

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 Department. (See application on page 23)
- The rezoning application form shall be completely filled out and returned to planning staff 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 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 Department 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 by the applicant 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 Planning Commission shall prepare and adopt its recommendation to the Governing Body. This recommendation shall be submitted to the Governing Body 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 must be submitted with the city clerk within fourteen (14) days of the conclusion of the public hearing in order to be valid.
- The Governing Body shall consider the Planning Commission's recommendation and may either approve the recommendation by Ordinance passed by a simple majority (or by a $\frac{3}{4}$ majority vote if a valid protest petition against the rezoning has been filed);

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override the Planning Commission's recommendation by a 2/3 majority vote of the membership of the Governing Body (or by a ¾ majority vote if a valid protest petition against the rezoning has been filed); 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 by a simple majority.

- 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.

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REZONING APPLICATION FORM

Return Form to:

City of De Soto Planning Department
P.O. Box C, 32905 W. 84th Street
De Soto, KS 66018
(913) 583-1182, ext.115
Fax: (913) 583-3123

For Office Use Only:

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

APPLICANT: _____ PHONE: _____
E-MAIL: _____ FAX: _____
ADDRESS: _____ ZIP: _____
OWNER: _____ PHONE: _____
E-MAIL: _____ FAX: _____
ADDRESS: _____ ZIP: _____

LOCATION OF PROPERTY: _____
LEGAL DESCRIPTION: _____

Present Zoning _____ Requested Zoning: _____
Present Use of Property: _____

TO BE COMPLETED FOLLOWING CONSULTATION WITH PLANNING STAFF

SURROUNDING LAND USE AND ZONING:

	<u>Zoning</u>	<u>Land Use</u>
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? (Spot Zoning)

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- 2. Are there substantial reasons why the property cannot be used in accordance with existing zoning? _____
If yes, explain: _____
- 3. What would potential benefits to the community be if the rezoning were approved?

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? _____

ARE THE FOLLOWING CONDITIONS OR SERVICES PROVIDED OR ABLE TO BE PROVIDED::

- 1. Appropriately Sized Lots? _____
- 2. Properly Sized Street Right-of-Way? _____
- 3. Drainage or Utility Easements? _____
- 4. Utilities or Services:
Electricity? _____
Gas? _____
Sewers? _____
Water? _____
Storm sewers? _____
- 5. Police and fire protection?
- 6. Schools?
- 7. Parks and Recreation facilities?
- 9. Additional Comments: _____

UNIQUE CHARACTERISTICS OF PROPERTY AND/OR POTENTIAL ENVIRONMENTAL IMPACTS AND ANY ADDITIONAL COMMENTS:

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REQUIRED ATTACHMENTS:

- _____ Certified list of property owners within 200 feet obtained from Johnson County Department of Records and Tax Administration
- _____ Copy of notice letters and certified mail receipts to property owners

SIGNATURE: _____ DATE: _____

BY: _____

TITLE: _____

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