

ARTICLE XIX

Changes and Amendments

Article 19: Changes and Amendments

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Section 19.1. PROCEDURES.

This ordinance and the zoning districts created by said ordinance may be amended from time to time by the City Council. However, no amendment shall become effective unless it shall have been proposed by, or shall have been first submitted to the Planning and Zoning Commission for review and recommendation. The commission shall make a report to the City Council within sixty (60) days from the date of receipt of such petition for change in zoning or amendment, except those initiated by the commission. Prior to making recommendation to the City Council, the commission shall hold at least one public hearing on the text amendment or rezoning request.

Not more than thirty (30) days following receipt of the recommendation of the Planning and Zoning Commission, a public hearing shall be held by the City Council before adoption of any proposed amendment to this ordinance. A notice of such public hearing shall be published at least seven (7) days, in a newspaper of general circulation in the city, prior to the date established for such hearing. Such notice shall include the time and place of the public hearing. In no case shall the public hearing be held earlier than the next regularly scheduled City Council meeting following the published notice. Additionally, a notice of the public hearing shall be given to the owners and residents of property within the area included in such proposed change, to adjacent property owners up to two hundred feet (200') of the property for which the change is requested through ordinary mail. In the event there is more than one property owner for any parcel of property, it shall be sufficient to notify only one owner of each parcel by mail.

Within thirty (30) days following the closing of a public hearing, the City Council shall make a specific finding as to whether the change is consistent with the objectives of this ordinance. If the City Council finds that the change is consistent, it shall introduce an ordinance amending the text of the zoning regulations or amending the zoning map, whichever is appropriate. If the City Council finds that the change is not consistent, it shall deny the application. The council shall not modify a recommendation of the Planning and Zoning Commission on a rezoning or change until it has requested and considered a report of the commission on the modification.

Section 19.2. CHANGES AND AMENDMENTS.

Requests for rezoning of property or zoning amendments may be initiated by one of three ways.

1. The Planning and Zoning Commission may initiate a text amendment or rezoning request on its own accord or on petition after public notice and hearing as provided by law.
2. The City Council may, on its own motion or on petition after public notice and hearing as provided by law, initiate a text amendment or rezoning request. However, the council cannot

act on such text amendment or rezoning request until it had received a report from the Planning and Zoning Commission on such proposed amendment, supplement or change in boundaries.

3. The owner or owners of property, or the authorized agent of property owner, in an area to be included in a proposed rezoning amendment may present a petition duly signed and verified, requesting an amendment, supplement, or change in zoning boundaries or regulations for a district or part thereof. Such petition shall be signed by the owners of at least fifty percent (50%) of the area included in such proposed zoning change, and by the owners of fifty percent (50%) of the property within 200 feet therefrom, and said petition shall be filed with the Zoning Administrator.

Section 19.3. DUTIES OF ZONING ADMINISTRATOR, BOARD OF ADJUSTMENT, CITY COUNCIL AND COURTS ON MATTERS OF APPEAL.

It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Administrator and that such questions shall be presented to the Board of Adjustment only on appeal from a decision of the Zoning Administrator. The recourse for an appeal from the decisions of the Board of Adjustment shall be to the courts as provided by law. It is further the intent of this ordinance that the duties of the City Council in connection with this ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. Under this ordinance, the City Council shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this ordinance as provided by law.

Section 19.4. APPLICATION FOR CHANGE IN ZONING DISTRICT BOUNDARIES.

Applications for rezoning requests shall be filed with the Zoning Administrator on a form provided by the city, and shall include the following:

- a. The name and address of the owner and applicant.
- b. The legal description and local address of the property.
- c. If the applicant is not the legal owner of the property, statement that the applicant is the authorized agent of the owner.
- d. The present zoning classification and the zoning classification requested for the property.
- e. The existing use and proposed use of the property.
- f. An abstractor's certificate showing the names and mailing addresses of the owners of all properties within two hundred feet (200') of the petitioning property.
- g. Reasons why the present zoning classification is no longer appropriate.
- h. Each application filed shall be accompanied by a fee as determined by resolution by the City Council. Failure to approve the requested change shall not be deemed cause to refund the fee to the applicant.

Upon receipt of the application by the Zoning Administrator a copy shall be forwarded immediately to the Planning and Zoning Commission for review and recommendation. The commission shall, prior to making a recommendation, determine the following:

- a. Whether or not the current district classification of the property to be rezoned is valid.

- b. Whether there is a need for additional land zoned for the purpose requested.
- c. Whether the proposed change is consistent with the current comprehensive land use plan, considering such factors as whether the rezoning would result in a population density or development which would in turn cause demand for services and utilities in excess of the capacity planned for the area or whether the rezoning would result in the generating of traffic in excess of the capacity of existing or planned streets in the vicinity.
- d. Whether there is intent on the part of the applicant to develop the property to be rezoned within a reasonable time.
- e. The Planning and Zoning Commission shall determine whether the change is consistent with the objectives of this ordinance.

Section 19.5. PROTEST PROVISION.

In case the proposed amendment, supplement or change be disapproved by the Planning and Zoning Commission, or in case of a protest against any proposed amendment or change signed by the owners of twenty percent (20%) or more, either of the area of the lots included in such proposed change, or those immediately adjacent thereto and those within 200 feet of the boundaries thereof, such amendment shall not become effective except by the favorable vote of at least three-fourths ($\frac{3}{4}$) of all the members of the City Council, even in the instance of absentee members or during conflicts of interest.

Section 19.6. NEW APPLICATION.

Whenever a petition requesting an amendment, supplement or change of this ordinance has been denied by the City Council such petition cannot be renewed for one (1) year thereafter unless it is signed by the owners of at least fifty percent (50%) of the property owners who previously objected to the change. This provision, however, shall not prevent the City Council from acting on its own initiative in any case or at any time.