

ARTICLE 2 CITY PLAN COMMISSION

12-201. CREATION OF COMMISSION. There is hereby created a city plan commission consisting of seven members, five of whom shall be electors of the city and two of whom shall reside outside of, but within three miles of the corporate limits of the city.

12-202. TERMS. Within 30 days of the meeting at which this ordinance is adopted, the mayor shall, by and with the consent of the council, appoint such members, three to serve until the first regular meeting of the City Council in the next succeeding month of May, two to serve until the first regular meeting of the city council in the second succeeding month of May and two to serve until the first regular meeting of the city council in the third succeeding month of May. Thereafter, members shall be appointed for terms of three years each. Vacancies shall be filled by appointment for the unexpired term only. Members of the commission shall serve without compensation for their service.

12-203. MEETINGS; CHAIRMAN; RECORD. The members of the city planning commission shall meet at least once a month at such time and place as they may fix by resolution. They shall select one of their members as chairman and one as vice-chairman who shall serve one year and until their successor has been selected. Special meetings may be called at any time by the chairman or in his absence, by the vice-chairman. A majority of the commission shall constitute a quorum for the transaction of business. The commission shall cause a proper record to be kept at its proceedings.

12-204. POWERS AND DUTIES OF COMMISSION; COMPREHENSIVE PLAN; REVIEW. The planning commission is hereby authorized to make or cause to be made a comprehensive plan for the development of such city. In the preparation of such plan, the planning commission shall make or cause to be made, comprehensive surveys and studies of past and present conditions and trends relating to land use, population and building intensity, public facilities, transportation and transportation facilities, economic conditions, natural resources, and may include any other element deemed necessary to the comprehensive plan. Such proposed plan, which may in addition to a written presentation, include maps, plats, charts and other descriptive matter, shall show the commission's recommendations for the development or redevelopment of said territory including:

(a) The general location, extent and relationship of the use of land for agriculture, residence, business, industry, recreation, education, public buildings and other community facilities, major utility facilities both public and private and any other use deemed necessary;

(b) Population and building intensity standards and restrictions and the application of the same;

(c) Public facilities including transportation facilities of all types whether publically or privately owned which relate to the transportation of persons or goods;

(d) Public improvement programming based upon a determination of relative urgency;

- (e) The major sources and expenditure of public revenue including long range plans for the financing of public facilities and capital improvements, based upon a projection of the economic and fiscal activity of the community, both public and private;
- (f) Utilization and conservation of natural resources, and
- (g) Any other element deemed necessary to the proper development or re-development of the area.

The planning commission by an affirmative vote of a majority of its members, may approve the recommended comprehensive plan as a whole by a single resolution or may by successive resolutions approve parts of the plan, said parts corresponding with the major geographical sections of the area or with functional subdivisions of the plan. Such resolution shall specifically identify any maps, plats, charts or other materials made a part of such plan. Before the approval of any such plan or part thereof the planning commission shall hold a public hearing thereon, notice of which shall be published once in the official city newspaper at least twenty (20) days prior to the date fixed for hearing. Upon the approval of any such plan or part thereof, a certified copy of the same shall be submitted to the governing body of the city and all other legislative and administrative agencies affected thereby.

The governing body of the city and other legislative and administrative agencies shall, within sixty (60) days after the receipt thereof, consider such proposed plan or part thereof and submit a statement containing its recommendations regarding the same to the planning commission. The planning commission shall reconsider such matter and thereafter may adopt such proposed plan or part thereof as the official plan of the city. All reports and documents forming the plan or part thereof as adopted shall bear the signature of the chairman and secretary of the planning commission and an attested copy of the same shall be certified to all legislative and administrative agencies affected by the plan. Such plan or part thereof shall constitute the basis or guide for public action to insure a co-ordinated and harmonious development or redevelopment which will best promote the health, safety, morals, order, convenience, prosperity and general welfare as well as a wise and efficient expenditure of public funds.

The planning commission may at any time review or reconsider the plan or any part thereof and may propose amendments, extensions or additions to the same. The procedure for the adoption of any such amendment, extension or addition to any plan or part thereof shall be the same as that required for the adoption of the original plan or part thereof. The planning commission shall annually review such plan for the purpose of determining if any portion of the plan has become obsolete and shall make a report to the governing body regarding the same on or before the first day of June of each year. (K.S.A. 12-704)

12-204(a) CONSTRUCTION OF PUBLIC FACILITY OR UTILITY IN CONFORMANCE WITH COMPREHENSIVE PLAN. APPROVAL OR DISAPPROVAL OF PLANNING COMMISSION, EFFECT. Whenever the planning commission shall have adopted and certified the comprehensive plan of the community or of one or more major sections or districts thereof, then and henceforth no public improvement, public facility or public utility of a type embraced within the

recommendations of the comprehensive plan or portion thereof shall be construed without first being submitted to and being approved by the planning commission as being in conformity with the plan. If the planning commission does not make a report within sixty (60) days, the project shall be deemed to have been approved by the planning commission. In case the planning commission shall find that any such proposed public improvement, facility or utility does not conform to the plan, the commission shall submit forthwith in writing the manner in which such proposed improvement, facility or utility does not conform, to the governing body sponsoring the same, and such governing body may, by a recorded vote of three-fourths (3/4) majority of its membership overrule the disapproval of the planning commission and the plan for the area concerned shall be deemed to have been amended and the planning commission shall make the necessary changes in the plan to reflect the same.

12-205. REGULATIONS GOVERNING SUBDIVISION OF LAND: ADOPTION AND AMENDMENT; NOTICE AND HEARING; APPROVAL BY GOVERNING BODY. The city planning commission of any city which has adopted a comprehensive plan may adopt and may amend regulations governing the sub-division of land located within an area which shall be designated by resolution of the governing body of the city for this purpose. Before the adoption of such regulations or any amendments thereto the planning commission shall cause a notice of a hearing to be held thereon to be published in the official newspaper. Such notice shall be published once in the official city newspaper at least twenty (20) days prior to the date of such hearing. No such regulations or changes or amendments thereto adopted by a city planning commission shall become effective unless and until the same has been submitted to and approved by the governing body of the city. Such regulations may provide for the harmonious development of the community, including the proper location and width of streets, and for building lines, open spaces, safety and recreational facilities, flood protection and flood plain regulations and for the avoidance of congestion of population, including minimum width, depth and area of lots and compatibility of design.

Such regulations may also provide in residential subdivisions for the reservation or dedication of land for open space for either public recreational use or for the future use of the residents of the residential subdivisions in order to insure the proper balance of use, design or urban areas and avoid the overcrowding of land. Such reservation or dedication shall be determined by the geometric design of the streets, lots, blocks or other natural features of the subdivision but such reservation or dedication shall not exceed ten percent (10%) of the tract being subdivided, exclusive of streets, alleys, easements or other public ways. Such regulations may also as a condition to the approval of any plat require and fix the extent to which and the manner in which streets shall be improved and water, sewer, drainage and other utility mains and piping or connections or other physical improvements shall be installed. Such regulations may provide that in lieu of the completion of such work or improvements prior to the final approval of the plat, the governing body may accept a corporate surety bond, cashier's check, escrow account or other like security in an amount to be fixed by the governing body and conditioned upon the actual completion of such work or improvements within a specified period, in accordance with such regulations, and the governing body may enforce such bond by all equitable remedies.

12-205(a). SAME PLATS; SUBMISSION FOR APPROVAL OR DISAPPROVAL; FEES; REGULATIONS; REQUIREMENTS; PLAT FILING REQUIREMENTS. Whenever any such regulations governing the subdivision of land under the provisions of this act shall have been adopted the owner or owners of any land located within the area governed by such regulations subdividing the same into lots and blocks or tracts or parcels, for the purpose of laying out any subdivisions, suburban lots, building lots, tracts or parcels or any owner of any land establishing any street, alley, park or other property intended for public use or for the use of purchasers or owners of lots, tracts or parcels of land fronting thereon or adjacent thereto, shall cause a plat to be made which shall accurately describe dimensions thereof the location and dimensions of all streets, alleys, parks or other properties intended to be dedicated to public use, or for the use of, purchasers or owners of lots, tracts or parcels of land fronting thereon or adjacent thereto and every such plat shall be duly acknowledged by the owner or owners thereof. All such plats shall be submitted to the city planning commission or to the joint committee for subdivision regulation if such has been formed, which shall determine if the same conforms to the provisions of the subdivision regulations. If such determination is not made within sixty (60) days after the plat has been submitted for consideration, such plat shall be deemed to have been approved and certificate shall be issued by the secretary of the planning commission or joint committee upon demand. If the planning commission or joint committee shall find that the plat does not conform to the requirements of the subdivision regulations, it shall notify the owner or owners of such fact. If the plat conforms to the requirements of such regulations, there shall be endorsed thereon the fact that it has been submitted to and approved by the city planning commission or joint committee. The planning commission or joint committee may establish a scale of reasonable fees to be paid in advance to the secretary of the planning commission or joint committee by the applicant for approval for each plat filed with the planning commission or joint committee. No building permit shall be issued for the construction of any structure upon any lot, tract or parcel of land located within the area governed by the subdivision regulations that has been subdivided, resubdivided or replatted after the date of the adoption of such regulations by the governing body. Any regulations adopted by a governing body with reference to subdividing lots shall provide for the issuance of building permits on lots divided into not more than two (2) tracts without having to replat said lot, provided that the resulting tracts shall not again be divided without replatting. Such regulations shall contain procedure for issuance of building permits on divided lots which shall take into account the need for adequate street rights-of-way, easements, improvement of public facilities and zoning regulations if in existence, shall provide for a procedure which shall specify a time limit within which action shall be taken, and shall further provide, where applicable, for the final decision on the issuance of such building permit to be made by the governing body, except as may be provided by law. The register of deeds shall not file any plat as provided by law until such plat shall bear the endorsement hereinbefore provided.

12-205(b). SAME; BUILDING OR SETBACK LINES; ORDINANCE; ENFORCEMENT OF ACT; MODIFICATION OF BUILDING RESTRICTIONS; NOTICE AND HEARING. Whenever any city has as a part of its comprehensive plan adopted a plan for its major street or highway system, after consultation with the urban highways

department of the state highway commission and the county engineer and any county or metropolitan planning commission of the county or counties within which such system shall lie, the governing body of the city is hereby authorized and empowered, by ordinance, to establish building or setback lines on such existing and proposed major streets or highways, and to prohibit any new building being located within such building or setback lines within the plat approval jurisdiction of the city. Such ordinance may incorporate by reference an official map, which may include supplementary documents, setting forth such plan which shall show with reasonable survey accuracy the location and width of existing or proposed major streets or highways and any building or setback lines. The governing body of the city shall provide for the method by which this section of the act shall be enforced; Provided, That such official map shall not be enforced until after a certified copy of such map and adopting ordinance shall have been filed with the register of deeds of the county or counties in which such system shall lie. The board of zoning appeals shall have power to modify or vary the building restrictions herein authorized in specific cases, in order that unwarranted hardship, which constitutes a complete deprivation of use as distinguished from merely granting a privilege, may be avoided, yet the intended purpose of the regulations shall be strictly observed and the public welfare and public safety protected: Provided, however, that the setback regulations or official map shall not be adopted, changed or amended by the governing body until a public hearing has been held thereon by the governing body; a notice of the time and place of such hearing shall be published in the official city paper at least twenty (20) days prior to the hearing, The powers of this section shall not be exercised so as to deprive the owner of any existing property of its use or maintenance for the purpose to which it is then lawfully devoted.

12-205(c). BUDGET OF EXPENDITURES. On or before the first Monday in July of each year the city planning commission shall prepare and submit to the governing body of the city its budget of expenditures for the ensuing budget year, itemizing the expenses and amounts and the purpose. The city governing body shall thereupon consider said budget and make such allowances to the said city planning commission as it shall deem proper including funds for the employment of such employees or consultants as the governing body may authorize and provide and shall add the same to the general budget of such city: Provided, That the governing body of any city may, prior to the time that moneys are available under the budget as herein provided, appropriate moneys for such purposes from the general fund. The governing body may enter into such contracts as it may deem necessary for the purposes of this act and may receive and expend funds and moneys from the state or federal government or from any other source for such purpose.

12-206. ESTABLISHMENT OF CITY DISTRICTS AND ZONES. ZONES OR DISTRICTS; REGULATIONS AND RESTRICTIONS. The governing body of any city is hereby authorized by ordinance to divide such city into zones or districts and regulate and restrict the location and use of buildings and the uses of the land within each district or zone. Such zones or districts may be created for the purpose of restricting the use of buildings and land located within the same for dwellings, business, industry, conservation, floodplain or for other purposes deemed necessary. The use of buildings and land and the regulations and restrictions upon the use of the same shall

be uniform as to each zone or district but the uses and regulations and restrictions in any one zone or district may differ from those in other zones or districts.

Any floodplain zone or district shall include the floodplain area within any incorporated area of the city and may include any unincorporated territory lying outside of but within three (3) miles of the nearest point on the city limits, when the unincorporated territory has not been designated a floodplain zone or district by any other governmental unit or subdivision.

12-206(a). SAME: RECOMMENDATIONS TO CITY GOVERNING BODY; NOTICE AND HEARING; PROPOSED ZONING ORDINANCE; BOUNDARIES; USE OF MAPS; CHANGES IN BOUNDARIES OR REGULATIONS; FEE; AMENDMENTS OR CHANGING IN ZONING; PROCEDURE. Before any city shall create any zone or district or regulate or restrict the use of buildings or land therein, the governing body shall require the planning commission to recommend the nature and number of zones or districts which it deems necessary and the boundaries of the same and appropriate regulation or restrictions to be enforced therein. In the preparation of such recommendations the planning commission shall make or cause to be made surveys and studies of past and present uses of property or if the city shall have adopted a land use plan as a part of the city's comprehensive plan such recommendations shall be based thereon. Upon the development of tentative recommendations, the planning commission shall hold a public hearing thereon and shall cause an accurate general written summary to be made of the proceedings thereof. The secretary of the planning commission shall cause a notice of such public hearing 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 hearing. Such notice shall fix the time and place for such hearing and shall describe such proposal in general terms. Such hearing may be adjourned from time to time and at the conclusion of the same, the planning commission shall prepare its recommendations and shall by an affirmative vote of a majority of all of the members of the commission adopt the same in the form of a proposed zoning ordinance and shall submit the same, together with the accurate written summary of the hearing thereon, to the governing body of the city. The governing body may either approve such recommendations by the adoption of the same by ordinance or return the same to the planning commission for further consideration, together with a statement specifying the basis for disapproval. The planning commission, after reconsidering the same, may resubmit its original recommendations giving the reasons therefor or submit new and amended recommendations. Upon the receipt of such recommendations, the governing body may adopt or may revise or amend and adopt such recommendations by ordinance, or it need take no further action thereon. If the planning commission fails to deliver its recommendations to the governing body within ten (10) days after receipt of the governing body's statement specifying disapproval, the governing body shall consider such course of inaction on the part of the planning commission as a resubmission of the original recommendations and proceed accordingly. For the purpose of defining the boundaries of zones or districts, the city may describe such boundaries in such ordinances or may set out such boundaries upon a map incorporated and published as a part of such ordinance, or may provide for the incorporation by reference in such

ordinance of an official map upon which such boundaries shall be fixed. Such map shall be marked "official copy as incorporated by Ordinance No. ____" and filed in the office of the city clerk or such other public office as may be designated by the governing body of the city to be open to inspection and available to the public at all reasonable business hours. The governing body may from time to time supplement, change or generally revise the boundaries or regulations contained in such zoning ordinance by amendment. A proposal for such amendment may be initiated by the governing body, the planning commission or upon application of the owner of property affected. Any such amendment shall, if based upon the comprehensive land use plan, be presumed to be reasonable. The governing body may establish reasonable fees to be paid in advance by the owner of any property at the time of making application for a change in zoning of the same. All such proposed amendments shall first be submitted to the city planning commission for recommendation and report. Upon the development of tentative recommendations, the planning commission shall hold a public hearing thereon and shall cause an accurate written summary to be made of the proceedings, and shall give notice in like manner as that required for the original zoning recommendations. Such notice shall fix the time and place for such hearing and contain a statement regarding the proposed changes in regulations or restrictions or in the boundary of any zone or district. If such proposed amendment is not a general revision of existing ordinances and will affect specific property, it shall be designated by legal description and general street location and in addition to such publication notice, written notice of such proposed amendment shall be mailed to all owners of lands located within two hundred (200') feet of the area proposed to be altered and an opportunity granted to interested parties to be heard. Failure to receive such notice shall not invalidate any subsequent action taken. Such notice is sufficient to permit the planning commission to recommend amendments to zoning ordinances which affect only a portion of the land described in the notice or which give all or any part of the land described a zoning classification of lesser change than that set forth in the notice; Provided that recommending zoning classification of lesser change than that set forth in the notice shall not be valid without republication and, where necessary, remaining unless the planning commission shall have previously established a table or publication available to the public which designates what zoning classifications are lesser changes authorized within the published zoning classifications. The procedure for the consideration and adoption of any such proposed amendments shall be in like manner as that required for the consideration and adoption of the original zoning ordinance except where hereinbefore or hereinafter modified. For action on zoning amendments, a quorum of the planning commission is more than one half of all the members. A vote either for, or against an amendment by a majority of all of the planning commissioners present constitutes a recommendation of the planning commission; whereas a vote either for or against an amendment by less than a majority of all of the planning commissioners present constitutes a "failure to recommend". When the planning commission submits a recommendation of approval or disapproval of such amendment, the governing body if it approves such recommendation may either adopt such recommendation by ordinance or take no further action thereon, as appropriate. In the event the planning commission submits a "failure to recommend" to the governing body, the governing body may take such action as it deems appropriate. Upon receipt of a recommendation of the planning commission which the governing body disapproves,

the governing body shall return such recommendation to the planning commission with a statement specifying the basis for disapproval and such recommendation shall be considered in like manner as that required for the original zoning recommendations returned to the planning commission. If such amendment shall affect the boundaries of any zone or district, the ordinance shall describe the boundaries as amended, or if the city has made provision for the fixing of the same upon an official map which has been incorporated by reference, the amending ordinance shall define the change or the boundary as amended, shall order the official map to be changed to reflect such amendment and shall amend the section of the ordinance incorporating the same and reincorporate such map as amended.

Regardless of whether or not the planning commission approves or disapproves a proposed zoning amendment or "fails to recommend," if a protest against such amendment be filed in the office of the city clerk within fourteen (14) days after the date of the conclusion of the public hearing pursuant to said publication notice, duly signed and acknowledged by the owners of twenty (20%) percent or more of any real property proposed to be rezoned or by the owners of twenty (20%) percent of the total area, excepting public streets and ways, located within or without the corporate limits of the city and located within two hundred (200') feet of the boundaries of the property proposed to be rezoned the ordinance adopting such amendment shall not be passed except by at least three-fourths (3/4) vote of all of the members of the council or board of commissioners.

12-207. PROCESSING OF ZONING CLASSIFICATION ORDINANCES AND AMENDMENTS FOR ALL DISTRICTS. The rules of procedure governing requests for a zoning or rezoning classification, ordinance or amendment, shall be as follows:

(a) Submission of Application:

1. Applicant shall attend a preliminary conference with the designated representative of the Plan Commission for the purpose of reviewing all submission requirements. Following said conference, applicant will be furnished an application, a blank copy of which is made a part of this ordinance and attached as appendix I.
2. Application form shall be completed and returned in duplicate accompanied by a filing fee of seventy-five (\$75.00) dollars, and an accurate sketch of the land in question, drawn to a scale with scale depicted on a sheet no less than 8 1/2 x 11 inches, showing adjacent tracts within 200 feet and the current ownership thereof.

(b) Public Notice by Plan Commission:

1. Following receipt of application the secretary of the Plan Commission shall cause a notice of public hearing to be published once in the official city newspaper at least 20 days prior to the scheduled hearing date, excluding the date of publication.

(c) Public Notice by Applicant:

1. At least ten (10) days before the public hearing applicant must serve notice of the hearing on all property owners, not mere occupants, within two hundred (200') feet of the property proposed to be altered. Such mailed notice shall be given by certified mail, return-receipt requested, and shall be in the form of a letter explaining the proposed change. Newspaper clippings of the publication notice shall be included.

(d) Submission Prior to Public Hearing:

1. The following items must be furnished the Plan Commission's designated representative no less than ten (10) days prior to the public hearing, at which time a conference will be held to determine technical compliance:
 - (aa) Preliminary Development Plan when required - as stated in the ordinance governing the use district applicant is seeking. The required plans shall be drawn to scale of 1" - 200' to clearly demonstrate the proponents intent.
 - (bb) Subdivision Plat (if platting also requested)
 - (cc) Affidavit of mailing, duly notarized
 - (dd) Certificate of ownership prepared by a title insurance or abstract company showing the names and the mailing addresses of all owners within two hundred (200') feet of the property to be affected.
 - (ee) Return receipts from certified mailing made by applicant are requested. In no event shall return receipts be later than two (2) days prior to the public hearing.
 - (ff) Certificate of ownership, contract to purchase or option contract indicating the interest of applicant in and to the subject property.

(e) PUBLIC HEARINGS:

1. Following the publication period as required by law the Plan Commission shall hold a public hearing at which applicant shall make his presentation, including preliminary plans when required.
2. Any such hearing may, for good cause, in the discretion of the Plan Commission, be continued for a definite time to be specified in the record of the Plan Commission. Provided, however, that applicant shall be responsible for mailing notices of continuance to all property owners, not mere occupants, within two hundred (200') feet of the area proposed to be altered at least ten (10) days prior to the continued hearing date and furnishes an affidavit of mailing to the Plan Commission's designated representative, prior to said continued date. Upon request of the applicant to the secretary of the Plan Commission one continuance may be granted of the public hearing before the Plan Commission and one continuance may be granted for Council action on the Plan Commission recommendation. Provided, however, that any such continuance requested by applicant be made to a day certain and shall be for not less

than one month and that applicant give notice to all property owners within two hundred (200') feet of the property proposed to be altered in the same manner previously set forth in this section.

3. Subsequent to the public hearing if the application and accompanying documents are found to be in compliance with the intent of the requirements set forth in the ordinance governing the use district applicant seeks and is found to be in the public interest and welfare, the Plan Commission shall by resolution recommend that the City Council provide for and establish the zoning classification applied for, for the land covered by the application and as bounded in the plat.
- (f) Submission to the City Council:
1. Following a recommendation of approval or disapproval, the Plan Commission's designated representative shall submit a copy of the application and attachments to the City Attorney for incorporation with and preparation of a Zoning Ordinance to be introduced for first reading no later than the second City Council Meeting following the date of the Plan Commission's resolution.
 2. Following submission of the approved application to the City Attorney, the City Attorney shall cause to be made and presented an accurate written summary of the proceedings to the city Council for action approving or disapproving the recommendation of the Plan Commission, provided, however, the Council may for good cause continue its action upon application or take the same under advisement for final decision at another date, and in any case the record shall show the reason for such continuance by the Council. In the event of continuance by Council, the Plan Commission secretary shall mail notices of the continuance to all property owners located within two hundred (200') feet of the area proposed to be altered. The Council may, if in its judgment deemed advisable for the best interest of the public and applicant, refer such application back to the Plan Commission for further consideration and public hearing, upon publication notice of the time, place and purpose of such hearing, such notice to be published in one issue of the official City newspaper not less than five days prior to such hearing. Applicant shall not be required to pay an additional filing fee in such rehearing proceedings but will be charged the cost of printing the required publication notice.
 3. Recommendations for amendments, revision, change or appeal of the Zoning ordinance, Zoning district Map and Rules or Regulations may also be made by the Plan Commission by its own resolution or by the City Council, providing same are first submitted to the Plan Commission for hearing and recommendation. In either case, final action shall be taken only following public hearing, publication of notice and recommendation, favorable or otherwise, by the Plan Commission, in the manner

hereinbefore provided.

4. The Plan Commission and Council may in the process of rezoning land, limit the use of said land to one specific use permitted in the district to which said land is zoned or rezoned.
- (g) Final Development Plan - Standards of Submission.
1. Upon approval of the Zoning change by the City Council and before a building permit may be issued, the proponent, when required shall submit to the Plan Commission for review and approval, a Final Development Plan in conformance with the requirements of the use district applicant is seeking. The Final Development Plan may be submitted separately for the first and each successive stage of construction.

It shall be the responsibility of the Commission to determine that each stage, or all, of the final development plan conforms to the intent of the preliminary plan on which the zoning change was made. The Commission, having reviewed the final development plan, for any and all stages of the development, and finding that it conforms to the intent of the preliminary plan, shall approve such plan and recommend its approval to the City Council, and such plan shall be filed for recording in the office of the City Clerk.

If, in the opinion of the Commission, the final development plan fails to conform to the intent of the preliminary plan such final development plan may be submitted to the Commission as an amended preliminary plan, upon which the commission may, if it deems proper, advertise and hold a public hearing. All subsequent procedure shall be the same as for the original preliminary plan.

A final development plan prepared for each successive stage, shall also be reviewed by the Commission and when approved shall be submitted to the City Council for approval and, if approved by the Council, shall be filed in the office of the City Clerk.

2. Applicant shall prepare and submit a schedule of construction in one or more stages which construction shall begin within a specified period, following the approval of the final development plan or any stage thereof. Failure to begin the construction as scheduled shall void the plan, as approved, unless a request for an extension of time is made by the proponents to the Commission and City Council and approved by both bodies. If for any reason, the plan is abandoned, or if the construction is terminated during or after completion of any stage, and there is ample evidence that further development is not contemplated, the Commission may recommend to the City Council the rezoning of any remaining portion of the district to a suitable classification.

3. After the final development plan has been approved and the rezoning change made, and when in the course of carrying out this plan, adjustments or rearrangements of buildings, parking areas, entrances, heights or open spaces are requested by the proponents and such requests do not conform to the standards established by the approved final development plan such adjustments shall be approved by the Commission and the City Council.
 4. The plan shall meet the requirements as to use, height, open spaces, off-street parking, methods of ingress and egress, and all other criteria applicable to the appropriate requirements stated in the ordinance governing the use district under which the land is zoned.
 5. No building permit shall be issued for any construction until the City Council has approved the final development plan covering the applicable stage of development and until the Chief Building Official and City Architect have reviewed the construction plans to be certain they conform to the final development plan and the proponent makes application for building permit as set forth in section 113.0 in the BOCA Code and other applicable sections as provided in City Ordinances.
- (h) Adjustments or Changes in the Final Plan After Adoption by Ordinance.
1. After an area has been zoned, changes in the approved development plan may not be made except through a new application to the City Plan Commission and the City Council; however, minor building location adjustments necessitated by unforeseeable circumstances may be approved by the Board of Zoning Appeals, after report and recommendation from the City Plan Commission, at a public hearing.
- (i) Construction in Flood Prone Areas.
- The following procedures shall govern all subdivision, zoning and rezoning applications for all areas of the City in which there is danger of flooding and all areas presently outside the City Limits of the City of Mission Woods, Johnson County, Kansas, which may in the future be included in the planning and zoning jurisdiction of the City as set forth in Section 12-707 to 12-725, General Statutes of Kansas and all Amendments thereto, and Section 12-734, K.S.A. 1971 Supp. and all Amendments thereto:
1. The Plan Commission, Building Official and City Council in reviewing all subdivision, zoning and rezoning applications shall make findings of fact and determine if:
 - a. All such proposed developments are consistent with the need to minimize flood damage.
 - b. Adequate drainage is provided so as to reduce exposure to flood hazards.
 - c. Adequate drainage is provided so as not to increase the exposure

- to flood hazards of adjacent lands.
- d. All public utilities and facilities are located, elevated, and constructed so as to minimize or eliminate flood damage, these utilities and facilities to include sewer, gas, electrical and water systems.
2. The Building Official, when reviewing applications for building permits, including the plans and specifications for the proposed construction, shall review all building permit applications to determine if the proposed construction is consistent with the need to minimize flood damage.
 3. The Building Official shall review all building permit applications to determine if the site of the proposed construction is reasonably safe from flooding and shall make recommendations for construction in all locations which have flood hazards.
 4. The Building Officials, in his review of all applications for construction in flood hazard locations shall require the applicant to provide in his plans and specifications, the following:
 - a. Construction so as to prevent the flotation, collapse or lateral movement of the structure or portions of the structure due to flooding.
 - b. The use of construction materials and utility equipment that are resistant to flood damage.
 - c. The utilization of construction methods and practices that will minimize flood damage.
 - d. To provide adequate drainage in order to reduce exposure to flood hazards.
 - e. To locate public utilities and facilities on the site in such a manner as to be elevated and constructed to minimize or eliminate flood damage, such utilities and facilities including sewer, gas, electrical. and water systems.