

SECTION 28 - AMENDMENTS

This Ordinance, the City Comprehensive Plan text and map and zone map may be amended by changing the boundaries of zone districts or by changing any other provisions thereof. Whenever the public necessity, convenience, or the general welfare requires such an amendment, such a change may be proposed by the City Council on its own motion or by motion of the Planning Commission, or by petition as hereinafter set forth. Any such proposed amendment or change shall first be submitted to the Planning Commission.

1. Application and Fee. An application for amendment by a property owner or his authorized agent shall be filed with the City Recorder. If the amendment involves a boundary change, the application shall be made on the forms provided by the City, accompanied by a site plan drawn to scale showing the property involved and adjacent land. A fee as set forth in the City's fee schedule, in Section 4, shall accompany each application. The applicant shall pay the costs of notification and publication required by this Ordinance. The failure of the applicant to meet any or all conditions, stipulations, or limitations contained in the resolution, including the time limit placed in the resolution, shall render the resolution of intent to re-zone null and void, unless an extension is granted by the Council upon recommendation of the Planning Commission.
2. Public Hearing on an Amendment. Before taking final action on a proposed amendment, the Planning Commission shall hold a public hearing thereon. After receipt of the report on the amendment from the Planning Commission, the Council shall hold a public hearing on the amendment.
 - A. Notice of hearing. Notice of time and place of the public hearing before the Planning Commission and of the purpose of the proposed amendment shall be given by the City Recorder in the following manner.
 - 1) If an amendment to the text is proposed, the notice shall be by one publication in a newspaper of general circulation in the City not less than four (4) days nor more than 10 days prior to the date of hearing. If an amendment to the Zoning Map is proposed, the notice shall be as provided in Section 4 of this Ordinance.
 - 2) Failure of a person to receive the notice shall not invalidate any proceedings in connection with the proposed amendment.
 - B. Recess of hearing. The Planning Commission may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposed amendment. Upon recessing for this purpose the Commission shall announce the time and date when the hearing will be resumed.
 - C. Recommendation by the Planning Commission to City Council. At the conclusion of the Planning Commission public hearing, the Planning Commission may make a recommendation to the City Council to approve, approve with changes, or deny the zone change or amendment(s). The Planning Commission shall, in any case, render its decision on any application within 40 days after a hearing.

SECTION 28 - AMENDMENTS

- D. Public hearing held by council. Notice of the hearing to be held by the Council on the proposed amendment to the Zoning Ordinance shall be given as provided in Section 35 (2A).
3. Action by the City Council. At the conclusion of the public hearing, the Council may enact an ordinance granting the zone change or amendment, or may by motion deny the granting of the zone change or amendment. The Council shall in any event render its decision on any application within 40 days after the public hearing, provided however, that nothing shall prohibit the City Council from by motion, postponing disposition of the application to a definite time past the said 40 day period.
 4. Record of Amendments. The signed copy of each amendment to the text and the map of this Ordinance shall be maintained on file in the office of the City Recorder. A record of such amendments shall be maintained in a form convenient for the use of the public.
 5. Resubmittal. In a case where a petition for an amendment is denied by the City Council, said petition shall not be eligible for resubmittal for one (1) year from the date of said denial, unless such denial was specifically stated to be without prejudice. A new petition affecting the same property must be, in the opinion of the Planning Commission and the City Council, substantially different from the petition denied, to be eligible for consideration within one (1) year from the said date of denial, unless the first denial was denied without prejudice, or the Planning Commission finds that conditions have changed to the extent that further consideration is warranted.
 6. Resolution of Intent to Re-Zone. If, from the findings presented and recommendations of the Planning Commission, as required in Section 35 hereof, the City Council determines that the public health, safety, welfare and convenience will be best served by a proposed change of zone, the Council may indicate its general approval in principal of the proposed re-zoning by the adoption of a "resolution of intent to re-zone" the area involved. This resolution shall include any conditions, stipulations or limitations, which the Council may feel necessary to require in the public interest as a pre-requisite to final action, including those provisions which the Council may feel necessary to prevent speculative holdings of the property after re-zoning. The fulfillment of all conditions, stipulations and limitations contained in said resolution, on the part of the applicant, shall make such resolution a binding commitment on the City Council. Such a resolution shall not be used to justify spot zoning, to create unauthorized zoning categories by excluding uses otherwise permitted in the proposed zoning or by imposing setback, area or coverage restrictions not specified in the Ordinance for the zoning classification, or as a substitute for a variance. Upon completion of compliance action by the applicant, the Council shall by ordinance effect such re-zoning.
 7. Submittals required for a Comprehensive Plan and Zoning Map Amendment.
 - A. Basic proposal description.
 - B. Size, shape and orientation of the subject property.
 - C. Analysis of residential land/commercial land/public & semi-public land within the UGB, including such things as:

SECTION 28 - AMENDMENTS

1. acreage needed for each land use type for the 20 year planning period;
 2. acreage left for each land use type if proposed change occurs (if after the proposed change there is a shortage in one of the land use types, the Planning Commission may consider converting other land in surplus of 20-year planning period to fill the need).
 - D. Applicability of land use objectives of both existing and the proposed zoning districts.
 - E. Analysis of the need for the change.
 - F. Economic and population data for the affected area that may be necessary as part of the amendment of the Comprehensive Plan.
 - G. Compatibility with surrounding land uses/current use of surrounding land.
 - H. Surrounding parcel sizes.
 - I. Zoning history of the subject property and surrounding properties.
 - J. Traffic circulation and proposed traffic impact analysis.
 - K. Existing/proposed/availability of public services, such as:
 1. sewer,
 2. water,
 3. access roads,
 4. fire/police protection,
 5. parks and schools.
 - L. Environmental issues, such as:
 1. floodplains,
 2. wetlands,
 3. steep slopes.
 - M. Feasibility for development of rezoned properties.
 - N. Additional criteria and standards within the applicable plan and Zoning Ordinance should be addressed.
 - O. Consistency with Statewide Planning Goals 1 (Citizen Involvement), 9 (Economic Development), 10 (Housing), 11 (Public Facilities and Services), and 12 (Transportation) as contained in the State Administrative Rules.
8. The Planning Commission and Council, shall determine that zone change requests meet the following criteria:
- A. Rezoning of the subject property will conform with the intent of and will be consistent with all policies of the Comprehensive Plan;
 - B. Rezoning of the subject property will conform with the intent of the zoning designation to which the subject property is proposed to be changed as defined in the purpose statement of the proposed zone;
 - C. Rezoning of the subject property will not seriously interfere with the permitted uses on other nearby and surrounding parcels;
 - D. Rezoning of the subject property is better suited to the purposes of the proposed zone than it is to the purposes of the existing zone;
 - E. Rezoning of the subject property will not adversely impact the orderly provision of public services (water, sewer, police, fire, schools, etc.) in the area in which the property is located; and
 - F. Rezoning of the subject property will not adversely impact the road and street system serving the area in which the property is located.