Registrar of Deeds.

Zoning Regulations: The Planning Commission is primarily an advisory body. Under the zoning regulations, the primary duty of the Chanute Regional Planning Commission is to hold a public hearing where public opinion can be expressed regarding proposed rezoning, conditional and special use permits, and zoning regulation text amendments. In this sense, the Planning Commission is a sounding board for community attitudes toward development. It is important for the Planning Commission to establish the facts surrounding each development issue as clearly as possible so that decisions are not based on misinformation or conjecture. The Commission is required to adopt a recommendation to the Governing Body regarding rezoning of land, conditional and special use permits, and changes to the zoning regulations.

Subdivision Regulations: Under the subdivision regulations, the Planning Commission is responsible for approving, conditionally approving or disapproving both preliminary and final plats. Guidelines to carry out this responsibility are provided by the plat submission standards set out in the subdivision regulations.

Board of Zoning Appeals: The Board of Zoning Appeals is primarily a quasi-judicial body rather than an advisory or legislative one. Its role in zoning administration is specifically limited to three types of tasks:

- A. The appeal of an administrative decision or interpretation;
- B. The granting of variances for cases of unnecessary hardship; and
- C. Other matters referred to the Board Appeals.

In the first case, the responsibility of the Board of Zoning Appeals is to rule on the administrative interpretation of the zoning regulations whenever there is an ambiguous provision or an alleged error. Variances are granted for unusual physical constraints, and the role of the Board of Zoning Appeals is to determine if a variance should be granted in a manner that is consistent with the intent of the zoning regulation and fair to the applicant. The Board of Zoning Appeals is not involved in administering the subdivision regulations.

Governing Body The Governing body consists of the Mayor and the City Commission and has responsibility for enacting and amending the city comprehensive plan and the city zoning regulations after consideration of the recommendations of the Planning Commission. This responsibility includes amending the text of the city zoning regulations, zoning district maps and the text of the city subdivision regulations. The role of the Governing Body in the subdivision process is to accept or reject dedications of easements, rights-of-way and public lands; approve financial guarantees or financing mechanisms to ensure construction of all public improvements; and approve engineering drawings.

ARTICLE 2
THE BASIS OF DECISION-MAKING

As with other "police powers," the exercise of zoning and subdivision regulations is subject to certain legal limitations. One of the most important of these limitations requires that zoning and subdivision regulations cannot be applied in an "arbitrary or capricious" manner. Decisions regarding zoning and subdivision issues cannot be fixed or arrived at through an exercise of will or by caprice without consideration or adjustment with reference to principles, circumstances, or significance.

Zoning Issues. Before making any recommendation or decision on a zoning request, the Planning Commission must first hold a public hearing. The purpose of the hearing is to allow all sides to express their views on the issue and to discuss all relevant factors. Although the hearing is a valuable mechanism for gauging the community's attitudes toward development and for establishing the facts of each case, it is important that decisions not be based solely on the opinions of the largest or most vocal group of participants.

Instead, zoning decisions must be based on the best interests of the *entire community* and not just the interests of a particular property owner or neighboring property owners. The Planning Commission should try to distinguish between facts and opinions at a public hearing. Unsubstantiated assertions ("This project would reduce the value of my property by 75 percent.") or generalizations ("People who live in apartments always drive fast cars and race up and down the streets.") should be analyzed for their validity. Even "expert witnesses" should be pressed to give as factual a basis as possible for their judgments.

Second, zoning decisions should include consideration of long-range community goals as well as short-range needs. The recommendations of the Comprehensive Plan should be the primary source for this information.¹ Because of its importance in the zoning process, the Comprehensive Plan should be reviewed by the Chanute Regional Planning Commission on a regular basis and amended as necessary to ensure that it remains current.

Third, it is important to zone based on land use issues, not the personal issues affecting the individual applicant. An error frequently made is approval of a rezoning to accommodate an applicant's personal circumstances without consideration of land use conditions and characteristics. Such rezonings are rarely in the public interest and, if challenged, can be held to be invalid. Instead, decisions should be based on whether the land is appropriate for the proposed zoning district.

The entire class of uses which the zoning district permits should be considered rather than just the use the applicant proposes, since a change in ownership or in market conditions could easily result in a change of the proposed or existing use.

¹ The adopted Comprehensive Plan provides community-wide perspective and understanding of zoning issues.

Special use permits are granted on a case-by-case approach. The zoning regulations set forth conditions that must be met before a special use permit may be granted. The district regulations also may establish additional conditions. The recommendation to grant a special use permit should be made to the Governing Body only after the Planning Commission has found all the standards, as set forth in the zoning regulations, have been met.

Appeals and Variances: The Board of Zoning Appeals has the important task of interpreting the Zoning Regulations in situations where the language of the ordinance is alleged to be ambiguous, the specifics of the case are unusual enough to warrant special consideration, or an appeal is made. Thus, the decisions made by the Board of Zoning Appeals must be carefully thought out and clearly stated in order to safeguard the integrity and purpose of the Zoning Regulations.

In deciding an appeal, the Board of Zoning Appeals must interpret sections of the Zoning Regulations, as well as preserve the intent and consistency of the regulations. The specifics of the applicant's situation are largely irrelevant, since the ruling of the Board of Zoning Appeals will affect not only the case at hand, but will also set precedent and, consequently affect each subsequent use of that section of the Zoning Regulations.

The granting of a variance requires a very careful examination of the applicant's situation. Although the Board of Zoning Appeals should be careful to avoid setting any unintentional precedents, the variance process requires a case-by-case approach. Before a variance can be granted, facts must be presented supporting the standards set forth in the Chanute Zoning Regulations. These conditions require the existence of practical difficulties or unnecessary hardship and that any variance granted be consistent with the intent of the regulations, the general welfare of the community, and the rights of adjacent property owners.

In each of the duties described above, it is important to point out that it is not the role of the Board of Zoning Appeals or the Planning Commission to change or weaken the intent of the Zoning Regulations. If the ordinance needs changing, an amendment should be passed by the Governing Body after the Planning Commission's review and recommendation.

Subdivision Plats: The decision to approve or disapprove a preliminary or final plat should be based on technical standards that can be set out in written form. Standards for subdivision design are included in the Subdivision Regulations. Standards for engineering design and construction should be available from the Zoning Administrator. Other elements of "good subdivision design" exist, however, that are not easily quantified or expressed in writing. These include aesthetics, compatibility with adjoining subdivisions, relationship to topographic conditions, efficiency of the utility layout, and general suitability of the lot and block design to the intended use of the land. Such issues will have to be resolved in the best judgment of the Planning Commission after consideration of the plans for the subdivider. In reviewing a subdivision plat, two distinct sets of interests must be considered:

1. The interests of the property owner or owners; and
2. The city-at-large.

Initially the subdivider is the property owner, but eventually lots in the subdivision are likely to be sold to a variety of people. The property owner(s) needs a subdivision design that can be developed easily and economically. This means an efficient street and utility layout and lots which have the appropriate size, shape and topography to develop and maintain for their intended use. The broader community needs a subdivision design that blends well with the development pattern of the city and that will not be a financial drain on local government. This means that the subdivider must adhere to appropriate standards for design and construction and give adequate financial guarantees to ensure that all public improvements are installed.

Site Plan Approval: The Zoning Regulations in the City of Chanute require that a new building(s) or the expansion of an existing building(s) in multifamily, commercial and industrial zoning districts be subject to site plan review and approval by the Planning Commission before building permits can be issued. The site plan is a detailed depiction of the entire project and its relationship to adjoining property. Elements that must be included are detailed in the Zoning Regulations.

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ARTICLE 3
PLANNING COMMISSION BY LAWS

1. Areas of Responsibility: It shall be the responsibility of the Planning Commission to:
 - A. Cause the preparation, development and adoption of a comprehensive plan;
 - B. Formulate subdivision regulations;
 - C. Formulate zoning regulations;
 - D. Hold public hearings for proposed zoning changes and make a recommendation to the Governing Body;
 - E. Consider flood plain development controls;
 - F. Perform an annual review of the Comprehensive Plan; and
 - G. Adopt bylaws.

2. Composition:
 - A. The Planning Commission shall be composed of seven (7) voting members as provided for by the City of Chanute, Kansas.
 - B. The Chair, Vice-Chair and Secretary shall be elected by Commission members.
 - C. A Secretary Pro Tem, elected by the Commission members, shall chair the meeting in the absence of the elected officers.

3. Duties of Officers:
 - A. Chair: The Chair shall preside at all meetings and public hearings of the Planning Commission and shall:
 - (1) decide all points of order and procedure;
 - (2) certify plans and plats; and
 - (3) transmit reports and recommendations of the Planning Commission to the Governing Body.

 - B. Vice-Chair: The Vice-Chair shall assume the duties of the Chair in his or her absence.

- C. Secretary: The Secretary shall be responsible for:
 - (1) keep the minutes of the Planning Commission meetings;
 - (2) certify, along with the Chair, all plans and plats; and
 - (3) perform other duties as the Planning Commission may require.

- 4. Duties of the Zoning Administrator or Designate: The Zoning Administrator or designate shall perform the following duties:
 - A. Duties as set forth by the Governing Body and Planning Commission;
 - B. Meet with applicants prior to application submittal and accept applications for Planning Commission agenda items;
 - C. Draft or have staff reports drafted on agenda items and sent to Planning Commission members prior to each Planning Commission meeting;
 - D. Send or have agendas sent to members of the Planning Commission;
 - E. Inform applicants of decisions;
 - F. Carry out written correspondence;
 - G. Maintain the records of the Planning Commission;
 - H. Other duties as requested by the Planning Commission.

- 5. Meetings:
 - A. The Planning Commission shall establish a regular monthly meeting date.
 - B. A regular meeting of the Planning Commission may be cancelled if:
 - (1) It is determined that a quorum will not be present;
 - (2) No subjects are scheduled for the agenda; or
 - (3) Other reasonable circumstances.

- C. The Planning Commission may hold special meetings from time to time upon a majority vote of the full membership of the commission.

6. Conduct Of Meetings:

- A. "Robert's Rules of Order" shall govern the conduct of meetings.
- B. There must be 4 of the 7 voting members present before a vote can be taken, unless the allotted time will have expired prior to the next meeting or unless the petitioner requests a vote be taken.
- C. The motion shall be restated by the Chair before a vote is taken. The name of the maker and supporter of a motion shall be recorded.
- D. An affirmative vote of a majority of a quorum is required to take action on a motion; except that an affirmative vote of a majority of the full Planning Commission is required for certain actions, such as approving subdivision plats, recommending adoption or amendment of the Comprehensive Plan and for recommending adoption of new zoning regulations.
- E. Where such a vote is not possible either for or against a particular proposal, the results of such action shall be submitted to the Governing Body with an explanation of the failure to establish an official vote on the subject in question. All members including the Chair shall have a vote and shall vote when present except that any member shall automatically disqualify himself from voting on any decision in which there might be a conflict of interest and should state the nature of that conflict for the minutes.

7. Agenda Subjects:

- A. Any interested party may request a place upon the agenda of a Planning Commission meeting.
- B. A copy of the agenda shall ordinarily be mailed to the members of the Planning Commission so that they may review them at least three days prior to the meeting.
- C. Subjects not listed on an official agenda will ordinarily not be considered at a meeting; except that the Chair may allow consideration of non-agenda items but not public hearings.
- D. Agenda for Regular Meeting:
 - (1) Meeting opened by Chair
 - (a) Meeting called to order by Chair;

- (b) Roll call by name; and
 - (c) Motion to adopt minutes of previous meeting.
 - (2) Public Hearings
 - (3) Discussion Items
 - (4) Other Business
 - (5) Adjournment
- E. Attendance at Meetings: In the event any member of the Commission shall fail to attend at least sixty-six (66) percent of the meetings of the Commission over any nine-month period, such absences shall be the grounds for forfeiture of his office. If a member of the Commission is absent beyond the number of meetings allowable, it will be up to the Chair of the Commission to recommend dismissal to the Mayor.
8. Hearings:
- A. Before recommending adoption or amendment of all or any part of the Comprehensive Plan, City Zoning Regulations, City Subdivision Regulations or Major Street Plan, the Planning Commission shall hold a public hearing on the matter as required by law.
 - B. The Zoning Administrator shall cause a notice of such public hearings to be published once in the official City newspaper and at least twenty (20) days shall elapse between the date of such publication and the date set for the hearing. Such notice shall fix the time and place for such a hearing and shall describe the proposal in general terms.
 - C. The following procedure for conducting public hearings shall be observed:
 - (1) staff presents the agenda item;
 - (2) the Planning Commission may ask questions regarding the staff presentation and report;
 - (3) proponents of the agenda item make presentation;
 - (4) opponents of the agenda item make presentations;
 - (5) applicant makes rebuttal;
 - (6) staff presents the matters to be considered; and

- (7) Planning Commission asks any questions it may have of the proponents, opponents or staff and then acts upon a motion.
- D. Action by the Planning Commission on any matter on which a hearing is held shall not be taken until the hearing has been concluded.
- 9. Recommendations: The Chair of the Planning Commission, or a member of the Planning Commission authorized by the Chair, shall appear before the Governing Body for the purpose of reporting recommendations of the Planning Commission.
- 10. Committees:
 - A. The Planning Commission may establish such committees as it deems advisable and assign each committee specific duties or functions.
 - B. The Chair shall designate the members of each committee and shall name the Chair of each committee. The Planning Commission shall fill vacancies on committees as they are created.
- 11. Expenses:
 - A. The Planning Commission may accept funds and services budgeted by the Governing Body.
 - B. The designated fiscal agent of the Planning Commission shall be the Mayor or the Zoning Administrator of the City of Chanute.
- 12. Records and Reports:
 - A. The Planning Commission shall keep a record of all proceedings, resolutions, transactions, findings and determinations.
 - B. All records of the Planning Commission shall be available for public review.
 - C. The Planning Commission shall annually review the Comprehensive Plan to determine if any portion has become obsolete and shall make a report to the Governing Body regarding same.
- 13. Amendments: These bylaws may be amended by an affirmative vote of a majority of the full quorum of the Planning Commission, provided such amendment has been submitted in writing to each member of the Commission at least three days prior to the meeting at which action is to be taken.

14. Ethical Principles: Members of the Planning Commission who shall legally have a conflict of interest or believe that they may have a substantial interest as defined by Kansas State Statute, in any matter that is on the Commission's agenda, shall voluntarily excuse themselves, vacate their seat and refrain from discussion and voting on said item as a Commission member. Conflict of interest includes:
- A. Ownership of property or business in which the Commission is considering action;
 - B. Receipt of fees, salaries or gratuity from such business or businesses; or
 - C. A member of the commission member's immediate family is employed by or stands to receive a financial gain from the Planning Commission's action.

Approved this _____ day of _____, 200__

Planning Commission of Chanute, Kansas.

By: _____
Chair

Attest: _____
Secretary

ARTICLE 4
BOARD OF ZONING APPEALS BYLAWS

1. Areas of Responsibility: It shall be the responsibility of the Board of Zoning Appeals to:
 - A. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Administrator or other city official in the enforcement of the zoning regulations.
 - B. To authorize in specific cases a variance from the specific terms of the zoning regulations.
 - C. Other matters referred to the Board.

2. Composition:
 - A. The Board of Zoning Appeals shall consist of seven (7) voting members as provided by the City of Chanute, Kansas.
 - B. The Chair, Vice-Chair and Secretary shall be elected by Board members.

3. Duties of Officers:
 - A. Chair: The Chair shall preside at all meetings and public hearings of the Board of Zoning Appeals and shall:
 - (1) decide all points of order and procedure;
 - (2) inform petitioners of decisions.
 - B. Vice-Chair: The Vice-Chair shall assume the duties of the Chair in his or her absence.
 - C. Recording Secretary: The Recording Secretary shall be responsible for:
 - (1) Keeping the minutes of the Board of Zoning Appeals meetings;
 - (2) perform other duties as the Board of Zoning Appeals may require.

4. Duties of the Zoning Administrator: The Zoning Administrator shall perform the following duties:
 - A. Duties as set forth by the Board of Zoning Appeals;

- B. Meet with applicants prior to application submittal and accept applications for Board of Zoning Appeals agenda items;
- C. Draft or have staff reports drafted on agenda items and sent to the members of the Board of Zoning Appeals prior to each Board of Zoning Appeals meeting;
- D. Send or have agendas sent to members of the Board of Zoning Appeals;
- E. Inform applicants of decisions;
- F. Carry out written correspondence; and
- G. Maintain the records of the Board of Zoning Appeals.

5. Meetings:

- A. “Robert’s Rules of Order” shall govern the conduct of meetings and the Chair shall serve as parliamentarian.
- B. A majority of the full Board of Zoning Appeals shall constitute a quorum and must be present before a vote can be taken.
- C. The Board of Zoning Appeals shall hold meetings at a time and place designated by the Board; except that the Chair may cancel a regular meeting with at least three (3) days prior notice if it is determined that a quorum will not be present.
- D. The motion shall be restated by the Chair before a vote is taken. The name of the maker and supporter of a motion shall be recorded.
- E. An affirmative vote of the majority of the full Board of Zoning Appeals membership is required to take action on a matter:
- F. When procedural and parliamentary rules adopted by the Board of Zoning Appeals conflict, parliamentary procedure shall be according to the “Robert’s Rules of Order.”

6. Agenda Subjects:

- A. Any interested party may request a place upon the agenda of a Board of Zoning Appeals meeting.
- B. A copy of the agenda shall ordinarily be mailed to the members of the Board of Zoning Appeals so that they may review them at least three days prior to the meeting.

- C. Subjects not listed on an official agenda will ordinarily not be considered at a meeting; except that the Chair may allow consideration of non-agenda items.
 - D. Agenda for Regular Meeting:
 - (1) Meeting opened by Chair
 - (a) Meeting called to order by Chair;
 - (b) Roll call by name; and
 - (c) Motion to adopt minutes of previous meeting.
 - (2) Public Hearings
 - (3) Other Business
 - (4) Adjournment
 - E. Attendance at Meetings: In the event any member of the Board shall fail to attend at least sixty-six (66) percent of the meetings of the Board over any nine-month period, such absences shall be the grounds for forfeiture of his office. If a member of the Board is absent beyond the number of meetings allowable, it will be up to the Chair of the Board to recommend dismissal to the Mayor.
7. Ethical Principles: Members of the Board of Zoning Appeals who shall legally have a conflict of interest or believe that they may have a substantial interest as defined by Kansas State Statutes, in any matter that is on the Board's agenda, shall voluntarily excuse themselves, vacate their seat and refrain from discussion and voting on said item as a Board member. Conflict of interest includes:
- A. Ownership of property or business in which the Board is considering action;
 - B. Receipt of fees, salaries or gratuity from such business or businesses; or
 - C. A member of the Board member's immediate family is employed by or stands to receive a financial gain by the action of the Board of Zoning Appeals.

Approved this _____ day of _____, 200__

Board of Zoning Appeals of Chanute, Kansas

By: _____
Chair

Attest: _____
Secretary

ARTICLE 5 CODE OF CONDUCT

In administering the zoning regulations, it is crucial that the decisions are made fairly and that they also have the *appearance* of fairness. The credibility of the Planning Commission, the Board of Zoning Appeals, the Governing Body and public support for zoning regulations in general will erode quickly if there is an appearance of unfairness or impropriety in members of these public bodies. For this reason, it is important that a code of conduct is established and followed as closely as possible.

Conflicts of Interest: In making zoning decisions, members of the Planning Commission, Board of Zoning Appeals, and the Governing Body should be acting in the best interest of the entire community. Whenever a member of any of these bodies is acting on an issue in which he or she also has a personal interest, an important element of fairness is lost. In general, a conflict of interest is any situation in which a member is in a position to act upon or influence a development request which includes the potential for direct or indirect gain, financial or otherwise. In order to clarify this general rule, the following guidelines are recommended.

No member shall act on or influence any development request when:

1. The member has a potential for direct or indirect profit or financial gain from the development;
2. The member owns or is employed by any company which is an applicant, subdivider, developer or option holder;
3. The applicant, subdivider, developer or option holder is an established and regular client of the member or the member's place of employment;
4. One or more of a member's immediate family (parent, sibling, spouse or child) has a direct financial interest in the development or is an owner or officer of any company which is an applicant, subdivider, developer or option holder; or
5. The member has a potential for indirect financial gain or loss because of related property or business holdings.

Other situations not covered by these guidelines should be left to the judgment of the member involved. Again, the appearance of fairness and impartiality is as important as actual fairness and impartiality.

Ideally, citizens appointed to the Planning Commission and Board of Zoning Appeals should not include those who are likely to have repeated conflicts of interests. When a conflict of interest does occur, however, the following steps should be taken:

1. The member should declare and the record should show that a conflict of interest exists with respect to a particular issue and that the member will not participate in any discussion or action;
2. The member should step down from his or her regular seat and should not speak with any other members during the discussion of the issue at hand; and

3. The member should not represent or speak on behalf of the applicant, but may speak on this or her own behalf as a private citizen during the hearing.

Acknowledgment of Outside Information. During any public hearing, it is presumed that all sides will have the opportunity to hear the opposing side's information and arguments and to offer rebuttal. This right is lost when discussions are held or information is provided outside the public hearing. The possibility exists that a decision could be based on information that was never discussed publicly. To avoid this situation, Planning Commission and Board of Zoning Appeals members should not receive any information relating to a case or discuss a case with anyone who has an interest in the outcome. Where such a discussion or information is unavoidable, the member should declare during the hearing, and the record should show, the general nature and content of the discussion or information and the participants in the discussion or the source of the information.

These guidelines also apply to any personal knowledge which is relevant to the issue. If a member has any personal knowledge which will affect his or her decision, such information should be made public during the hearing and should be subject to rebuttal.

Informed Participation. All parties with an interest in a particular development issue have a right to a decision based on all of the available information. Any member who is not informed or aware of the available information should abstain from voting on that issue. This includes the following situations:

1. When a member has not reviewed the application or the information submitted with the application;
2. When a member has missed all or part of a public hearing and has not been able to review a transcript of the hearing; or
3. When a member has missed all or part of the discussion between members prior to the vote.

As a corollary to this policy, it is the duty of each member to attend normally scheduled meetings as regularly as possible. Without regular attendance, informed decision-making and full participation in the regulatory process is unlikely. The By-Laws of the Planning Commission establish requirements and rules for attendance.

ARTICLE 6
ETHICAL PRINCIPLES, PLANNING COMMISSION AND STAFF

The Chanute Regional Planning Commission has officially adopted the following principles to govern the conduct of its business. These principles should be considered as advisory rather than mandatory. Should any questions arise about the interpretation and application of any of these principles, the City Attorney should be consulted.

1. Serve the Public Interest. The primary obligation of Planning Commission members and planning staff is to serve the public interest.
2. Support Citizen Participation in Planning. Because the definition of the public interest is modified continuously, Planning Commission members and planning staff must recognize the right of citizens to seek to influence planning decisions that affect their well-being. Members should encourage a forum for meaningful citizen participation and expression in the planning process and assist in clarifying community goals, objectives, and policies.
3. Recognize the Comprehensive and Long-Range Nature of Planning Decisions. Planning Commission members and planning staff should recognize and give special consideration to the comprehensive and long-range nature of planning decisions. Planning Commission members and planning staff must seek to balance and integrate physical (including historical, cultural, and natural), economic, and social characteristics of the community or area affected by those decisions. Planning Commission members and the planning staff must gather all relevant facts, consider responsible alternative approaches, and evaluate the means of accomplishing them. Planning Commission members and planning staff should expressly evaluate foreseeable consequences before making a recommendation or decision.
4. Expand Choice and Opportunity for All Persons. Planning Commission members and planning staff should strive to make decisions which increase choice and opportunity for all persons; recognize a special responsibility to plan for the needs of disadvantaged people; and urge that policies, institutions, and decisions which restrict choices and opportunities be changed.
5. Facilities Coordination through the Planning Process. Planning Commission members and planning staff must encourage coordination of the planning process. The planning process should enable those concerned with an issue to learn what other participants are doing, thus permitting coordination of activities and efforts and accommodation of interests. Planning Commission members and planning staff should strive to ensure that individuals and public and private agencies likely to be affected by a prospective planning decision receive adequate information far enough in advance of the decision to allow their meaningful participation.

Article 6- Ethical Principles, Planning Commission and Staff

6. Avoid Conflict of Interest. To avoid conflict of interest and the appearance of impropriety, Planning Commission members who may receive some private benefit from a public planning decision must not participate in that decision. The private benefit may be direct or indirect, create a material, or personal gain, or provide an advantage to an immediate relation.
7. Render Thorough and Diligent Planning Service. Planning Commission members and planning staff must render thorough and diligent planning service. Should a Planning Commission member or members of staff believe she or he can no longer render such service in a thorough and diligent manner, she or he should resign from the position. If a member has not sufficiently reviewed relevant facts and advice affecting a public planning decision, the member must not participate in that decision.
8. Do Not Seek or Offer Favors. Planning Commission members and members of staff must seek no favor. Planning Commission members and planning staff must not directly or indirectly solicit any gift or accept or receive any gift (whether in money, services, loans, travel, entertainment, hospitality, promises or in some other form) under circumstances in which it could be reasonably inferred that the gift was intended or could reasonably be expected to be intended to influence them in the performance of their duties or that it was intended or could reasonably be construed to be intended as a reward for any recommendation or decision on their part. Individuals must not offer any gifts or favors intended to influence the recommendation or decision of Planning Commission members or planning staff.
9. Do Not Disclose or Improperly Use Confidential Information for Financial Gain. Planning Commission members and planning staff must not disclose or use confidential information obtained in the course of their planning duties for financial or other gain. A Planning Commission member or staff must not disclose to others confidential information acquired in the course of their duties or use it to further a personal interest. Exceptions to this requirement of non-disclosure may be made only when (a) required by process of law, (b) required to prevent a clear violation of law, or (c) required to prevent substantial injury to the public. Disclosure pursuant to (b) and (c) must not be made until after the Planning Commission member or member of staff has made reasonable efforts to verify the facts and issues involved, obtain reconsideration of the matter, and obtain separate opinions on the issue from other planners or officials.
10. Ensure Access to Public Planning Reports and Studies on an Equal Basis. Planning Commission members and planning staff must ensure that reports and records of the public planning body are open equally to all members of the public. All non-confidential information available to a member or planning staff must be made available in the same form to the public in a timely manner at reasonable or no cost.

11. Ensure Full Disclosure at Public Hearings. Planning Commission members and staff members must ensure that the presentation of information on behalf of any party to a planning question occurs only at the scheduled public hearing on the question, not in private, unofficially, or with other interested parties absent. The official must make partisan information regarding the question (received in the mail, by telephone, or other communication) part of the public record.
12. Maintain Public Confidence. A Planning Commission member or member of staff must conduct himself/herself publicly so as to maintain public confidence in the public planning body, the City of Chanute and the official's performance of the public trust.

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**ARTICLE 7
PROCEDURAL SUMMARY**

The final section of this manual is a step-by-step explanation of each type of development request. Also included are checklists to assist in the review of each request.

It is important to note that the official procedural requirements are contained in the City of Chanute Zoning and Subdivision Regulations themselves. This manual is a summary document intended to present the zoning and subdivision process in an easily understood format and applications needed for each zoning and subdivision process.

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ARTICLE 8
ZONING & SUBDIVISION TEXT AMENDMENT PROCEDURE

A proposal for an amendment of the text of the zoning or subdivision regulations is initiated by either the Planning Commission or the Governing Body of the City of Chanute. A citizen may also begin the amendment process by submitting the proposed change to the Zoning Administrator, with a request for consideration by either the Planning Commission or Governing Body on the next regular meeting agenda.

1. If the text amendment is initiated by either the Planning Commission or the Governing Body:
 - A. A public hearing may be scheduled immediately.
 - B. The Office of the Zoning Administrator shall be responsible for having an official notice of the public hearing published in a newspaper of general circulation at least twenty (20) days prior to the hearing; and for following the administrative procedures for a text amendment as prescribed in the adopted zoning or subdivision regulations.
 - C. The notice shall fix the time and place of the hearing and describe in general terms the proposed change.
 - D. At the public hearing, citizens and parties of interest shall have an opportunity to be heard.

2. If the change is initiated by a private citizen and taken before the Planning Commission:
 - A. The individual shall be allowed to present the proposed amendment at a regular meeting.
 - B. The Planning Commission, based on the information presented, shall determine whether the proposal should be considered as an amendment.
 - C. If it is determined that the proposal has merit, the Planning Commission may set a date for the public hearing and authorize the publication of the necessary public notice.

3. The public hearing may be adjourned from time to time and upon its conclusion the Planning Commission shall prepare and adopt its recommendation to the Governing Body. The recommendation shall be submitted along with an accurate record of the public hearing.

4. The Governing Body shall consider the Planning Commission's recommendation and may either approve the recommendation; override the Planning Commission's recommendation by a 2/3 majority vote of the membership of the Governing Body; or return the proposed amendment to the Planning Commission for reconsideration, as prescribed in the adopted zoning or subdivision regulations. If received for reconsideration, the Planning Commission shall consider the Governing Body's reasons for failure to approve or disapprove and may resubmit its original recommendation or a revised recommendation. Upon receipt of the recommendation, the Governing Body may approve or disapprove the proposed zoning or subdivision text amendment.

5. If the Governing Body approves the requested change, it shall adopt an ordinance to that effect.

CITY OF CHANUTE, KANSAS
ZONING & SUBDIVISION TEXT AMENDMENT APPLICATION

Return Form to:
Zoning Administrator
City of Chanute
101 S. Lincoln
Chanute, KS. 66720
(620) 431-5232
(620) 431-5238 (fax)

For Office Use Only:
Case No.: _____
Filing Fee: _____
Deposit: _____
Date Advertised: _____
Date Notices Sent _____
Public Hearing Date: _____

APPLICANT INFORMATION:

Applicant: _____ Phone: _____
Address: _____ Zip: _____
Owner: _____ Phone: _____
Address: _____ Zip: _____

TEXT AMENDMENT PROPOSED:

Amendment Proposed to (Check One):

_____ City Zoning Regulations _____ City Subdivision Regulations

Section to Be Amended: Article _____ Section _____

Present Text: _____

Proposed Text: _____

Reason for Amendment: _____

Attach additional sheets as needed.

IMPACT OF AMENDMENT:

Does the amendment add language to the Regulations?	Yes ___	No ___
Does the amendment supplement an existing section?	Yes ___	No ___
Does the amendment modify an existing section?	Yes ___	No ___
Does the amendment repeal a section?	Yes ___	No ___

Applicant's Signature

Date

(SAMPLE) OFFICIAL NOTICE

Public Hearing for Chanute, Kansas *(Please specify either Zoning or Subdivision Regulations)* Text Amendment

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that at _____ p.m. on _____, 200____
_____ the City of Chanute Regional Planning Commission, at the Memorial Building, 101 S. Lincoln,
Chanute, Kansas, will consider amendment(s) to Section _____ of Article _____ of the
_____ *(specify applicable regulation:
City of Chanute Zoning Regulations or the City of Chanute Subdivision Regulations)*.

As provided in the Zoning or Subdivision Regulations *(please specify)* of Chanute, Kansas, the above amendment will be discussed and considered by the Planning Commission, and all persons interested in said matter will have an opportunity to be heard at this time concerning their views and wishes.

CERTIFIED, this _____ day of _____, 200____.

Zoning Administrator

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(SAMPLE) ORDINANCE NO.

TEXT AMENDMENT

AN ORDINANCE AMENDING SECTION _____ OF ARTICLE _____ OF THE _____ *(Insert either City of Chanute, Kansas Zoning Regulations; City of Chanute, Kansas Subdivision Regulations; whichever is applicable)* AS ADOPTED BY ORDINANCE _____ *(Insert either the ordinance number for the City of Chanute Zoning Regulations or the City of Chanute Subdivision Regulations)* OF THE CITY OF CHANUTE, KANSAS.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF CHANUTE, KANSAS:

Section I

That Section _____, of Article _____ of the _____, *(Insert whichever is applicable)* entitled _____ is hereby amended so as to read as follows:

(Insert new language here)

Section II

This ordinance shall take effect and be in force from and after its passage, approval, and publication as provided by law.

PASSED AND APPROVED THIS _____ DAY OF _____,
200____.

Mayor

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney

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**ARTICLE 9
ZONING DISTRICT AMENDMENT (REZONING) PROCEDURE**

A proposal for a change in district classification (rezoning) may be initiated by either the Governing Body, the Planning Commission or by application of the owner of property affected.

1. The applicant shall first obtain the proper application form from the Office of Zoning Administrator.
2. The rezoning application form shall be completely filled out and returned to the Office of Zoning Administration with the appropriate filing fee, deposit and required information. **An application shall not be scheduled for public hearing until the application form has been fully completed, the filing fee and deposit paid, and all required information submitted. The deposit shall be used to cover expenses incurred by the city in the processing notification and review of the application. If the city's processing notification and review costs exceed the amount of the initial deposit, the applicant shall be required to pay the additional amount.**
3. The Office of the Zoning Administrator shall be responsible for having an official notice of the public hearing published in a newspaper of general circulation at least twenty (20) days prior to the hearing. The Office of the Zoning Administrator shall be responsible for following the administrative procedures for a zoning district amendment as prescribed in the adopted zoning regulations. The notice shall fix the time and place of the hearing and shall describe generally the change requested.

The applicant shall be responsible for submitting a list of surrounding property owners to the office of Zoning Administration. The office shall send a written notice to notify surrounding property owners of the public hearing and of their right to file protest petitions and shall explain the protest procedure. The written notice shall be sent to all owners of real property within 200 feet of the property if the property proposed to be rezoned is located in the City's municipal boundaries.

This notice shall be mailed, return receipt requested. Said notice shall be sent at least twenty (20) days before the hearing at which said rezoning application is scheduled to be considered. The notice shall state the intent of the request, fix the time and place for the hearing as determined by the Zoning Administrator and shall contain the following:

- A. A statement regarding the proposed zoning classification;
 - B. A legal description or general description that is sufficient to identify the property under consideration; and
 - C. A statement that a complete legal description is available for public inspection in the City of Chanutte Zoning Administration office.
4. The Planning Commission shall hold a public hearing at which time citizens and parties of interest shall have an opportunity to be heard.
 5. The public hearing may be adjourned from time to time and, upon its conclusion, the Planning Commission shall prepare and adopt its recommendation to the Governing Body. This recommendation shall be submitted along with an accurate record of the public hearing.

CITY OF CHANUTE, KANSAS, - PROCEDURES MANUAL
Article 9 – Zoning District Amendment (Rezoning) Procedure

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CITY OF CHANUTE, KANSAS
REZONING APPLICATION

Return Form to:
Zoning Administrator
City of Chanute
101 S. Lincoln
Chanute, KS. 66720
(620) 431-5232
(620) 431-5238 (fax)

For Office Use Only
Case No.: _____
Deposit: _____
Date Advertised: _____
Date Notices Sent: _____
Public Hearing Date: _____

APPLICANT INFORMATION:

Applicant: _____ Phone: _____
Address: _____ Zip: _____
Owner: _____ Phone: _____
Address: _____ Zip: _____

PROPERTY INFORMATION:

Street Address or General Location of Property: _____
Property is Located In (Legal Description): _____

Present Zoning _____ Requested Zoning: _____ Acreage: _____

Present Use of Property: _____

Character of the Neighborhood: _____

IS PLATTING OR REPLATTING REQUIRED TO PROVIDE FOR:

- | | | | |
|----|-------------------------------------|-----------|----------|
| 1. | Appropriately Sized Lots? | Yes _____ | No _____ |
| 2. | Properly Sized Street Right-of-Way? | Yes _____ | No _____ |
| 3. | Drainage Easements? | Yes _____ | No _____ |
| 4. | Utility Easements: | | |
| | Electricity? | Yes _____ | No _____ |
| | Gas? | Yes _____ | No _____ |
| | Sewers? | Yes _____ | No _____ |
| | Water? | Yes _____ | No _____ |
| 5. | Additional Comments: _____ | | |

UNIQUE CHARACTERISTICS OF PROPERTY AND ADDITIONAL COMMENTS:

THE FOLLOWING MUST ACCOMPANY YOUR APPLICATION:

1. One copy of a legal description of the property proposed to be rezoned.
2. One copy of a statement describing the impact of the proposed change, including any traffic conditions that may result; any danger from fire hazards; how the proposed change may affect the character of the surrounding properties; and how the proposed change will benefit the City of Chanute.
3. Certified list of property owners within:
 - A. 200 feet of the property if the proposed P-D is located within the city's municipal boundaries;
 - B. 1,000 feet of the property if the proposed P-D is adjacent to the city's corporate limits.
4. If the proposed zoning requires a special use permit, the rezoning application shall be accompanied by a special use permit application defining the specifically requested use or list of uses.

Applicant's Signature

Date

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(SAMPLE) OFFICIAL NOTICE

Public Hearing for Zoning District Change (Rezoning)

To whom it may concern and to all persons interested:

Notice is hereby given that at _____ p.m. on _____, 200__, the City of Chanute Regional Planning Commission, at the Memorial Building, 101 S. Lincoln, Chanute, Kansas, will consider the following application:

Case No. _____

Zone change from the _____ district to the _____
_____ district for property legally described
and generally located as follows:

(Insert legal description and general description of the location of the property including address if any, i.e. -- approximately 1/4 mile south of _____ Street on the southeast corner of the intersection of Lincoln and 6th Street more commonly known as _____)

As provided in the _____ *(Insert name of applicable regulations proposed to be amended)* the above amendment will be discussed and considered by the Chanute Regional Planning Commission, and all persons interested in said matter will be heard at this time concerning their views and wishes; and any protest against any of the provisions of the proposed changes to the _____ *(insert either zoning or subdivision)* regulation will be considered by the Commission. Property owners within _____ *(Insert either 200 or 1,000 depending upon the distance required for written notification)* feet of such property described above, wanting to protest the proposed change will have fourteen days after the Planning Commission makes its recommendation regarding the requested rezoning to submit a protest petition to the office of the City of Chanute City Clerk. If a valid protest petition is filed with the City Clerk prior to the deadline, the change shall only be approved by a unanimous vote of the City Commission. Protest petitions are available in the office of the Zoning Administrator of the City of Chanute.

Certified, this _____ day of _____, 200__.

Zoning Administrator

CITY OF CHANUTE, KANSAS, - PROCEDURES MANUAL
Article 9 – Zoning District Amendment (Rezoning) Procedure

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(SAMPLE) ORDINANCE

ZONING DISTRICT CHANGE

Published in the on _____, 200__.

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF CHANUTE, KANSAS, UNDER THE AUTHORITY GRANTED BY THE CITY OF CHANUTE, KANSAS ZONING REGULATIONS.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF CHANUTE, KANSAS.

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under the authority of and subject to the provisions of the City of Chanute, Kansas Zoning Regulations, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. _____

Zone change from “___” (_____ District) to “___” (_____ District) for property legally described and generally located as follows:

(Insert Legal Description of Property Here)

SECTION 2. That upon the taking effect of this Ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Zoning Regulation as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption by the City Commission and publication in the official newspaper of the City of Chanute.

PASSED by the City Commission, this ___ of _____, 200__.

APPROVED by the Mayor, this ___ of _____, 200__.

Mayor

ATTEST:

(SEAL)

City Clerk

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ARTICLE 10
PLANNED DEVELOPMENT PROCEDURE

The intent of the Planned Development District (PD) is to:

- A. Encourage innovation in residential, commercial and industrial development by greater variety in type, design, and layout of buildings;
- B. Encourage a more efficient use of land reflecting changes in the technology of land development;
- C. Encourage the expansion of urban areas incorporating the best features of modern design while conserving the value of land; and
- D. Provide a procedure which relates the type, design, and layout of development to the particular site and the particular demand at the time of development in a manner consistent with the preservation of property values within established neighborhoods.

Although the specific conditions within the PD District shall be predetermined, the location of a proposed district must be carefully reviewed to assure that these conditions can be met.

1. The applicant shall first obtain the proper application form from the Office of the Zoning Administrator.
2. The Planned Development (PD) application form shall be completely filled out and returned to the Office of the Zoning Administrator with the appropriate application fee, deposit and required information. An application shall not be scheduled for public hearing until the application form has been fully completed, the fee and deposit paid, and all required information submitted. The deposit shall be used to cover expenses incurred by the city in the processing and review of the application. If the city's processing and review costs exceed the amount of the initial deposit, the applicant shall be required to pay the additional amount.
3. An application for a Planned Development shall be handled in the same manner prescribed for amending the zoning ordinance. The Office of the Zoning Administrator shall be responsible for having an official notice of the public hearing published in a newspaper of general circulation at least twenty (20) days prior to the hearing. The Office of the Zoning Administrator shall be responsible for following the administrative procedures for a zoning district amendment as prescribed in the adopted zoning regulations. The notice shall fix the time and place of the hearing and shall describe generally the change requested.

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CITY OF CHANUTE, KANSAS
PRELIMINARY DEVELOPMENT PLAN APPLICATION

Return Form to:
Zoning Administrator
City of Chanute
101 S. Lincoln
Chanute, KS. 66720
(620) 431-5232
(620) 431-5238 (fax)

For Office Use Only
Case No.: _____
Filing Fee: _____
Deposit: _____
Date Advertised: _____
Date Notices Sent: _____
Public Hearing Date: _____

APPLICANT INFORMATION:

Applicant: _____ Phone: _____
Address: _____ Zip: _____
Owner: _____ Phone: _____
Address: _____ Zip: _____

PROPERTY INFORMATION:

Street Address or General Location of Property: _____
Property is Located In (Legal Description) (If additional space is needed, please attach on additional sheet):

Present Zoning _____ Present Use of Property: _____

Proposed Use(s) (All uses are permitted in the Planned Development District; however, each use included in a particular "PD" must be specified below as well as on the Preliminary and Final Development Plans).

What is the acreage for each of the following types of use within the Planed Unit Development?

Residential _____ Commercial _____ Industrial _____

SURROUNDING LAND USE AND ZONING:

	<u>Land Use</u>	<u>Zoning</u>
North	_____	_____
South	_____	_____
East	_____	_____
West	_____	_____

RELATIONSHIP TO EXISTING ZONING PATTERN AND NEIGHBORING AREA:

- Are there substantial reasons why the property cannot be used in accordance with existing zoning? Yes _____ No _____
If yes, explain: _____
- Describe how the proposed Planned Development will not have a substantial adverse affect on the neighboring area. _____

CONFORMANCE WITH COMPREHENSIVE PLAN:

- Is the proposed change consistent with the goals, objectives and policies set forth in the Comprehensive Plan? If yes, on a separate sheet of paper please explain how.
Yes _____ No _____
- Is the proposed Planned Development consistent with the types of land uses indicated on the Future Land Use Map for the applicable tract of land? If yes, on separate sheet of paper please explain how.
Yes _____ No _____

TRAFFIC CONDITIONS:

- Identify the street(s) with access to the property: _____
- Identify the classification of those street(s) as Arterial, Collector or Local and each Right-of-Way width:

Street Name	Classification	Right-of-Way Width
_____	_____	_____
_____	_____	_____

3. Will turning movements caused by the proposed use create an undue traffic hazard?
Yes _____ No _____

UNIQUE CHARACTERISTIC OF PROPERTY AND ADDITIONAL COMMENTS:

THE FOLLOWING MUST ACCOMPANY YOUR APPLICATION:

1. One copy of a legal description of the property proposed to be rezoned.
2. One copy of a statement describing the impact of the proposed change, including any traffic conditions that may result; any danger from fire hazards; how the proposed change may affect the character of the surrounding properties; and how the proposed change will benefit the City of Chanute.
3. Certified list of property owners located within:
 - A. 200 feet of the property if the proposed PD is located within the City’s municipal boundaries;
 - B. 1,000 feet of the property if the proposed PD is adjacent to the city’s corporate limits.
4. Fifteen (15) copies of the preliminary development plan for review and approval by the Planning Commission, which said plan shall include the information as specified in the Zoning Regulations.

Applicant’s Signature

Date

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CITY OF CHANUTE, KANSAS
FINAL DEVELOPMENT PLAN APPLICATION

Return Form to:
Zoning Administrator
City of Chanute
101 S. Lincoln
Chanute, KS. 66720
(620) 431-5232
(620) 431-5238 (fax)

For Office Use Only
Case No.: _____
Filing Fee: _____
Deposit: _____
Date Filed: _____
Date Filed: _____

(A Final Development Plan application does not need to be submitted if the Final Development Plan is submitted in conjunction with a Final Plat application)

APPLICANT INFORMATION:

Applicant: _____ Phone: _____

Address: _____ Zip: _____

Owner: _____ Phone: _____

Address: _____ Zip: _____

PROPERTY INFORMATION:

Name of Planned Development: _____

Street Address or General Location of Development: _____

Name of Person who prepared the Final Development Plan: _____

Property is Located In (Legal Description) (If additional space is needed, please attach on additional sheet):

Date of Preliminary Development Plan Approval: _____

The Lots or Portion of the approved Preliminary Development Plan that this application applies to: _____

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**CITY OF CHANUTE, KANSAS
PRELIMINARY AND FINAL DEVELOPMENT PLAN CHECKLIST**

Return Form To:
Zoning Administrator
City of Chanute
101 S. Lincoln
Chanute, KS. 66720
(620) 431-5232
(620) 431-5238 (fax)

For Office Use Only:
Subdivision No.: _____
Date Filed: _____
Date of Meeting: _____
Filing Fee: _____
Deposit: _____

1. Name of Project: _____
2. Location of Project: _____
3. Name of Owner: _____
4. Name of Person who prepared the Site Plan: _____
5. Instructions:

The following checklist is to be completed by the Zoning Administrator, or the city's planning consultant, and shall accompany the Site Plan when it is submitted to the Planning Commission. The development plan shall include the following data, details and supporting information which are found to be relevant to the proposal. All development plans shall be prepared by an architect or landscape architect registered in the State of Kansas, or by a professional engineer licensed in the State of Kansas. The number of pages submitted will depend on the proposal's size and complexity.

Does the Development Plan comply with or show the following?	<u>Yes</u>	<u>No</u>
A. Name of the project, address, boundaries, date, north arrow and scale of the plan.	_____	_____
B. Name and address of the owner of record, developer, and seal of the engineer, architect or landscape architect.	_____	_____
C. Name and address of all owners of record of abutting parcels.	_____	_____
D. All existing lot lines, easements, and rights-of-way. Include area in acres or square feet, abutting land uses and structures.	_____	_____
E. The location and use of all existing and proposed buildings and structures within the development, including all dimensions of height and floor area, show all exterior entrances and all anticipated future additions and alterations, and typical elevations and building materials.	_____	_____

	<u>Yes</u>	<u>No</u>
F. The location of all present and proposed public and private ways, driveways, sidewalks, ramps, curbs and fences. Location type and screening details for all waste disposal containers shall also be shown.	_____	_____
G. The location of required parking areas including parking stalls, setbacks and loading and service areas.	_____	_____
H. The location, height, intensity, and bulb type (e.g., fluorescent, sodium incandescent) of all external lighting fixtures. The direction of illumination and methods to eliminate glare onto adjoining properties.	_____	_____
I. The location, height, size, materials, and design of all proposed signage.	_____	_____
J. A landscape plan showing all existing open space, trees forest cover and water sources, and all proposed changes to these features including the size and type of plant material. Water sources will include ponds, lakes, brooks, streams, wetlands, flood plains, and drainage retention areas.	_____	_____
K. If required, a landscape plan in accordance with the provisions of the Chanute Zoning Regulations.	_____	_____
L. The location of all existing and proposed utility systems including:		
1. sewer lines and manholes;	_____	_____
2. water lines and fire hydrants;	_____	_____
3. telephone, cable and electrical systems; and	_____	_____
4. storm drainage system including existing and proposed drain lines, culverts, catch basins, head walls, end walls, hydrants, manholes, and drainage swales.	_____	_____
M. Plans to prevent the pollution of surface or groundwater, the erosion of soil both during and after construction, excessive run-off, excessive raising or lowering of the water table, and flooding of other properties, as applicable.	_____	_____
N. Existing and proposed topography shown at not more than two-foot contour intervals. All elevation shall refer to United States Geodetic Survey (U.S.G.S.) datum. No building shall be located in the 100-year flood plain.	_____	_____

	<u>Yes</u>	<u>No</u>
O. Existing and proposed zoning district boundaries adjacent to the sites perimeter shall be drawn and identified on the plan.	_____	_____
P. Traffic flow patterns within the site, entrances and exits, loading and unloading areas, curb cuts on the site and within 100 feet of the site.	_____	_____
Q. The Zoning Administrator may require a detailed traffic study for mixed use and multi-tenant developments, or for developments in heavy traffic areas to include:		
1. The projected number of motor vehicle trips to enter or leave the site, estimated for daily and peak hour traffic levels.	_____	_____
2. The projected traffic flow pattern including vehicular movements at all major intersections likely to be affected by the proposed use of the site; and	_____	_____
3. The impact of this traffic upon existing abutting public and private ways in relation to existing road capacities. Existing and proposed daily and peak hour traffic levels, as well as road capacity levels, shall also be given.	_____	_____
R. The following items when said items are applicable:		
(1) Net area -- _____ square feet or _____ acres. (Note: Net area does not include land dedicated or necessary to be dedicated for public street right-of-way. If more than one parcel is proposed, designate net area by parcel as well as total net area.)	_____	_____
(2) Density shall not exceed _____ dwelling units per acre or a total of _____ dwelling units for the entire plan. No parcel or unit of the plan shall exceed a density of _____ units per acre for the individual parcel by more than 20%.	_____	_____
(3) Building coverage shall not exceed _____ of the net area of the Planned Development by individual parcel or total development.	_____	_____
(4) A minimum of _____ % of the development plan shall be provided for common open space as defined by this regulation. (Note: Normally, this figure should be approximately 50%).	_____	_____

	<u>Yes</u>	<u>No</u>
(5) A minimum of 50% of the recreational facilities shall be constructed prior to the development of one-half of the project, and all recreational facilities shall be constructed by the time the project is 75% developed.	_____	_____
(6) If more than one parcel is proposed, a statement relating to the sequence of development shall be included.	_____	_____
(7) Required number of off-street parking spaces.	_____	_____
(8) Gross floor area proposed: _____ square feet. (Commercial "PD" only.)		
(9) All proposed land uses listed by area or parcel.	_____	_____
S. A statement or adequate drawings describing the manner for disposal of sanitary waste and storm water.	_____	_____
T. The full legal description of the boundaries of the property or properties to be included in the Planned Development.	_____	_____
U. A vicinity map showing the general arrangement of streets within an area of 200 feet from the boundaries of the proposed development if within the City of Chanute or 1,000 feet from the boundaries of the proposed development if in the Growth Area.	_____	_____
V. A description, rendering or drawing of the general characteristics of the proposed buildings.	_____	_____
W. Evidence that the applicant has sufficient control over the tract to effectuate the proposed plan, including a statement of all the ownership and beneficial interests in the tract of land and the proposed development.	_____	_____
X. A statement describing the provision that is to be made for the care and maintenance for any proposed open space or recreational facilities.	_____	_____
Y. Copies of proposed articles of incorporation and bylaws of any entity that is to own and/or maintain any proposed common space, or recreational facilities unless said common space or recreational facility is to be owned and/or maintained by a governmental authority.	_____	_____

	<u>Yes</u>	<u>No</u>
Z. Copies of any restrictive covenants that are to be recorded with respect to property included in the planned development district.	_____	_____
AA. A schedule showing the proposed time and sequence within which the applications for final approval of all sections of the Planned Development are intended to be filed if the Planned Development calls for construction in units over a period of years.	_____	_____

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**ARTICLE 11
SPECIAL USES**

Certain uses or exceptions are permitted in some zoning districts only when a special use permit has been obtained from the Governing Body. Such uses require special study with respect to specific location and design considerations to assure that they will have minimal negative impact on surrounding properties.

1. The applicant shall first obtain the proper application form from the Office of the Zoning Administrator.
2. The special use permit application form shall be completely filled out and returned to the Office of the Zoning Administrator with the appropriate filing fee and required information. An application shall not be scheduled for public hearing until the application form has been fully completed, the fee paid, and all required information submitted.
3. The Office of the Zoning Administrator shall be responsible for having an official notice of the public hearing published in a newspaper of general circulation at least twenty (20) days prior to the hearing. The Office of the Zoning Administrator shall be responsible for following the administrative procedures for a special use permit as prescribed in the adopted zoning regulations. The notice shall fix the time and place of the hearing and shall describe generally the special use permit requested.
4. The Planning Commission shall hold a public hearing at which time citizens and parties of interest shall have an opportunity to be heard.
5. The public hearing may be adjourned from time to time and, upon its conclusion, the Planning Commission shall prepare and adopt its recommendation to the Governing Body. This recommendation shall be submitted along with an accurate record of the public hearing.

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CITY OF CHANUTE
SPECIAL USE PERMIT APPLICATION

Return Form To:
Zoning Administrator
City of Chanute
101 S. Lincoln
Chanute, KS. 66720
(620) 431-5232
(620) 431-5238 (fax)

For Office Use Only
Case No. _____
Filing Fee: _____
Deposit: _____
Date Filed: _____
Date Advertised: _____
Date Notices Sent: _____
Public Hearing Date: _____

APPLICANT INFORMATION:

Applicant: _____ Phone: _____
Address: _____ Zip: _____
Owner: _____ Phone: _____
Address: _____ Zip: _____

PROPERTY INFORMATION:

Location of Property: _____

Legal Description: _____

Present Zoning Classification: _____ Acreage: _____

Present Use of Property: _____

Proposed Land Use Activity: _____

Article, Section and sub-section (if applicable) allowing for said special use to be applied for: _____

ADJACENT ZONING AND LAND USE:

	<u>Land Use</u>	<u>Zoning</u>
North	_____	_____
South	_____	_____
East	_____	_____
West	_____	_____

Should this special use be valid only for a specific time period? Yes _____ No _____

If Yes, what length of time? _____

DOES THE PROPOSED SPECIAL USE MEET THE FOLLOWING STANDARDS? IF YES, ATTACH A SEPARATE SHEET EXPLAINING WHY.	Yes	No
The proposed special use complies with all applicable provisions of the regulations, including intensity of use regulations, yard regulations and use limitations?		
The proposed special use at the specified location will not adversely affect the welfare or convenience of the public?		
The proposed special use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located?		
The location and size of the special use, the nature and intensity of the operation involved or conducted in connection with it, and the location of the site with respect to streets giving access to it have been planned so that the special use will not dominate the immediate neighborhood so as to hinder development and use of neighboring property in accordance with the applicable zoning district regulations?		
Off-street parking and loading areas will be provided in accordance with the standards set forth in the zoning regulations, and such areas will be screened from adjoining residential uses and located so as to protect such residential uses from any injurious effect?		
Adequate utility, drainage, and other such necessary facilities will be provided?		
Adequate access roads or entrance and exit drives will be provided and designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys?		
Adjoining properties and the general public will be adequately protected from any hazardous or toxic materials, hazardous manufacturing processes, obnoxious odors or unnecessarily intrusive noises?		

ATTACHMENTS REQUIRED:

1. A site plan as specified in Section of the Zoning Regulations as well as any other information which would be helpful to the Planning Commission in consideration of the application.
2. List of property owners located within:
 - A. 200 feet of the property if the proposed Special Use is located within the city's corporate limits;
 - B. 1,000 feet of the property if the proposed Special Use is adjacent to the city's corporate limits.

Applicant's Signature

Date

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CITY OF CHANUTE, KANSAS
SPECIAL USE PERMIT
REASONS FOR DETERMINATION

Submit Questions To:
Zoning Administrator
City of Chanute
101 S. Lincoln
Chanute, KS. 66720
(620) 431-5232
(620) 431-5238 (fax)

For Office Use Only:
Special Use Case No.: _____
Date of Action: _____
Action: _____
Expiration Date: _____

ON _____, 200____, THE CITY OF CHANUTE REGIONAL PLANNING COMMISSION AT ITS REGULAR MEETING, RECOMMENDED _____ (ACTION: APPROVAL, CONDITIONAL APPROVAL, DENIAL) OF A SPECIAL USE PERMIT FOR A(N) _____ (USE) TO BE LOCATED AT _____ (ADDRESS OR LOCATION).

THE GOVERNING BODY WILL CONSIDER THE RECOMMENDATION OF THE PLANNING COMMISSION AT THE _____ 20____ MEETING OF THE GOVERNING BODY.

IN RECOMMENDING _____ (ACTION) OF THIS SPECIAL USE PERMIT, THE PLANNING COMMISSION CONSIDERED ALL STANDARDS LISTED IN THE ZONING REGULATION, AND ALL OTHER CONDITIONS LISTED FOR THAT USE IN OTHER SECTIONS OF THESE REGULATIONS. IN ADDITION, THE PLANNING COMMISSION FOUND THAT THE PROPOSED USE _____ (DID/DID NOT) PROVIDE SAFEGUARDS TO ASSURE ITS COMPATIBILITY WITH THE SURROUNDING AREA.

CONDITIONS (IF ANY): _____

ZONING ADMINISTRATOR

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(SAMPLE) OFFICIAL NOTICE

Public Hearing for Special Use Permit

To whom it may concern and to all persons interested:

Notice is hereby given that at _____ p.m. on _____, 200__ the City of Chanute Regional Planning Commission, at the Memorial Building, 101 S. Lincoln, Chanute, Chanute, Kansas, will consider a Special Use Permit application for a _____
The property to which the application applies is legally described and generally located as follows:

Case No. _____

(Insert legal description and general description of the location of the property including address if any)

As provided in the _____ *(Insert name of applicable regulations proposed to be amended)* Chanute Zoning Regulations the above proposed special use permit will be discussed and considered by the Chanute Regional Planning Commission, and all persons interested in said matter will be heard at this time concerning their views and wishes; and any protest against any of the provisions of the proposed Special Use Permit will be considered by the Commission. Property owners within _____ *(Insert either 200 or 1,000 depending upon the distance required for written notification)* feet of such property described above, wanting to protest the proposed special use permit will have fourteen days after the Planning Commission makes its recommendation to the City Commission to submit a protest petition to the office of the City of Chanute City Clerk. If a valid protest petition is filed with the City Clerk prior to the deadline, the Special Use Permit shall only be approved by a unanimous vote of the City Commission. Protest petitions are available in the office of the Zoning Administrator for the City of Chanute.

Certified, this _____ day of _____, 200__.

Zoning Administrator

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(SAMPLE) ORDINANCE

SPECIAL USE PERMIT

Published in the on _____, 200__.

ORDINANCE NO. _____

AN ORDINANCE GRANTING APPROVAL OF A SPECIAL USE PERMIT FOR THE OPERATION OF _____ (Insert type of use(s) approved) ON CERTAIN LANDS LOCATED IN THE CITY OF CHANUTE, KANSAS, UNDER THE AUTHORITY GRANTED BY THE ZONING REGULATIONS OF THE CITY OF CHANUTE, KANSAS.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF CHANUTE, KANSAS.

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under the authority of and subject to the provisions of the City of Chanute Zoning Regulations a Special Use Permit for the operation of _____ (Insert type of use(s) approved) is hereby approved subject to the following conditions:

(List any conditions or approval here)

SECTION 2. That this special use permit shall be valid for property legally described as follows:

SPECIAL USE PERMIT CASE NO. _____

(Insert legal description here)

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption by the City Commission and publication in the official city newspaper.

PASSED by the Commission this _____ day of _____, 200__

APPROVED by the Mayor this _____ day of _____, 200__

ATTTEST: (seal) _____

City Clerk

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**ARTICLE 12
SITE PLAN REVIEW**

The Zoning Administrator shall require that all applications for building permits for new buildings or expansion of any existing buildings in multifamily, commercial and industrial zoning districts be subject to Site Plan Review in accordance with these regulations. Developments shall implement the applicable regulations and requirements specified in the Zoning Regulations, shall be encouraged to implement the objectives of the City's Comprehensive Plan and to foster compatibility among land uses in the City of Chanute.

The provisions specified for site plan applications within this manual are only intended to be a summary of the requirements specified in the adopted zoning regulations for the City of Chanute. Developers should consult the applicable zoning regulations for a complete list of submittal requirements for site plan applications.

An application fee and deposit shall be paid at the time the site plan application is submitted. The deposit shall be used to cover expenses incurred by the city in the processing and review of the application. If the city's processing and review costs exceed the amount of the initial deposit, the applicant shall be required to pay the additional amount.

In order to request approval of a site plan application:

1. The applicant shall first meet with the Zoning Administrator, the Director of Streets, the Director of Utilities, the city's planning consultant, and all other applicable city staff members to receive a complete explanation of the zoning requirement in question, the site plan application procedure and the application form and to discuss all relevant issues relating to the site plan application.
2. The applicant shall submit a completed site plan application form along with 10 copies of the proposed site plan and payment of the appropriate application fee and deposit. The Site Plan shall include data, details, and supporting plans which are found relevant to the proposal as specified in Article 12 of the City of Chanute Zoning Regulations. The number of pages submitted will depend on the proposal's size and complexity. The applicant shall make notations explaining the reasons for any omissions. **An application shall not be processed unless it has been fully completed, the site plan submitted and the application fee and deposit paid.**
3. Site Plans shall be prepared at a scale of 1-inch equals 20 feet, or appropriate scale. In addition, the site plan is required to comply with, but are not limited to, the Landscape and Buffer Requirements specified in Article 8 of the City of Chanute Zoning Regulations.
4. Review of the site plan shall be performed by the Zoning Administrator or the city's planning consultant and submitted to the Planning Commission for approval. The Planning Commission shall perform their review of the site plan and staff findings at the next regularly scheduled meeting of the Planning Commission for which the item may be scheduled and shall adjourn and reconvene as is determined necessary.

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CITY OF CHANUTE, KANSAS
SITE PLAN REVIEW

Return Form To:
Zoning Administrator
City of Chanute
101 S. Lincoln
Chanute, KS. 66720
(620) 431-5232
(620) 431-5238 (fax)

For Office Use Only
Case No. _____
Filing Fee: _____
Deposit: _____
Dated Filed: _____

APPLICANT INFORMATION:

Applicant: _____ Phone: _____
Address: _____ Zip: _____
Owner: _____ Phone: _____
Address: _____ Zip: _____

PROPERTY INFORMATION:

Address of Property: _____

Legal Description: _____

Present Zoning Classification: _____ Acreage: _____

Present Use of Property: _____

Proposed Use of Property: _____

ADJACENT ZONING AND LAND USE:

	<u>Land Use</u>	<u>Zoning</u>
North	_____	_____
South	_____	_____
East	_____	_____
West	_____	_____

Does the proposed site plan meet the following criteria? If yes, attach a separate sheet explaining why (To be completed by the applicant).	Yes	No
1. Does the proposal conform with the provisions of the City's Zoning regulations?		
2. Will the development be compatible with the surrounding area?		
3. Does the proposal conform with the provisions of the City's Subdivision Regulations?		
4. Does the proposal conform to the goals, objectives and policies of the Comprehensive Plan?		
5. Does the proposal conform with the customary engineering standards used in the City?		
6. Are the streets, paths, walkways, and driveways located such that they enhance safety and minimize any adverse traffic impact on the surrounding area?		
7. Have the proposed buildings, structures, walkways, roads, driveways, open space (if any), and parking lots been located to preserve existing off-site views and create desirable on-site views, conserve natural resources and amenities including prime agricultural land, minimize any adverse flood impact, ensure that proposed structures are located on suitable soils, minimize any adverse environmental impact, and minimize any present or future cost to the City and private providers of utilities in order to adequately provide public utility services to the site.		

ATTACHMENTS REQUIRED:

- A. Site Plan Review Checklist
- B. 10 copies of site plan

Applicant's Signature

Date

CITY OF CHANUTE, KANSAS
SITE PLAN CHECKLIST

Return Form To:
Zoning Administrator
City of Chanute
101 S. Lincoln
Chanute, KS. 66720
(620) 431-5232
(620) 431-5238 (fax)

For Office Use Only:
Date Filed: _____
Date of Meeting: _____
Filing Fee: _____
Deposit: _____

1. Name of Project: _____
2. Location of Project: _____
3. Name of Owner: _____
4. Name of Person who Prepared the Site Plan: _____
5. Instructions: _____

The following checklist is to be completed by the Zoning Administrator. The Site Plan shall include the following data, details and supporting information which are found to be relevant to the proposal. All site plans shall be prepared by an architect or landscape architect registered in the State of Kansas, or by a professional engineer licensed in the State of Kansas. The number of pages submitted will depend on the proposal's size and complexity.

A. Site Plan Content Requirements: Does the Site Plan comply with or show the following?

	<u>Yes</u>	<u>No</u>
1. Name of the project, address, boundaries, date, north arrow and scale of the plan.	_____	_____
2. Name and address of the owner of record, developer, and seal of the engineer, architect or landscape architect.	_____	_____
3. Name and address of all owners of record of abutting parcels.	_____	_____
4. All existing lot lines, easements, and rights-of-way. Include area in acres or square feet, abutting land uses and structures.	_____	_____
5. The location and use of all existing and proposed buildings and structures within the development, including all dimensions of height and floor area, show all exterior entrances and all anticipated future additions and alterations, and typical elevations and building materials.	_____	_____

	<u>Yes</u>	<u>No</u>
6. The location of all present and proposed public and private ways, driveways, sidewalks, ramps, curbs and fences. Location type and screening details for all waste disposal containers shall also be shown.	_____	_____
7. The location of required parking areas including parking stalls, setbacks and loading and service areas.	_____	_____
8. The location, height, intensity, and bulb type (e.g., fluorescent, sodium incandescent) of all external lighting fixtures. The direction of illumination and methods to eliminate glare onto adjoining properties.	_____	_____
9. The location, height, size, materials, and design of all proposed signage.	_____	_____
10. A landscape plan showing all existing open space, trees forest cover and water sources, and all proposed changes to these features including the size and type of plant material. Water sources will include ponds, lakes, brooks, streams, wetlands, flood plains, and drainage retention areas.	_____	_____
11. The location of all existing and proposed utility systems including:		
a. sewer lines and manholes;	_____	_____
b. water lines and fire hydrants;	_____	_____
c. telephone, cable and electrical systems; and	_____	_____
d. storm drainage system including existing and proposed drain lines, culverts, catch basins, head walls, end walls, hydrants, manholes, and drainage swales.	_____	_____
12. Plans to prevent the pollution of surface or groundwater, the erosion of soil both during and after construction, excessive run-off, excessive raising or lowering of the water table, and flooding of other properties, as applicable.	_____	_____
13. Existing and proposed topography shown at not more than two-foot contour intervals. All elevation shall refer to United States Geodetic Survey (U.S.G.S.) datum. No building shall be located in the 100-year flood plain.	_____	_____

	<u>Yes</u>	<u>No</u>
14. Existing and proposed zoning district boundaries adjacent to the site’s perimeter shall be drawn and identified on the plan.	_____	_____
15. Traffic flow patterns within the site, entrances and exits, loading and unloading areas, curb cuts on the site and within 100 feet of the site.	_____	_____
16. A detailed traffic study for mixed use and multi-tenant developments, or for developments in heavy traffic areas, if required by the Zoning Administrator, to include:		
a. The projected number of motor vehicle trips to enter or exit the site, estimated for daily and peak hour traffic level.	_____	_____
b. The projected traffic flow pattern including vehicular movements at all major intersections likely to be affected by the proposed use of the site; and	_____	_____
c. The impact of this traffic upon existing abutting public and private ways in relation to existing road capacities. Existing and proposed daily and peak hour traffic levels, as well as road capacity levels, shall also be given.	_____	_____
B. Design Standards:		
1. Is the proposed development located in Downtown? <i>If the answer to letter B.1 above is no, go to letter C below.</i>	_____	_____
2. Does the building roof top have at least two of the following features: Parapets concealing flat roofs and roof top equipment; overhanging eaves; sloped roofs; and three or more roof slope planes?	_____	_____
3. Are roof mounted equipment, including ventilators and satellite dishes, screened from view (100 percent opacity) or isolated so as to not be visible from ground level of any adjacent public thorough-fare or residentially-zoned area, up to a maximum of 300 feet away and is the appearance of the roof screens coordinated with the building to maintain a unified appearance?	_____	_____

	<u>Yes</u>	<u>No</u>
4. Are all electrical and mechanical equipment located adjacent to the building and visible from any adjacent public thoroughfare or residentially-zoned area screened from view (100 percent opacity), up to a maximum of 300 feet away and are such screens and enclosures treated as integral elements of the buildings appearance?	_____	_____
5. Except for meters, electric and telephone service pedestals, transformers, three-phase feeder lines, subtransmission and transmission lines (34.5kv and above), electrical substations and such other facilities as the utility may deem necessary to install utilizing "overhead" type construction, are all telephone and cable television lines, electrical services and distribution lines placed underground?	_____	_____
6. Are all gas meters in any front yards, located within three feet of the building foundation?	_____	_____
7. Is the form and proportion of buildings consistent or compatible with the scale, form and proportion of existing development in the immediate area?	_____	_____
8. Pedestrian access shall be an integral part of the overall design of each multifamily, commercial, and industrial development.		
a. Does the pedestrian access provide safe and convenient access to and from off-street parking areas?	_____	_____
b. Does the pedestrian access connect with abutting properties and developments so as to create an alternative means of transportation for residents of the city?	_____	_____
c. Are sidewalks at least 5 feet in width provided along all sides of a lot abutting a dedicated public or private street?	_____	_____
d. Is there a continuous internal pedestrian sidewalk provided from the perimeter public sidewalk to the principal customer entrance(s)?	_____	_____
e. Does the internal sidewalk feature landscaping, benches, and other such materials and facilities for no less than 50 percent of its length?	_____	_____
f. Are sidewalks provided along the full length of the building along any facade featuring a customer entrance and along any facade abutting a public parking areas?	_____	_____

	<u>Yes</u>	<u>No</u>
g. Are sidewalks located at least five feet away from the building facade to provide planting areas for landscaping along the foundation of the building?	_____	_____
h. Are internal pedestrian sidewalks distinguished from driving surfaces through the use of special pavers, bricks, or scored concrete to enhance pedestrian safety and the attractiveness of the sidewalks?	_____	_____
9. Architectural design should create visual interest through the use of different textures, complementary colors, shadow lines and contrasting shapes.		
a. Will the buildings have a variation of detail, form, and siting to provide visual interest?	_____	_____
b. Are loading docks, trash enclosures, outdoor storage and similar facilities and functions incorporated into the over-all design of the building and the landscaping so that the visual and acoustic impacts of these functions are reduced to as great an extent as possible and are out of view from adjacent properties and public streets?	_____	_____
c. Do building facades 100 feet or greater in length incorporate recesses and projections along at least 20 percent of the length of the building facade?	_____	_____
d. Do windows, awnings, and arcades total at least 60 percent of the facade length abutting any public street?	_____	_____
e. Does any building facade 100 feet or greater in length abutting a residential district, have an earth berm of at least six feet in height installed between the building facade and the abutting residential district and is the earth berm landscaped with evergreen trees at intervals of at least 20 feet on center, or in clusters?	_____	_____
10. Minimum Exterior Building Material Standards: Does a minimum of 50% of each exterior wall consist of one or more of the following materials?:		
a. Masonry: Masonry construction which include solid cavity faced or veneered-wall construction, or similar materials.	_____	_____
b. Glass Walls: Glass walls shall include glass curtain walls or glass block construction.	_____	_____

	<u>Yes</u>	<u>No</u>
c. Wood other than exposed plywood paneling.	_____	_____
d. Concrete finish or precast concrete panel (tilt wall) that has exposed aggregate, hammered, sandblasted or covered with a cement-based acrylic coating.	_____	_____
e. Metal panels with a depth of one inch or more; or a thickness of U.S. Standard 26 gauge or more.	_____	_____

ARTICLE 13
HOME OCCUPATION PERMIT PROCEDURE

Home occupations shall be permitted in specific Zoning Districts. The provisions specified for home occupations within this manual are intended to be only a summary of the requirements specified in the adopted zoning regulations for the City of Chanute. If there are any questions regarding the following provisions, the applicable zoning regulations should be consulted.

In order to request a home occupation permit:

1. The applicant shall first meet with the Zoning Administrator to receive a complete explanation of the home occupation definitions and zoning requirements and to discuss the restrictions and limitations relating to the home occupations.
2. The applicant shall submit a completed home occupation permit application form and pay the appropriate application fee as established by the City Commission.
3. The Zoning Administrator shall review the submitted application with respect to the restrictions and limitations specified for home occupations in the Zoning Regulations in order to determine if the proposed home occupation will comply with said restrictions and limitations.
4. If the Zoning Administrator determines that the home occupation will comply with the restrictions and limitations specified by the Zoning Regulations, a home occupation permit shall be issued. Issuance of a home occupation permit shall be subject to continued compliance with the restrictions and limitations for home occupations specified in the Zoning Regulations. Non-compliance with any restriction and limitation shall cause the home occupation permit to automatically become null and void.
5. Standard of Review: Approval or denial of a home occupation permit shall be based on the adopted standards in the City of Chanute, Kansas zoning regulation:

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CITY OF CHANUTE
HOME OCCUPATION PERMIT APPLICATION

Return Form To:

Zoning Administrator
City of Chanute
101 S. Lincoln
Chanute, KS. 66720
(620) 431-5232
(620) 431-5238 (fax)

For Office Use Only:

Case No.: _____
Filing Fee: _____
Date Filed: _____

APPLICANT INFORMATION:

Applicant: _____

Address: _____ Zip: _____

Phone: _____

PROPERTY INFORMATION:

Address of Property: _____

Zoning Classification: _____

Present Use of Property: _____

Proposed Home Occupation: _____

A home occupation permit shall not be issued if the answer is yes to any of the following questions:	Yes	No
Will the home occupation be incidental and subordinate to the principal residential use of the premises and not occupy more than twenty-five percent (25%) of the floor area of any one floor of the dwelling unit, or one room, whichever is the smaller?		
Will any materials or equipment used in conjunction with the home occupation be stored outdoors?		
Will the home occupation result in the alteration of the exterior of the principal residential building that changes the character thereof as a residence?		
Will the home occupation be carried on entirely within the principal residential structure?		
Will any sign installed exceed two (2) square feet in area, be illuminated, or be placed other than flat against the main wall of the building?		
Will any person be engaged in the home occupation other than a person occupying the dwelling unit as their residence?		
Will any equipment be utilized that creates a nuisance due to noise, noxious odor or electrical interference?		
Will the home occupation involve any retail sales other than those that are incidental to the home occupation?		

By signing below I hereby affirm that the information I have provided on this application is true and upon approval of the home occupation requested in this application I agree to abide by the conditions and limitations specified for home occupations in the zoning regulations and any provisions specified by the Zoning Administrator as a condition to approval of the application.

Applicant's Signature

Date

For Office Use Only

Based upon the information provided in this application, the home occupation requested is hereby _____
_____ (approved / denied) subject to the following conditions.

Conditions of approval: _____

Zoning Administrator

Date

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**ARTICLE 14
VARIANCE PROCEDURE**

When an applicant feels that the strict application of the requirements of the Zoning Regulations would create an undue hardship, he or she may request a variance from the Board of Zoning Appeals. The Board of Zoning Appeals must base its decision, to as great a degree as possible, on factual evidence and not the personal opinion of the applicant, neighbors, or others. The request for a variance should be based on a conflict between the restrictions on the development of the property due to the Zoning Regulations and the restrictions on the development of the property due to its physical characteristics. A variance should be issued only to the specific restrictions on physical construction and not to the list of permissible land uses within a given zone.

In order to request a variance from the Board of Zoning Appeals:

1. The applicant shall first meet with the Zoning Administrator, and all applicable city staff members and city consultants to receive a complete explanation of the zoning requirement in question, the variance procedure, and an application form.
2. The applicant shall submit a completed application form and pay the appropriate application fee and deposit. As a part of the application, a sketch map shall be submitted showing the lot dimensions proposed and existing structures and uses on the property for which the variance is being requested and on immediately adjacent properties.

The deposit shall be used to cover expenses incurred by the city in the processing and review of the application. If the city's processing and review costs exceed the amount of the initial deposit, the applicant shall be required to pay the additional amount. An application shall not be processed unless it has been fully completed, the application fee and deposit paid, and all required information submitted.

3. Upon submittal of a completed application form and attachments and payment of the appropriate application fee and deposit, the Zoning Administrator shall schedule a regular meeting of the Board of Zoning Appeals. Twenty (20) days prior to the Board of Zoning Appeals meeting, an official notice to the public shall be published in a newspaper of general circulation in the city explaining the variance request and the time and place of the scheduled hearing.

In addition, a copy of the public hearing notice shall be mailed by the applicant to each party of interest, owners of all property located within two hundred (200) feet of the boundaries of the property included in the application., and to each Planning Commission member at least twenty (20) days prior to the date of the public hearing.

4. At the scheduled meeting, the Board of Zoning Appeals shall hear all facts and testimony from all parties wishing to be heard concerning the requested variance. In each case, the Board of Zoning Appeals shall not grant a variance unless it finds, based on the evidence presented, facts which conclusively support **all** of the following findings:
 - A. **UNIQUENESS:** The variance requested arises from conditions which are unique to the property in question, which are not ordinarily found in the same zoning district, and which are not caused by actions of the property owners or applicant. Such conditions include the peculiar physical surroundings, shape, or topographical condition of the specific property involved which would result in a practical difficulty or unnecessary hardship for the applicant, as distinguished from a mere inconvenience, if the requested variance was not granted.
 - B. **ADJACENT PROPERTY:** The granting of the variance will not be materially detrimental or adversely affect the rights of adjacent property owners or residents.
 - C. **HARDSHIP:** The strict application of the provisions of the zoning regulations from which a variance is requested will constitute an unnecessary hardship upon the applicant. Although the desire to increase the profitability of the property may be an indication of hardship, it shall not be a sufficient reason by itself to justify the variance.
 - D. **PUBLIC INTEREST:** The variance desired will not adversely affect the public health, safety, morals, order, convenience, or general welfare of the community. The proposed variance shall not impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood.
 - E. **SPIRIT AND INTENT:** Granting the requested variance will not be opposed to the general spirit and intent of the Zoning Regulations.
 - F. **MINIMUM VARIANCE:** The variance requested is the minimum variance that will make possible the reasonable use of the land or structure.
5. Minutes of the public meeting, including evidence presented during the proceedings and the findings of the Board of Zoning Appeals, shall be kept. The Board of Zoning Appeals may either grant, grant conditionally, or deny the application for a variance. The written determination of the Board of Zoning Appeals shall be sent to all affected parties, including the Planning Commission.

CITY OF CHANUTE, KANSAS
VARIANCE APPLICATION
BOARD OF ZONING APPEALS

Return Form To:
Zoning Administrator
City of Chanute
101 S. Lincoln
Chanute, KS. 66720
(620) 431-5232
(620) 431-5238 (fax)

For Office Use Only
Case No.: _____
Deposit: _____
Date Advertised: _____
Public Hearing Date: _____

APPLICANT INFORMATION:

Applicant: _____ Phone: _____
Address: _____ Zip: _____
Owner: _____ Phone: _____
Address: _____ Zip: _____

PROPERTY INFORMATION:

Location of Property: _____
Legal Description: _____

ADJACENT ZONING AND LAND USE:

	<u>Existing Land Use</u>	<u>Zoning</u>
North	_____	_____
South	_____	_____
East	_____	_____
West	_____	_____

Present Use of Property: _____

Proposed Use of Property: _____

Utility Lines or Easements that would restrict proposed development: _____

PLEASE INDICATE BELOW THE EXTENT TO WHICH THE FOLLOWING STANDARDS ARE MET, IN THE APPLICANT'S OPINION. PROVIDE AN EXPLANATION ON A SEPARATE SHEET FOR EACH STANDARD WHICH IS FOUND TO BE MET.	Yes	No
<p>UNIQUENESS: The variance requested arises from conditions which are unique to the property in question, which are not ordinarily found in the same zoning district, and which are not caused by actions of the property owners or applicant. Such conditions include the peculiar physical surroundings, shape, or topographical condition of the specific property involved which would result in a practical difficulty or unnecessary hardship for the applicant, as distinguished from a mere inconvenience, if the requested variance was not granted.</p>		
<p>ADJACENT PROPERTY: The granting of the variance will not be materially detrimental or adversely affect the rights of adjacent property owners or residents.</p>		
<p>HARDSHIP: The strict application of the provisions of the zoning regulations from which a variance is requested will constitute an unnecessary hardship upon the applicant. Although the desire to increase the profitability of the property may be an indication of hardship, it shall not be a sufficient reason by itself to justify the variance.</p>		
<p>PUBLIC INTEREST: The variance desired will not adversely affect the public health, safety, morals, order, convenience, or general welfare of the community. The proposed variance shall not impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood.</p>		
<p>SPIRIT AND INTENT: Granting the requested variance will not be opposed to the general spirit and intent of the zoning regulations.</p>		
<p>MINIMUM VARIANCE: The variance requested is the minimum variance that will make possible the reasonable use of the land or structure.</p>		

Applicant's Signature

Date

CITY OF CHANUTE, KANSAS
DETERMINATION OF VARIANCE REQUEST
BY THE BOARD OF ZONING APPEALS

Submit Questions to:
Zoning Administrator
City of Chanute
101 S. Lincoln
Chanute, KS. 66720
(620) 431-5232
(620) 431-5238 (fax)

For Office Use Only
Case No.: _____
Date of Action: _____
Action: _____

ON _____, 20_____, THE CITY OF CHANUTE BOARD OF ZONING APPEALS AT ITS REGULAR MEETING _____ (ACTION: APPROVED, CONDITIONALLY APPROVED, DENIED) THE VARIANCE REQUESTED FROM ARTICLE _____ OF THE ZONING REGULATIONS FOR THE PROPERTY AT _____ (ADDRESS OR LOCATION) AS REQUESTED BY _____ (APPLICANT).

IN _____ (ACTION) THIS REQUEST, THE BOARD OF ZONING APPEALS FOUND THAT THE VARIANCE (DID/DID NOT) FULFILL THE NECESSARY FIVE CONDITIONS FOR VARIANCE APPROVAL. SPECIFICALLY, THE BOARD OF ZONING APPEALS FOUND:

FINDINGS OF BOARD OF ZONING APPEALS ON EACH OF THE FOLLOWING CONDITIONS:

	Approved	Denied
a. Uniqueness	_____	_____
b. Adjacent Property	_____	_____
c. Hardship	_____	_____
d. Public Interest	_____	_____
e. Spirit and Intent	_____	_____
f. Minimum Variance	_____	_____

Conditions (if any): _____

Please call the Zoning Administrator's office at (316) 431-5200 with any questions.

Zoning Administrator

(SAMPLE) OFFICIAL NOTICE

Public Hearing for Variance Request

To whom it may concern and to all persons interested:

Notice is hereby given that at _____ p.m. on _____, 200__ the City of Chanute Board of Zoning Appeals, at the Memorial Building, 101 S. Lincoln, Chanute, Kansas, will consider a request for a variance of _____ (Insert amount of variance being requested) to Section _____ of Article _____ of the Chanute Zoning Regulations. Said variance request relates to _____ (Insert general description of variance being requested i.e. variance to the front yard setback requirements of the R-1, Single-Family Dwelling District.) The property to which the application applies is legally described and generally located as follows:

Case No. _____

(Insert legal description and general description of the location of the property including address if any, i.e. -- approximately 1/4 mile south of Grand Avenue on the southeast corner of the intersection of Main and 2nd Street more commonly known as 201 South Main)

As provided in the Chanute Zoning Regulations the above variance will be discussed and considered by the City of Chanute Board of Zoning Appeals, and all persons interested in said matter will be heard at this time concerning their views and wishes.

CERTIFIED, this _____ day of _____, 200__.

Zoning Administrator

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ARTICLE 15
APPEAL OF ADMINISTRATIVE DECISION

APPEAL PROCEDURE

Where it is alleged that there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of the Zoning Regulations, or of any ordinance adopted pursuant thereto, that interpretation may be appealed to the Board of Zoning Appeals. In its deliberations, the Board of Zoning Appeals must only consider whether or not the interpretation in question conformed to what was actually written in the regulations. The Board of Zoning Appeals may not declare the zoning regulations unfair or attempt to act contrary to their purpose. The Board of Zoning Appeals can clarify ambiguities or resolve conflict between opposing sections. Since the Board of Zoning Appeals decisions will affect future applications of the regulation in question, the specific hardships of the applicant should not be considered when reaching a determination.

The applicant shall first meet with the Office of the Zoning Administrator to receive a full explanation of the zoning requirement in question as currently interpreted. If an appeal is to be made, an application shall be obtained. An application for an appeal shall be filed within 30 days after a ruling has been made by the Zoning Administrator. A clear and accurate written description of the proposed use, work, or action in which the appeal or interpretation is involved and a statement justifying the appellant's position must be submitted with the application. Where necessary a plot plan, drawn to scale, in duplicate showing existing and proposed plans for the area in question shall be submitted.

After having met with the Zoning Administrator, the applicant shall file a completed application with the Office of the Zoning Administrator and pay the appropriate fee and deposit. **An application shall not be scheduled for public hearing until the application form has been fully completed, the filing fee and deposit paid, and all required information submitted. The deposit shall be used to cover expenses incurred by the city in the processing and review of the application. If the city's processing and review costs exceed the amount of the initial deposit, the applicant shall be required to pay the additional amount.**

When an application has been fully completed, the fee paid and all required information submitted, the Zoning Administrator shall then schedule a regular meeting of the Board of Zoning Appeals and send copies of the application to members of the Board of Zoning Appeals.

At its scheduled meeting, the Board shall hear all facts and testimony from all parties wishing to be heard concerning the appeal. The appeal must be heard by the Board within a reasonable period of time from the date that the completed application, application fee and deposit are submitted and a written decision must be rendered without unreasonable delay.

Article 15 – Appeal of Administrative Decision

The Board of Zoning Appeals may either affirm, reverse or modify the order, requirement or interpretation at issue. The determination, in written form, shall be sent to all affected parties including the Planning Commission and the Office of the City Clerk. A recorder shall keep minutes of the public meeting including evidence presented during the proceedings and the findings of the Board.

Any person, official, or governmental agency dissatisfied with any order or determination of the Board may bring an action in the District Court to determine the reasonableness of any such order or determination. Such appeals must be filed in the District Court within thirty (30) days after the date that the decision of the Board has been filed in the Office of the City Clerk.

CITY OF CHANUTE, KANSAS
APPEAL OF ADMINISTRATIVE DECISION APPLICATION

Submit Questions to:
Zoning Administrator
City of Chanute
101 S. Lincoln
Chanute, KS. 66720
(620) 431-5232
(620) 431-5238 (fax)

For Office Use Only
Case No.: _____
Filing Fee: _____
Deposit: _____

APPLICANT INFORMATION:

Applicant: _____ Phone: _____
Address: _____ Zip: _____

PROPERTY INFORMATION:

Location of Property to which Appeal Applies: _____
Legal Description of Property to which Appeal Applies: _____

Article of Zoning Regulation Being Appealed: _____

Explanation of Decision Being Appealed:

Present Use of Property: _____
Proposed Use of Property: _____

Applicant's Signature

Date

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CITY OF CHANUTE, KANSAS
APPEAL OF ADMINISTRATIVE DECISION
REASONS FOR DETERMINATION

Return Form To:
Zoning Administrator
City of Chanute
101 S. Lincoln
Chanute, KS. 66720
(620) 431-5232
(620) 431-5238 (fax)

For Office Use Only
Case No.: _____
Date of Action: _____

ON _____, 20____, THE CITY OF CHANUTE BOARD OF ZONING
APPEALS; AT ITS REGULAR MEETING _____ (AFFIRMED, REVERSED,
MODIFIED) THE DECISION OR DETERMINATION BY _____
(APPROVING/DENYING) THE APPEAL BROUGHT BEFORE THEM AS CASE NO. _____
BY THE APPLICANT, _____
_____ (NAME).

IN MAKING THIS DECISION, THE BOARD FOUND:

Zoning Administrator

Date

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(SAMPLE) OFFICIAL NOTICE

Public Hearing for Appeal of Administrative Decision

To whom it may concern and to all persons interested:

Notice is hereby given that at _____ p.m. on _____, 200__ the City of Chanute Board of Zoning Appeals, at the Memorial Building, 101 S. Lincoln, Chanute, Kansas will consider an appeal of an administrative decision regarding _____

_____ (Insert description of appeal).

The property to which the application applies is legally described and generally located as follows:

Case No. _____

(Insert legal description and general description of the location of the property including address if any, i.e. -- approximately 1/4 mile south of Grand Avenue on the southeast corner of the intersection of Main and 2nd Street more commonly known as 201 South Main)

As provided in the Chanute Zoning Regulations the above appeal will be discussed and considered by the City of Chanute Board of Zoning Appeals, and all persons interested in said matter will be heard at this time concerning their views and wishes concerning said appeal.

CERTIFIED, this _____ day of _____, 200__.

Zoning Administrator

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ARTICLE 16 LOT SPLIT

The intent of this section is to provide for the issuance of building permits on lots divided into not more than two tracts without having to replat said lot, provided that the resulting lots shall not again be divided without replatting. The Governing Body, upon recommendation from the Planning Commission, may approve or deny lot splits in accordance with the lot split regulations set forth in the City of Chanute Subdivision Regulations.

1. The applicant shall first meet with the Zoning Administrator, and all applicable city staff members and city consultants to receive an explanation of the lot split procedure, including its requirements and limitations, and an application form.
2. The lot split application shall be completely filled out and returned to the Office of the Zoning Administrator with the appropriate fee. An application fee and deposit shall be paid at the time the site plan application is submitted. The deposit shall be used to cover expenses incurred by the city in the processing and review of the application. If the city's processing and review costs exceed the amount of the initial deposit, the applicant shall be required to pay the additional amount. **An application for a lot split shall not be processed until it has been fully completed, the appropriate application fee and deposit paid, and all requested information submitted.** As a part of the application, four (4) copies of a scale drawing shall be submitted which shall show the following:
 - A. Boundaries of the existing parcel;
 - B. Location of all structures;
 - C. Precise nature of the proposed split;
 - D. Legal description of the lots to be formed; and
 - E. Name, signature, and seal of the registered land surveyor who prepared the drawing.
3. Upon submission of a completed application and payment of the application fee and deposit, the Zoning Administrator shall schedule said lot split application on the agenda for the next available Planning Commission meeting.

4. No lot split shall be approved if:
 - A. A new street or alley is needed or proposed.
 - B. Vacation of streets, alleys, setback lines, access control or easements is required or proposed.
 - C. If the lot split will result in significant increases in service requirements, (e.g., utilities, schools, traffic control, streets, etc.); or will interfere with maintaining existing service levels (e.g., additional curb cuts, repaving, etc.).
 - D. There is less street right-of-way than required by these regulations or the Comprehensive Plan unless such dedication can be made by separate instrument.
 - E. All easement requirements have not been satisfied.
 - F. The split will result in a tract without direct access to a street.
 - G. A substandard-sized lot or parcel will be created.
 - H. The lot has been previously split in accordance with this article.
5. Upon review of a lot split application in relation to the above specified criteria, the Planning Commission may make such recommendations as deemed necessary to carry out the intent and purpose of existing land development regulations, the adopted Comprehensive Plan and Governing Body policy. Requirements may include, but not be limited to, installation of public facilities, dedication of rights-of-way and easements, access control, and submission of covenants for the protection of other landowners in the original subdivision.
6. The Planning Commission shall, in writing to the Governing Body, either recommend approval, with or without conditions, or denial of the lot split within thirty (30) working days of application. If approved by the Governing Body and after all conditions have been met, the Governing Body shall sign and furnish a certificate of approval to be affixed to the lot split survey and a certified copy thereof shall be filed with the Registrar of Deeds. Copies of the approved lot split shall also be provided to the Zoning Administrator and the applicant.
7. No building permit shall be issued for any site which contains a division of a platted lot of record, unless such division has been ratified in the manner provided in the subdivision regulations.

CITY OF CHANUTE, KANSAS
LOT SPLIT APPLICATION

Return Form To:
Zoning Administrator,
City of Chanute
101 S. Lincoln
Chanute, KS. 66720
(620) 431-5232
(620) 431-5238 (fax)

For Office Use Only
Lot Split Case No.: LS - _____
Date Filled: _____
Filling Fee: _____
Deposit: _____

APPLICANT INFORMATION:

Applicant: _____ Phone: _____
Address: _____ Zip: _____
Owner: _____ Phone: _____
Address: _____ Zip: _____

LOT SPLIT INFORMATION:

1. General Location of Property _____
2. Legal Description _____

3. Existing Zoning _____
4. Gross Acreage _____
5. Existing Street Right-of-Way Width : _____
6. Lot Frontage:
Tract A: _____ Tract B: _____

7. Lot Area:

Tract A: _____ Tract B: _____

8. Is there a public water supply available to serve the proposed lots?

Yes _____ No _____

9. Is there a public sanitary sewer available to serve the proposed lots?

Yes _____ No _____

The owner herein agrees to comply with the City of Chanute, Kansas Subdivision Regulations and all other pertinent ordinances or resolutions of the City as are determined to be applicable, and the Statutes of the State of Kansas. It is agreed that all costs of recording the lot split and supplemental documents thereto with the Registrar of Deeds shall be assumed and paid by the owner when billed. The undersigned further states that he is the owner of the property proposed for the lot split.

Owner's Signature

Agent (if any)

CITY OF CHANUTE, KANSAS
 LOT SPLIT CHECKLIST

Return Form To:
 Zoning Administrator
 City of Chanute
 101 S. Lincoln
 Chanute, KS. 66720
 (620) 431-5232
 (620) 431-5238 (fax)

For Office Use Only
 Lot Split Case No.: LS - _____
 Date Filled: _____
 Filing Fee: _____
 Deposit: _____

INSTRUCTIONS:

The following is to be completed by the applicant or his engineer and shall accompany the lot-split application when it is submitted to the Zoning Administrator.

- | | Yes | No |
|----------------------------------------------------------------------------------------|-------|-------|
| A. Have the four (4) required copies of the survey or drawing been submitted?
_____ | _____ | _____ |
| B. Has the filing fee and deposit been submitted?
_____ | _____ | _____ |

C. A lot split shall not be approved if the answer is yes to any of the following questions:

	Yes	No
Is a new street or alley required or proposed?		
Is a vacation of streets, alleys, setback lines, access control or easements required or proposed?		
Will the lot split result in significant increases in service requirements or interfere with maintaining existing service levels?		
Is there less street right-of-way than required by these regulations or the Comprehensive Plan and such dedication cannot be made by separate instrument?		
Are easement requirements unsatisfied?		
Will such subdivision result in a tract without direct access to a street?		
Will a substandard-sized lot or parcel be created?		
Has the lot been previously subdivided under these lot split regulations?		

OFFICE USE ONLY:

Planning Commission Action: _____ Date: _____

Governing Body Action: _____ Date: _____

Date filed with Registrar of Deeds: _____

CITY OF CHANUTE, KANSAS
LOT SPLIT APPROVAL CERTIFICATE

Lot Split Certificate LS - _____

Know all men by these presents that we, the undersigned owners of the property legally described herein have caused this Lot Split to be prepared and hereby certify that no other Lot Split has been previously filed on said property.

Owner's Signature

State of _____) SS
County of _____)

Be it remembered that on this __ day of _____, 20__ before me, a notary public in and for said County and State, came _____ to me personally known to be the same person(s) who executed the foregoing instrument of writing and duly acknowledged the execution of same to be his/her/their voluntary act and deed.

In testimony whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.

Notary Public

(SEAL)

My commission expires: _____

Page 2, Lot Split Certificate LS - _____

Legal Description:

This Lot Split approved by the Chanute, Kansas Planning Commission this _____ day of _____, 20__

Chair

Secretary

This Lot Split approved by the Chanute, Kansas Governing Body this _____ day of _____, 20__.

Mayor

This instrument was filed for record in the office of the Registrar of Deeds on the _____ day of _____, 200__ in Book _____, Page _____.

Registrar of Deeds

**ARTICLE 17
PLAT APPROVAL**

PLAT APPROVAL PROCESS

Any subdivision of land within the jurisdiction of the City of Chanute must, with certain exceptions, follow the procedures outlined below. The simple division of one lot into two lots may qualify for a Lot Split, as explained Article 17 of this Procedures Manual and in the applicable subdivision regulations. The subdivision process involves submittal of a preliminary plat, engineering plans for any public improvements and a final plat. The following provides a more detailed overview of the subdivision process.

A. Preliminary Plat Process:

1. The applicant shall first meet with the Zoning Administrator, the city's planning consultant, the city engineer and all other applicable city or county staff members to discuss the following:
 - A. Procedure for filing plats.
 - B. Availability of City sewer, water, gas and other applicable public services.
 - C. Comprehensive Plan requirements for major streets, land use, parks, schools and public open spaces.
 - D. Zoning requirements for the property in question and adjacent properties.
 - E. Special setback requirements for arterial, collector and local streets.
 - F. Any other issues that may be applicable to the development.
2. The preliminary plat application form shall be completely filled out and returned to the Office of the Zoning Administrator with the appropriate application fee, deposit and required information. As a part of the application, 15 copies of a preliminary plat conforming to the requirements of the subdivision regulations and a vicinity map showing the location of the proposed subdivision shall be submitted.

An application shall not be scheduled for public hearing until the application form has been fully completed, the fee and deposit paid, and all required information submitted. The deposit shall be used to cover expenses incurred by the city in the processing and review of the application. If the city's processing and review costs exceed the amount of the initial deposit, the applicant shall be required to pay the additional amount.

3. The Planning Commission, based on the standards set out in the Chanute Subdivision Regulations, may approve, approve conditionally, or disapprove the preliminary plat within 60 days of receiving the plat at a regularly scheduled meeting.

B. Engineering Plan Review Process:

1. Upon the approval of the preliminary plat by the Planning Commission, the subdivider shall have prepared by a licensed professional engineer, engineering drawings for all proposed and required improvements containing the data and information specified in the applicable subdivision regulations. The engineering drawings shall be submitted to the Zoning Administrator for review and approval by the city. If the proposed subdivision is to be developed in phases, engineering drawings need only be for the applicable phase of the development to which the subsequent final plat will apply unless otherwise specified by the Zoning Administrator, City Engineer or Planning Commission.
2. The City Engineer shall review the submitted engineering drawings in order to determine their compliance with city design standards. After having reviewed the submitted engineering drawings, the City Engineer shall notify the subdivider and the Zoning Administrator as to their compliance. In the event that the drawings do not so conform or comply, the City Engineer shall specify the manner in which such drawings do not so comply. The subdivider shall then have corrections made of the defective drawings and resubmit the corrected drawings.
3. The Planning Commission shall approve a final plat only after consideration of the City Engineer's opinion that the drawings are consistent with the approved preliminary plat and comply with their design standards.

C. FINAL PLAT PROCESS

1. The subdivider shall submit the final plat application form, along with the appropriate fee, deposit and any required supplemental information. Included as part of the application shall be the original and 15 copies of the final plat prepared in accordance with the subdivision regulations.

A final plat application shall not be scheduled for public hearing until the application form has been fully completed, the fee and deposit paid, and all required information submitted. The deposit shall be used to cover expenses incurred by the city in the processing and review of the application. If the city's processing and review costs exceed the amount of the initial deposit, the applicant shall be required to pay the additional amount.

2. The Planning Commission shall review the final plat and, based on the approved preliminary plat and standards set out in the Subdivision and Zoning Regulations, approve or deny the final plat.
3. The final plat shall then come before the Governing Body for their consideration of any dedications from the subdivider of street rights-of-way, drainage easements, park lands, or other property to be used for public purposes.

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CITY OF CHANUTE, KANSAS
PRELIMINARY PLAT APPLICATION

Return Form To:
Zoning Administrator
City of Chanute
101 S. Lincoln
Chanute, KS. 66720
(620) 431-5232
(620) 431-5238 (fax)

For Office Use Only
Subdivision No.: _____
Date Filed: _____
Date of Meeting: _____
Filing Fee: _____
Deposit: _____

APPLICANT INFORMATION:

Name of Subdivision: _____

Applicant: _____ Phone: _____

Address: _____ Zip: _____

Owner: _____ Phone: _____

Address: _____ Zip: _____

Name of Subdivider: _____

Surveyor: _____

Instructions:

The following checklist is to be completed by the applicant and shall accompany the Preliminary Plat when it is submitted to the Zoning Administrator. If the answer to any of the questions is "No", a written explanation must accompany this checklist.

- | | | |
|----|-----------------------------------------------------------------------------------------------------------------------------------|----------------------|
| 1. | Does the Preliminary Plat show the following information? | <u>Yes</u> <u>No</u> |
| A. | The proposed name of the subdivision. (The name shall not duplicate or too closely resemble the name of an existing subdivision.) | _____ _____ |

	<u>Yes</u>	<u>No</u>
B. The location of the boundary lines of the subdivision and reference to the section or quarter section lines.	_____	_____
C. The names and addresses of the subdivider, developer, owner, and the land surveyor who prepared the plat.	_____	_____
D. Scale of the plat, 1"-100' or larger.	_____	_____
E. Date of preparation and north point.	_____	_____
F. Existing conditions:		
1. Location, width and name of platted streets or other public ways, railroads and utility rights-of-way, parks and other public open spaces and permanent buildings within or adjacent to the proposed subdivision.	_____	_____
2. All existing sewers, water mains, gas mains, culverts, or other underground installations, within or adjacent to the proposed subdivision, with pipe size and manholes, grades and location.	_____	_____
3. Names of adjacent subdivisions together with arrangement of streets and lots, and owners of adjacent parcels of unsubdivided land.	_____	_____
4. Topography with contour intervals of not more than two feet, referred to U.S.G.S. datum. Where the ground is too flat for contours, spot elevations shall be provided.	_____	_____
5. Location of water courses, bridges, wooded areas, lakes, ravines and such other features as may be pertinent to the subdivision.	_____	_____
6. Current zoning classification.	_____	_____
G. The general arrangements of lots and their approximate size.	_____	_____

	<u>Yes</u>	<u>No</u>
H. Location and width of proposed streets, alleys, and pedestrian ways and easements.	_____	_____
I. The general plan of sewage disposal, water supply and drainage, including a map showing the drainage area of each major drainage way.	_____	_____
J. Location and size of proposed parks, playgrounds, churches, school sites or other special uses of land to be considered for reservation or dedication for public use.	_____	_____
K. General street layout of adjacent property within 200 feet to show how streets and other public facilities in the proposed subdivision relate to the adjacent property.	_____	_____
L. Approximate gradient of streets.	_____	_____
M. Vicinity map showing streets within 500 feet of the boundaries of the proposed subdivision.	_____	_____
2. Does the proposed subdivision design conform to the Comprehensive Plan?	_____	_____
3. Will the proposed subdivision make the development of adjacent property more difficult?	_____	_____
4. Are lots sized appropriately for existing zoning district?	_____	_____
5. Are all lots free from floodplain encroachment?	_____	_____
6. Are drainage ways and other drainage facilities sufficient to prevent flooding both on-site and off-site?	_____	_____
7. Are all lots buildable with respect to topography, drainage ways, bedrock, and soil conditions?	_____	_____
8. Do proposed street grades and alignment meet all requirements?	_____	_____
9. Is the proposed subdivision inside the City limits?	_____	_____

- | | <u>Yes</u> | <u>No</u> |
|-----------------------------------------------------------------|------------|-----------|
| 10. Were fifteen (15) copies of the preliminary plat submitted? | _____ | _____ |
| 11. Was the preliminary plat fee of \$_____ paid? | _____ | _____ |

(SAMPLE LETTER OF NOTIFICATION OF PRELIMINARY PLAT APPLICATION)

(Current Date)

(Name of Person Submitting Application)

(Address)

(City, State Zip)

(Salutation and Name) Dear _____:

Notice is hereby given that at _____ p.m. on _____, 200__, the City of Chanute Regional Planning Commission, at the Memorial Building, 101 S. Lincoln, Chanute, Kansas, will consider the application of _____ (Insert name of applicant) for the _____ (Insert name of proposed subdivision) Preliminary Plat. The subdivision as proposed would consist of _____ (Insert number of proposed lots) lots that are _____ (Insert approximate size of proposed lots).

The property to which this preliminary plat application applies is generally located _____ (Insert general description of the location of the property including address if any, i.e. -- on a 40 acre tract of land, 1/4 mile south of Grand Avenue on the southeast corner of the intersection of Main and 2nd Street.)

As provided in the _____ (Insert name of applicable subdivision regulations) the above amendment will be discussed and considered by the Chanute Regional Planning Commission, and all persons interested in said matter will be heard at this time concerning their views and wishes.

A copy of the proposed preliminary plat for _____ (Insert name of proposed subdivision) and the legal description for the property on which the proposed subdivision is proposed are available for public review in the office of the Zoning Administrator for the City of Chanute between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday.

Sincerely,

Applicant's name and signature

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CITY OF CHANUTE, KANSAS
FINAL PLAT APPLICATION

Return Form To:

Zoning Administrator
City of Chanute
101 S. Lincoln
Chanute, KS. 66720
(620) 431-5232
(620) 431-5238 (fax)

For Office Use Only

Subdivision No.: _____
Date Filed: _____
Date of Meeting: _____
Filing Fee: _____
Deposit: _____

APPLICANT INFORMATION:

Name of Subdivision: _____

Applicant: _____ Phone: _____

Address: _____ Zip: _____

Owner: _____ Phone: _____

Address: _____ Zip: _____

Name of Subdivider: _____

Name of Person who prepared the Plat: _____

Instructions:

The following checklist is to be completed by the applicant and shall accompany the Final Plat when it is submitted to the Zoning Administrator. If the answer to any of the questions is "No", a written explanation must accompany this checklist.

- | | | | |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|-----------|
| 1. | Does the Final Plat show the following information? | <u>Yes</u> | <u>No</u> |
| | A. Name of subdivision (not to duplicate or too closely resemble the name of any existing subdivision). | _____ | _____ |
| | B. Location of section, township, range, county and state, including the description boundaries of the subdivision based on an accurate traverse, giving angular and linear dimensions which must be mathematically correct. The allowable error of closing on any portion of the plat shall be one foot in five thousand (5,000). | _____ | _____ |
| | C. The location of existing monuments or bench marks shall be shown And described on the final plat. Location of such monuments shall be shown in reference to existing official monuments or the nearest established street lines, including the true angles and distances to such reference points or monuments. | _____ | _____ |
| | D. The location of lots, streets, public highways, alleys, parks and other features, with accurate dimensions in feet and decimals of feet with the length of radii on all curves, and other information necessary to reproduce the plat on the ground. | _____ | _____ |
| | E. Lots shall be numbered clearly. Blocks shall be numbered or lettered clearly in the center of the block. | _____ | _____ |
| | F. The exact locations, widths and names of all streets and alleys to be dedicated. | _____ | _____ |
| | G. Boundary lines and description of the boundary lines of any area other than streets and alleys which are to be dedicated or reserved for public use. | _____ | _____ |

		<u>Yes</u>	<u>No</u>
H.	Building setback lines on the front and side streets with dimensions.	_____	_____
I.	Name, signature and seal of the licensed land surveyor preparing the plat.	_____	_____
J.	Scale of the plat (scale to be shown graphically and in feet per plat scale inch), date of preparation and north point.	_____	_____
K.	Statement dedicating all easements, streets, alleys, and all other public areas not previously dedicated. See sample final plat for terminology.	_____	_____
2.	Was the original on mylar, tracing cloth, or similar material, and were fifteen (15) copies submitted?	_____	_____
3.	Have all acknowledgments been signed?	_____	_____
A.	Owner or owners and all mortgager.	_____	_____
B.	Dedications or reservations.	_____	_____
C.	Registered surveyor preparing plat.	_____	_____
D.	City Clerk and County Collector.	_____	_____
4.	Title Opinion:		
A.	Submitted (Date) _____	_____	_____
B.	Have all owners and mortgager signed plat?	_____	_____
5.	Has certification been submitted stating that all taxes and special assessments due and payable have been paid?	_____	_____

- | | <u>Yes</u> | <u>No</u> |
|-----------------------------------------------------------------------|------------|-----------|
| 6. Deed Restrictions: | | |
| A. Are any deed restrictions planned for subdivision? | _____ | _____ |
| B. If so, has a copy been submitted? | _____ | _____ |
| 7. Are additional comments attached? | _____ | _____ |
| 6. How has installation of the following improvement been guaranteed? | | |

	<u>Letter of Credit</u>	<u>Surety Bond</u>	<u>Petition(%)</u>
Streets	_____	_____	_____
Water	_____	_____	_____
Sewer	_____	_____	_____
Other, as required	_____	_____	_____
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____

**ARTICLE 18
PROTEST PETITIONS**

A protest petition may be used to protest a recommendation of the Planning Commission on a zoning district amendment (rezoning) or special use permit within fourteen (14) days after the Planning Commission makes their recommendation, duly signed and acknowledged by the owners of twenty percent (20%) or more of any real property to which the case applies or by the owners of twenty percent (20%) of the total area, excepting public streets and ways, located within 200 feet if located in the City of Chanute municipal boundary or within 1000 feet if located adjacent to the City of Chanute corporate boundaries of said property such amendment shall not be passed except by a unanimous vote of the City Commission. Any person wishing to file a protest petition shall file it with the Office of the City Clerk.

IN FILLING THIS FORM, PLEASE:

1. Enter in Section I of the petition the information about the property against which the protest is being made.
2. Use a separate form for each property owner(s) submitting a protest. In the case of joint or multiple ownership of a single lot, each owner petitioning shall sign the same protest petition.
3. Enter the following in Section II of the petition:
 - A. Your full name (all names of joint or multiple owners).
 - B. The full legal description by lot, block and addition (or by metes and bounds description) of your property.
 - C. Have each of the signatures acknowledged by a notary public.

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PROTEST PETITION

SECTION 1. The undersigned property owners protest the proposed action considered for property described in Case No. _____, _____ (describe action).

SECTION 2. Protestor(s).

Property Owned

Lot(s) Block(s) Addition

A) _____ (Signature)

_____ (Printed Name)

B) _____ (Signature)

_____ (Printed Name)

(If the land is not platted, attach a metes and bounds or legal description on a separate sheet.)

ACKNOWLEDGMENT

STATE OF _____)
COUNTY OF _____)

Be it remembered that on this _____ day of _____, 200____, before me, a notary public in and for said county and state, came _____ to me personally known to be the same person who executed the foregoing instrument of writing and duly acknowledged the execution of the same.

In Testimony Whereof, I have hereunto set my hand and affixed my notarial seal the day and year above written.

Notary Public

My Commission Expires _____

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**ARTICLE 19
ZONING VIOLATIONS**

The owner or agent of a building or premises in or upon which a violation of any provision of the Zoning Regulations has been committed or shall exist, or the lessee or tenant of an entire building or entire premises in or upon which violation has been committed or shall exist, or the agent, architect, building contractor or any other person who commits, takes part or assists in any violation or who maintains any building or premises in or upon which violation has been committed or shall exist, shall be punished by a fine not to exceed five hundred (\$500.00) dollars for each offense. Each and every day that such violation continues shall constitute a separate offense.

In case any structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any structure or land is used in violation of the Zoning Regulations, the appropriate authorities, in addition to other remedies, may institute injunction, mandamus or other appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance of use, or to correct or abate such violation or to prevent the occupancy of said building, structure or land.

An initial notification letter is to be sent upon initial discovery of the violation. If the action which is to be taken to resolve the violation is not completed within thirty (30) days of the date of the initial notification letter, then a stop order shall be served. Further action shall be taken as described in the Zoning Regulations if the action which is to be taken to resolve the violation is still unresolved within ten (10) days of the service of the stop order. Following are samples of the Initial Notification of Violation, and the Zoning Violation Stop Order letters.

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(SAMPLE LETTER OF INITIAL NOTIFICATION OF VIOLATION)

(Current Date)

(Name of Person in Violation)

(Address)

(City, State Zip)

(Salutation and Name) Dear _____:

It has recently come to the attention of the City of Chanute that you have _____
_____ (insert general description of
violation).

The City of Chanute Zoning Regulations prohibits _____
_____ (insert general
description of violation). Article _____, Section _____ of the City of Chanute, Kansas Zoning
Regulations requires that " _____
_____ (Insert
language from the applicable Section and Article of the Zoning Regulations).

Due to these violations, it is requested that _____ (list
action to be taken) within thirty days of the date of this letter, or the city will be forced to send a Zoning
Violation Stop Notice. In addition, please contact this office upon completion of this action.

Should you have any questions regarding this matter, please feel free to contact this office at
(316) 431-5200 between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

Sincerely,

Zoning Administrator
City of Chanute, Kansas

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(SAMPLE LETTER OF ZONING VIOLATION STOP ORDER)

City of Chanute, Kansas
Zoning Violation Stop Order

DATE: (Current Date)

TO: (Name of Person in Violation)
(Address)
(City, State Zip)

1. Pursuant to power and authority vested by the provisions of K.S.A. 12-3009 et. seq. as amended and Article 19 of the City of Chanute, Kansas Zoning Regulations you are hereby notified that you are in violation of the Zoning Ordinance of Chanute, Kansas.
2. You are also in violation of Article _____, Section _____, Subsection _____ of the City of Chanute Zoning Regulations which requires _____

(Insert language from the applicable Section and Article of the Zoning Regulations).

3. You are hereby ordered to correct or remove the aforementioned violation. Unless action is taken to correct the violation within ten (10) days of the service of this stop order upon you, such violation shall constitute a misdemeanor as provided in K.S.A. 12-761 of the Revised Statutes of Kansas, and Article 19 of the Zoning Ordinance of Chanute, Kansas, and appropriate legal proceedings shall be instituted in the Circuit Court to abate or correct such violation as provided in Article 19 of the Zoning Ordinance of Chanute, Kansas.
4. You are further advised that a misdemeanor is punishable by a fine of from one dollar to five hundred dollars, by imprisonment for not more than six months for each offense or by both such fine and imprisonment. Each day's violation shall constitute a separate offense.

Zoning Administrator
City of Chanute, Kansas

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ARTICLE 20

AGENDAS AND STAFF REPORTS

CITY OF CHANUTE REGIONAL PLANNING COMMISSION
REGULAR MEETING AGENDA

City Hall, 101 S. Lincoln

Date _____, 200__ 4:00 p.m.

1. **Call to Order: 4:00 p.m.**
2. **Roll Call.**
3. **General Business:**
 - A. Consider the minutes of the _____ regularly scheduled meeting.
4. **Public Comment Section:**

Persons who wish to address the Planning Commission regarding items not on the agenda may do so at this time. Speakers will be limited to three (3) minutes. Any presentation is for information purposes only. No action will be taken.
5. **Public Hearings:**
6. **Old Business:**
7. **New Business:**
8. **Calendar:**
9. **Adjournment.**

STAFF REPORT

TO: Planning Commission
FROM: Planning Staff
SUBJECT: AGENDA ITEM NO. _____
MEETING: _____, 200__

Public Hearing to consider:

COMMENTS:

The applicant is proposing _____:

The property is located:

The site contains approximately _____ sq. ft. and is developed as follows:

The Planning Commission should consider the following matters:

In order to recommend, approve or disapprove a proposed zoning district amendment, the Planning Commission shall make findings of fact to determine whether the application is found to be compatible with the following:

- A. Character of the neighborhood.
- B. Consistency with the comprehensive plan and ordinances of the City of Chanute.
- C. Adequacy of public utilities and other needed public services.
- D. Suitability of the uses to which the property has been restricted under its existing zoning.
- E. Compatibility of the proposed district classification with nearby properties.
- F. The extent to which the zoning amendment may detrimentally affect nearby property.
- G. Whether the proposed amendment provides a disproportionately great loss to the individual landowners nearby relative to the public gain.

Staff Findings:

Based on the relevant regulations, the Comprehensive Plan and accepted planning practices, staff finds that:

The Planning Commission needs to consider the following:

The Planning Commission needs to consider the following issues and/or standards in recommending action:

CITY OF CHANUTE BOARD OF ZONING APPEALS

MEETING AGENDA

City Hall, 101 S. Lincoln

Date _____, 4:00 p.m.

1. Call to Order: 4:00 p.m.
2. Roll Call.
3. General Business:
 - A. Consider the minutes of the _____ regularly scheduled meeting.
4. Public Comment Section:
5. Public Hearings:
6. Old Business:
7. New Business:
8. Calendar:
9. Adjournment.

STAFF REPORT

TO: Board of Zoning Appeals
FROM: Planning Staff
SUBJECT: AGENDA ITEM NO. _____
MEETING: _____, 200__

COMMENTS:

The applicant is requesting a variance to _____:

The lot is located:

The lot contains, approximately _____ sq. ft. and is improved as follows:

In considering a request for variance, the Board may grant such variance upon the finding that all of the five following conditions have been met:

- A. That the variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or applicant. In order for a property to meet the condition of uniqueness, it must have some peculiar physical surroundings, shape or topographical condition that would result in a practical difficulty as distinguished from a mere inconvenience to utilize the property without granting the variance.***

- B. That the granting of the permit for the variance will not adversely affect the rights of adjacent property owners or residents.***

- C. That the strict application of the provisions of these regulations of which a variance is requested will constitute an unnecessary hardship upon the property owner represented in the application.***

- D. That the variance desired would not adversely affect the public health, safety, morals, order, convenience, prosperity, or general welfare.***

- E. That granting of the variance desired will not be opposed to the general spirit and intent of these regulations.***

The Board of Appeals needs to consider the following:

After consideration of the testimony during the public hearing, if the Board finds that all the five conditions can be met as required by state statutes, then it can grant the variance. If the Board does approve the variance, however, it should be only for the proposed addition.

**ARTICLE 21
FENCES**

Fences are regulated in all areas of the City. In some subdivisions, fences are regulated by deed restrictions that run with the land and which are not related to City regulations.

A permit is required before a fence is installed or rebuilt and the location, height, and alignment of the fence are set out in the zoning ordinance. Generally, fences up to six feet in height are permitted for rear yard privacy; only small, low profile ornamental fences and walls are permitted in the front yard.

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FENCES

Return Form to:
Zoning Administrator
City of Chanute
101 S. Lincoln
Chanute, KS. 66720
(620) 431-5232
(620) 431-5238 (fax)

For Office Use Only

Case No.: _____
Filing Fee: _____
Deposit: _____
Date Filed: _____

Applicant: _____ Phone: _____

Address: _____ Zip: _____

Owner: _____ Phone: _____

Address: _____ Zip: _____

Location of Proposed Fence: _____

Site Sketch Attached: _____ YES _____ NO

ADJACENT LAND USE:

North	_____	_____
South	_____	_____
East	_____	_____
West	_____	_____

Present Use of Property: _____

SIGNATURE: _____ DATE: _____

BY: _____

TITLE: _____

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**ARTICLE 22
SIGN PERMIT**

Signs are regulated in all incorporated areas of the City. A permit is required before a sign is installed or rebuilt and the location, height, and alignment of the sign are set out in the zoning ordinance. Generally, one freestanding business sign is permitted per lot or parcel.

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Sign Permit

Return Form to:
Zoning Administrator
City of Chanute
101 S. Lincoln
Chanute, KS. 66720
(620) 431-5232
(620) 431-5238 (fax)

For Office Use Only

Case No.: _____
Filing Fee: _____
Deposit: _____
Date Filed: _____

Applicant: _____ Phone: _____

Address: _____ Zip: _____

Owner: _____ Phone: _____

Address: _____ Zip: _____

Parcel Zoning: _____

Location Of Proposed Sign and all Easements and Right-of Ways: _____

Height Of The Proposed Sign: _____

Proposed Outline Of The Sign In Square Feet: _____

Will The Sign Be Illuminated: _____ Yes _____ No

For All Existing Businesses List And Show All Existing Signs: _____

Sketch Of Proposed Sign Attached (Required): _____ Yes _____ No

Present Use of Property: _____

Signature: _____ Date: _____

By: _____ Title: _____

