

ARTICLE XXV 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 Ordinance. 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 by the owner of the property affected. All such proposed changes shall first be submitted to the Planning Commission for recommendation and report. Upon the development of tentative recommendations, 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: Any party desiring any change in Zoning District boundaries as shown on the "Official Zoning Map of the City of Liberal," the applicant shall file an application with the Secretary to the Planning Commission on forms provided by the Planning Commission. Each application shall be accompanied with a certified list of names and last known address of property owners that are within 200 feet of the property proposed to be rezoned. If a city proposes a zoning amendment to property located adjacent to or outside the city's limits, the area of notification of the city's action shall be extended to at least 1,000 feet in the unincorporated area. All proposed changes shall be submitted to the Planning Commission for recommendation and report. Upon development of tentative recommendations, the Planning Commission shall hold a public hearing and during the public hearing shall make an accurate, written summary of the proceedings.

Section 3. Filing Fee: Any application for a zoning change, variance, vacation of easement, street or alley, special use permit, or amendment, or the filing of a Notice of Appeal, shall be accompanied by such fee as shall be specified from time to time by ordinance or resolution by the Governing Body of the City and County.

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 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 of the hearing and shall contain a statement regarding the proposed changes in district boundaries or regulation. If the proposed change will affect specific property, the legal description and street address shall be given, in addition to the publication notice, the Secretary of the

Planning Commission shall mail a notice to all land owners within two hundred feet of the area proposed to be rezoned, if a city proposes a zoning amendment to property located adjacent to or outside the city's limits, the area of notification of the city's action shall be extended to at least 1,000 feet in the unincorporated area. Each notice shall give a written description of the proposed change and shall be mailed a minimum of twenty (20) days prior to the meeting. Such notice shall contain a statement that a complete legal description is available for public inspection and shall indicate where such information is available. When the notice has been properly addressed and mailed, failure of a party to receive such notice shall not invalidate any subsequent action taken by the Planning Commission or the Governing Body.

Section 5. Protest: If a protest against such amendment is filed in the office of the City or County Clerk 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 twenty percent (20%) or more of any real property proposed to be rezoned or by the owners of twenty percent (20%) of the area, excepting public streets and ways, located within or without the corporate limits of the City and located within two hundred feet (200') of the boundaries of the property proposed to be rezoned, such amendment shall not be passed except by at least three-fourths (3/4) vote of the members of the Governing Body.

Section 6. Matters to be considered: The Governing Body from time to time may supplement, change or generally revise the boundaries or regulations by amendment to the zoning ordinance or the official zoning map. The Governing Body or the Planning Commission may initiate a proposal for such amendment. If such proposed amendment is not a general revision of the existing regulations and affects specific property, the amendment may be initiated by application of the owner of property affected. Any such amendment, if in accordance with the land use plan, or the land use element of a comprehensive plan, shall be presumed to be reasonable. Prior to any rezoning recommendation of the Planning commission or any rezoning action taken by the Governing Body, both the Planning Commission and the Governing Body will consider the following specific factors:

1. The character of the neighborhood in which the property is to be rezoned;
2. The zoning and uses of properties nearby;
3. The suitability of the subject property for the uses of which it has been restricted;
4. The extent to which removal of the restrictions will detrimentally affect nearby properties;

5. The length of time the subject property has remained vacant and zone.
6. The relative gain to the public health, safety and welfare by the destruction of the value of any plaintiff's property as compared to the hardship imposed upon the individual landowner, and,
7. The recommendation of permanent or professional staff;

Five additional factors that should be considered in any rezoning are as follows:

1. Site location and relationship to public services and utilities;
2. Impact of rezoning on public costs;
3. Impact on transportation and vehicle movement - streets/sidewalks, roadways;
4. Environmental impact on community/site - air, water, noise, etc.;
5. Overall economics to community - taxation versus service requirements.

All factors that are considered in a rezoning amendment shall be recorded in the minutes or made a part of a permanent written record.

Section 7. City Commission Vote Under Protest. If a protest against such proposed amendment is filed in the office of the City Clerk within fourteen (14) days after the date of the conclusion of the public hearing pursuant to the above mentioned 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 feet (200') of the boundaries of the property proposed to be rezoned if within the city limits and one thousand feet (1,000') if outside the city limits, such amendment shall not be passed except by at least 3/4 vote of all members of the City Commission.

Section 8. Limitation on Successive Petitions. Provisions for a limitation on successive petitions on Planning Commission items shall be as follows:

1. The withdrawal of an original application after it has been advertised for public hearing shall constitute a denial of the application just as if the public hearing had commenced and concluded.
 - (a) No application for an amendment to this chapter including the zoning map, uses permitted upon review and Planned Unit Developments, shall be accepted by the Liberal City Commission within twelve (12)

months. The withdrawal of an original application after it has been advertised for public hearing shall constitute a denial of the application just as if the public hearing has commenced and concluded.

- (b) Irrespective of subsection "A" above, an application for a rehearing may be accepted by the Liberal Metropolitan Area Planning Commission within twelve (12) months after a denial if it is accompanied by an affidavit setting forth facts which, in the judgment of the Planning Commission, constitute a substantial change from the original application. All requests for rehearing, as provided for in this article, shall be submitted to the Liberal Metropolitan Area Planning Commission fifteen (15) days prior to a regularly scheduled meeting of the Liberal Metropolitan Area Planning Commission and shall be included on the agenda for that meeting as a non-public hearing item. If substantial change from the original application, the item will be advertised and a public hearing will be held at the next regularly scheduled meeting of the Liberal Metropolitan Area Planning Commission.