

## CHAPTER 7. TEXT AMENDMENTS AND REZONINGS

### 7.1.1. Purpose and Scope

The City Council, in accordance with the procedures set forth in this Chapter, may amend the text of this Ordinance and rezone property (that is, amend the classifications of property appearing on the Official Map of Zoning Districts). The purpose of this Chapter is to provide the procedures for doing so. The purpose is not to relieve particular hardships, not to confer special privileges or rights on any person, but only to make adjustments to the text of this Ordinance and to the Official Map that are necessary in light of changed conditions or changes in public policy, or that are necessary to advance the general welfare of the City. Figure 7.1.1. illustrates the process for text amendments and rezonings, as set forth in this Part.

### Process for Text Amendments and Rezonings

Figure 7.1.1.



### 7.1.2. Initiation of Amendments

An amendment to the text of this Ordinance may be initiated by the City Council, the Planning Committee, any owner of a legal or equitable interest in land located in the City or any resident of the City. An amendment to the Official Zoning Map (rezoning) may be initiated by the owner of a legal or equitable interest in land located in the City sought to be

rezoned. Rezonings may require a comprehensive plan amendment (see Sections 4.1.2 through 4.1.4). A comprehensive rezoning, or adoption of a new zoning map may be initiated by the City Council.

### 7.1.3. Filing and Content of Applications

- (1) An application requesting a text amendment or rezoning shall be filed with the Planning and Development Department on a form prescribed by the Department, along with the fee prescribed by the City Council.
- (2) Each application shall contain or be accompanied by the information required on the application form provided by the Planning and Development Department.
- (3) Before filing the application, the applicant is strongly encouraged to meet with representatives of the Planning and Development Department to discuss the proposed amendment and to become more familiar with the applicable requirements and approval procedures of the City.
- (4) The Director of Planning and Development shall determine whether the application is complete. If the Director determines that the application is not complete, then he or she shall notify the applicant of any deficiencies and shall take no further steps to process the application until the deficiencies are remedied. Once the application is complete, the Director of Planning and Development shall schedule the application for consideration at a public hearing before the Planning Committee. After determining that the application is complete, the Director of Planning and Development shall transmit to the Planning Committee, prior to the hearing on the application, copies of the application and all other records relevant to the application.

### 7.1.4. Staff Review and Report

The Planning and Development Department shall prepare a report to the Planning Committee. This shall include a discussion of all plans, policies and rezoning criteria that have been adopted by the City and are relevant to the proposed amendment.

### 7.1.5. Public Hearing

Rezoning may be adopted only after the Planning Committee conducts a public hearing on the proposed amendment, at which time parties interested in the proposed amendment shall have an opportunity to be heard. Notice of the hearing shall

be provided in accordance with Section 5.15.1.(4) and the public hearing shall be conducted in accordance with Section 5.15.2 of this Ordinance.

#### **7.1.6. Review by Planning Committee**

- (1) The Planning Committee shall consider each proposed amendment and shall make recommendations to the City Council regarding whether to approve or deny each proposed amendment. The recommendation shall be based on the following criteria:
  - (a) Conformance with the Comprehensive Plan;
  - (b) Otherwise, that changes have occurred in the area since the Plan and Zoning Ordinance were adopted which warrant the requested zone;
  - (c) City utilities and sewer can accommodate the uses allowable in the requested zone;
  - (d) The allowable uses in the requested zone will not adversely affect the character of the area and result in a decrease of property values;
  - (e) There is a need for additional land within the City to be zoned the classification which is requested.

The burden of the proof shall be on the applicant to prove that these criteria are satisfied.

- (2) The Planning Committee shall make its recommendation to the City Council within 30 days of the public hearing. If no recommendation is made within that time, then the Planning Committee may request an extension of time from the City Council. If no recommendation is made and no extension is granted, then the City Council may act on the proposed amendment without a recommendation from the Planning Committee.

#### **7.1.7. Action by the City Council**

- (1) A text amendment or rezoning shall require a second public hearing, this time before the City Council. Interested parties shall have an opportunity to be heard. Notice of the hearing shall be provided in accordance with Sections 5.15.1(2) and 5.15.1.(3) of this Ordinance.
- (2) Before action on any proposed text amendment or rezoning, the City Council shall consider the recommendation of the Planning Committee, and the comments made at the public hearing.
- (3) Upon reviewing such information, the City Council may:

- (a) Adopt the proposed text amendment or rezoning by ordinance;
- (b) Reject the proposed text amendment or rezoning;
- (c) Refer the proposed amendment back to the Planning Committee or to a committee of the City Council for further consideration.

#### **7.1.8. Protests**

In the event that the City Council receives a written petition protesting any rezoning of property signed by the owners of 20% or more, either of the area of the lots included in such proposed change, or of those immediately adjacent to the rear thereof, extending 160 feet therefrom or of those directly opposite there to, extending one hundred sixty (160) feet from the street frontage of such opposite lots, such amendment shall not become effective except by a favorable vote of two-thirds (2/3) of all the members of the City Council.

#### **7.1.9. Waiting Period for Subsequent Applications**

- (1) When a rezoning applicant has been denied by the City Council, or has been withdrawn by the applicant after notice has been given of the public hearing on the application, no rezoning application covering the same property shall be accepted or considered within 12 months after the date of the denial, or withdrawal.
- (2) The inclusion of an additional lot or lots in the new application shall not be permitted when it is evident that the inclusion of the new lot or lots is for the express purpose of avoiding these restrictions.
- (3) The waiting period required by this Section may be waived in an individual case, for good cause shown, by the affirmative vote of three-fourths ( $\frac{3}{4}$ ) of the members of the City Council.