

**PROCEDURES MANUAL  
TABLE OF CONTENTS**

**ARTICLE 1 ..... 1**  
    **THE ROLE OF EACH PARTICIPANT ..... 1**

**ARTICLE 2 ..... 3**  
    **THE BASIS OF DECISION-MAKING..... 3**

**ARTICLE 3 ..... 7**  
    **BY-LAWS ..... 7**

**ETHICAL PRINCIPLES ..... 13**  
    **REGIONAL PLANNING COMMISSION AND STAFF..... 13**

**ARTICLE 4 ..... 17**  
    **CODE OF CONDUCT ..... 17**

**ARTICLE 5 ..... 21**  
    **PROCEDURAL SUMMARY ..... 21**

**ARTICLE 6 ..... 23**  
    **ZONING TEXT AMENDMENT PROCEDURE ..... 23**

**ARTICLE 7 ..... 25**  
    **ZONING DISTRICT CHANGE..... 25**  
        *REZONING APPLICATION FORM ..... 29*

**ARTICLE 8 ..... 31**  
    **APPEAL OF ADMINISTRATIVE DECISION..... 31**  
        *ZONING APPEAL OF ADMINISTRATIVE DECISION..... 33*  
        *APPEAL OF ADMINISTRATIVE DECISION ..... 35*  
        *DETERMINATION OF THE BOARD OF ZONING APPEALS ..... 35*

**ARTICLE 9 ..... 37**  
    **VARIANCE..... 37**  
        *VARIANCE APPLICATION..... 41*  
        *BOARD OF ZONING APPEALS ..... 41*  
        *VARIANCE..... 43*  
        *DETERMINATION OF THE BOARD OF ZONING APPEALS ..... 43*

**ARTICLE 10 ..... 45**  
    **CONDITIONAL USES ..... 45**  
        *CONDITIONAL USE PERMIT APPLICATION..... 47*  
        *CONDITIONAL USE PERMIT..... 49*

**ARTICLE 11 ..... 51**  
    **AMENDMENT OF SUBDIVISION REGULATIONS ..... 51**

**ARTICLE 12 ..... 53**  
    **PLAT APPROVAL ..... 53**  
        *PRELIMINARY PLAT CHECKLIST ..... 55*  
        *FINAL PLAT CHECKLIST ..... 59*

**ARTICLE 13 ..... 63**  
    **LOT SPLIT ..... 63**

# City of Highland Procedures Manual

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## *Table of Contents*

<i>LOT SPLIT APPLICATION</i> .....	65
<b>ARTICLE 14</b> .....	<b>67</b>
<b>SITE PLAN REVIEW</b> .....	<b>67</b>
<i>SITE PLAN REVIEW APPLICATION</i> .....	73
<i>SITE PLAN REVIEW CHECKLIST</i> .....	75
<b>FENCES</b> .....	<b>79</b>
<i>FENCES</i> .....	81

## ARTICLE 1

### THE ROLE OF EACH PARTICIPANT

#### **INTRODUCTION**

The purpose of zoning and subdivision regulations is to promote orderly growth and redevelopment in the City of Highland. The degree to which these regulations are effective is dependent largely 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 Zoning 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 Zoning 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 Regional Planning Commission, the Board of Zoning Appeals, and the Governing Body.

**Regional Planning Commission.** The planning commission for Highland is the joint city-county “Regional Planning Commission” appointed jointly by the City and Doniphan County and other city participants. The commission is primarily an advisory body to the City and the other participating jurisdictions. Under the zoning regulations, a primary duty of the Regional Planning Commission (also referred herein as the “Planning Commission”) is to hold a public hearing where public opinion can be expressed regarding the proposed rezoning. 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 Planning Commission is required to adopt a recommendation to the Governing Body regarding rezoning of land, conditional use permits, and changes to the zoning and subdivision regulations.

By Kansas statutes, in order to implement land use regulations, the Planning Commission must adopt a land use plan for the physical development of the municipality. Before adopting or amending the plan, the Planning Commission must hold a public hearing. After adoption, a copy is certified to the City

## **City of Highland Procedures Manual**

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### ***Article 1—The Role of Each Participant***

Council, and city clerk, and a copy recorded in the office of the county register of deeds. The City Council must approve the plan.

Under the subdivision regulations, the Planning Commission has responsibility for approving or disapproving both preliminary and final plats. Guidelines to carry out this responsibility are provided by the design standards set out in the 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 two types of tasks:

1. The appeal of an administrative decision or interpretation; and
2. The granting of variances for cases of hardship.

In the first case, the responsibility of the Board of Zoning Appeals is to rule on the 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 which is consistent with the intent of the zoning ordinance and fair to the applicant. The Board of Zoning Appeals is not involved in administering the subdivision regulations.

**The City Council.** The Governing Body has responsibility for enacting and amending the zoning and subdivision regulations after consideration of the recommendations of the Planning Commission. This responsibility includes amending the zoning regulations or the zoning district map, but does not include approving subdivision plats. The role of the Governing Body in the subdivision process is limited to accepting or rejecting dedications of easements, rights-of-way and the public lands, approving financial guarantees or financing mechanisms to ensure construction of all public improvements, and approving 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 both 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. In addition, 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. Because of its importance in the zoning process, the Comprehensive Plan should be reviewed by the 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 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. Appropriate factors for consideration of a rezoning application include:

1. The character of the neighborhood;
2. The zoning and uses of properties nearby;

## **City of Highland Procedures Manual**

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### ***Article 2—The Basis of Decision Making***

3. The suitability of the subject property for the uses to which it has been restricted;
4. The extent to which removal of the restrictions (or change of zone) will detrimentally affect nearby property;
5. The length of time the property has remained vacant as zoned;
6. The relative gain to the public health, safety and welfare by not rezoning the property as compared to the hardship imposed on the property owner;
7. The recommendation of staff; and
8. Compliance with the Comprehensive Plan.

It should also be pointed out that the entire class of permitted uses in the zoning district 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 use.

The granting of a conditional use permit requires a case-by-case approach. The zoning ordinance sets forth conditions that must be met before a conditional use may be granted. The district regulations also may establish additional conditions. The recommendation to grant a conditional use permit should be made to the City Council only after the Planning Commission has found all the standards as set forth in the zoning regulations have been met.

The granting of a short-term conditional use such as trade shows, street fairs, and other specified public events are dealt with in other city regulations. Applications for short-term permits under codes should be submitted to the City Clerk without referral to the Planning Commission under most circumstances.

**Appeals and Variances:** The Board of Zoning Appeals has the important task of interpreting the Zoning Ordinance 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 Ordinance.

In deciding an appeal, the Board of Zoning Appeals must interpret sections of the Zoning Ordinance, 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 so will affect each subsequent use of that section of the Zoning Ordinance.

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 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 Planning Commission to change or weaken the intent of the zoning ordinance. 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 Planning staff. There are other elements of "good subdivision design," 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. These 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, there are two distinct sets of interests to be considered: the interests of the property owner or owners and 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.

**Development Approval in Highland.** Zoning regulations in Highland require that plans for developments, other than single-family and two-family dwellings, be reviewed by the Planning Commission before occupancy permits can be issued. Two stages of review are normally involved, preliminary and final. The preliminary plan is a detailed depiction of the entire project and its relationship to adjoining property. Elements that must be included are depicted on the following pages.

## **City of Highland Procedures Manual**

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### ***Article 2—The Basis of Decision Making***

Upon approval of the preliminary plans, the final plans may be prepared and submitted to the Planning Commission for approval. Simultaneous submittal of preliminary and final plans is allowed at the discretion of the City. It is the intent of the zoning process that final plans be essentially the working or contract drawings that will be used by the contractor in building the project.



**ARTICLE 3**

**BY-LAWS**

ARTICLE I - AREAS OF RESPONSIBILITY

1. It shall be the responsibility of the Regional Planning Commission (the “Planning Commission”) to cause the preparation, development and adoption of a comprehensive plan.
2. It shall be the responsibility of the Planning Commission to formulate subdivision regulations.
3. It shall be the responsibility of the Planning Commission to formulate zoning regulations.
4. It shall be the responsibility of the Planning Commission to notify the City of Highland about extraterritorial zoning where that territory is within the planning area of the community.
5. It shall be the responsibility of the Planning Commission to hold public hearings for proposed zoning changes and make a recommendation to the City Council.
6. It shall be the responsibility of the Planning Commission to consider floodplain development controls.
7. It shall be the responsibility of the Planning Commission to perform an annual review of the City Comprehensive Plan.
8. It shall be the responsibility of the Planning Commission to adopt bylaws.

ARTICLE II - PART I - OFFICERS

1. The Planning Commission shall organize annually at the first regular meeting after the appointment of new members.
2. The Commission shall elect a Chair and a Vice-Chair from among the appointed members at the annual organization meeting. These officers shall serve for one year and until their successors have been elected.
3. A Secretary shall be selected for an indefinite term. It is not required that he or she be a member of the Commission.

## **City of Highland Procedures Manual**

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### ***Article 3—By-Laws***

#### ARTICLE II - PART II - DUTIES OF OFFICERS

1. Chair:

The Chair shall preside at all meetings and public hearings of the Planning Commission and shall:

- (a) decide all points of order and procedure;
- (b) certify plans and subdivision plats;
- (c) transmit reports and recommendations of the Planning Commission to the City Council; and
- (d) inform petitioners of decisions.

2. Vice-Chair:

The Vice-Chair shall assume the duties of the Chair in his absence.

3. Secretary:

The Secretary shall:

- (a) keep the minutes of the Planning Commission meetings;
- (b) send each meeting agenda to members of the Planning Commission;
- (c) carry out written correspondence;
- (d) maintain the records of the Commission;
- (e) certify, along with the Chair, all plans and subdivision plats; and
- (f) perform other duties as the Planning Commission may require.

#### ARTICLE III - MEETINGS

1. The Planning Commission shall hold regular monthly meetings at a time and place to be designated by the Commission; except that the Chair may cancel a regular meeting with at least three (3) days prior notice for the following reasons:

- (a) it is determined that a quorum will not be present;
- (b) no subjects are scheduled for the agenda; and
- (c) other reasonable circumstances.

2. Special meetings of the Planning Commission for obtaining public opinion on a problem or discussion of a particular problem with interested parties may be called by the Chair or in her absence by the Vice-Chair. Notice of special meetings shall be given by the secretary to the members of the Commission at least three (3) days prior to such meeting and shall state the purpose and time of the meeting.
3. All regular and special meetings, hearings and records shall be open to the public.
4. Three (3) members, a majority, shall constitute a quorum for the transaction of business. If a quorum is not present at any meeting, those present shall continue the meeting at a specific date, time and location.
5. The order of business at all meetings shall be as follows:
  - (a) call to order;
  - (b) roll call (may be taken orally or by visual identification by the secretary);
  - (c) approval of minutes;
  - (d) presentation of requests and/or petitions (hearings) on the agenda;
  - (e) old business;
  - (f) new business; and
  - (g) adjournment.
6. 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.
7. 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 and subdivision regulations.
8. 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.
9. When procedural and parliamentary rules adopted by the Planning Commission conflict, parliamentary procedure shall be according to the "Roberts Rules of Order."

## **City of Highland Procedures Manual**

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### ***Article 3—By-Laws***

#### ARTICLE IV - AGENDA SUBJECTS

1. Any interested party may request a place upon the agenda of a Planning Commission meeting.
2. 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 (3) days prior to the meeting.
3. 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.

#### ARTICLE V - HEARINGS

1. Before recommending adoption or amendment of all or any part of the Comprehensive Plan, Subdivision Regulations, Zoning Ordinance or Major Street Plan, the Planning Commission shall hold a public hearing on the matter as required by law.

The following procedure will normally be observed:

- (a) staff presents the agenda item;
  - (b) the Planning Commission may ask questions regarding the Staff presentation and report;
  - (c) proponents of the agenda item make presentation;
  - (d) any opponents make presentations;
  - (e) applicant makes rebuttal;
  - (f) staff presents staff findings; and
  - (g) Planning Commission asks any questions it may have of the proponents, opponents or Staff, and then acts upon a motion.
2. The secretary of the Planning Commission 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 such proposal in general terms.
  3. Action by the Planning Commission on any matter on which a hearing is held shall not be taken until the hearing has been concluded.

ARTICLE VI - RECOMMENDATIONS

1. The Planning Commission shall authorize a member of the Planning Commission or staff to appear before the Governing Body for the purpose of reporting recommendations of the Planning Commission.

ARTICLE VII - COMMITTEES

1. The Planning Commission may establish such committees as it deems advisable and assign each committee specific duties or functions.
2. 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.

ARTICLE VIII - EXPENSES

1. The Planning Commission may accept, receive or expend funds, and services from the governing body.
2. The designated fiscal agent of the Planning Commission shall be the City Clerk of the City of Highland.

ARTICLE IX - RECORDS AND REPORTS

1. The Commission shall keep a record of all proceedings, resolutions, transactions, findings and determinations.
2. All records of the Planning Commission shall be available for public review.
3. The 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.

ARTICLE X - AMENDMENTS

1. These rules of procedure may be amended by an affirmative vote of a majority of a quorum of the Commission, provided such amendment has been submitted in writing to each member of the Commission at least three (3) days prior to the meeting at which action is to be taken.

**City of Highland Procedures Manual**

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*Article 3—By-Laws*

ARTICLE XI - 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 in K.S.A. 75-4301, 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 ownership of property or business in which the Commission is considering action, receipt of fees, salaries or gratuity from such business or businesses or a family relationship to an applicant seeking Commission action.

Approved \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

Regional Planning Commission  
of  
Doniphan County and the City of Highland, Kansas

By \_\_\_\_\_  
Chair

Attest \_\_\_\_\_  
Secretary

**ETHICAL PRINCIPLES  
REGIONAL PLANNING COMMISSION AND STAFF**

The 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 or City Council 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 that 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.

## City of Highland Procedures Manual

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### Article 3—By-Laws

6. Avoid Conflict of Interest. To avoid conflict of interest and even 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 personal gain, or provide an advantage to an immediate relation. A member with a conflict of interest must make that interest public, abstain from voting on the matter, not participate in any deliberations on the matter, and step down from the Planning Commission and not participate as a member of the public when such deliberations are to take place. The member must not discuss the matter privately with any other member voting on the matter.
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/he can no longer render such service in a thorough and diligent manner, she/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. 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. 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 City 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 nondisclosure 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 elected or appointed 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 Highland and the official's performance of the public trust.

**SAMPLE AGENDA FOR PLANNING COMMISSION MEETINGS**

1. Call to order and Roll Call
2. Approval of minutes of prior meeting (as mailed or amended)
3. Public Hearings
  - Zoning applications previously discussed
  - New zoning applications
  - Conditional use permits previously discussed
  - New conditional use permit applications
4. Reports of other business
  - Preliminary plats previously discussed
  - New preliminary plats
  - Final plats previously discussed
  - New final plats
5. Old Business
6. New Business
7. Adjournment

**ARTICLE 4**

**CODE OF CONDUCT**

In administering the zoning and subdivision regulations, it is crucial that the decisions be made fairly and that they have the appearance of fairness. The credibility of the Planning Commission, the Board of Zoning Appeals, the Governing Body, and public support for zoning and subdivision 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 be established and followed as closely as possible.

**Conflicts of Interest.** In making zoning and subdivision 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 that 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 that is an applicant, subdivider, and 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.

## **City of Highland Procedures Manual**

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### ***Article 4—Code of Conduct***

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 that 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.

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**ARTICLE 5**

**PROCEDURAL SUMMARY**

The final sections of this manual are step-by-step explanations 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 zoning and subdivision regulations themselves. This manual is a summary document intended to present the zoning and subdivision process in an easily understood format.

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**ARTICLE 6**

**ZONING TEXT AMENDMENT PROCEDURE**

A proposal for an amendment of the text of the Zoning Ordinance is initiated by either the Planning Commission or the City Council of the City of Highland. A citizen may also begin the amendment process by submitting the proposed change to the Office of the City Clerk, with a request for consideration by either the commission or City Council on the next regular meeting agenda.

- If the change is initiated by a private citizen and taken before the Planning Commission, the individual shall be allowed to present the proposed amendment at a regular meeting. The Planning Commission, based on the information presented, shall determine whether the proposal should be considered as an amendment. 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.
- If the text amendment is initiated by either the Planning Commission or the Governing Body, a public hearing may be scheduled immediately. Planning staff shall be responsible for having an official notice of the public hearing published in a newspaper of general circulation at least 20 days prior to the hearing, and for following the administrative procedures for a text amendment as prescribed in the adopted zoning regulations. The notice shall fix the time and place of the hearing and describe in general terms the proposed change. At the public hearing, citizens and parties of interest shall have an opportunity to be heard.
- 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.
- 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 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 text amendment.

## **City of Highland Procedures Manual**

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### ***Article 6—Zoning Text Amendment Procedure***

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

**ARTICLE 7**

**ZONING DISTRICT CHANGE**

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

- The applicant shall first obtain the proper application form from the Planning staff.
- The rezoning application form shall be completely filled out and returned to the Office of the City Clerk 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.
- The Regional Planning Commission shall hold a public hearing at which time citizens and parties of interest shall have an opportunity to be heard. Planning staff shall be responsible for having an official notice of the public hearing published in a newspaper of general circulation at least 20 days prior to the hearing. Planning staff 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. A written notice shall also be mailed to notify surrounding property owners of the public hearing and of their right to file protest petitions and shall explain the protest procedure.
- The public hearing may be adjourned from time to time and, upon its conclusion, the Regional 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. Protest petitions must be signed by all owners, including a spouse in jointly owned property, and submitted within the fourteen-day period in order to be valid.
- The Governing Body shall consider the Regional 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. If received for reconsideration, the Planning Commission shall consider the Governing Body's reasons for disapproval 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 district amendment.

## **City of Highland Procedures Manual**

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### ***Article 7—Zoning District Change***

- If the Governing Body approves the requested change, it shall adopt an ordinance to that effect. If the official zoning map has been adopted by reference, the amending ordinance shall define the change of boundary and shall order the official zoning map to be similarly amended.

**Review and Action Process**

**Applicant Obtains application** and Regulations from City Hall  
Date: \_\_\_\_\_

**Applicant Submits completed application** and application fee prior to specified deadline  
Date: \_\_\_\_\_

**Applicant sends written notice** to surrounding property owners 20 days prior to the public hearing  
Date: \_\_\_\_\_

**Staff Publishes Public Hearing Notice** 20 day prior to the public hearing  
Date: \_\_\_\_\_

**Staff Reviews application** and prepares comments for Planning Commission  
Date: \_\_\_\_\_

**Planning Commission holds public hearing** & acts on application (recommends approval, denial or tabling application)  
Date: \_\_\_\_\_

**Governing Body takes final action on application** following 14 day protest period and approves, denies or tables application  
Date: \_\_\_\_\_

If approved, **Staff amends zoning map**

**Comments**

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**City of Highland Procedures Manual**

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*Article 7—Zoning District Change*

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REZONING APPLICATION FORM

Return Form to:
City of Highland City Clerk
PO Box 387
Highland, KS 66035
(785) 442-3765
Fax: (785) 442-3765

For Office Use Only

Case No.:
Filing Fee:
Deposit:
Date Advertised:
Date Notices Sent
Public Hearing Date:

APPLICANT: PHONE:
ADDRESS: ZIP:
OWNER: PHONE:
ADDRESS: ZIP:

EMAIL CONTACT:

LOCATION OF PROPERTY:

LEGAL DESCRIPTION:

Present Zoning Requested Zoning:

Present Use of Property:

SURROUNDING LAND USE AND ZONING:

Table with 2 columns: Land Use, Zoning. Rows: North, South, East, West.

CHARACTER OF THE NEIGHBORHOOD:

(Residential, commercial, industrial, rural, mixed use, parkland, etc.)

RELATIONSHIP TO EXISTING ZONING PATTERN:

- 1. Would proposed change create a small, isolated district unrelated to surrounding districts?
2. Are there substantial reasons why the property cannot be used in accordance with existing zoning?
If yes, explain:

**City of Highland Procedures Manual**

**Article 7—Zoning District Change**

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CONFORMANCE WITH COMPREHENSIVE PLAN:

1. Consistent with General Development Policies of the Comprehensive Plan? \_\_\_\_\_  
\_\_\_\_\_
  
2. Consistent with Future Land Use Map? \_\_\_\_\_  
\_\_\_\_\_

TRAFFIC CONDITIONS:

1. Street(s) with Access to Property: \_\_\_\_\_
2. Classification of Street(s):  
Arterial \_\_\_\_\_ Collector \_\_\_\_\_ Local \_\_\_\_\_
3. Right-of-Way Width: \_\_\_\_\_
4. Will turning movements caused by the proposed use create an undue traffic hazard? \_\_\_\_\_  
\_\_\_\_\_

IS PLATTING OR REPLATTING REQUIRED TO PROVIDE FOR:

1. Appropriately Sized Lots? \_\_\_\_\_
2. Properly Sized Street Right-of-Way? \_\_\_\_\_
3. Drainage Easements? \_\_\_\_\_
4. Utility Easements:  
Electricity? \_\_\_\_\_  
Gas? \_\_\_\_\_  
Sewers? \_\_\_\_\_  
Water? \_\_\_\_\_
5. Additional Comments: \_\_\_\_\_

UNIQUE CHARACTERISTIC OF PROPERTY AND ADDITIONAL COMMENTS:

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REQUIRED ATTACHEMENTS:

- \_\_\_\_\_ Certified list of property owners within 200 feet obtained from Doniphan County Clerk’s Office (within 1,000 feet if at the corporate limits of the City)
- \_\_\_\_\_ Copy of notice letters and certified mail receipts to property owners

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_



**ARTICLE 8**

**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 Ordinance, 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 may not declare the zoning regulations unfair or attempt to act contrary to their purpose. The Board can clarify ambiguities or resolve conflict between opposing sections. Since the Board's 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 Planning Staff 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.
- The applicant shall file a completed application with the Office of the City Clerk and pay the appropriate fee. The application shall include an explanation of the decision being appealed and a statement of the reasons for the appeal. Drawings of the property in question and a list of all surrounding property owners may be required. An application shall not be processed unless it has been fully completed, the fee paid, and all required information submitted.
- When an application has been fully completed, the fee paid and all required information submitted, the City Clerk 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. Twenty (20) days prior to the Board meeting, an official notice to the public shall be published in a newspaper of general circulation in the City explaining the appeal and the time and place of the scheduled hearing. A copy of the notice shall be mailed to each party of interest and to the Planning Commission.
- 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 completed application and fee submittal and a written decision must be rendered without unreasonable delay.

## **City of Highland Procedures Manual**

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### ***Article 8—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. A recorder shall keep minutes of the public meeting including evidence presented during the proceedings and the findings of the Board.

**ZONING APPEAL OF ADMINISTRATIVE DECISION**

Return Form to:  
City of Highland City Clerk  
PO Box 387  
Highland, KS 66035  
(785) 442-3765  
Fax: (785) 442-3765

For Office Use Only  
Case No.: \_\_\_\_\_  
Filing Fee: \_\_\_\_\_  
Deposit: \_\_\_\_\_  
Date Advertised: \_\_\_\_\_

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APPLICANT: \_\_\_\_\_ PHONE: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_ ZIP: \_\_\_\_\_  
OWNER: \_\_\_\_\_ PHONE: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_ ZIP: \_\_\_\_\_  
EMAIL CONTACT: \_\_\_\_\_  
LOCATION OF PROPERTY: \_\_\_\_\_  
LEGAL DESCRIPTION: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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Section of Zoning Ordinance Being Appealed: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Explanation of Decision Being Appealed: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Present Use of Property: \_\_\_\_\_

Proposed Use of Property: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

BY: \_\_\_\_\_ TITLE: \_\_\_\_\_

**City of Highland Procedures Manual**

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*Article 8—Appeal of Administrative Decision*

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**APPEAL OF ADMINISTRATIVE DECISION  
DETERMINATION OF THE BOARD OF ZONING APPEALS**

Return Form to:  
City of Highland City Clerk  
PO Box 387  
Highland, KS 66035  
(785) 442-3765  
Fax: (785) 442-3765

For Office Use Only

Case No.: \_\_\_\_\_

Date of Action: \_\_\_\_\_

Action: \_\_\_\_\_

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On \_\_\_\_\_, 20\_\_\_\_, the City of Highland 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).

REASONS FOR DETERMINATION:

In making this decision, the Board found:

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\_\_\_\_\_  
City Clerk

**City of Highland Procedures Manual**

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*Article 8—Appeal of Administrative Decision*

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**ARTICLE 9**

**VARIANCE**

**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 Ordinance 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.

- The applicant shall first meet with the City Clerk and receive a complete explanation of the zoning requirement in question, the variance procedure, and an application form.
- The applicant shall submit a completed application form and pay the appropriate fee. As a part of the application, a sketch map shall be submitted showing proposed and existing structures and uses on the property for which the variance is being requested and on immediately adjacent properties. An application shall not be processed unless it has been fully completed, the fee paid, and all required information submitted.
- The City Clerk shall schedule a regular meeting of the Board of Zoning Appeals and send copies of the application to Board of Zoning Appeals members upon receipt of a fully completed application. 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. A copy of the notice shall be mailed to each party of interest and to the Planning Commission.
- 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:

## **City of Highland Procedures Manual**

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### ***Article 9—Variance***

1. *UNIQUENESS*

The variance requested arises from conditions, which are unique to the properties 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.

2. *ADJACENT PROPERTY*

The granting of the variance will not be materially detrimental or adversely affect the rights of adjacent property owners or residents.

3. *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.

4. *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.

5. *SPIRIT AND INTENT*

Granting the requested variance will not be opposed to the general spirit and intent of the zoning regulations.

6. *MINIMUM VARIANCE*

The variance requested is the minimum variance that will make possible the reasonable use of the land or structure.



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 grant, grant conditionally, or deny the application for a variance. The Board of Zoning Appeals' written determination shall be sent to all affected parties, including the Planning Commission.

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VARIANCE APPLICATION
BOARD OF ZONING APPEALS

Return Form to:
City of Highland City Clerk
PO Box 387
Highland, KS 66035
(785) 442-3765
Fax: (785) 442-3765

For Office Use Only

Case No.:
Filing Fee:
Deposit:
Date Advertised:
Date Notices Sent
Public Hearing Date:

APPLICANT: PHONE:
ADDRESS: ZIP:
OWNER: PHONE:
ADDRESS: ZIP:
EMAIL CONTACT:
LOCATION OF PROPERTY:
LEGAL DESCRIPTION:

Section of Zoning Ordinance from which Variance is Requested:

Adjacent Zoning and Land Use:

Table with 2 columns: Land Use, Zoning. Rows: North, South, East, West.

Present Zoning/Land Use of Property:

Proposed Use of Property:

Utility lines or easements that would restrict proposed development:

## City of Highland Procedures Manual

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### Article 9—Variance

Please indicate below the extent to which the following standards are met, in the applicant's opinion. *The applicant shall provide an explanation on a separate sheet for each standard.*

1. *UNIQUENESS* \_\_\_ Yes \_\_\_ No

The variance requested arises from conditions that 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.

2. *ADJACENT PROPERTY* \_\_\_ Yes \_\_\_ No

The granting of the variance will not be materially detrimental or adversely affect the rights of adjacent property owners or residents.

3. *HARDSHIP* \_\_\_ Yes \_\_\_ No

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.

4. *PUBLIC INTEREST* \_\_\_ Yes \_\_\_ No

The variance desired will not adversely effect 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.

5. *SPIRIT AND INTENT* \_\_\_ Yes \_\_\_ No

Granting the requested variance will not be opposed to the general spirit and intent of the zoning regulations.

6. *MINIMUM VARIANCE* \_\_\_ Yes \_\_\_ No

The variance requested is the minimum variance that will make possible the reasonable use of the land or structure.

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

VARIANCE
DETERMINATION OF THE BOARD OF ZONING APPEALS

Return Form to:
City of Highland City Clerk
PO Box 387
Highland, KS 66035
(785) 442-3765
Fax: (785) 442-3765

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

On \_\_\_\_\_, 20\_\_\_\_\_, the City of Highland Board of Zoning Appeals,
at its regular meeting, \_\_\_\_\_(Action: Approved, Conditionally Approved, Denied)
the variance requested from Section\_\_\_\_\_ of the Zoning Ordinance for the property at \_\_\_\_\_
(Address or Location) as requested by \_\_\_\_\_(Applicant).

REASONS FOR DETERMINATION:

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:

Table with 3 columns: Condition (a-f), Approved, Denied. Rows include Uniqueness, Adjacent Property, Hardship, Public Interest, Spirit and Intent, Minimum Variance.

Conditions (if any): \_\_\_\_\_

Please call the City Clerk's Office with any questions. \_\_\_\_\_
Zoning Board Chair Person



**ARTICLE 10**

**CONDITIONAL USES**

**CONDITIONAL USE PROCEDURE**

Certain uses or exceptions are permitted in some zoning districts, only when a conditional use permit has been obtained from the City Council. 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.

- The applicant shall first meet with the City Clerk to receive a full explanation of the zoning and conditional use requirements, and an application form.
- The applicant shall submit a completed application form to the Office of the City Clerk and pay the appropriate fee. The application shall include a plan showing existing and proposed structures on the property in question, adjacent property, parking spaces, driveways, and other information as required by the adopted zoning regulations. An application shall not be processed unless it has been fully completed, the fee paid, and all required information submitted.
- Planning staff shall then schedule consideration of the application at the next regular meeting of the Planning Commission. The Planning staff shall be responsible for having an official notice of the public hearing published in a newspaper of general circulation at least 20 days prior to the hearing, and follow the adopted procedures for considering a conditional use permit as prescribed in the zoning regulations.
- The Planning Commission shall hold a public hearing at which time citizens and parties of interest shall have an opportunity to be heard. 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.
- The Governing Body shall consider the Planning Commission's recommendation and shall act upon the Planning Commission recommendation as prescribed in the adopted zoning regulations. If the Governing Body approves the application, it shall adopt an ordinance to that effect.

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CONDITIONAL USE PERMIT APPLICATION

Return Form to:
City of Highland City Clerk
PO Box 387
Highland, KS 66035
(785) 442-3765
Fax: (785) 442-3765

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

APPLICANT: PHONE:
ADDRESS: ZIP:
OWNER: PHONE:
ADDRESS: ZIP:
EMAIL CONTACT:
LOCATION OF PROPERTY:
LEGAL DESCRIPTION:

PROPOSED LAND USE ACTIVITY:

ADJACENT ZONING AND LAND USE:

Table with 2 columns: Land Use, Zoning. Rows: North, South, East, West.

PRESENT USE OF PROPERTY:

# **City of Highland Procedures Manual**

## ***Article 10—Conditional Uses***

Does the proposed conditional use meet the following standards? If yes, attach a separate sheet explaining why.

Yes    No

- |    |  |       |       |
|----|--|-------|-------|
| 1. | Is deemed necessary for the public convenience at that location.   | _____ | _____ |
| 2. | Is so designed, located, and proposed to be operated that the public health, safety, and welfare will be protected.  | _____ | _____ |
| 3. | Is found to be generally compatible with the neighborhood in which it is proposed.   | _____ | _____ |
| 4. | Will comply with the height and area regulations of the district in which it is located unless specifically granted.   | _____ | _____ |
| 5. | 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 use from any injurious effect. | _____ | _____ |
| 6. | Adequate utility, drainage, and other such necessary facilities have been or will be provided.   | _____ | _____ |

Should this conditional use be valid only for a specific time period?    Yes \_\_\_\_\_    No \_\_\_\_\_

If Yes, what length of time? \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

**Attachments Required:**

- \_\_\_\_\_ Copies of site plan in accordance with the City’s Application and Review Schedule showing existing and proposed structures on the property in question, and adjacent property, off-street parking, driveways, and other information.

CONDITIONAL USE PERMIT

Return Form to:  
City of Highland City Clerk  
PO Box 387  
Highland, KS 66035  
(785) 442-3765  
Fax: (785) 442-3765

For Office Use Only  
Case No.: \_\_\_\_\_  
Date of Action: \_\_\_\_\_  
Action: \_\_\_\_\_  
Expiration Date: \_\_\_\_\_

On \_\_\_\_\_, 20\_\_\_\_, the City of Highland Planning Commission at its regular meeting, recommended \_\_\_\_\_ (Action: Approval, Conditional Approval, Denial) of a conditional use permit for a \_\_\_\_\_ (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 City Council.

REASONS FOR DETERMINATION:

In recommending \_\_\_\_\_ (Action) of this conditional use permit, the Planning Commission considered all standards listed in the Zoning Ordinance, 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): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
City Clerk

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**ARTICLE 11**

**AMENDMENT OF SUBDIVISION REGULATIONS**

**SUBDIVISION AMENDMENT PROCEDURE**

A proposal for an amendment of the text of the subdivision regulations is normally initiated by either the Planning Commission or the Governing Body. However, a private citizen may request that the Planning Commission initiate the amendment process by submitting a proposed change to the Office of the City Clerk.

- If the change is requested by a private citizen, the normal procedure is for the City to permit the individual to present the proposed amendment to Planning Commission at a regular meeting. The Planning Commission, based on the information presented, will determine whether the proposal is worthy of consideration as an amendment. 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.
- If the text amendment is initiated by either the Planning Commission or the Governing Body, a public hearing may be scheduled immediately. Planning staff shall be responsible for having an official notice of the public hearing published in a newspaper or general circulation at least 20 days prior to the hearing, and follow administrative procedures for considering the amendment as prescribed in the subdivision regulations. This notice shall fix the time and place of the hearing and describe in general terms the proposed change. At the public hearing, citizens and parties of interest shall have an opportunity to be heard.
- 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.
- The Governing Body shall consider the proposed amendment and shall take action as prescribed by the subdivision regulations.

**City of Highland Procedures Manual**

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***Article 11—Amendment of Subdivision Regulations***

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**ARTICLE 12**

**PLAT APPROVAL**

**PLAT APPROVAL PROCESS**

Any subdivision of land within the jurisdiction of the City of Highland must, with certain exceptions, follow the procedures outlined below. The simple division of one lot into two lots may qualify for a Lot Split, explained in the subdivision regulations.

- The applicant shall first meet with the City Clerk to schedule a pre-application conference, receive an explanation of the subdivision procedure and its requirements, information on the current zoning, and an application form.
- The applicant shall meet with City Staff in a pre-application conference to discuss the preliminary and final plat requirements and other potential site-specific requirements prior to the submittal of an application.
- The application form shall be completely filled out and returned to the Office of the City Clerk with the appropriate filing fee and any required supplemental information. As a part of the application, ten (10) copies of a preliminary plat conforming to the requirements of the subdivision regulation, a vicinity map showing the location of the proposed subdivision, a complete list of the names and mailing addresses of all owners of record of all unplatted land within 200 feet of property being proposed for subdividing or resubdividing, as prepared by the County Clerk or a title company and a copy of a letter of notification sent by certified mail submitted to such owners of record identifying the intent to subdivide or resubdivide the subject property shall be submitted. An application shall not be processed until it has been fully completed, the appropriate fee paid, all requested information submitted, and the required pre-application meeting is held with staff.
- The Planning Commission, based on the standards set out in the subdivision regulations, may approve, approve conditionally, or disapprove the preliminary plat within 60 days of receiving the plat at a regularly scheduled meeting.
- The subdivider shall submit the final plat application form, along with the appropriate fee and any required supplemental information. Included as part of the application shall be the original and ten (10) copies of the final plat prepared in accordance with the subdivision regulations.

## **City of Highland Procedures Manual**

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### ***Article 12—Plat Approval***

- The Planning Commission shall review the final plat and, based on the approved preliminary plat and the standards set out in the subdivision regulations, approve or deny the final plat.
- The Governing Body shall review the final plat for consideration for any dedication from the subdivider of street rights-of-way, drainage easements, parklands, or other property to be used for public purposes.



**PRELIMINARY PLAT CHECKLIST**

Return Form to:	<u>For Office Use Only</u>
City of Highland City Clerk	Subdivision Name.: _____
PO Box 387	Filing Fee: _____
Highland, KS 66035	Deposit: _____
(785) 442-3765	Date Filed: _____
Fax: (785) 442-3765	Date of Meeting _____

- I. Name of Subdivision: \_\_\_\_\_
- II. Name of Owner: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ Zip: \_\_\_\_\_
- III. Name of Subdivider: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ Zip: \_\_\_\_\_
- IV. Name of Person who prepared the Plat: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ Zip: \_\_\_\_\_

EMAIL CONTACT: \_\_\_\_\_

Instructions:

The following checklist is to be completed by the Applicant and Verified by City Staff (items followed by an asterisk (\*) are to be verified by the City Engineer) and shall accompany the Preliminary Plat when it is submitted to the Planning Commission. If the answer to any of the questions is "No," the Applicant shall provide a written explanation to accompany this checklist.

	<u>Yes</u>	<u>No</u>
V. Was a pre-application meeting held with staff?	___	___
VI. Does the Preliminary Plat show the following information?		
A. Scale of the Plat at 1"=100' or larger	___	___
B. Name of the proposed subdivision	___	___
C. Location of boundary lines and reference to section or quarter-section lines.	___	___
D. Legal description, complete with Section, Township, Range, principal meridian, county.	___	___
E. Name, address and phone number of owner(s).	___	___
F. Name, address and phone number of developers(s).	___	___
	<u>Yes</u>	<u>No</u>

# City of Highland Procedures Manual

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## Article 12—Plat Approval

- |    |   |     |     |
|----|---|-----|-----|
| G. | Name, address and phone number of subdivider(s).  | ___ | ___ |
| H. | Name, address and phone number of planner, engineer, landscape architect, or surveyor who prepared the Preliminary Plat.  | ___ | ___ |
| I. | Scale of Plat, 1" = 100' or larger, and north arrow.  | ___ | ___ |
| J. | Date of preparation, north arrow and graphic scale.   | ___ | ___ |
| K. | Current zoning classification and proposed use of the area being platted.   | ___ | ___ |
| L. | Location, width and name of platted streets or other public ways, railroad rights-of-way, utility easements, parks and other public open spaces and permanent buildings within or adjacent to the proposed subdivision. | ___ | ___ |
| M. | Location of existing sewers, water mains, gas mains, culverts or other underground installations within or adjacent to the proposed subdivision with pipe size, manholes, grades, and location.                         | ___ | ___ |
| N. | Names of adjacent subdivisions together with arrangement of streets and lots and owners of adjacent parcels or un-subdivided land.  | ___ | ___ |
| O. | Topography at contour intervals of not more than two (2) feet referred to U.S.G.S. or City datum, with spot elevations where the ground is too flat for contours  | ___ | ___ |
| P. | Location of water courses, bridges, wooded areas, lakes, ravines and other significant physical feature.  | ___ | ___ |
| Q. | Vicinity map showing streets within 500 feet of the subdivision.  | ___ | ___ |
| R. | Arrangement of lots and their approximate sizes.  | ___ | ___ |
| S. | Proposed Phasing Lines.   | ___ | ___ |
| T. | Location and width of proposed streets, alleys, pedestrian ways and easements.  | ___ | ___ |
| U. | General plan of sewage disposal, water supply, and drainage, including a map showing the drainage area of each major drainage way.*   | ___ | ___ |

	<u>Yes</u>	<u>No</u>
V. Location and size of proposed parks, playgrounds, churches, school sites, or other conditional uses of land to be considered for reservation or dedication for public use.	___	___
W. General street layout of adjacent property within 200 feet showing how streets and other public facilities in the subdivision relate to adjacent property.	___	___
X. Approximate gradient of streets (slopes/grades to be shown in % With arrow to show direction).*	___	___
Y. Relationship to adjacent un-subdivided land.	___	___
Z. Gross acreage of the subdivision; acreage dedicated to streets and other public uses; total number of buildable lots; maximum, minimum and average lot sizes.	___	___
VII. Does the proposed subdivision design conform to the Comprehensive Plan?	___	___
VIII. Did the subdivider submit a complete list of the names of mailing addresses of all owners of record of all <u>unplatted</u> land within 200 feet of the property and a copy of the letter of notification sent by certified mail?	___	___
IX. Will the proposed subdivision make the development of adjacent property more difficult?	___	___
X. Are lots sized appropriately for the zoning district?	___	___
XI. Are all lots free from floodplain encroachment?	___	___
XII. Are drainage ways and other drainage facilities sufficient to prevent flooding both on-site and off-site?*	___	___
XIII. Are all lots buildable with respect to topography, drainage ways, bedrock, and soil conditions?*	___	___
XIV. Do proposed street grades and alignment meet all requirements?*	___	___
XV. Is the proposed subdivision inside the City limits?	___	___
XVI. Were copies of the preliminary plat submitted in accordance with the City's Application and Review Schedule?	___	___
XVII. Was the preliminary plat fee of \$ _____ paid?	___	___



**FINAL PLAT CHECKLIST**

Return Form to: City of Highland City Clerk PO Box 387 Highland, KS 66035 (785) 442-3765 Fax: (785) 442-3765	<u>For Office Use Only</u> Subdivision Name: _____ Filing Fee: _____ Deposit: _____ Date Filed: _____ Date of Meeting: _____
---	---

- I. Name of Subdivision: \_\_\_\_\_
- II. Name of Owner: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Address: \_\_\_\_\_ Zip: \_\_\_\_\_
- III. Name of Subdivider: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Address: \_\_\_\_\_ Zip: \_\_\_\_\_
- IV. Name of Person who prepared the Plat: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Address: \_\_\_\_\_ Zip: \_\_\_\_\_

EMAIL CONTACT: \_\_\_\_\_

Instructions:

The following checklist is to be completed by the Applicant and verified by City Staff (items followed by an asterisk (\*) are to be verified by the City Engineer) and shall accompany the Final Plat when it is submitted to the Planning Commission. If the answer to any of the questions is "No," the Applicant shall provide a written explanation to accompany this checklist.

- |   |  |            |           |
|---|--|------------|-----------|
| VI. Does the Final Plat show the following information? | A. Name of the proposed subdivision.   | Yes<br>___ | No<br>___ |
|   | B. Location of section, township, range, county and state, including the descriptive boundaries of the subdivision based on an accurate traverse, giving angular and linear dimensions which are mathematically correct.   | ___        | ___       |
|   | C. Location of monuments or bench marks. 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, blocks, 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, with dimensions shown from all curbs to lot lines. | ___        | ___       |

# City of Highland Procedures Manual

## Article 12—Plat Approval

		<u>Yes</u>	<u>No</u>
E.	Lots numbered clearly. Blocks numbered or lettered clearly in the center of the block.	___	___
F.	Exact locations, widths and names of all streets and alleys to be dedicated.	___	___
G.	Boundary lines and descriptions of the boundary lines of any area other than streets and alleys, which are to be dedicated or reserved for public use.	___	___
H.	Minimum area and associated minimum elevation for the building on each lot planned as a building site when requested by the Planning Commission.	___	___
I.	Building setback lines on the front and side streets with dimensions.	___	___
J.	Name, address, signature and seal of the registered land surveyor preparing the plat.	___	___
K.	Scale of plat, 1" = 100' or larger, date of preparation and north point.	___	___
L.	Statement dedicating all easements, streets, alleys, and all other areas not previously dedicated.	___	___
M.	Cross sections, profiles, and grades of streets, curbs, gutters and sidewalks showing locations of in-street utilities on an attached final improvement plan.*	___	___
N.	Locations, grades and pipe size of all utilities including water system, sanitary sewers, and storm drainage.*	___	___
VII.	Were copies of the final plat submitted in accordance with the City's Application and Review Schedule?	___	___
VIII.	Have all acknowledgments been signed?		
A.	Owner or owners and all mortgager.	___	___
B.	Dedications or reservations.	___	___
C.	Engineer, surveyor or person preparing plat.	___	___

		<u>Yes</u>	<u>No</u>
D.	City Clerk and County Collector.	___	___
E.	Planning Commission Chair	___	___
F.	Mayor	___	___
G.	Fire Chief	___	___
H.	Building Inspector	___	___
IX.	Title Opinion:		
A.	Submitted (Date) _____	___	___
B.	Have all owners and mortgager signed plat?	___	___
X.	Has certification been submitted stating that all taxes and special assessments due and payable have been paid?	___	___
XI.	Deed Restrictions:		
A.	Are any deed restrictions planned for subdivision?	___	___
B.	If so, has a copy been submitted?	___	___
X.	How has installation of the following improvement been guaranteed? (To be verified by the City Building Inspector)?		
	<u>Letter of Credit</u>	<u>Surety Bond</u>	<u>Petition(%)</u>
Streets	_____	_____	_____
Water	_____	_____	_____
Sewer	_____	_____	_____
Other, as required	_____	_____	_____
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
XIII.	Are additional comments attached?	___	___

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**ARTICLE 13**

**LOT SPLIT**

**LOT SPLIT PROCEDURE**

When specified conditions occur, one existing parcel of land may be divided into two lots using a simplified procedure instead of a formal plat. This procedure, known as a lot split, is faster and less costly to follow, but can only be used if all the criteria specified in the subdivision regulations are followed.

- The applicant shall meet with the zoning administrator to receive an explanation of the lot split procedure, including its requirements and limitations.
- The lot split application shall be completely filled out and returned to the zoning administrator with the appropriate fee. As a part of the application, a scale drawing shall be submitted showing the lots involved if there are no structures thereon, or if structures are located on any part of the lot being split, a certified survey, signed and sealed by a registered land surveyor, of the lot(s) and the location of the structure(s) thereon together with the precise nature, location and dimensions of the proposed lot split; the legal description of the lots to be formed; and the name signature and seal of the licensed engineer or the registered land surveyor who prepared the drawing. An application shall not be processed until it has been fully completed, the appropriate fee paid, and all requested information submitted.
- The zoning staff shall, within thirty (30) days of application, in writing, approve (with or without conditions), or disapprove the application.
- No occupancy permit shall be issued for any site that contains a division of a platted lot of record, unless such division has been ratified in the manner provided in the subdivision regulations.

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LOT SPLIT APPLICATION

Return Form to:
City of Highland City Clerk
PO Box 387
Highland, KS 66035
(785) 442-3765
Fax: (785) 442-3765

For Office Use Only
Application No.:
Date Filled:
Filing Fee:
Deposit:
Parcel #:

ATTACHMENT REQUIRED:

- Copies of drawing in accordance with the City's Application and Review Schedule;
Legal description of lots to be created;
The location of any structure(s) on the lot or lots thereon, together with the precise nature, location and dimensions;
Name, signature, and seal of the licensed engineer or registered land surveyor who prepared the drawing.

Owner:
Address: Zip:
Phone: Fax:
Email:

Name of Subdivider:
Address: Zip:
Phone: Fax:
Email:

Name of Person who prepared the drawing:
Company:
Address: Zip:
Phone: Fax:
Email:

REQUEST

As provided in Article Five of the Subdivision Regulations, City of Highland, Kansas, a lot split of Lot \_\_\_\_, Block \_\_\_\_, in the \_\_\_\_ Addition to the City of Highland is hereby requested. The lot is generally described as:

\_\_\_\_
\_\_\_\_
\_\_\_\_

**City of Highland Procedures Manual**

**Article 13—Lot Split Application**

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**LOT SPLIT REQUIREMENTS**

The lot split is sought to provide for the issuance of occupancy permits in lots divided into not more than two (2) tracts without having to replat said lot.

The lot split application meets the following requirements. No lot split application in which a “NO” response is selected will be approved.

- | YES                      | NO                       |  |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | (a) No new street or alley or other public improvements are needed or proposed.  |
| <input type="checkbox"/> | <input type="checkbox"/> | (b) No vacation of streets, alleys, setback lines, access control or easements is required or proposed.  |
| <input type="checkbox"/> | <input type="checkbox"/> | (c) The lot split will not result in significant increases in service requirements (i.e., utilities, schools, traffic control, streets, etc.); or will not interfere with maintaining existing service level (e.g., additional curb cuts, repaving, etc.). |
| <input type="checkbox"/> | <input type="checkbox"/> | (d) There is street right-of-way as required by these regulations or the Comprehensive Plan.   |
| <input type="checkbox"/> | <input type="checkbox"/> | (e) All easement requirements have been satisfied.   |
| <input type="checkbox"/> | <input type="checkbox"/> | (f) The split will not result in a tract without direct access to a public street.   |
| <input type="checkbox"/> | <input type="checkbox"/> | (g) No substandard-sized lot or parcel will be created.  |
| <input type="checkbox"/> | <input type="checkbox"/> | (h) The lot has not been previously split in accordance with these regulations.  |

**APPLICANT'S SIGNATURE:**

**OWNER'S SIGNATURE:**

\_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**ARTICLE 14**

**SITE PLAN REVIEW**

**PROCEDURES**

The zoning regulations contain a list of the information and exhibits that are required in support of certain zoning and occupancy permit applications (excluding one-family and two-family dwellings), as determined by the City of Highland.

Developers should consult the regulations for a complete list of submittals for large-scale projects.

Applicability: The Zoning Administrator shall require that all applications for occupancy permits for developments in the multifamily, commercial and industrial zoning districts be subject to Site Plan Review in accordance with these regulations, and for redevelopments in the following circumstances: if the redevelopment enlarges the size of the original structure by more than 50 percent in the case of a renovation or alteration. Developments shall be encouraged to implement the objectives of the Future Land Use Plan in preserving natural resources along the U.S. 36/K-120 Highway Corridors and to foster compatibility among land uses in the City of Highland. Site Plan Reviews shall be performed by the Zoning Administrator and submitted to the City Council for approval.

The City Council shall perform its review at the next regularly scheduled meeting for which the item may be scheduled and shall adjourn and reconvene as is determined necessary.

The applicant may appeal a site plan review determination to the City Council for approval in the event that an applicant alleges that there is an error in any order, requirement, decision or determination made by the City Council in the enforcement of Site Plan Review. The request for review by the City Council shall be accompanied by a complete description of the error(s) alleged.

Site plans shall be prepared at a minimum scale of 1-inch equals 20 feet, on standard 24" x 36" sheets. Items required for submission include:

- 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.

## **City of Highland Procedures Manual**

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### ***Article 14—Site Plan Review***

- 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. Include all dimensions of height and floor area, show all exterior entrances and all anticipated future additions and alterations. For developments in a "POD" Planned Overlay District, indicate site details to meet overlay requirements.
- F. The location of all present and proposed public and private ways, parking areas, driveways, sidewalks, ramps, curbs and fences. Location type and screening details for all waste disposal containers shall also be shown.
- G. The City Engineer may require 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 shall also be shown.
- H. The location, height, size, materials, and design of all proposed signage.
- I. 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.
- J. 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, headwalls, endwalls, hydrants, manholes, and drainage swales.
- K. 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.

- L. 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. If any portion of the parcel is within the 100-year flood plain, the area shall be shown, with base flood elevations; and the developer shall present plans for meeting Federal Emergency Management Agency (F.E.M.A.) requirements.
- M. Zoning district boundaries adjacent to the site's perimeter shall be drawn and identified on the plan.
- N. 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.

The City Engineer 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.
- O. For new construction or alterations to any existing structure, a table containing the following information must be included:
    1. Area of structure to be used for a particular use, such as retail operation, office, storage, etc.;
    2. Maximum number of employees;
    3. Maximum seating capacity, where applicable;
    4. Number of parking spaces existing and required for the intended use; and
    5. A landscape plan for improving large areas of paved parking with appropriate landscaping may be required.

## **City of Highland Procedures Manual**

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### ***Article 14—Site Plan Review***

Upon submittal of the site plan staff shall review said site plan and shall make recommendations based on the following standards:

- A. The extent to which the proposal conforms to the previous sections of these regulations.
- B. The extent to which the development would be compatible with the surrounding area.
- C. The extent to which the proposal conforms to the provisions of the City's Subdivision Regulations.
- D. The extent to which the proposal conforms to customary engineering standards used in the City.
- E. The extent to which the location of streets, paths, walkways, and driveways are located so as to enhance safety and minimize any adverse traffic impact on the surrounding area.

The following development standards shall apply to Planned Overlay District applications in the U.S. 36/K-120 Highway Corridors. The Site Plan shall demonstrate the extent to which the structures, walkways, roads, driveways, open space (if any), and parking lots in the U.S. 36/K-120 Highway Corridors have been proposed to achieve the following objectives:

- A. Conserve natural resources and amenities available on the site;
- B. Preserve the natural beauty of the highway corridor as viewed from the public rights-of-way of local streets and regional thoroughfares;
- C. Rooftop equipment shall be screened from view from the ground near the building with vertical extensions of the building walls or with parapets or other architectural design features of the same materials used on the walls of the building. Where the topography permits, it is desirable to screen such equipment from adjacent property, but it is not the intent of this requirement to increase the height of the screening significantly above that of the equipment in order to screen it from view from tall buildings or from higher ground. Raised exterior walls or screen walls should be designed to enclose groups of equipment. Wall material should be compatible with or identical to the predominant opaque material on the exterior of the building.
- D. The use of unusual shapes, color and other characteristics that cause new buildings to call excessive attention to themselves and create disharmony shall not be allowed.



- E. Where large structures are proposed with horizontal facades (walls) in excess of 80 feet, where one dimension exceeds the length of the perpendicular dimension, such as warehouses, building mass should be articulated with variations in the building plane and parapet height and through the use of other unique design or site plan features. Horizontal facades should be articulated with variations in the building plane and parapet height, materials and colors, entrance canopies, and landscaping. Parking lots along the facade can also relieve horizontally through the use of landscaped fingers and islands containing trees and shrubs.
- F. Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form, and siting shall be used to provide visual interest.
- G. Careful consideration of durable materials, proportions, and shapes, emphasizing the importance of roofs as integral and embracing elements of the over-all design, is particularly important. Use of substantial amounts of masonry materials (face brick, stucco, stone) is encouraged. The use of aluminum siding, metal ribbed panels, and extensive mirrored glass surfaces is discouraged. Evaluation of building materials shall be based on the quality of its design and relationship and compatibility to building materials in the immediate neighborhood.

Corrugated metal facades should be complemented with abundant use of masonry, whether brick, stone, stucco, or split-face block, especially along perimeter streets. Architectural metal panels may be an acceptable substitute for masonry. Appropriate landscaping can be used to complement and enhance a building's design, color and material.

After having reviewed the submitted site plan, the Zoning Administrator shall forward the submitted site plan with the Zoning Administrator's recommendations to the City Council for their review and approval. The City Council shall perform their review at the next regularly scheduled meeting of the City Council for which the item may be scheduled and shall adjourn and reconvene as is determined necessary.

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**SITE PLAN REVIEW APPLICATION**

Return Form to:  
City of Highland City Clerk  
PO Box 387  
Highland, KS 66035  
(785) 442-3765  
Fax: (785) 442-3765

For Office Use Only  
Case No.: \_\_\_\_\_  
Filing Fee: \_\_\_\_\_  
Deposit: \_\_\_\_\_  
Date Filed: \_\_\_\_\_  
Date of Meeting \_\_\_\_\_

---

Name of Project: \_\_\_\_\_

Applicant: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Address: \_\_\_\_\_ Zip: \_\_\_\_\_

Owner: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_ Zip: \_\_\_\_\_

Location of Property: \_\_\_\_\_

EMAIL CONTACT: \_\_\_\_\_

Legal Description: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Current Zoning of Property: \_\_\_\_\_ Proposed Zoning: \_\_\_\_\_

Adjacent Zoning and Land Use:

	Land Use	Zoning
North	_____	_____
South	_____	_____
East	_____	_____
West	_____	_____

**City of Highland Procedures Manual**  
**Article 14—Site Plan Review Application**

**Site Plan Review Application**  
**Page 2**

Proposed Use of Property: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Does the proposed site plan meet the following criteria? If yes, attach a separate sheet explaining why.	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 with the customary engineering standards used in the City? (To be verified by the City Engineer)	___	___
5. Are the streets, paths, walkways, and driveways located such that they enhance safety and minimize any adverse traffic impact on the surrounding area?	___	___

Additional development standards shall apply to the " U.S. 36/K-120 Highway Corridors." The Site Plan shall demonstrate the extent to which the structures, walkways, roads, driveways, open space (if any), and parking lots in the " U.S. 36/K-120 Highway Corridors " have been proposed to achieve the adopted objectives.	___	___
--	-----	-----

\_\_\_\_\_  
**Applicant's Signature**

\_\_\_\_\_  
**Owner's Signature**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Date**

ATTACHMENTS REQUIRED: Site Plan Review Checklist  
 Copies as specified in the City's Application and Review Schedule

DUE DATE: Per the City's Application and Review Schedule

**SITE PLAN REVIEW CHECKLIST**

Return Form to:  
City of Highland City Clerk  
PO Box 387  
Highland, KS 66035  
(785) 442-3765  
Fax: (785) 442-3765

For Office Use Only  
Case No.: \_\_\_\_\_  
Filing Fee: \_\_\_\_\_  
Deposit: \_\_\_\_\_  
Date Filed: \_\_\_\_\_  
Date of Meeting: \_\_\_\_\_

---

- I. Name of Project: \_\_\_\_\_
- II. Location of Project: \_\_\_\_\_
- III. Name of Owner: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ Zip: \_\_\_\_\_
- IV. Name of Person who prepared the Plan: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ Zip: \_\_\_\_\_

EMAIL CONTACT: \_\_\_\_\_

Instructions:

The following checklist is to be completed by the Applicant and Verified by City Staff (items followed by an asterisk (\*) are to be verified by the City Engineer) and shall accompany the Site Plan when it is submitted to the City Council. The Site Plan shall include the following data, details and supporting information that 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. If the answer to any question is "No", the Applicant shall provide a written explanation to accompany this checklist.

- Does the Site Plan comply with or show the following? Yes    No
- 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. \_\_\_\_\_

## City of Highland Procedures Manual

### Article 14—Site Plan Review Checklist

---

	<u>Yes</u>	<u>No</u>
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. Include all dimensions of height and floor area, show all exterior entrances and all anticipated future additions and alterations. For developments in a "POD" Planned Overlay District, indicate design details to make new construction compatible with existing structures.	_____	_____
F. The location of all present and proposed public and private ways, parking areas, driveways, sidewalks, ramps, curbs and fences. Location type and screening details for all waste disposal containers shall also be shown.	_____	_____
G. 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.	_____	_____
H. The location, height, size, materials, and design of all proposed signage.	_____	_____
I. A landscaping 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.	_____	_____

**City of Highland Procedures Manual**  
**Article 14—Site Plan Review Checklist**

	<u>Yes</u>	<u>No</u>
J. 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, headwalls, endwalls, hydrants, manholes, and drainage swales.*	_____	_____
K. 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.*	_____	_____
L. 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. If any portion of the parcel is within the 100-year flood plain, the area shall be shown, with base flood elevations; and the developer shall present plans for meeting Federal Emergency Management Agency (F.E.M.A.) requirements.	_____	_____
M. Zoning district boundaries adjacent to the site’s perimeter shall be drawn and identified on the plan.	_____	_____
N. 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. The City Engineer 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.	_____	_____

**City of Highland Procedures Manual**

***Article 14—Site Plan Review Checklist***

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	<u>Yes</u>	<u>No</u>
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.	_____	_____
O. A table containing the following information must be included:		
1. Area of structure to be used for a particular use, such as retail operation, office, storage, etc.;	_____	_____
2. Maximum number of employees;	_____	_____
3. Maximum seating capacity, where applicable;	_____	_____
4. Number of parking spaces existing and required for the intended use; and	_____	_____
5. A landscape plan for improving large areas of paved parking with appropriate landscaping may be required.	_____	_____



## **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, materials 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.



FENCES

Return Form to:  
City of Highland City Clerk  
PO Box 387  
Highland, KS 66035  
(785) 442-3765  
Fax: (785) 442-3765

For Office Use Only

Case No.: \_\_\_\_\_  
Filing Fee: \_\_\_\_\_  
Deposit: \_\_\_\_\_  
Date Filed: \_\_\_\_\_

APPLICANT: \_\_\_\_\_ PHONE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ ZIP: \_\_\_\_\_

OWNER: \_\_\_\_\_ PHONE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ ZIP: \_\_\_\_\_

EMAIL CONTACT: \_\_\_\_\_

LOCATION OF PROPOSED FENCE: \_\_\_\_\_

SITE SKETCH ATTACHED: \_\_\_\_\_ YES \_\_\_\_\_ NO

CONDITIONS: \_\_\_\_\_ YES \_\_\_\_\_ NO \_\_\_\_\_ ATTACHED

ADJACENT LAND USE:

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

Present Use of Property: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

BY: \_\_\_\_\_

TITLE: \_\_\_\_\_

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