

The Zoning Process

To change the zoning district classification of your property, you must make application to the Salina City Planning Commission. The City Planning Division processes the application and can assist in determining the most appropriate zoning district for the intended use. Initial zoning of unincorporated land is the same type of request, but made when land is to be annexed to the City. Once a property is initially zoned or rezoned, then it is subject to the provisions of the new zoning district assigned.

All requests for rezoning must be reviewed by the Planning Commission and a recommendation is made to the City Commission. If your application is denied by the Planning Commission, you have the right to appeal the denial to the City Commission.

All zone changes are by ordinance and constitute an amendment to the original Zoning Code. In considering such requests, the Planning Commission must determine whether the property is suitable for development under its existing zoning, whether the request is compatible with surrounding zoning and uses or will adversely affect adjacent properties, whether it will unreasonably increase traffic, whether the site can adequately be served by public facilities and services and the conformance of the request to the City's comprehensive plan.

All such actions are considered at a public hearing of the Planning Commission with legal notice to nearby property owners as required by Kansas law. Once a request has been denied, you may not request the same or any less restrictive zoning on the same parcel for at least six months. No property may be rezoned unless it has been platted in accordance with the City's Subdivision Regulations.

To initiate a rezoning, contact the City Planning Division and request a zone change application. Upon submittal to the completed application and payment of the applicable fee, your application will be scheduled for a public hearing before the Planning Commission. More detailed procedures for rezoning property can be found on the inside of this pamphlet.

To schedule a pre-application meeting for submittal of a re-zoning application please contact 785-309-5720.

PLANNING DIVISION



PLANNING DIVISION OF DEVELOPMENT SERVICES

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Procedure for Rezoning Property

PROCEDURE FOR REZONING

Step 1

Pick up the application packet at the Planning Department. It is a good idea to talk with a staff planner about your proposal, as you should know what sort of information the staff and Planning Commission may require in making a decision. If you are requesting annexation and initial zoning, all land within the proposed annexation area must be assigned an initial zone. You should be aware that each proposed zoning classification is a separate request. Also, if you are requesting the same zoning on non-contiguous areas, each of these will be considered as separate requests.

Step 2

When you are ready to submit the completed application **please call to schedule a pre-application meeting.** Your application should contain the following:

1. The completed application form including the signature(s) or authorization of the legal owner(s).
2. A survey or written legal description of the request area.
3. A detailed site plan (if required) showing:
 - Location of structures
 - Parking and circulation
 - Landscaping
 - Lighting
 - Signage
4. Payment of Application Fee

Section 42-23 of the Zoning Ordinance

Step 3

The Planning staff then processes your request for the next possible public hearing of the Planning Commission. Deadlines and meeting dates are shown on the application schedule with meetings generally held on the first and third Tuesday of each month. You should remember the deadline dates for zone changes is 39 days prior to each meeting, and applications received after each deadline will be considered on the following meeting date. Also, applications that are determined to be incomplete or lacking information may be delayed until the following meeting.

The planning staff prepares a vicinity map identifying the property proposed for rezoning and the land area within the appropriate legal protest area (a 200 ft. radius). The City's GIS Coordinator then prepares an ownership list containing the names and addresses of all property owners of record within 200 feet of the property proposed for rezoning (1,000 feet into the unincorporated area if being annexed).

K.S.A. 12-757(b) / Section 42-24(b).

Step 4

Legal Notice Publication appears in the *Salina Journal* 20 days before the meeting. Also, legal notices to the owners of all properties within 200 feet of the proposed rezoning are mailed by the Planning Department. Finally, a sign is placed on the property indicating the proposed rezoning is scheduled for an upcoming hearing.

Step 5

The planning staff conducts a site analysis and reviews comments received from affected city departments, adjacent property owners and other interested citizens. The staff prepares a report analyzing the request including a recommendation for approval, denial or approval with conditions, which will be made available to the applicant and any interested citizens before the hearing.

Step 6

The staff prepares and mails packets to the Planning Commission members and applicant 1-2 days before the public hearing. The packets include the following information:

- Application Form
- Staff Report with Departmental comments
- Property map showing zoning districts and properties notified
- Site Plan (if required) and related written materials
- Any letters of protest or support received.

Step 7

The Planning Commission holds a public hearing on the proposal. The Chairperson first determines if the applicant or his/her representative is present. The Chairperson then asks the planning staff to present their staff report. The Commission members then ask staff any follow-up questions.

The chairperson will ask for comments from the applicant and the public. After all comments are received and Commission members have asked any questions, the Chairperson calls for a motion on the request. A majority vote of those members present is sufficient for approval. In the event of a tie, the motion fails and the request is denied. The commission may also vote to table a request for a set period of time if more information or consideration is needed.

K.S.A. 12-757(d) / Section 42-24(c)

Step 8

If the owners of property within 200 feet of the property proposed for rezoning oppose the rezoning request, they may file a protest petition against the proposed rezoning in the office of the City Clerk no later than 14 days after the Planning Commission hearing. The effect of a valid protest petition is to require a super majority (four favorable votes) of the City Commission to approve the rezoning request.

K.S.A. 12-757(f)(1) / Section 42-26(b).

Step 9

If the Planning Commission recommends approval, the request is placed on the agenda for the next City Commission meeting after 14 days has passed from the date of the public hearing. If the Planning Commission has recommended approval and no protests have been received, the item will often be approved on first reading without taking additional public comment. If City Commissioners, the applicant or the public have concerns they wish to have addressed, the item will usually be opened up for discussion at the meeting. An ordinance rezoning property must be approved on first and second reading (usually two separate meetings) and published in the newspaper before it takes effect.

K.S.A. 12-757(d) / Section 42-26(a).