

DR 67-34 - Amendment to Section 28.04.210, Changes in zoning classifications or districts - general procedure. to bring into conformance

ACTION

DATE

COMMITTEE

M.A.P.C.

Aggravate 9-14-67

B.C.C. ~~1100~~ *Super Truck* 10-10-67

See Approved & placed ordinance on hot reading 10-17-67

See Adopted 10-24-67

Closed 10-24-67

(671) (Published in The Wichita Beacon on Oct. 27, 1967)

ORDINANCE NO. 29-541

AN ORDINANCE AMENDING SUBSECTION 2 OF SECTION 28.04.210, TITLE 28 OF THE CODE OF THE CITY OF WICHITA, KANSAS, RELATING TO CHANGES IN ZONING CLASSIFICATIONS OR DISTRICTS BY THE BOARD OF COMMISSIONERS; AND REPEALING SAID SUBSECTION 2 OF SECTION 28.04.210, TITLE 28 OF THE CODE OF THE CITY OF WICHITA, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION I. That Subsection 2 of Section 28.04.210, Changes in Zoning Classifications or Districts by the Board of Commissioners, Title 28, Code of the City of Wichita, Kansas, be amended to read as follows:

- 2.1 The Board of Commissioners of the City of Wichita may, from time to time, amend, supplement or change the boundaries or regulations contained, prescribed and set forth in this Chapter, provided such proposed change first be submitted to the Planning Commission for its recommendation and report; and provided further, that no less than twenty (20) days' notice of such proposed change shall first be published in the official paper of the City and a hearing by the Planning Commission be granted to any person interested, at a time and place specified in such notice. Such hearing may be adjourned from time to time and, at the conclusion of the same, the Planning Commission shall prepare its recommendation and shall, by an affirmative vote of a majority of all the Planning Commission present, submit a recommendation of approval or disapproval of such amendment, together with the accurate written summary of the hearing thereon, to the Board of Commissioners of the City of Wichita. 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". Upon receipt of a recommendation of approval or disapproval, the Board of Commissioners of the City of Wichita, if it approves such recommendation, may either adopt such recommendation by ordinance or deny the application as recommended. In the event the Planning Commission submits a "failure to recommend", the Board of Commissioners of the City of Wichita may take such action as it deems appropriate. Upon receipt of a recommendation of the Planning Commission which the Board of Commissioners disapproves, the Board of Commissioners shall return such recommendation to the Planning Commission with a statement specifying the basis for disapproval. The Planning Commission, after reconsidering the same, may resubmit its original recommendation, giving

the reasons therefor, or submit new and amended recommendations. Upon the receipt of such recommendations, the Board of Commissioners may adopt or may revise or amend and adopt such recommendations by ordinance. If, however, a protest against such amendment, supplement or change be filed in the Office of the City Clerk within fourteen (14) days after the conclusion of the public hearing pursuant to said publication notice, duly signed and acknowledged by the owners of twenty (20) percent of the total area, excepting public streets and ways, located within two hundred (200) feet of the property proposed to be rezoned, such amendment shall not be passed except by at least three-fourths (3/4) vote of all of the members of the Board of Commissioners.

SECTION II. That Subsection 2 of Section 28.04.210, Changes in Zoning Classifications or Districts by the Board of Commissioners, Title 28, Code of the City of Wichita, Kansas, is hereby repealed.

SECTION III. That this Ordinance shall take effect and be in force on its passage and publication once in the official City paper.

PASSED AND APPROVED at Wichita, Kansas, this 24th
day of October, 1967.

Clarence E. Vollmer, Mayor

ATTEST:

Ralph C. Eberly, City Clerk

(SEAL)

September 28, 1967

Board of City Commissioners
City Building
Wichita, Kansas

Gentlemen:

Re: DR 67-34 - Amendment to Section 28.04.210
of the City Zoning Ordinance to bring into
conformance with State Statutes

As a result of Senate Bill No. 110, which amended K.S.A. 1965 Supplement 12-708 and repealed the existing section, it is necessary to amend Section 28.04.210 of the City Zoning Ordinance to conform to the change in the State Statutes.

The existing City Zoning Ordinance requires an affirmative vote of a majority of the total membership of the Planning Commission, whereas Senate Bill No. 110 requires an affirmative vote of a majority of all the Planning Commissioners present to forward a recommendation of approval or disapproval of such amendment to the governing body.

The Planning Commission, at its regular meeting of September 14, 1967, recommended to the City Commission that the City Zoning Ordinance be amended as advertised. Attached for your consideration is the proposed amendment to Section 28.04.210 - Changes in Zoning Classifications or Districts - General Procedure, which conforms to the recent amendment of the State Statutes.

The Director of Law has prepared an Ordinance effectuating the proposed amendment and, if the City Commission concurs with the proposed change, it is recommended that the Ordinance be placed on its first reading.

Respectfully submitted,

C. Bickley Foster
Secretary

CBF:JHG:ber
Attachment

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WICHITA-SEDGWICK COUNTY
METROPOLITAN AREA PLANNING COMMISSION

September 8, 1967

TO: Members of the Metropolitan Area Planning Commission

FROM: Jack H. Galbraith, Senior Planner J.H.G.

SUBJECT: DR 67-34 - Amendment to Section 28.04.210 of the City Zoning Ordinance to bring into conformance with State Statutes

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JHG:bgs

Attachment

(323) (Published in The Wichita Beacon on August 25, 1967)

OFFICIAL NOTICE

TO WHOM IT MAY CONCERN AND TO ALL PERSONS INTERESTED:

NOTICE IS HEREBY GIVEN that on Thursday, September 14, 1967, at 1:45 P.M., the Wichita-Sedgwick County Metropolitan Area Planning Commission, in Room 401, City Building Annex, 104 South Main, Wichita, Kansas, will consider the following change to Title 28, Code of the City of Wichita, Kansas:

Section 28.04.210. Changes in zoning classifications or districts - general procedure.

2. Changes in zoning classifications or districts by the Board of Commissioners:

Amend to read as follows:

- 2.1 The Board of Commissioners of the City of Wichita may, from time to time, amend, supplement or change the boundaries or regulations contained, prescribed and set forth in this Chapter, provided such proposed change first be submitted to the Planning Commission for its recommendation and report; and provided further, that no less than twenty (20) days' notice of such proposed change shall first be published in the official paper of the City and a hearing by the Planning Commission be granted to any person interested, at a time and place specified in such notice. Such hearing may be adjourned from time to time and, at the conclusion of the same, the Planning Commission shall prepare its recommendation and shall, by an affirmative vote of a majority of all the Planning Commission present, submit a recommendation of approval or disapproval of such amendment together with the accurate written summary of the hearing thereon to the Board of Commissioners of the City of Wichita. 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". Upon receipt of a recommendation of approval or disapproval, the Board of Commissioners of the City of Wichita, if it approves such recommendation,

may either adopt such recommendation by ordinance or deny the application as recommended. In the event the Planning Commission submits a "failure to recommend", the Board of Commissioners of the City of Wichita may take such action as it deems appropriate. Upon receipt of a recommendation of the Planning Commission which the Board of Commissioners disapproves, the Board of Commissioners shall return such recommendation to the Planning Commission with a statement specifying the basis for disapproval. The Planning Commission, after reconsidering the same, may resubmit its original recommendation, giving the reasons therefor, or submit new and amended recommendations. Upon the receipt of such recommendations, the Board of Commissioners may adopt or may revise or amend and adopt such recommendations by ordinance. If, however, a protest against such amendment, supplement or change be filed in the Office of the City Clerk within fourteen (14) days after the conclusion of the public hearing pursuant to said publication notice, duly signed and acknowledged by the owners of twenty (20) percent of the total area, excepting public streets and ways, located within two hundred (200) feet of the property proposed to be rezoned, such amendment shall not be passed except by at least three-fourths (3/4) vote of all of the members of the Board of Commissioners.

The proposed amendment will there be discussed and considered by the said Wichita-Sedgwick County Metropolitan Area Planning Commission, and all persons interested in said matter will be heard at that time concerning their views and wishes in the premises, and any protest against any of the provisions of the proposed change to the revised Zoning Ordinance will be considered by the Commission as by law provided.

WITNESS MY HAND AND SEAL this 23rd day of August, 1967.

C. Bickley Foster, Secretary
Wichita-Sedgwick County Metropolitan
Area Planning Commission

(SEAL)

(1-T)

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C. Bickley Foster, Secretary
Wichita-Sedgwick County Metropolitan
Area Planning Commission

(SEAL)

(1-T)

DRAFT

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