

# **CHANGE OF ZONING CLASSIFICATION**

## **WICHITA-SEDGWICK COUNTY METROPOLITAN AREA PLANNING DEPARTMENT**

### **INSTRUCTIONS FOR FILING AN APPLICATION**

The Unified Zoning Code (UZC) lists specific uses that are permitted for each zoning district. If the intended use of a property is not permitted by the property's current zoning classification, the applicant may request a change of zoning classification for the property. The development proposed by a change of zoning classification should be consistent with the purposes of the Unified Zoning Code and the Comprehensive Plan. The development also should be appropriate to the neighborhood and conditions and safeguards should be provided to ensure that the development will minimize any diminution in value of surrounding property and to ensure the proposed development can be adequately served by public facilities. To provide information on the capacity of streets and other facilities serving a property, the Planning Director may require the applicant to conduct a traffic impacts on existing and planned facilities. Other plans, drawings or information that are deemed necessary to enable proper consideration of the request also may be required.

1. All applicants desiring to submit a request for change of zoning classification should consult with the Metropolitan Area Planning Department (MAPD) prior to submitting a formal application. The purpose of the consultation is to determine the appropriate zoning classification for the proposed use and to advise the applicant of the rights and responsibilities of submitting such an application.
2. A change of zoning classification is referred to the Metropolitan Area Planning Commission (MAPC) for a public hearing. The MAPC may recommend approval, approval with conditions or modifications, or denial of the request. The MAPC typically meets twice a month on Thursdays in the 2<sup>nd</sup> Floor Conference Room at The Ronald Reagan Building, 271 W. 3rd Street. Refer to the MAPC calendar of public hearing dates to determine the application deadline by which an application must be submitted to be heard on a specific date. It is the policy of the MAPC to consider no more than nine (9) new applications at any regular meeting; therefore, processing of an application may be delayed if too many new applications are received for a specific public hearing date.
3. If the subject property is within the "Area of Influence" of a small city, the application will be scheduled for consideration by the small city Planning Commission prior to being considered by the MAPC, which may delay processing of an application if the small city's next hearing date is more than one week prior to or is after the requested MAPC hearing date. Applicants may contact a small city for a schedule of that city's Planning Commission hearing dates.
4. If the subject property is located within the City of Wichita, the application may be scheduled for consideration by the District Advisory Board (DAB) for the City Council district in which the property is located. The applicant will be notified approximately three weeks after submitting the application of the date and time of the DAB meeting, if the request is to be considered by the DAB.
5. The MAPC, small city, and DAB action on a change of zoning classification request is a recommendation that is forward to the Governing Body for final action. The Governing Body typically considers change of zoning classification requests one month after the MAPC public hearing.
6. The Governing Body may require the applicant to plat or replat the property to provide adequate street right-of-way, drainage and utility easements, access control, etc. If so, the rezoning ordinance or resolution will not be published and, therefore, the rezoning will not become effective until the platting/replatting process has been completed and the plat has been recorded with the Register of Deeds. .
7. The applicant shall submit a completed application form for a change of zoning classification request. The application must be signed by all property owners or by the authorized agent(s) of such owner(s).

8. An application for approval of a change of zoning classification shall be accompanied by a current ownership list certified by a title company containing a legal description of the area in the application as well as the name and mailing address of the owner, and shall include the names and mailing addresses (with zip codes) of all property owners within the following prescribed distance measured from the perimeter of the application area:

For applications within unincorporated Sedgwick County:        1,000 feet

For applications within the City of Wichita, the notification distance is based on the size of the property as follows:

Up to and including 1 acre:	200 feet
Over 1 acre to 6 acres:	350 feet
Over 6 acres to 15 acres:	500 feet
Over 15 acres to 25 acres:	750 feet
Over 25 acres:	1000 feet

The certified ownership list shall also be provided in an electronic format that is compatible with Microsoft Word. The electronic file shall be provided via E-mail ([MCrockett@wichita.gov](mailto:MCrockett@wichita.gov)) or on a CD. An application shall not be considered complete until the ownership list has been provided in the required electronic format.

9. In accordance with local policy, the applicant shall post one or more development application signs on the application site for at least 13 days immediately prior to the scheduled public hearing of the application request. Signs shall be purchased from the MAPD when the application is filed. The fee for each sign is \$3, and one sign is required for each street frontage.
10. An application for change of zoning classification shall be accompanied by the appropriate filing fee. The fee is based on the zoning district being requested and the size of the application area and is determined as follows;

<u>Zoning District Requested</u>	<u>City Fee</u>	<u>County Fee</u>
RR, SF-20, SF-10, SF-5, TF-3	\$505 + \$25/Acre + sign fee	\$440 + \$22/Acre + sign fee
MF-18, MF-29 B, MH, U, NO, GO, NR	\$760 + \$25/Acre + sign fee	\$660 + \$22/Acre + sign fee
LC, GC, CBD, OW, IP, LI, GI, AFB	\$1,010 + \$25/Acre + sign fee	\$880 + \$22/Acre + sign fee

All checks should be payable to the "City of Wichita", which acts as agent for the MAPD.

11. Request for a deferral of the hearing of any change of zoning classification shall be submitted to the MAPD at least 7 days prior to the scheduled hearing date. To cover the cost of preparing and mailing new notices, persons requesting a deferral will be charged a fee as follows:

Deferral	\$125 (City)	\$110 (County)
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13. All application materials and the filing fee are submitted at the MAPD, which is located on the 2<sup>nd</sup> floor of The Ronald Reagan Building, 271 W. 3rd Street and is open from 8 a.m. to 5 p.m. Monday thru Friday, excluding holidays. Applications should be submitted no later than 4 p.m. to allow time for application review and processing prior to the close of business. Incomplete applications will not be accepted. Refer to the MAPC calendar of public hearing dates to determine the application deadline by which a CUP application must be submitted to be heard on a specific date. Questions regarding the application process may be directed to the MAPD at (316) 268-4421.

## **CHANGE OF ZONING CLASSIFICATION CHECKLIST OF REQUIRED APPLICATION MATERIALS**

- Application form
- Other plans, drawings, or information required at pre-application consultation ( if not applicable)
- Certified ownership list (original document and electronic copy)
- Filing fee

Note: When applying, please have yourself or your representative present during the processing of the application in case planners have questions or to correct possible errors on the application.

# APPLICATION

Case \_\_\_\_\_

This form MUST be completed and filed at the Planning Department, Second Floor, The Ronald Reagan Building, 271 W. 3rd Street, Wichita, KS, 67202 in accordance with directions on the accompanying instruction sheet. AN INCOMPLETE APPLICATION CANNOT BE ACCEPTED. Check the appropriate box below for type of application being submitted. A separate application form and filing fee is required for each application. A preapplication conference with the planning staff is recommended before filing this application.

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## SECTION I

This property is located within:     Wichita             Sedgwick County (unincorporated)

### Metropolitan Area Planning Commission:

- Zone Change: From zoning district: \_\_\_\_\_ to \_\_\_\_\_
- Planned Unit Development:     Approval     Amendment to PUD \_\_\_\_\_     Adjustment to PUD \_\_\_\_\_
- Community Unit Plan:             Approval     Amendment to CUP \_\_\_\_\_     Adjustment to CUP \_\_\_\_\_
- Protective Overlay:                 Approval     Amendment to PO \_\_\_\_\_     Adjustment to PO \_\_\_\_\_
- Conditional Use: To allow: \_\_\_\_\_ zone district: \_\_\_\_\_  
 Adjustment to CU/CON No. \_\_\_\_\_
- Vacation of: \_\_\_\_\_ zone district: \_\_\_\_\_  
(Use a separate sheet for legal description, if necessary.)
- Administrative Permit: To allow: \_\_\_\_\_ foot high wireless communication facility. zone district: \_\_\_\_\_
- Off-Site Billboard Sign within \_\_\_\_\_ feet of a residential lot/structure. zone district: \_\_\_\_\_

### Board of Zoning Appeals:

- Variance: To allow: \_\_\_\_\_ zone district: \_\_\_\_\_
- Appeal of: \_\_\_\_\_ zone district: \_\_\_\_\_
- Zoning Adjustment: To allow: \_\_\_\_\_ zone district: \_\_\_\_\_
- Sign Code Adjustment: To allow: \_\_\_\_\_ zone district: \_\_\_\_\_

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## SECTION II

1. The application area is legally described as Lot(s) \_\_\_\_\_ ; Block(s) \_\_\_\_\_ , \_\_\_\_\_ Addition, (Wichita) Sedgwick County, KS. If appropriate, a metes and bounds description may be attached.
2. The application area contains \_\_\_\_\_ acres.
3. This property is located at (address) \_\_\_\_\_ which is generally located at (relation to nearest streets) \_\_\_\_\_
4. We file this request for the following reasons: \_\_\_\_\_  
\_\_\_\_\_
5. County control number: \_\_\_\_\_

(Continued)

6. The names of the owners of all property included in this application MUST be listed as applicants. Contract purchasers, lessees or others directly associated with the property may also be listed if they desire to be advised of the proceedings. (Use a separate sheet for additional applicants if needed.)

A. APPLICANT \_\_\_\_\_ PHONE \_\_\_\_\_  
 ADDRESS \_\_\_\_\_ ZIP CODE \_\_\_\_\_

AGENT \_\_\_\_\_ PHONE \_\_\_\_\_  
 ADDRESS \_\_\_\_\_ ZIP CODE \_\_\_\_\_

B. APPLICANT \_\_\_\_\_ PHONE \_\_\_\_\_  
 ADDRESS \_\_\_\_\_ ZIP CODE \_\_\_\_\_

AGENT \_\_\_\_\_ PHONE \_\_\_\_\_  
 ADDRESS \_\_\_\_\_ ZIP CODE \_\_\_\_\_

C. APPLICANT \_\_\_\_\_ PHONE \_\_\_\_\_  
 ADDRESS \_\_\_\_\_ ZIP CODE \_\_\_\_\_

AGENT \_\_\_\_\_ PHONE \_\_\_\_\_  
 ADDRESS \_\_\_\_\_ ZIP CODE \_\_\_\_\_

7. We acknowledge receipt of the instruction sheet explaining the method of submitting this application. We realize that this application cannot be processed unless it is completely filled in; is accompanied by a current abstractor's certificate as required in the instruction sheet; and is accompanied by the appropriate fee. We further certify that the foregoing information is true and correct to the best of our knowledge. We authorize unannounced inspections of the subject property by City and/or County staff for the purpose of collecting information to review and analyze this request. We acknowledge that the MAPC, Governing Body, or Board of Zoning Appeals shall have authority to impose such conditions as it deems necessary in order to serve the public interest and welfare.

_____	By	_____
Applicant's Signature		Authorized Agent (If Any)
_____	By	_____
Applicant's Signature		Authorized Agent (If Any)
_____	By	_____
Applicant's Signature		Authorized Agent (If Any)

The Petition must bear the signature(s) of the property owner(s). If an authorized agent signs on the owner's behalf, the agent shall sign his own name and attach the owner's written notarized authorization to this application.

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**FOR OFFICE USE ONLY**

Map \_\_\_\_\_ Zoning (N) \_\_\_\_\_ (S) \_\_\_\_\_ (E) \_\_\_\_\_ (W) \_\_\_\_\_ MAPC/BZA \_\_\_\_\_ Township \_\_\_\_\_  
 Council/Commission District \_\_\_\_\_ DAB \_\_\_\_\_ Sm. City PC \_\_\_\_\_  
 NA/HOA \_\_\_\_\_  
 Date \_\_\_\_\_ Fee \_\_\_\_\_ Received By \_\_\_\_\_

**Required Documents:**

- Ownership List     BZA Justification     Legal Description     Vacation Petition     Site Plan     Signs