

CITY OF FREDONIA, KANSAS

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

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

6. It is the policy of the Planning Commission that any requests for a deferral of this case before the hearing shall be submitted to the Zoning Administrator at least five days preceding the advertised hearing date. If, at the discretion of the Chairperson of the Planning Commission, such deferral is granted, notices of such deferral and of the next hearing date will be mailed to those who received original notice of the hearing. Applicants requesting deferrals will be charged with the cost of preparing and mailing such new notices.

7. By State statute, the Zoning Regulations must state the "matters", i.e., the factors on which consideration is based in order to approve or disapprove a change of zoning. Similar factors apply in the consideration of special uses. Since both the Planning Commission in its recommendation and the ultimate decision by the Governing Body must be based upon such factors, it is very helpful if the applicant will address as many factors as are directly applicable to their request when they are called upon to make a presentation. (See Section 11-100H of the Zoning Regulations for factors for Amendments to Change Zoning Districts.)

8. After the Planning Commission hearing on the case, their recommendation will be forwarded to the Governing Body who will meet to consider the matter after a 14-day waiting period elapses to provide for the legal time within which protest petitions from the notification area, if any, may be submitted. Regardless of whether the Planning Commission has recommended approval or disapproval on the case, if the valid protest petitions as determined by the City Clerk represent the required percentage of owners of record of real property then an effectuating ordinance cannot be passed except by a 3/4 majority vote of the City Commission. If the Governing Body approves the application upon the recommendation of the Planning Commission, an ordinance effectuating the change of zoning or permitting the special use will be published in the official city newspaper and you may proceed to obtain a zoning permit. If the Governing Body desires to change the recommendation of the Planning Commission, whether it be for approval or disapproval, the case can be returned by a majority vote to the Planning Commission for its reconsideration at its next regular meeting. After such reconsideration, the Governing Body may proceed to a final determination in the case. If the Governing Body desires to override and change the Planning Commission's recommendation, it may do so by a 2/3 majority vote of the City Commission and, thus, returning the case for reconsideration is not necessary.

9. It is the policy of the Planning Commission that nothing shall prohibit submission of information relating to the appropriateness of the particular application. Any materials, however, such as photographs of the existing area, renderings, site plans, planting plans or reports which are submitted at the hearing may, at the discretion of the Commission, become the property of the Commission and a part of the case file.

10. An applicant may be required to submit a screening plan and/or a lot split or a plat or replat for the property to provide adequate street right-

of-way, drainage and utility easements, access control, building setback lines, etc. Guarantees for the installation of improvements may be required as part of the platting process. For some required improvements, separate legal instruments may be utilized in lieu of platting if deemed feasible. It should be noted that zoning permits cannot be issued on unplatted land unless it is otherwise exempted from the City Subdivision Regulations. As a condition of issuing a zoning permit, all of the public improvements which are required by the Subdivision Regulations may be required to carry out the requested permit, including dedications in lieu of platting such as for additional rights-of-way and easements.

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

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

APPLICATION FOR CHANGE OF ZONING DISTRICT CLASSIFICATION

This is an application for a change of zoning district classification. The form must be completed in accordance with directions on the accompanying instructions and filed with the Zoning Administrator at 314 North 7th Street, Fredonia, Kansas 66736-1337 or FAX: (316) 378-2693.

(AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED.)

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

a. Applicant _____

Address _____ Phone _____

Agent, if any _____

Address _____ Phone _____

b. Applicant _____

Address _____ Phone _____

Agent, if any _____

Address _____ Phone _____

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

2. The applicant hereby requests a change of zoning from the _____

_____ District to the _____

_____ District for

property legally described as Lot(s) _____ of Block

_____ in the _____

_____ subdivision.

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

3. Dimensions of the property are _____ feet in depth by _____ feet in

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

square feet in area.

4. The general location of the property is (use appropriate section):

a. The address is _____.

b. At the _____ corner of _____ Street and _____ Street.

c. On the _____ side of _____ Street between _____ Street and _____ Street.

5. Is this property part of a recorded plat? Yes _____ No _____

6. The property is presently used for _____ and this change of zoning is requested for the following reasons:

7. I (We) the applicant(s), acknowledge receipt of the instructions and further state that I (We) have read the material. If an agent, I further state that I have or will provide the owner(s) of the property for which the change of zoning is requested an explanation of or copy of this material. I (We) realize that this application cannot be processed unless it is complete and is accompanied by a current real property ownership list for the notification area and the appropriate fee.

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

OFFICE USE ONLY

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

Zoning Administrator

cc: Applicant