

A BASIC GUIDE TO REZONING LAND

The following information is provided to assist individuals who wish to request rezoning of property in the City of Arkansas City. This is only a guide. Should you have further questions, please call the Public Works Department at City Hall, 620.441.4420, or email that office at the City's website.

WHEN IS REZONING NECESSARY?

With just one exception, when the owner of any property located in the City proposes a use which is not permitted under the zoning regulations which apply to that property, the owner or his/her authorized representative must apply to have the zoning changed before using the land for that proposed use. The exception? When a property owner has what is known as a lawful, nonconforming use, a rezoning generally is not required. See the City staff to learn whether you have nonconforming use status.

WHO WILL APPROVE THE REZONING?

The City Commission ultimately approves or disapproves an application for rezoning, after receiving a recommendation from the Planning Commission. The recommendation of the Planning Commission goes to the City Commission regardless of whether it is a recommendation for approval or disapproval of the rezoning application. The request for rezoning must meet certain legal standards and requirements.

HOW DO YOU GET STARTED?

Call the Public Works Department to schedule a meeting with staff. Mail the completed application to the office along with a letter outlining your intent with a telephone number where you can be reached. At the pre-application meeting (in person or by telephone), you will review your proposed rezoning and existing and proposed plans/policies which may affect your property. Please bring (or send) the address and/or legal description of the property and your tentative plans for using the property. At this meeting, the staff will discuss with you additional information that will be needed before a request is submitted, procedures, fees and the Planning Commission meeting schedule.

WHAT DO YOU NEED TO SUBMIT?

A completed rezoning request which includes: a completed application which includes a signed verification, certificate of ownership, payment of the rezoning application fee, and a certified list of all owners of property within 200 feet of the property line of the property proposed to be rezoned. (Note: owners of land within 1,000 feet may be required -- see page 1 of General Instructions for Completing an Application for Rezoning or Conditional Use Permit.) The property ownership list can be obtained from several sources, including an abstract service.

Completed applications must be submitted approximately 40 days prior to the Planning Commission public hearing to provide time for the necessary legal publications, notification of adjacent property owners and the Public Works Department review process. Planning Commission meetings are typically held on the second Tuesday of each month beginning at 5:30 p.m. at City Hall, 118 W. Central.

WHAT HAPPENS AT THE PLANNING COMMISSION MEETING?

The Planning Commission will hold a public hearing to consider your request. You or your representative should be present to explain your request. Other interested parties will be allowed to speak at the public hearing or letters they have mailed in prior to the meeting voicing their support or concerns will be read into the record. Following the close of the public hearing the Planning Commission will discuss the request and may either continue the matter or vote on your request. Its recommendation will be forwarded to the City Commission for action no sooner than 14 days following the Planning Commission hearing date. The recommendation of the Planning Commission may be for approval, approval with conditions, or denial.

WHAT HAPPENS NEXT?

Approximately three weeks after action by the Planning Commission, the rezoning request and the Planning Commission's recommendation will be considered by the City Commission. You or your representative should plan to attend the meeting to answer any questions on your request.

If the Planning Commission has recommended approval of the rezoning request and the City Commission agrees, then an ordinance approving the rezoning will be adopted. The ordinance is not in effect until its publication in the official City newspaper.

If the City Commission does not agree with the Planning Commission recommendation, that recommendation may be overridden by a 2/3 majority vote of the City Commission; or, the request may be returned to the Planning Commission for reconsideration, together with a statement specifying the basis for the City Commission's decision not to approve or disapprove. Following the reconsideration of the issues, the Planning Commission will either return the same recommendation or a different one to the City Commission which then, by simple majority vote, will approve, amend, or deny the rezoning request.

If a protest petition against the rezoning amendment is filed in the office of the City Clerk within 14 days after the date of the conclusion of the public hearing and is signed by the owners of record of 20% or more of any real property proposed to be rezoned or by the owners of record of 20% or more of a total area required to be notified of the proposed rezoning of a specific property, excluding streets and public ways, the rezoning can only be approved by a three-fourths (3/4) supermajority vote of all of the members of the City Commission.

GENERAL INSTRUCTIONS FOR COMPLETING AN APPLICATION FOR REZONING OR CONDITIONAL USE PERMIT

1. Each applicant should consult with the City Public Works Department prior to submitting an application in order to obtain the necessary information and processing requirements.
2. Each item and question on required forms must be completely answered or the application will not be processed for public hearing. The determination of whether an application is complete rests with the Public Works Department.
3. Following is an explanation for some of the information required:
 - a. Describe only the property you desire rezoned. This description is published in the official city newspaper and the description of the lots, blocks and subdivision must be correct and all metes and bounds descriptions must close.
 - b. The application must be endorsed by the owner or owners of record. "Owners of record" means the owner or owners as contained on the last deed of record filed with the Register of Deeds, Cowley County, Kansas.
 - c. Provide information on the justification for the rezoning and data to support your application.

4. In addition to the information required on the Application, a Certificate of Ownership is also required. This Certificate of Ownership must be submitted with the Application for Rezoning. A Certificate of Ownership is:

A listing of all property owners of record of property located within two hundred (200) feet of the area proposed to be altered; provided the names of all property owners of record of property located within 1,000 feet is required for those areas where the notification area extends outside the City corporate limits. These dimensions represent the limits of the legal protest areas, as set by state law. The Certificate of Ownership will enable the Planning Commission to give written notice to property owners prior to the public hearing. Failure to provide written notice results in an incomplete application. The procedure for securing a Certificate of Ownership for a rezoning is as follows:

- a. Present your legal description to the Public Works Department at least three weeks in advance of the submission of the Application for Rezoning.
 - b. The Public Works Department will prepare a Vicinity Map from your legal description. The Vicinity Map will set forth the property proposed for rezoning, and the land area within the appropriate legal protest area, for which a Certificate of Ownership is required.
 - c. The completed Vicinity Map is obtained from the Public Works Department and presented to any abstract company requesting that a Certificate of Ownership be prepared.
 - d. The completed Certificate of Ownership should then be presented to the Public Works Department with the Application for Rezoning.
 - e. The foregoing is an obligation of the applicant and a prerequisite to acceptance of an Application for Rezoning.
5. Five (5) copies of a site development and landscaping plan, when required, shall accompany the application, drawn to scale on a sheet 24" x 36" in size. Such plan shall indicate all dimensions, boundary of the subject property, the proposed buildings and all physical improvements to be made, and the proposed use. Consult the Public Works Department regarding this requirement.
 6. Zoning applications should be submitted to the Public Works Department approximately 40 days prior to public hearing date so they may be properly processed and public notice given, as

provided by law, prior to public hearing.

7. Zoning applications are considered at public hearings of the Planning Commission, then at open sessions of the City Commission. Consult the Public Works Department as to the schedule for the prearranged date, time, and meeting place for the hearing.
8. Applications for proposals must be accompanied by filing fees. Due to costs incurred in legal advertising and processing of applications, filing fees shall not be refunded regardless of application approval or disapproval. Rezoning fee schedules are available in the Public Works Department.

**APPLICATION FOR
CHANGE OF ZONING
ARKANSAS CITY, KANSAS**

1. APPLICANT _____ PHONE (____)_____
- ADDRESS _____ FAX (____)_____
- _____ E-mail _____
- _____
- NAME OF AGENT (if any) _____ PHONE (____)_____
- ADDRESS _____ FAX (____)_____
- _____ E-mail _____
- _____

2. APPLICANT'S INTEREST IN THE PROPERTY THAT IS THE SUBJECT OF THIS APPLICATION:
- _____
- _____
- _____

3. APPLICANT HEREBY REQUESTS A CHANGE OF ZONING FROM _____ ZONING DISTRICT TO _____ ZONING DISTRICT.
- _____

THE PROPERTY FOR WHICH THIS CHANGE IS REQUESTED IS LEGALLY DESCRIBED AS:

(use either metes and bounds or subdivision/block/lot description)

4. PRESENT USE OF PROPERTY _____
- _____

SURROUNDING LAND USE AND ZONING

	LAND USE	ZONING
NORTH		
SOUTH		
EAST		
WEST		

5. REASONS FOR REQUESTING THIS CHANGE IN ZONING _____

(continue on separate sheet)

6. ADDITIONAL COMMENTS _____

APPLICANT

AUTHORIZED AGENT

Signature

Signature

Date

Date

FOR OFFICIAL USE ONLY

<i>FILE NO.:</i>	_____
<i>DATE FILED:</i>	_____
<i>FEE PAID:</i>	_____
<i>DATE ADVERTISED</i>	_____
<i>DATE NOTICES SENT</i>	_____
<i>PUBLIC HEARING DATE:</i>	_____

PLANNING COMMISSION RECOMMENDATION _____

REASON FOR RECOMMENDATION _____

VALID PROTEST PETITION FILED? _____

GOVERNING BODY ACTION _____

DATE: _____

VOTE: _____

IF APPROVED, ORDINANCE NO.: _____

EFFECTIVE DATE OF ORDINANCE: _____