

**“REZONINGS” 153.283 AMENDMENTS.**

(A) Two types of amendments to these zoning regulations are recognized; one being a revision in the text provisions, and the other being a change of boundary in a zoning district (a.k.a. a map amendment or rezoning).

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(D) *Change in district boundary.* A change in a zoning district boundary, also referred to as a map amendment or rezoning, may be proposed by the City Council, the Planning Commission, or by a property owner or his legal agent. Such amendments shall be considered in accordance with the procedures set forth in this section.

(E) *Application submittal.* A complete application for a change in a zoning district boundary (or map amendment), hereafter referred to as a rezoning, shall be submitted to the zoning official in a form established for that purpose, along with a non-refundable re-zone processing fee. The filing deadline for inclusion on the Planning Commission agenda shall be the first Tuesday of the month preceding the Planning Commission meeting for the month, which is held on the fourth Tuesday of the month. No application shall be processed until the zoning official determines that the application is complete, and the required fee has been paid.

(F) *Notice.* Promptly upon determining that the application is complete, the zoning official shall schedule a public hearing date before the Planning Commission, notify the applicant of the hearing date, and provide at least 15 days notice of the hearing in a newspaper of general circulation in the city. The notice shall indicate the time and place of the public hearing; give the general location and description of the property, such as the street address and acreage involved; describe the nature, scope and purpose of the application; and indicate where additional information about the application can be obtained.

(1) The applicant shall: (1) post notice on weatherproof signs provided by the city; (2) place the signs on the property that is the subject of the application at least ten days before the public hearing; and (3) ensure that the signs remain continuously posted until a final decision is made by the City Council. One sign shall be posted by the applicant for each 300 feet of street frontage, up to a maximum of four signs. Signs shall be placed along each abutting street in a manner that makes them clearly visible to neighboring residents, and passers-by. There shall be a minimum of one sign along each abutting street.

(2) Individual property owners applying for changes to the official zoning map shall present evidence or an affidavit, at least ten days prior to the required public hearing, that all property owners within one hundred feet have been notified of the proposed zoning change and of the time, date, and place of the public hearing.

(3) *Hearing and recommendation by the Planning Commission.* The Planning Commission shall hold a public hearing on the proposed rezoning. At the conclusion of the hearing, and after deliberation, the commission shall recommend approval as submitted; may recommend approval of less area and/or of a lesser intense, but like classification than what was applied for; table with cause, not to exceed one time for consideration at the next meeting; or deny the application. The commission shall, regardless of the action taken, submit an accurate written summary of the proceedings to the City Council.

(4) *Hearing and action by the City Council.* After the Planning Commission recommends approval of an application, a City official shall be responsible for preparing the appropriate ordinance, and requesting that the recorder-treasurer place it on the City Council agenda. The zoning official shall review the proposed rezoning ordinance, prior to its placement on the City Council agenda, to verify that the contents of the document, and the property description therein, accurately reflect the action taken by the Planning Commission.

(5) If the Planning Commission does not recommend approval of an application, the City Council may consider the matter, but only after an appeal is filed by the property owner with the recorder-treasurer, and a special public hearing is set and subsequently held. Applicant responsibility with regard filing documents with the recorder-treasurer, as described above, is also applicable.

(6) In considering an application for approval, whether on appeal or not, the City Council may reduce the amount of land area included in the application, but not increase it; and may change the requested classification in whole or in part, to a less intense zoning district classification than was indicated in the Planning Commission's required public notice.

(G) *Approval criteria.* The criteria for approval of a rezoning are set out in this section. Not all of the criteria must be given equal consideration by the Planning Commission or City Council in reaching a decision. The criteria to be considered shall include but not be limited to the following:

(1) Consistency of the proposal with the comprehensive plan.

(2) Consistency of the proposal with the purpose of these regulations.

(3) Compatibility of the proposal with the zoning, uses and character of the surrounding area.

(4) Suitability of the subject property for the uses to which it has been restricted without the proposed zoning map amendment.

(5) Extent to which approval of the proposed rezoning will detrimentally affect nearby property including, but not limited to, any impact on property value, traffic, drainage, visual impairment, odor, noise, light, vibration, hours of use/operation, and any restriction to the normal and customary use of the affected property.

(6) Length of time the subject property has remained vacant as zoned, as well as its zoning at the time of purchase by the applicant; and

(7) Impact of the proposed development on community facilities and services, including those related to utilities, streets drainage, parks, open space, fire, police, and emergency medical services.

(H) *Successive applications.* In the event that the City Council denies an application for a rezoning, a similar application involving any of the property considered in the previous rezoning request shall not be considered by the planning commission for six months from the date of the denial by the City Council, unless the planning commission, upon recommendation by the zoning official, determines that there is a significant change in the size or scope of the project, or that conditions have changed in the area affected by the proposed rezoning.