

165.21 CHANGES AND AMENDMENTS.

1. This chapter and the districts created by this chapter may be amended from time to time. However, no amendment shall become effective unless it shall have been proposed by, or shall have been first submitted to the Planning and Zoning Commission for review and recommendation. The Commission shall have 30 days in which to submit its report to the Council. If the Commission fails to submit a report within the 30-day period, it shall be deemed to have approved the proposed amendment. A public hearing shall be held by the Council before adoption of any proposed amendment to this chapter. A notice of such public hearing shall be published according to State statute. Such notice shall include the time and place for the public hearing. In the case of a written protest against a change or repeal which is filed with the City Clerk and signed by the owners of 20 percent or more of the area of the lots included in the proposed change or repeal, or by the owners of 20 percent or more of the property which is indicated within 200 feet of the exterior boundaries of the property for which the change or repeal is proposed, the change or repeal shall not become effective unless it receives the favorable vote of at least $\frac{3}{4}$ of all the members of the City Council.

2. Any person may submit to the Council an application requesting a change in the zoning district boundaries as shown on the official zoning map.

A. Such application shall be filed with the Administrative Officer accompanied by a fee as determined by resolution of the City Council and shall contain the following information. Failure to approve the requested change shall not be deemed cause to refund the fee to the applicant.

- (1) The legal description and local address of the property;
- (2) The present zoning classification and the zoning classification requested for the property;
- (3) The existing use and proposed use of the property,
- (4) The names and addresses of the owners of all property within 200 feet of the property for which the change is requested;
- (5) A statement of the reasons why the applicant feels the present zoning classification is no longer valid;
- (6) A plat showing existing and proposed locations, dimensions and use of the applicant's property and all property within 200 feet thereof, including streets, alleys, railroads, and other physical features.

B. Upon receipt of the application by the Administrative Officer a copy shall be forwarded immediately to the Commission for study and recommendation. The Commission shall, prior to making a recommendation, determine the following:

- (1) Whether or not the current district classification of the property to be rezoned is valid;
- (2) Whether there is a need for additional land zoned for the purpose requested;

(3) Whether the proposed change is consistent with the current land use plan, considering such factors as:

a. Whether the rezoning would result in a population density or development which would in turn cause a demand for services and utilities in excess of the capacity planned for the area;

b. Whether the rezoning would result in the generating of traffic in excess of the capacity of existing or planned streets in the vicinity.

(4) Whether there is an intent on the part of the applicant to develop the property to be rezoned diligently and within a reasonable time.

C. The Commission shall report its determination and recommendation to the Council within thirty (30) days from receipt of the application except that when no report is issued within that time, the application will be deemed approved by the Commission. *(Ord. 534 – Aug. 11 Supp.)*