

## 166.20 REZONING AND TEXT AMENDMENTS.

The amendment procedure established in this section is intended to provide a means for making changes to the text of these zoning regulations and/or the official zoning map.

1. Authority. The City Council may, from time to time, on its own action or on petition, amend, supplement, or change the boundaries or regulations herein or subsequently established. However, no such amendment, supplement, or change of boundaries or regulations shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. Such amendment, supplement, or change shall not become effective except by favorable vote of a majority of all of the members of the City Council.

2. Initiation of Amendments. An amendment of text may be initiated by a motion of the City Council. An amendment of text or a rezoning amendment may be initiated by a motion of the City Council, or any person, firm or corporation, by the filing of a petition requesting such amendment and clearly describing the property and its boundaries as to which the amendment is desired. The petition shall meet all requirements of these zoning regulations. The petition shall be duly signed by the owners of 50 percent of the area of all real estate included within the boundaries of said tract as described in said petition. ~~The petitioner shall obtain a signed consent to the zoning amendment from the owners of 50 percent or more of all area located within 310 feet of the property proposed to be amended. Public property such as parks, public buildings, public utilities, etc., shall not be included within the 50 percent consent area.~~

3. Filing of Petition for Rezoning Amendment. A petition for an amendment to the zoning district classification shall be filed with the administrative official. Each rezoning request shall be reviewed by the administrative official to ensure that it contains all the information required in these zoning regulations.

4. Fee for Rezoning Amendment. The Council shall, by resolution, establish a schedule of fees, charges, and expenses and a collection procedure for an amendment to these zoning regulations. The schedule of fees shall be posted in the office of the administrative official, and may be altered or amended only by resolution by the Council. All fees for a rezoning request are nonrefundable and shall be paid at the time the rezoning petition is initially submitted.

5. Rezoning Request Requirements. Each rezoning request shall be accompanied by a written request for a change, a rezoning map, a conceptual master plan or development plan as required herein and an address list of all property owners within 250 feet of the property (intervening streets and alleys shall not be included in computing such 250 feet), all in accordance with the provisions outlined herein.

A. Plans and Plats. The administrative official may require a development plan, site plan, preliminary plat or conceptual master plan for any proposed rezoning.

B. Zoning Change and Development Agreement. The administrative official may require a zoning change and development agreement for any proposed rezoning.

C. Notification of Surrounding Property Owners. Following review of the rezoning request for completion, the administrative official shall set the Planning and Zoning Commission meeting date. Notice will be sent to the surrounding property owners within 250 feet of the property to be rezoned. Notice shall be sent not less than seven days and not more than 20 days prior to the Commission meeting at which the zoning amendment is first considered. The notice shall contain the date, time and location of the Commission meeting and Council public hearing.

D. Notification Signs.

(1) For all rezoning requests of property by petition or owner's request, the petitioner or owner shall be required to post a sign stating notice of rezoning, zoning district designations proposed to be changed, date and time of Council public hearing and telephone number and address of City Hall. Such sign shall be four feet by eight feet in size and include black letters on a white board. The letters on the sign shall not be less than six inches in height. One sign shall be placed on each public street right-of-way and shall not be erected greater than 20 feet from the street right-of-way.

(2) Such sign shall be erected no less than seven days before review of the rezoning request by the Commission and shall remain in place until after the final hearing before the Council. The property owner shall remove the sign within seven days of the date of the final action on the rezoning amendment by the Council.

6. Conceptual Master Plans for Rezoning Amendment. Conceptual master plans are intended to present basic development information in such a way as to empower area residents, interested parties, City staff and Council to accurately and decisively formulate opinions on the proposed development. Conceptual master plans shall be required for all proposed rezoning of land within the City to a commercial or manufacturing district. At the discretion of the administrative official, a conceptual master plan may be required for rezoning to residential districts.

A. In the case of a rezoning request to a commercial or industrial zoning district, the conceptual master plan shall show, at a minimum, proposed building footprints, utilities, access, parking, and open space. In the case of a rezoning request to a residential zoning district, the conceptual master plan shall show, at a minimum, proposed lot layout, street configuration, utilities and park/trail features. Additional information on the conceptual master plan may be required at the discretion of the administrative official.

B. The administrative official may suspend the requirement of a conceptual master plan if the Council initiates the rezoning.

7. Zoning Changes and Development Agreements. Zoning changes and development agreements are meant to impose additional conditions or restrictions on the property being rezoned beyond the minimum requirements of the zoning district in order to protect and satisfy the public needs of the surrounding established neighborhood and character of

the City at large. The conditions must be reasonable and agreed to by the property owner prior to the final consideration of the rezoning request.

8. Compliance With Comprehensive Plan. If the proposed rezoning is not in accordance with the comprehensive plan, the applicant will be required to request a comprehensive plan amendment in addition to the rezoning request.

9. Initial Action Required by City Council. When a petition meeting the requirements of these zoning regulations is presented to the Council, or if the Council elects to initiate an amendment, the Council shall receive and file said petition and refer it to the Commission for consideration of such amendment prior to the date of the public hearing.

10. Action by Planning and Zoning Commission. After receiving the proposed amendment from the Council, the Commission shall review the proposed amendment and report its recommendations within 60 days to the Council for final action.

11. Further Action by Council. After receiving the Commission recommendations, the City Council, at a public hearing, shall then take final action on the proposed amendment, after public notice in accordance with applicable State law. The amendment shall become effective by the favorable vote of a majority of all the members of the Council.

12. Amendment Disapproval or Protest. In the case of a proposed rezoning of property, if: (i) the Commission disapproves of the amendment; or (ii) a written protest against such change signed by the owners of 20 percent or more either of the area of the lots included in such a proposed change, or by the owners of 20 percent or more of the property which is located within ~~310~~250 feet of the boundaries of the property for which the change is proposed, such change shall not become effective except by the favorable vote of at least four-fifths of all of the members of the Council.

13. Denial of Amendment. Whenever any petition for an amendment, supplement, or change of the zoning regulations herein contained or subsequently established shall have been denied by the Council, then no new petition covering the same property, or the same property and additional property, shall be filed with or considered by the Council until one year shall have elapsed from the date of the filing of the first petition.