

OSWEGO PLANNING COMMISSION

PROCEDURES FOR ZONING TEXT AMENDMENTS APPLICATIONS

1. A proposal for an amendment or change to the text of the Zoning Regulations may be made by the Planning Commission or the Governing Body. An individual may request an amendment to the text to either the Planning Commission, the Governing Body or the Governing Body any participating city, but it will not be considered unless the Planning Commission, the Governing Body or the city Governing Body determines the proposal is worthy of consideration as an amendment. If it is determined the proposal has merit and should be considered as an amendment, the proposal is advertised for public hearing. The costs of such advertisement and publications are to be paid from the budget supporting the Planning Commission.
2. A notice of public hearing is be published once in the official county newspaper and at least twenty (20) days must elapse between the date of the publication and the date set for hearing. The notice must give the date, time and place for the hearing and include a statement regarding the proposed change in Zoning Regulations. A public hearing is held by the Planning Commission to obtain comments and opinions by the public. Since a text amendment affects the Zoning Regulations in general, and not any specific property, there is no requirement to give written notice to property owners or to post any signs.
3. The public hearing may be adjourned to a later date without further notice. Upon conclusion of the public hearing, the Planning Commission, by a majority vote of the total membership, makes its recommendation on the proposed amendment(s) to the Zoning Regulations and submit the same, together with a written record of the hearing(s) thereon to the Governing Body and the Governing Body of all participating cities.
4. The Governing Body and each city Governing Body may adopt the recommendation of the Planning Commission without change by a majority vote of the Board; may override the recommendation of the Planning Commission by a 2/3 majority vote; or may refer the recommendation back to the Planning Commission for further consideration together with a statement specifying the reasons for disapproval. If the recommendation is returned to the Planning Commission, the Planning Commission may resubmit its original recommendation giving reasons therefor or may make a new and amended recommendation. Failure on the part of the Planning Commission to take action at the next regular meeting shall be considered a resubmission of the original recommendation and the Governing Body and each city Governing Body shall proceed accordingly. After receipt of such reconsidered recommendation, the Governing Body and each city Governing Body, by a simple majority, may adopt or may revise and amend and adopt the recommendation by resolution, or may take no further action thereon.
5. If the Governing Body approves the proposed change, it shall adopt a resolution that becomes effective upon its publication once in the official county newspaper. If a city Governing Body approves the proposed change, is shall adopt an ordinance that becomes effective upon its publication once in the official city newspaper.

Case Number _____
Date Received _____

Fee \$ _____
Date Paid _____

APPLICATION FOR ZONING AMENDMENT

A property owner may initiate an application for a zoning amendment if it is a general revision of the existing regulations and affects specific property.

PART 1 BACKGROUND INFORMATION

1. This request applies to property at the following address: _____

2. The name (s), address (es), and phone number (s) of the property owners

3. We, the property owner (s), do hereby appoint the following person as our agent during consideration of our request:

Name	Address	Phone

4. The property is currently being used for the following purposes:

5. We propose that the zoning of the property be changed from _____ to _____.

6. Please list all existing structures and their heights:

Structure	Height

PART II ZONING AMENDMENT STATEMENT

Applicants for Zoning Amendments are encouraged to submit a statement. This statement will become part of the application. This is an opportunity to justify approval of a zoning amendment. The information requested pertains to factors the Planning Commission and City Council consider in reaching a decision on applications.

If the space provided is not adequate, the applicant may attach additional pages. The applicant is also encouraged to submit any other pertinent information, such as photographs, drawings, maps, statistics, legal documents, and letters of support.

- A. The proposed development will be keeping with the character of the neighborhood because:

- B. The proposed use will be consistent with the zoning and uses on nearby parcels because:

- C. This property is more suited for its proposed zoning than its current zoning because:

- D. The proposed zoning will have the following detrimental effects on nearby parcels:

- E. Prior to submitting this application, the property has been vacant for:

- F. If the application is denied, the property owner (s) will face the following hardships:

- G. The proposed development implements the Comprehensive Plan in the following ways:

- H. Public facilities and utilities are adequate to serve the proposed use as follows:

- I. Additional comments

PART III ASSOCIATED DOCUMENT CHECKLIST

This application cannot be processed until each of the following items have been submitted.

- _____ A written and signed certification from the County Treasurer’s office that all property taxes for the parcel have been paid.

- _____ A sketch, showing the lot or lots included in the application; the structures existing thereon; and the structures contemplated necessitating the variance requested. All appropriate dimensions should be included and any other information, which would be helpful to the board of zoning appeals in consideration of the application.

- _____ A legal description of the property, such as a copy of a deed.

- _____ All applications shall be accompanied by a typed or printed list of the names and mailing addresses of owners of all property within a 200’ radius of the area proposed to be altered unless the proposed change involves property located adjacent to the city’s limits in which case the area of notification will extend 1,000’ into the unincorporated area. This information must be obtained from the County Appraiser’s *Mapping Department*, Labette County Courthouse.

- _____ An aerial map of the property. You may obtain this information from the County Appraiser’s *Mapping Department*, Labette County Courthouse.

- _____ A signed certification from the City of Oswego stating the applicant has no delinquent accounts associated with the City of Oswego.

- _____ A conceptual Plan (if required) – see attached page for details.

We, the undersigned, do hereby authorize the submission of this application and associated documents, and do hereby certify that all of the information requested is attached and the information contained therein is true and correct.

_____	_____
Property Owner	Date
_____	_____
Property Owner	Date

CONCEPTUAL PLAN

For all uses except single-household STRUCTURES and two-household STRUCTURES, a conceptual plan must be submitted with any application for rezoning which is filed by any property owner. A conceptual plan must be submitted for any zoning permit for a nonresidential BUILDING or multi-household DWELLING unit unless a conceptual plan for the same property has already been filed as a part of rezoning. The scale of the conceptual plan is optional but shall not be smaller than 200 feet to one inch. The application must include ten (10) copies of a conceptual plan that includes:

- A composite site DEVELOPMENT plan showing the major details of the proposed DEVELOPMENT consisting of the following: conceptual drainage plans; approximate location of BUILDINGS; STRUCTURES, and off-street parking areas; off-street loading areas; means of ingress and egress; conceptual landscaping or screening proposals; location and the conceptual design of SIGNS; open space areas and pedestrian areas.
- The proposed name of the DEVELOPMENT and the names of abutting DEVELOPMENTS and landowners.
- The names and addresses of the owner and/or registered engineer, architect, surveyor, or landscape architect responsible for the engineering, survey, and design.
- The location of boundary lines and their relation to established section lines or fractional section lines, township, and range lines.
- The approximate location and width of existing and proposed streets, roads, LOTS (approximate dimensions), BUILDING lines, utility easements, drainage easements, parks and other open spaces, other similar features, and proposed improvement of perimeter streets.
- The PLANNING COMMISSION, in its discretion, may require a survey showing the physical features of the property, including contours at vertical intervals of not more than five (5) feet where the slope is greater than ten (10) percent and not more than two (2) feet where the slope is less than ten (10) percent (ten-foot intervals for non-residential uses). Elevations shall be marked on such contours based on the existing datum plane established by the U.S. Coast and Geodetic Survey. Benchmark elevations used shall be described on the plan.
- All parcels of land proposed to be dedicated to public use and the conditions of such dedication, if any.
- Date, north point, and scale.
- Designation of proposed uses of land within the DEVELOPMENT, whether for residential, commercial, industrial, or public use, such as parks, churches, etc., including the density of proposed residential use and the character of proposed commercial, industrial, and other use.
- An attached statement from the appropriate local official and/or the Kansas Department of Health and Environment that the proposed DEVELOPMENT is to be adequately served by sanitary sewer facilities.
- An attached statement from the appropriate local official and/or any affected water districts and/or the Kansas Department of Health and Environment that the proposed DEVELOPMENT is to be served by an adequate water supply and an adequate water distribution system.
- This plan, when approved by the PLANNING COMMISSION and the Governing Body as part of a rezoning, shall be binding upon the land. Prior to issuing a zoning permit for each phase or all of the DEVELOPMENT, the Zoning Administrator shall review the approved conceptual plan. If the property is not to be developed as indicated by the plan, or any approved amendments thereto, the Zoning Administrator shall refuse to issue any zoning permits. The applicant, in case of denial of a zoning permit, may appeal the Zoning Administrator's action to the BOARD OF ZONING APPEALS as provided by these regulations.