OUTLINE OF PROCEDURES FOR REZONING AND SPECIAL USE CASES FOR THE CITY OF ANDOVER, KANSAS

Statute References: K.S.A. 12-736, 12-741 and 742, 12-753 to 764 and 12-766.

1. Case initiated by property owner, Planning Commission or Governing Body.

2. Application made to Zoning Administrator with zoning district classification or boundary request, legal description, ownership list and filing fee.

3. Legal notice published in official newspaper so that **20 days elapse** between publication date and public hearing.

4. Written notice in same time period as #3 above to all surrounding landowners **within 200 feet of the application area** both inside and extending outside the city. If such area is **adjacent to but inside the city limits**, the area of notification shall extend for 200 feet inside the city and 1,000 feet outside. If such area is **outside the city**, notification shall be given for 1,000 feet including 200 feet inside of the city limits if the 1,000 feet extends inside the city for any distance.

5. Public hearing held by Planning Commission which may be adjourned from time to time and continued to a specified date, time and place.

6. Republication and remailing of notice not necessary if table of zoning comparability adopted for lesser zone classification changes.

7. Amendment presumed reasonable by court "if in accordance with the land use plan or the land use element of a comprehensive plan."

8. Amendment may be recommended to be approved, approved in part or disapproved.

9. When a quorum is present at the hearing, a majority of the Planning Commission members present and voting shall be required to make a recommendation. A tie vote is a failure to recommend which automatically results in a recommendation of disapproval.

10. "Accurate written summary" of the public hearing, summary of findings of fact from **evidence presented** and recommendations based on a statement of factors, all to be noted in the minutes or a separate report and submitted to the Governing Body within **14 days after the hearing**.

11. Right to submit protest petitions which are notarized and signed to City Clerk within **14 days** after public hearing from owners of 20% of the land to be rezoned or 20% of the landowner's in the area of notification except street ROW.

12. Governing Body shall not consider any amendments until after **14-day** petition period ends.

13. If legal petition is submitted, effectuating ordinance cannot be passed except by at least a 3/4 vote of all the members of the Governing Body.

14. Governing Body may (1) adopt by at least a majority vote such recommendations by ordinance; (2) override the Planning Commission's recommendations by at least a 2/3 majority vote of the membership of the Governing Body and thereby adopt the ordinance; or (3) return the same to the Planning Commission for reconsideration by at least a majority vote which is based on reasons stated by the Governing Body.

15. Planning Commission has until its next regular meeting to resubmit the original recommendations with reasons or submit new or amended recommendations. If no action is taken, original recommendations are automatically resubmitted.

16. Governing Body may by at least a majority vote finally adopt, revise and adopt, disapprove or take no further action.

17. If amendment adopted, ordinance is published to effectuate change.

18. Ordinance incorporates an amendment to the Official Zoning Map by reference.

19. Zoning permit may be issued subject to a recorded plat, screening plan or site plan. Conditions may also be attached to the occupancy certificate.

20. Special uses are processed in the same manner, except that they are not considered lesser changes on the Table of Comparability, are not placed on the Official Zoning Map and may have conditions attached which must be specified in the effectuating ordinance.

21. Amendments to the text of the zoning regulations are made by the same procedures, except mailing notices to landowners is not required nor are protest petitions permitted or the 14-day petition period necessary.