

## **REZONING PROCEDURE**

Miami County Planning Department  
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This sheet summarizes the steps involved to rezone property in unincorporated Miami County, Kansas. Please refer to Article 22 (Amendment Procedures) of the Miami County, Kansas Zoning Regulations for specific requirements. If you have any questions regarding this procedure, contact the Planning Office during the hours of 8:00 a.m. to 4:30 p.m. weekdays.

1. Review the Rezoning proposal with County staff

Prior to submitting a rezoning application, the applicant must meet with the Planning Department staff. During this initial meeting, staff can provide you with important information about how to proceed with your rezoning application.

2. Application

Requests for rezoning shall be made by the owner(s) of the land, or their authorized agent or representative, on an application form provided by the County Planning Department. The application shall include ALL of the following:

- A) Ten (10) 24" x 36", **FOLDED** copies and one (1) 8.5" x 11" copy of a conceptual plan must be submitted with any application for rezoning to Planned Development (PD) and is encouraged for rezoning to other zoning districts. Please see the attached Conceptual Plan Checklist for submittal requirements and refer to Section 22-3.01 of the Zoning Regulations (*Conceptual Plans*) for detailed information.
- B) Narrative describing the reason for rezoning the property and a description of the proposed use, including anticipated vehicle trips per day, hours of operation, number of employees, existing and proposed utilities, access to the site, etc.
- C) Deed to property.
- D) Certified list from a Title Company of property owners within 1,000 feet of the affected property.
- E) Fees (see attached fee schedule).

3. Public Hearing

Once the Planning Department certifies the application as complete, the request will be placed on the Planning Commission agenda for hearing. Please refer to the attached schedule for application deadlines and corresponding hearing dates (this schedule is a guide and your application may not be processed in line with this schedule). At the public hearing, an opportunity shall be provided to interested parties to be heard. Any protest petition must be filed with the County Clerk within

14 days after the Planning Commission hearing. Please refer to Section 22-7.07 of the zoning regulations for details.

4. Final Action

The Planning Commission will forward their recommendation of approval or denial to the County Commissioners no sooner than 3 weeks following the Planning Commission hearing. Please contact the Planning Office for exact date and time that this item will be placed on the County Commission Agenda.

## CONCEPTUAL PLAN CHECKLIST

This checklist summarizes the required elements of a conceptual plan. Please refer to Article 22 of the Miami County, Kansas Zoning Regulations for additional requirements.

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A conceptual plan must be submitted with any application for rezoning to Planned Development (PD) when it is filed by any property owner. A conceptual plan is optional if a rezoning request is for any other zoning district. The scale of the conceptual plan is optional, but shall not be smaller than two-hundred (200) feet to one (1) inch. The conceptual plan shall include the following:

1. A composite site development plan showing the major details of the proposed development, consisting of the following: conceptual drainage plans; approximate locations of buildings, structures, and off-street parking areas; off-street loading areas; means of ingress and egress; conceptual landscaping or screening proposals; locations and the conceptual design of signs and lighting; open space areas and pedestrian areas; and the sensitive lands that will be protected through conservation design.
2. The proposed name of the development and the names of abutting developments and landowners.
3. The names and addresses of the owner and/or registered engineer, architect, surveyor, or landscape architect responsible for the engineering, surveying, and design.
4. The location of boundary lines and their relation to established section lines or fractional section lines, township lines, and range lines.
5. The approximate locations and widths of existing and proposed streets, roads, lots (approximate dimensions), building lines, utility easements, drainage easements, parks and other open spaces, other similar features, and proposed improvements of perimeter streets.
6. The Planning Commission, in its discretion, may require a survey showing the physical features of the property, including contours at vertical intervals of not more than five (5) feet where the slope is greater than ten percent (10%), and not more than two (2) feet where the slope is less than ten percent (10%) (ten-foot intervals for non-residential uses). Elevations shall be marked on such contours based on the existing datum plane established by the U.S. Coast and Geodetic Survey. Benchmark elevations used shall be described on the plan.

7. All parcels of land proposed to be dedicated to public use and the conditions of such dedication, if any.
8. Date, north point, and scale.
9. Designation of proposed uses of land within the development, whether for residential, commercial, industrial, or public use, such as parks, churches, etc., including the density of proposed residential use and the character of proposed commercial, industrial, and other uses.
10. An attached statement from the County Environmental Health Director and/or the Kansas Department of Health and Environment that the proposed development is to be adequately served by sanitary sewer facilities.
11. An attached statement from any affected water districts and/or the Kansas Department of Health and Environment that the proposed development is to be served by an adequate water supply and an adequate water distribution system.
12. This plan, when approved by the Planning Commission and the Board of County Commissioners as part of a rezoning to Planned Development (PD), shall be binding upon the land. Prior to issuing a building permit for each phase or all of the development, the Planning Director shall review the approved conceptual plan. If the property is not to be developed as indicated by the plan, or any approved amendments thereto, the Planning Director shall refuse to allow the issuance of any building permits. The applicant, in case of denial of a building permit, may appeal the Planning Director's action to the Planning Commission for a finding of substantial compliance.