ARTICLE XXXVIII

AMENDMENTS

SECTION 1. AMENDMENTS: The Governing Body may, from time-to-time, amend, supplement, or change the district boundaries or regulations contained in this Zoning Resolution. A proposal for an amendment or a change in zoning may be initiated by the Governing Body or by the Planning Commission or upon application of the owner of the property affected. All such proposed changes shall first be submitted to the Planning Commission for Public Hearing, recommendation, and report. The Planning Commission shall hold a public hearing thereon and shall cause an accurate, written summary to be made of the proceedings.

SECTION 2. APPLICATION: When the owner of the property affected proposes an amendment to any of these Regulations or to any zoning district created thereby, an application for such amendment shall be filed with the Zoning Administrator who will refer it to the Planning Commission for a hearing. The application shall be in such form and contain such information as shall be prescribed from time-to-time by the Planning Commission, but shall contain the following minimum information:

1. The applicant's name and address.

2. The precise working of any proposed amendment to the text of these Regulations.

3. In the event that the proposed amendment would change the zoning district of any property:

    a. The name and address of the owner(s) of the property.

    b. A general location and legal description of the property.

    c. The present zoning district and existing uses of the property.

    d. The dimensions of the property and the area stated in square feet or acres or fractions thereof.

    e. A Certified Abstractor's List with names and addresses of all owners of record of real property located in the unincorporated County, within at least one thousand (1,000) feet of the area proposed to be considered in the amendment application, and within two hundred (200) feet where the notification area extends within the corporate limits of a City.

SECTION 3. FILING FEE: For the purpose of wholly or partially defraying the costs of the proceedings prescribed herein, including publication costs, the applicant, upon the filing of the application, shall pay to the Zoning Administrator a fee in the amount set out in the schedule of fees approved by the Governing Body. Promptly upon the filing of any such application, the Zoning Administrator shall refer the application to the Planning Commission for study and recommendation.

SECTION 4. PUBLIC HEARING AND NOTICE: Before the Planning Commission shall, by proper action, formulate its recommendation to the Governing Body on any such proposed or requested change of zoning district boundary or regulation, whether initiated by the Governing Body or Planning Commission or by others, the Planning Commission shall hold a public hearing on such proposal. The secretary of the Planning Commission shall cause a notice of public hearing to be published once in the official County 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 hearing and shall contain a statement regarding the proposed changes in the regulations or restrictions or in the boundary of any district, and if such proposed amendment will affect specific property, the legal description and general street address shall be given; provided that, in addition to such publication notice, written notice of such proposed change shall be mailed to all the owners of land located within one thousand (1,000) feet of the area proposed to be altered if the subject property is within the unincorporated area of the County, and within two hundred (200) feet where the notification area extends within the corporate limits of a City. An opportunity shall be granted to interested parties to be heard. Failure to receive such notice shall not invalidate any subsequent action taken when the notice has been properly addressed and deposited in the mail.

SECTION 5. ZONING CLASSIFICATIONS OF LESSER CHANGE: In accordance with the provisions of K.S.A. 12-757, the Planning Commission and the Governing Body may recommend and approve a lesser change in zoning districts without re-publication of a notice or re-distribution of notices to property owners when such change is more restrictive than the district which is applied for as shown on the table below. If the applicant at the Governing Body meeting, at which a zoning amendment is being considered, desires to amend the application and/or the Governing Body desires to consider a "lesser" zoning change, then such a proposed change shall be returned to the Planning Commission for reconsideration and further recommendation to the Governing Body without further publication or notice.

For the purposes of this section, zoning classifications of lesser change shall be as shown below, based on descending order of use restriction:

Most Restrictive to Least Restrictive

"A – 1,2,3"	Agriculture District
"A - R"	Agricultural Rural District
"R – R"	Rural Residential District
"R – 1"	Single-Family Dwelling District
"R – 2"	Two- and three-family Dwelling District
"A – C"	Agricultural Commercial District
"R – 3"	Multiple Family Dwelling District
"C – 1"	Neighborhood Commercial District
"C – 3"	General Commercial District
"C – 4"	Highway Service District
"I – 1"	Light Industrial District
"I – 2"	Heavy Industrial District

Because of the specialized and unique purposes of the "F – P" Floodplain; "A – C" Agricultural Commercial, "W – P" Water Quality Protection; "G – 1" Recreation; "R – C" Rural Center; "PUD" Planned Unit Development; "M – P" Manufactured Housing Park; "M – S" Manufactured Home Subdivision, "C – 2" Central Business and "A – H" Airport Height Control Districts, they are not included in the table of lesser zoning change and are excluded from designation through the lesser change provisions.

SECTION 6. PROTEST: If a protest against such amendment is filed in the office of the Zoning Administrator within fourteen (14) days after the date of the conclusion of the public hearing pursuant to said publication notice, said protest being duly signed and acknowledged by the owners of record of twenty (20) percent or more of any real property proposed to be rezoned or by the owners of record of twenty (20) percent or more of the total area required to be notified of the proposed rezoning of a specific property, excluding streets and public ways, the resolution adopting such amendment shall not be passed except by at least a three-fourths (3/4) vote of all the members of the Governing Body.

Cg 12 Case #11PC-09
Cg 38 Case #02PC-12