

## REZONE PROCEDURES

1. Discuss the proposed use with City Planning staff member(s).
2. The staff member will supply you with an application form that must be completed in duplicate and signed by the owner(s) or owner's attorney of the subject property. The staff member will assign a specific date the application must be returned to the City Office which allows for ample time to comply with the requirements by City Code for proper publication and notification of property owner's notices. This is usually approximately sixteen (16) days prior to a regular or called meeting of the Planning Commission.
3. A fee of **\$300.00** for a new application (non-refundable) is required to process the application.
4. All persons which are the recorded title owners of land within three hundred (300) feet of any point along the perimeter of the land shall be notified in writing of the request for a rezone. The letter of notification shall be mailed to recipients no later than ten (10) days prior to the Planning Commission's public hearing. Adjacent land owners shall have ten days from the date of notification to notify the City Administrator of any protests which they may have concerning the application. A certified list must be prepared, by the applicant, of the names and addresses of those persons who own property within a 300' radius of the subject property. This list may be obtained by contacting the County Surveyor's Office for the names of the property owners and then the County Assessor's Office for the addresses. This list **must** accompany the application or no action will be taken on your request.
5. A "Zoning Action Pending" sign will be posted on the front yard of the property under consideration of a zoning change at least ten (10) days prior to the public hearings of the Planning Commission and City Council.
6. You will be provided with a copy of the agenda for the Planning Commission meeting at which your request will be considered. It is recommended that the applicant or a representative attend the Planning Commission meeting and City Council meeting to answer any questions. Without someone being there to speak on your behalf, your request may be deferred to the next meeting. The Planning Commission action is in the form of a recommendation to the City Council. The City Council will make the official decision.

Filing Date \_\_\_\_\_

Receipt Number \_\_\_\_\_

**APPLICATION FOR REZONING**

1. \_\_\_\_\_  
Applicant's Name      Mailing Address      Telephone

2. \_\_\_\_\_  
Agent's Name      Mailing Address      Telephone

3. \_\_\_\_\_  
Owner's Name      Mailing Address      Telephone

4. \_\_\_\_\_  
Address and Legal description of Location - Subject Property

5. Present Zoning District \_\_\_\_\_

6. Proposed New Zoning: \_\_\_\_\_

7. State briefly your reasons for request

\_\_\_\_\_  
Signature of Owner(s)      Date

\_\_\_\_\_  
Signature of Owner(s)      Date

DO NOT WRITE BELOW THIS LINE

**PLANNING COMMISSION RECOMMENDATION:**

DATE OF NOTICE: \_\_\_\_\_

DATE OF PUBLIC HEARING: \_\_\_\_\_

VOTE: \_\_\_\_\_ TO \_\_\_\_\_ TO \_\_\_\_\_

**CITY COUNCIL ACTION:**

DATE OF PUBLIC HEARING: \_\_\_\_\_

VOTE: \_\_\_\_\_ TO \_\_\_\_\_ TO \_\_\_\_\_

I hereby certify that the persons listed below are the record title owners of the property within 300 feet of my property.

## **ARTICLE 16. AMENDMENT**

### **SECTION 1601 GENERAL**

The City Council may from time to time supplement, change or generally revise the boundaries or regulations contained in this Ordinance by amendment. A proposal for such amendment may be initiated by the City Council, Planning Commission or upon application of the owner of the property affected. The applicant shall pay and the application must be accompanied by a non-refundable application fee. Said fee shall be set and determined from time to time as deemed necessary by the Mayor and City Council by resolution, and shall be appended to the Municipal Code as part of an appendix for permit, license, and application fees.

Any revisions of boundaries, changes in zoning or appending of special districts shall be allowed only to entire and complete lots or tracts of land and shall not be granted to partial or portions of lots and tracts of land.

### **SECTION 1602 SUBMISSION TO PLANNING COMMISSION**

All such proposed amendments shall first be submitted to the Planning Commission for recommendation and report. Upon the development of tentative recommendations, the Planning Commission shall hold a public hearing thereon and shall cause an accurate written summary to be made of the proceedings, and shall give notice in like manner as that required for the original zoning recommendations. Such notice shall fix the time and place for such hearing and contain a statement regarding the proposed changes in regulations or restrictions or in the boundary of any district.

If such proposed amendment is not a general revision of an existing provision of this Ordinance and will affect specific property, it shall be designated by legal description and general street location and in addition to such publication notice, written notice of such proposed amendment shall be mailed to all owners of lands located within three hundred (300) feet of the area proposed to be altered and an opportunity granted to interested parties to be heard.

Written notices shall be mailed to all owners of land within three hundred (300) feet of the property. Adjacent land owners shall have ten days from the date of notification to notify the City Administrator of any protests which they may have concerning the application.

A "Zoning Action Pending" sign will be posted on the front yard of the property under consideration for a zoning change at least ten (10) days prior to the public hearings of the Planning Commission and City Council. Failure to receive such notice shall not invalidate any subsequent action taken. Such notice shall be considered sufficient to permit the Planning Commission to recommend amendments to regulations which affect only a portion of the land described in the notice or which give all or any part of land

described a zoning classification of lesser change than that set forth in the notice; provided, that recommending a zoning classification of a greater change than that set forth in the notice shall not be valid without republication and, where necessary, remailing.

### **SECTION 1603 AMENDMENT CONSIDERATION AND ADOPTION**

The procedure for the consideration and adoption of any such proposed amendments shall be in like manner as that required for the consideration and adoption of this Ordinance except hereinbefore or hereinafter modified. For action on zoning amendments, a quorum of the Planning Commission is more than one-half (1/2) of all members. A vote either for or against an amendment by a majority of all the Planning Commission is more than one-half (1/2) of all the members. A vote either for or against an amendment by a majority of all the Planning Commission members present constitutes a recommendation of the commission; whereas a vote either for or against an amendment by less than a majority of the Planning Commission present constitutes a failure to recommend.

When the Planning Commission submits a recommendation of approval or disapproval of such amendment, the City Council, if it approves such recommendation, may either adopt such recommendation by Ordinance or take no further action thereon as appropriate. In the event the Planning Commission submits a failure to recommend, the City Council may take such action as it deems appropriate. If such amendment shall affect the boundaries of any district, the Ordinance shall define the change or the boundary as amended, shall order the Official Zoning Map to be changed to reflect such amendment and shall amend the section of the Ordinance incorporating the same and reincorporate such Map as amended.

### **SECTION 1604 PROTEST**

Regardless of whether or not the Planning Commission approves or disapproves a proposed zoning amendment or fails to recommend, if a protest against such amendment be filed in the office of the City Clerk prior to hearing thereon before the City Council, duly signed and acknowledged by the owners of twenty percent (20%) or more of any real property proposed to be rezoned or by the owners of twenty percent (20%) of the total area excepting public streets and ways, located within or without the corporate limits of the municipality and located within three hundred (300) feet of boundaries of the property proposed to be rezoned, the Ordinance adopting such amendment shall not be passed except by at least three-fourths (3/4) vote of all members of the City Council.