

## CHAPTER 17

### AMENDMENTS

#### SECTION

- 11-1700. Amendments.
- 11-1701. Application.
- 11-1702. Initial Action by City Commission.
- 11-1703. Planning Commission Recommendation to City Commission.

11-1700. Amendments. The regulations, restrictions, boundaries, and standards set forth in this ordinance may, upon proper application by the property owner or designated representative, or by an appropriate governmental agency, or the City Commission, or the Planning Commission, be amended, supplemented, revised or repealed from time to time in view of changing physical, social and economic conditions, and as further provided herein.

11-1701. Application.

- A. An application for a zoning amendment shall be submitted to the city manager or city manager's designee. Such application shall contain a complete metes and bounds description of the affected property and a scale plan indicating the shape, size, and location of the property, the surrounding land use and zoning, accessibility to the property, and the location of all essential services as defined in this Ordinance. The applicant shall be responsible for providing the metes and bounds description and scale plan to the Building Inspector at the time of application.
- B. The city manager or city manager's designee shall check the application for completeness and insure that all required information has been provided by the applicant. Incomplete applications will be returned to the applicant for the required information. A complete application shall be forwarded by the city manager or city manager's designee to the City Recorder at least seven (7) days prior to the preparation of the agenda for the regular City Commission meeting. (Ord. 984, 09/06/01).

11-1702. Initial Action by City Commission. The City Commission may approve or disapprove the request for rezoning; however, no zoning amendment shall become effective unless it be first submitted to and approved by the Planning Commission, or if disapproved, shall receive the favorable vote of a majority of the entire membership of the City Commission.

11-1703. Planning Commission Recommendation to City Commission. If the rezoning petition is referred to the Planning Commission from the City Commission, the following procedures shall apply:

- A. Within thirty (30) days of receipt of a petition from the City Commission, the Planning Commission shall advise the petitioner of the date upon which they will act.
- B. Action on a petition must be taken within sixty (60) days of the date the petition is first received by the Planning Commission from the City Commission.

- C. After the Planning Commission has acted upon a petition to change the zoning classification of a particular piece of property, additional petition to change the zoning classification of particular piece of property may not be introduced for another six (6) month period.
- D. In making its recommendation to the City Commission for a change in zoning classification of a particular piece of property, the Planning Commission shall make written findings for all of the following:
  - 1. As to the suitability of the property for the proposed amendment in terms of relations to the Comprehensive Plan, physical characteristics of the site, and its relation to the surrounding area and existing and probable future development.
  - 2. As to relation to major transportation facilities, utilities, public facilities, and services.
  - 3. As to adequacy of evidence of verified control and suitability of any proposed agreements, contracts, deed restrictions, sureties, or other instruments of the need for such instruments or for amendments in those proposed.
- E. Based on such findings, the Planning Commission shall recommend: approval of the amendment, as proposed; approval conditioned on stipulated modification; or disapproval.

11-1704. Final Action by City Commission.

- A. Before enacting any amendment to the zoning ordinance, the City Commission shall hold a public hearing thereon, at least fifteen (15) days notice of the time and the place of which shall be published in the official municipal journal or in a newspaper of general circulation in the municipality. At the time the City Commission shall set such a public hearing date, the City Commission shall direct the city manager or city manager's designee to notify all owners of property whose lots are within 300 feet in any direction of the property requested to be rezoned that the City Commission will consider such a request of rezoning at a public hearing. Such notification to property owners shall be by first class mail to the address shown for the property on the city property tax roles (Ord. #700, 01/05/89, Ord. # 984, 09/06/01).
- B. No change in or departure from the text or maps as certified by the Planning Commission shall be made unless such change or departure is submitted to and approved by the Planning Commission. The Planning Commission shall act on such change within forty-five (45) days from referral from the City Commission. Failure of the Planning Commission to act on such change within forty-five (45) days shall constitute approval by the City Commission. If disapproved by the Planning Commission, such change shall require the favorable vote of the majority of the entire membership of the City Commission for enactment and amendment to the zoning ordinance.