ORDINANCE NO. 189

AN ORDINANCE AMENDING SECTION 22 OF ORDINANCE NO. 75 OF THE ORDINANCES OF THE CITY OF BASEHOR, KANSAS TO SET FORTH THE PROCEDURE FOR AMENDMENTS, REVISIONS OR CHANGES IN THE ZONING DISTRICT MAP OR ZONING REGULATIONS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF BASEHOR, KANSAS:

Section 1. That Section 22 of Ordinance No. 75, as said Section sets forth the requirements for applications for amendments, revisions or changes in the zoning district map or zoning regulations is hereby amended by the deletion in its entirety of the existing Section 22 and the adoption of the following in its stead:

"Section 22.1. Who May Petition or Apply.

Applications for amendments, revision or change in the Zoning District Map or Zoning Regulations in effect for the City of Basehor may be made by any person who owns the land sought to be rezoned or an agent, as defined by these regulations. If such application is made by the owner's agent, the agent must attach a letter signed and notarized by the owner or other legal documentation authorizing that person as the owner's agent.

Recommendations for amendments, revisions or change to the Zoning Regulations or Zoning District Boundary Map may also be made by the Basehor City Planning and Zoning Commission on its own motion, for final determination by the Basehor City Council. Likewise, the City Council may amend the Zoning Regulations or the Zoning District Boundary Map upon its own motion, provided, however, that such proposed amendments shall first be submitted to the Planning and Zoning Commission for recommendation and report.

Section 22.2. Procedures for Consideration of Request for Amendments, Revisions or Changes.

All applications or requests for amendments, revisions or changes to the Zoning Regulations or Zoning District Boundary Map shall be made to the City Clerk on such forms as provided and acceptable to the City Clerk. Immediately upon receipt of an application for rezoning or a Special Use Permit by the owner or the owner's agent of a particular tract of land and the payment of the appropriate fee, the city Clerk shall note thereon the date of filing and make a permanent record thereof. All such applications shall be set down for hearing not later than sixty (60) days after receipt of a completed application. Notice of such a hearing shall be published not less than twenty (20) days prior to the date of the said hearing in an official city newspaper and a hearing granted to any person at the time and place specified in such notice. In addition to such public notice, notice of such a proposed change shall be mailed to all of the property owners of land located within two hundred (200) feet of the area proposed to be altered, at least ten (10) days prior to the hearing, thus providing an opportunity for all interested parties to be heard. Such notice shall be given by certified mail and shall be in the form of a letter explaining the proposed change. Such mailed notices shall be addressed to the owners of the land mentioned above, not to the occupants of such property. The application shall provide a certified list of the owners of said properties, prepared by an abstracter, at the time of the filing of the application. The applicant shall furnish proof that he or she is the owner of record, the owner's agent or has an option to buy the land described in the application.

In the case of an application to amend, revise oer change the Zoning Regulations, whether by an individual, the Basehor City Planning and Zoning Commission or the City

Council all of the above stated requirements shall be followed except:

1. no fee shall be required if the request is from the City Planning and Zoning Commission or the City Council, and
2. when updating the overall master plan of the city, it will not be necessary to mail notice of the public hearing to all affected property owners.

For action on Zoning Amendments, a quorum of the Planning and Zoning Commission is more than one-half of all the members. A vote either for or against an amendment by a majority of the quorum present shall constitute a recommendation by the Planning and Zoning Commission, whereas a vote either for or against an amendment by less than a majority of the quorum present shall constitute a "failure to recommend".

When the Planning and Zoning Commission submits a recommendation of approval or disapproval of such amendment, the City Council can adopt the same by resolution. Upon receipt of a recommendation of the Planning and Zoning Commission which the City Council disagrees, the City Council will return such recommendation to the Planning and Zoning Commission with a statement specifying the basis for disagreement. The Planning and Zoning Commission, after reconsideration of the same, will resubmit their recommendations, giving the reasons thereof or submit new amended recommendations. The City Council is required to return a recommendation to the Planning and Zoning Commission only one time.

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 percent (20%) or more of any real property proposed to be rezoned or by the owners of twenty percent (20%) 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 the members of the City Council.

Section 22.3. Limitations on Reapplication for Amendments.

Whenever an application is requesting an amendment, supplement, change or rezoning and has been denied by the City Council, such application shall not be reconsidered sooner than one (1) year after the previous denial.

Section 22.4. Accompanying Data.

An application for an amendment shall be accompanied by:

1. a drawing to scale showing the boundaries of the property, the existing streets and utilities presently serving the property, the proposed new streets and utilities to serve the property and the dimensions and location of the improvements,

2. a copy of the deed for the owner of record,

3. a letter signed and notarized by the owner or any other appropriate legal documentation authorizing the person as an agent,

4. a certified list of the property owners located within two hundred (200) feet of the boundary of the property proposed to be rezoned."

Section 2. That said Ordinance No. 75 in all other respects, shall remain unchanged by this amendment.

Section 3. That this Ordinance shall take effect and be enforced from and after its passage, approval and publication as approved by law.

Section 4. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses or phrases of this Ordinance, but they will remain in effect, it being the legislative intent that this Ordinance shall stand, notwithstanding the invalidity of any part.

Passed by the Governing Body this 5 day of March, 1985.

Anna M. Landauer, Mayor
ANNA MARY LANDAUER, Mayor

ATTEST:

Mary A. Mogle
MARY ANN MOGLE,
City Clerk