

## ARTICLE 9: ZONING DISTRICT AMENDMENT (REZONING) PROCEDURE

A proposal for a change in district classification (rezoning) may be initiated by either the City Council, the Planning Commission or by application of the owner of property affected in accordance with the following.

1. The applicant shall first schedule a pre-application meeting with the Codes Administrator to discuss specific issues related to the project and submittal requirements.
2. After a pre-application meeting has been held, the applicant shall obtain the proper application form from the Office of Codes Administrator. For specific application requirements reference the Zoning Ordinance.
3. The rezoning application form shall be completely filled out and returned to the Office of Codes Administrator with the appropriate filing fee and required information. An application shall not be scheduled for public hearing until the application form has been fully completed, the filing fee paid, and all required information submitted.
4. The Office of the Codes Administrator shall be responsible for having an official notice of the public hearing published in a newspaper of general circulation at least twenty (20) days prior to the hearing. The Office of the Codes Administrator shall be responsible for following the administrative procedures for a zoning district amendment as prescribed in the adopted zoning regulations. The notice shall fix the time and place of the hearing and shall describe generally the change requested.

The office shall send a written notice to notify surrounding property owners of the public hearing and of their right to file protest petitions. The written notice shall be sent to all owners of real property within 200 feet of the subject site. If the subject property is located adjacent to the City's limits, the area of notification shall be extended to at least 1,000 feet in the unincorporated area.

*DOUGLAS COUNTY COURT HOUSE  
1100 MASSACHUSETTS ST.*

This notice shall be mailed, return receipt requested. Said notice shall be sent at least twenty (20) days before the hearing at which said rezoning application is scheduled to be considered. The notice shall state the intent of the request, fix the time and place for the hearing as determined by the Codes Administrator and shall contain the following:

- A. A statement regarding the proposed zoning classification;
- B. A legal description or general description that is sufficient to identify the property under consideration; and
- C. A survey prepared by an engineer, architect or land surveyor registered in the State of Kansas, boundaries of lot or lots, or property for which the zoning amendment is requested with each lot pinned.
- D. A statement that a complete legal description is available for public inspection in the City of Eudora Codes Administrator office.

**CITY OF EUDORA, KANSAS – PROCEDURES MANUAL**  
***Article 9 – Zoning District Amendment (Rezoning) Procedure***

---

5. The Planning Commission shall hold a public hearing at which time citizens and parties of interest shall have an opportunity to be heard.
6. The public hearing may be adjourned from time to time and, upon its conclusion, the Planning Commission shall prepare and adopt its recommendation to the City Council. This recommendation shall be submitted along with an accurate record of the public hearing.
7. After review of the zoning amendment and the Planning Commission's recommendation(s), the City Council shall make a motion to either, approve, approve with conditions or deny the rezoning.

It is preferable to avoid a motion containing a negative statement. Specifically, the Board should avoid negative motions/statements that through its wording tends to confuse the intent. For example, a motion that states, "I move not to approve the application," is inappropriate as it becomes unclear what a "yes" vote accomplishes. A motion which states, "I move to deny the application" is less confusing. This is a positive (or affirmative) motion. Voting yes clearly denies the application: it affirms the clear action of denying the application.

**CITY OF EUDORA, KANSAS  
REZONING APPLICATION**

Return Form to:  
Codes Administrator  
City of Eudora  
12 East 7th  
Eudora, KS 66025  
(785) 542-3124  
(785) 542-4112 (fax)

Contacts:  
PC Secretary (785) 542-4111  
Codes Administrator (785) 542 3124  
City Administrator (785) 542-4111  
Planning Consultant (816) 363-2696  
Engineering Consultant (785) 749-4474

For Office Use Only  
Case ID.: \_\_\_\_\_  
Filing Fee: \_\_\_\_\_  
Date Submitted: \_\_\_\_\_  
Date Advertised: \_\_\_\_\_  
Date Notices Sent: \_\_\_\_\_  
Public Hearing Date: \_\_\_\_\_

---

**APPLICANT INFORMATION:**

Applicant: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_ Zip: \_\_\_\_\_

Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_

Owner: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_ Zip: \_\_\_\_\_

Owners Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**PROPERTY INFORMATION:**

Street Address or General Location of Property: \_\_\_\_\_

Property is Located In (Legal Description): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Present Zoning \_\_\_\_\_ Requested Zoning: \_\_\_\_\_ Acreage: \_\_\_\_\_

Present Use of Property: \_\_\_\_\_

Character of the Neighborhood: \_\_\_\_\_

**SURROUNDING LAND USE AND ZONING:**

Land Use

Zoning

North \_\_\_\_\_

**CITY OF EUDORA, KANSAS – PROCEDURES MANUAL**  
**Article 9 – Zoning District Amendment (Rezoning) Procedure**

South \_\_\_\_\_  
East \_\_\_\_\_  
West \_\_\_\_\_

**RELATIONSHIP TO EXISTING ZONING PATTERN:**

1. Would the proposed change create a small, isolated district unrelated to surrounding districts? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, explain: \_\_\_\_\_

2. Are there substantial reasons why the property cannot be used in accordance with existing zoning? Yes \_\_\_\_\_ No \_\_\_\_\_

If yes, explain: \_\_\_\_\_

**CONFORMANCE WITH COMPREHENSIVE PLAN:**

1. Is the proposed change consistent with the goals, objectives and policies set forth in the Comprehensive Plan?

Yes \_\_\_\_\_ No \_\_\_\_\_

2. Is the proposed change consistent with the Future Land Use Map?

Yes \_\_\_\_\_ No \_\_\_\_\_

**TRAFFIC CONDITIONS:**

1. Identify the street(s) with access to the property: \_\_\_\_\_  
\_\_\_\_\_

2. Identify the classification of those street(s) as Arterial, Collector or Local and each Right-of-Way width:

Street Name	Classification	Right-of-Way Width
_____	_____	_____
_____	_____	_____
_____	_____	_____

3. Will turning movements caused by the proposed use create an undue traffic hazard?

Yes \_\_\_\_\_ No \_\_\_\_\_

**IS PLATTING OR REPLATTING REQUIRED TO PROVIDE FOR:**

- |    |                                     |           |          |
|----|-------------------------------------|-----------|----------|
| 1. | Appropriately Sized Lots?           | Yes _____ | No _____ |
| 2. | Properly Sized Street Right-of-Way? | Yes _____ | No _____ |
| 3. | Drainage Easements?                 | Yes _____ | No _____ |
| 4. | Utility Easements:                  |           |          |
|    | Electricity?                        | Yes _____ | No _____ |
|    | Gas?                                | Yes _____ | No _____ |
|    | Sewers?                             | Yes _____ | No _____ |
|    | Water?                              | Yes _____ | No _____ |
|    | Telephone?                          | Yes _____ | No _____ |
| 5. | Additional Comments: _____          |           |          |

**UNIQUE CHARACTERISTICS OF PROPERTY AND ADDITIONAL COMMENTS:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**THE FOLLOWING MUST ACCOMPANY YOUR APPLICATION:**

1. One copy of a legal description of the property proposed to be rezoned.
2. One copy of a statement describing the impact of the proposed change, including any traffic conditions that may result; any danger from fire hazards; how the proposed change may affect the character of the surrounding properties; and how the proposed change will benefit the City of Eudora.
3. If the proposed zoning requires a Use Permitted Upon Review permit, the rezoning application shall be accompanied by a use permit application defining the specifically requested use or list of uses.
4. Application fee.
5. A copy of all application materials must be submitted to the Codes Administrator, the engineering consultant, and the planning consultant.
6. A certified list of the names and mailing addresses of all property owners within 200 feet of the exterior boundaries of the are proposed to be rezoned.

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date