# ARTICLE 29 AMENDMENTS & ZONE CHANGES

#### SEC. 25-29-01 AUTHORIZATION

The provisions of this chapter may be amended by changing or supplementing the regulations, or by changing the zoning of property whenever the public necessity, convenience, and general welfare require such amendments.

#### SEC. 25-29-05 INITIATION

Amendment of this chapter may be initiated by Community Development Director, the Planning Commission or the City Council or by a petition of affected property owners or authorized agents of such owners.

#### SEC. 25-29-10 REZONING

#### A. APPLICATION

Application shall be made in writing on forms provided by the Community Development Department, and accompanied by such data and information as may be prescribed for that purpose. The filing and investigation fee shall be as prescribed by City Council resolution.

#### B. PUBLIC HEARING

#### 1. Planning Commission

### a. Notice

The Planning Commission shall hold a public hearing on any such proposed rezoning. Notice of the time and place of said hearing including a general explanation of the matter to be considered and including a general description of the area affected shall be given at least ten (10) calendar days prior to the hearing in the following manner.

(i) The notice shall be published at least once in a newspaper of general circulation.

- The notice shall be mailed to all (ii) property owners, any part of whose property lies within a radius of three hundred feet (300') feet of the property which is the subject of the proposed rezoning, using for this purpose the names of such owners as shown on the last equalized assessment roll, alternatively, from such other records of the assessor or tax collector as contain more recent addresses. In addition, if warranted in the determination of the Community Development Director, notice shall be provided conspicuously posting the subject property for at least ten days prior to the hearing.
- (iii) In the event that the number of owners to whom notice would be sent is greater than one thousand (1000), the City may, as an alternative to the notice required by two (2) above, place a display advertisement of at least one-fourth (1/4) page in a newspaper having general circulation within the area affected by the proposed rezoning.

## b. Planning Commission Action

After the public hearing, the Planning Commission shall render its decision in the form of a written recommendation to the City Council. If, from the facts presented at the public hearing, the Commission is satisfied that the proposed change conforms to the General Plan, the Commission may recommend such change to the City Council.

#### c. Appeals

The Applicant or any other person not satisfied with the denial of the request by the Planning Commission, within ten (10) calendar days following the decision, may appeal in writing to the City Council. Said appeal shall be accompanied by a filing fee as prescribed by

City Council resolution. At its next regular meeting after the filing of such appeal, The City Council shall set a date for a public hearing and shall given notice thereof in the manner provided in SEC. 25-29-10 B. 1.a. above.

## 2. City Council

If the Planning Commission has recommended against the proposed rezoning the City Council shall not be required to take any further action thereon unless an appeal is filed pursuant to SEC. 25-29-10 B.1.c.

#### a. Notice

Upon receipt of the recommendation of the Planning Commission, the City Council shall hold a public hearing. Notice of the time and place of said hearing shall be given in the time and manner provided for the giving of notice of the hearing by the Planning Commission as specified in SEC 25-29-10 B.1.a.

### b. City Council Action

The legislative body may approve, modify or disapprove the recommendation of the planning commission; provided that any modification of the proposed ordinance by the legislative body not previously considered by the Planning Commission during its hearing, shall first be referred to the Planning Commission for report recommendation. but the Planning Commission shall not be required to hold a public hearing thereon. Failure of the Planning Commission to report within forty (40) days after the reference, or such longer period as may be designated by the legislative body, shall be deemed to be approval of the proposed modification.

#### c. Withdrawal of Petition

The Planning Commission or the City Council may permit the withdrawal of any petition filed under the provisions of this Section. The

Planning Commission or the City Council may abandon any proceedings for a rezoning initiated by its own resolution, provided that such abandonment may be made only when such proceedings are before such body for consideration and provided further that any hearing shall be held for which public notice has been given.

#### d. Renewal of Petition

If a petition for rezoning is denied by either the Planning Commission or the City Council another petition for change to the same zoning district shall not be filed within a period of one (1) year from the date of denial, except upon the initiation of the City Council, or with the permission of or upon the initiation by the Planning Commission after a showing of a change of circumstances which would warrant a renewal.

### e. Building Permits

No official action such as the issuance of a building permit, license, or other type of permit shall be taken while an appeal or proceedings for a rezoning is pending.

## SEC. 25-29-20 PREZONING

#### A. PURPOSE

Unincorporated territory adjoining the City, within the Urban Limit Line, may be prezoned for the purpose of determining the zoning that will apply to such property in the event of subsequent annexation to the City.

#### B. INITIATION

Prezoning shall be initiated by a resolution of intention by the Planning Commission or the City Council.

#### C. PROCEDURE

Prezoning applications shall be processed as provided in SEC. 25-29-10 for rezoning.

#### D. EFFECTIVE DATE

Such prezoning shall be come effective at the same time the annexation becomes effective.

## SEC. 25-29-30 ZONING OF ANNEXED AREAS

Upon the annexation of territory to the City which has not been prezoned, the Planning Commission shall initiate proceedings to zone the annexed territory to a classification or classification in conformity with the General Plan. Said procedure shall be as provided in SEC. 25-29-10 for rezoning.

## SEC. 25-29-40 TEXT AMENDMENTS

Text amendments to the zoning regulations shall be initiated by a resolution of intention by the Planning Commission or the City Council and shall be processed as provided in SEC. 25-29-10, except that no notification of property owners shall be required.