

ARTICLE 19

AMENDMENTS TO THE ZONING ORDINANCE

19.1 AUTHORITY

The Governing Body of the City may from time to time on it's own motion or on petition of any party; amend, supplement, change, modify, or repeal, by ordinance, the boundaries of any zoning district or the regulations or restrictions herein established. Any proposed amendment, supplement, change, modification, or repeal shall first be submitted to the Planning Commission for it's recommendation and report.

19.2 PURPOSE

For the purpose of establishing and maintaining sound, stable, and desirable development within the City, it is declared to be a public policy that amendments shall not be made to the Zoning Ordinance and Map except to promote more fully the objectives and purposes of this Zoning Regulation or to correct manifest errors.

19.3 PROCEDURE

1. Request for an amendment. Any person seeking an amendment to this Zoning Ordinance or Map shall file an application with the Code Enforcement Administrator at least thirty (30) days prior to the date of the public hearing when the planning commission will consider the request for amendment. The City of Rossville Planning Commission shall hold said public hearing on the third Wednesday of the month. Said application shall be made upon forms provided by the City, and such application shall be accompanied by any such data and information as may be prescribed by the Planning Commission including:
 - (a) Ten (10) copies of a drawing at an appropriate scale to show the location of the subject property in relation to surrounding properties and zoning classifications within 200 feet. A legal description shall also be included.
 - (b) An ownership certificate prepared by a certified title company which shall provide the Code Enforcement Administrator with the names and addresses of all property owners of any land located within two hundred (200) feet of the outer limits of the subject area for which the applicant desires change of zoning.

- (c) Application 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 City a fee in the amount of One Hundred (\$100.00) Dollars.

2. Duties of the Planning Commission:

- (a) Promptly upon the filing of any such application, the Code Enforcement Administrator shall refer the application to the Planning Commission for study and recommendation and shall report to the Governing Body concerning the nature of the application and the fact of its referral to the Planning Commission.
- (b) 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, whether initiated by the Governing Body or by others, the Planning Commission shall hear such proposal at its regularly scheduled monthly public hearing and such a hearing shall be held only after notice of the hearing has been given as follows:
 - (i) One notice published as a legal notice in the official newspaper of the City of Rossville, Kansas, said publication notice to be at least twenty (20) days prior to the date set for said hearing.
 - (ii) A copy of said published notice mailed by first class mail, within seven (7) days after publication of said notice, to all owners, whose addresses with reasonable diligence can be ascertained, residing in, or having an office, in Shawnee County, Kansas, of land located within two hundred (200) feet of the outer limits of the area to which such proposal pertains, said list of said owners to be determined by the records in the office of the Register of Deeds as of 8:00 o'clock A.M. on the date on which said application is filed with the Code Enforcement Administrator.

19.4 ACTION BY THE PLANNING COMMISSION

The City of Rossville Planning Commission shall consider any proposed amendment to the Zoning Ordinance at the regularly scheduled monthly public hearing, provided that all conditions and requirements as outlined in this Article for proper submittal have been satisfactorily completed. For action on zoning amendments, a quorum of the planning commission is more than one-half of all the members.

A vote either for or against an amendment by a majority of all of the planning commissioners present constitutes a recommendation of the planning commission; whereas a vote either for or against an amendment by less than a majority of all of the planning commissioners present constitutes a "failure to recommend."

19.5 ACTION BY THE CITY GOVERNING BODY

1. When the planning commission submits a recommendation of approval or disapproval of such amendment, the Governing Body, if it approves such recommendation, may either adopt such recommendation by ordinance or take no further action thereon, as appropriate. If the planning commission submits a "failure to recommend" to the Governing Body, the Governing Body may take such action as it deems appropriate.
 - a) In the event that a protest against such amendment, supplement, or change be filed in the Office of the Code Enforcement Administrator within fourteen (14) days after the said public hearing of the Planning commission, duly signed and acknowledged by the owners of twenty (20) percent or more of any land located within two hundred (200) feet of the area proposed to be altered, then, in such event, such amendment shall not be approved except by at least a three fourths (3/4) vote of the Governing Body of the City.
2. Upon receipt of a recommendation of the planning commission which the Governing Body disapproves, the Governing Body shall return such recommendation to the planning commission with a statement specifying the basis for disapproval and such recommendation shall be considered in like manner as that required for the original zoning recommendations returned to the planning commission.
3. If an amendment shall affect the boundaries of any zone or district, the ordinance shall describe the boundaries as amended, or if the city has made provision for the fixing of the same upon an official map which has been incorporated by reference, the amending ordinance shall define the change or the boundary as amended, shall order the official map to be changed to reflect such amendment and shall amend the section of the ordinance incorporating the same and reincorporate such map as amended.