

ARTICLE K. AMENDMENTS**Sec. 6-3-201. Generally.**

This chapter, including the zoning map, may be amended from time to time by the city/county council, but no amendment shall become effective unless it shall have been proposed by or shall have first been submitted to the joint planning commission for review and recommendation. The joint planning commission shall have 30 days from the time at which it is presented to the commission within which to submit its report. If the commission fails to submit a report within the 30-day period, it shall be deemed to have approved the requested amendment. Any communication purporting to be an application for a change shall be regarded as mere notice to seek relief until it is made in the form required. Upon receipt of any communication, the interested parties shall be supplied with the proper form for presenting their application by the zoning administrator.

(Ord. No. 13-86, § XI.A, 12-2-86; Ord. No. 1-99, § 8, 1-5-99)

Sec. 6-3-202. Initiation of amendments; fee.

- (a) Proposed changes or amendments to this chapter may be initiated by the city, county, or town council; the joint planning commission; the board of zoning appeals; property owners, or by citizens' petition, whenever the owners of 50 percent or more of the property owners of a given area sign the petition. The signature(s) of the property owner(s) of record for requests brought by individuals or citizen groups (to determine the 50 percent) will be required prior to a public hearing being scheduled on the request.
- (b) The applicant(s) must provide a completed rezoning application, with petition attached (if applicable), a copy of a map or plat providing a legal description of the property proposed for consideration, and the advertising fee no later than 20 days prior to the next regularly scheduled joint planning commission meeting. Under no condition shall the advertising fee be refunded, in full or in part, for failure of the amendment to be adopted.

(Ord. No. 13-86, § XI.B, 12-2-86; Ord. No. 24-95, § I, 12-19-95)

Sec. 6-3-203. Report and recommendations of joint planning commission.

The joint planning commission shall prepare a report and make recommendations on any proposed amendment, stating its findings and its evaluation of the request. In making its report, the commission shall consider the following factors:

- (1) The relationship of the request to the land use plan update.
- (2) Whether the request violates or supports the land use plan update.
- (3) Whether the uses permitted by the proposed change would be appropriate in the area concerned.
- (4) Whether adequate public school facilities, roads and other public services exist or can be provided to serve the needs of the development likely to take place as a result of such change, and the consequence of such change.
- (5) Whether the proposed change is in accord with any existing or proposed plans for providing public water supply and sanitary sewers to the area.

- (6) The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the city or county, and any special circumstances which may make a substantial part of such vacant land unavailable for development.

(Ord. No. 13-86, § XI.C, 12-2-86; Ord. No. 1-99, § 8, 1-5-99)

Sec. 6-3-204. Criteria for approval.

As a matter of policy, no request to change the text of this chapter or the map shall be acted upon favorably by the board except:

- (1) Where necessary to implement the land use plan update;
- (2) To correct an original mistake or a manifest error in the regulations or map;
- (3) To recognize substantial change or changing conditions or circumstances in a particular locality;
or
- (4) To recognize changes in technology, the style of living, or the manner of doing business.

(Ord. No. 13-86, § XI.D, 12-2-86)

Sec. 6-3-205. Public hearing and notice thereof.

Before giving a recommendation to an amendment to this chapter, the planning commission shall hold a public hearing when required by state law and shall comply with all provisions of state law.

(Ord. No. 13-86, § XI.E, 12-2-86; Ord. No. 14-99, § XXXVI, 4-20-99; Ord. No. 16-06, 5-31-06)

Sec. 6-3-206. Reserved.

Editor's note: Section I of Ord. No. 13-93, adopted Oct. 19, 1993, deleted § 6-3-206 in its entirety. Formerly, § 6-3-206 pertained to citizen protest against amendments and derived from Ord. No. 13-86, § XI.F, adopted Dec. 2, 1986.

Sec. 6-3-207. Reconsideration of request for amendment.

When the city, county, or town council has denied a request for an amendment, it shall not consider another request for any amendment affecting the same property until two years from the date of the previous denial by council, except after a majority vote by the council.

(Ord. No. 13-86, § XI.G, 12-2-86; Ord. No. 24-95, § II, 12-19-95)

Sec. 6-3-208. Restrictions on reconsideration.

- (a) If an application for amendment advertised for public hearing is withdrawn by the applicant up to 72 hours prior to the joint planning commission hearing, the applicant will be allowed to resubmit the request one additional time in a 12-month period. If the request is withdrawn for whatever reason a second time within that 12-month period, the commission will not reconsider the request for one year from the date of the second withdrawal (board meeting date). If a request is withdrawn less than 72 hours prior to the joint planning commission hearing, it will be up to the

board whether or not to allow the withdrawal. The commission may choose to proceed with review of the request as advertised regardless of whether the applicant wishes to withdraw the request.

- (b) Once a request has been heard by the joint planning commission and the commission recommends denial of the request, the commission will not reconsider a request for any zoning change for the same property for two years from the date of the denial by the commission regardless of whether or not the request is withdrawn prior to consideration by the appropriate council.

(Ord. No. 24-95, § III, 12-19-95; Ord. No. 1-99, § 8, 1-5-99)

Secs. 6-3-209--6-3-220. Reserved.

