
Sec. 94-32. - Amendments and rezonings.

- a. *Standards.* In reviewing a proposed amendment to the text or map of this chapter, the city commission and the planning board shall consider all of the following:
 1. Whether the proposed amendment is consistent with all elements of the city comprehensive plan;
 2. Whether there exist changed conditions which require an amendment;
 3. Whether the proposed amendment is in conformance with all applicable portions of the city development code;
 4. Whether and the extent to which the proposed amendment is inconsistent with existing and proposed land uses;
 5. Whether and the extent to which the proposed amendment would exceed the capacity of public facilities, including but not limited to transportation, sewerage, water supply, parks, fire, police, drainage, schools, and emergency medical facilities;
 6. Whether and the extent to which the proposed amendment would result in significantly adverse impacts on the natural environment;
 7. Whether and the extent to which the proposed amendment would adversely affect property values in the area; and
 8. Whether and the extent to which the proposed amendment would result in an orderly and logical development pattern, and the specific identification of any negative effects on such pattern.
- b. *Procedures.*
 1. *Application form.* Requests for amendments to the text or map of this zoning code shall be made only on application forms approved by the planning department. Applications shall contain all information required by this zoning code and other city regulations, and shall be reviewed for completeness and consistency with the comprehensive plan pursuant to section 94-33.
 2. *Completeness review.*
 - a. Within ten working days following the submission of a zoning code amendment application and required fees, the planning and zoning administrator shall determine whether or not the application contains sufficient information for substantive reviews. The application shall be notified if any deficiencies exist and the nature of the information necessary before review of the application will commence.
 - b. Following the planning and zoning administrator's determination that there is sufficient information to permit appropriate consideration of an application to amend the text or map of this zoning code, the application and related information shall be reviewed, and a written recommendation shall be prepared regarding the amendment.
 - c. In the event the planning and zoning administrator determines that additional information is necessary to complete substantive review of a zoning code amendment application, the applicant shall be notified of the nature of the information necessary to complete the review, and the applicant shall have 60 days to furnish such additional information.
 3. *Planning board public hearing.* Following completion of the planning and zoning administrator's written recommendation, applications to change the official zoning map or for special use approval shall be placed on the agenda of a regular planning board meeting for a public hearing in accordance with applicable public notice requirements.
 4. *Planning board recommendation.* The planning board shall review the proposed amendment application and make a recommendation to the city commission within 60 days after the close of the public hearing held by the planning board. The planning board shall recommend that the city commission do one of the following:
 - a. Grant the application in full;
 - b. Deny the application in full;
 - c. Grant the application in part;

- d. Grant a modification of the application in such form as deemed proper. However, if such modification involves rezoning of a greater area of land or involves rezoning of land to allow a more intensive use than designated in the advertisement for the public hearing, the planning board then shall hold an additional public hearing on its recommended modification of the proposed amendment;
 - e. Return the application to the planning and zoning administrator with specific instruction as to additional information, evidence, or testimony desired in order to make a decision consistent with the comprehensive plan and the public health, safety, and welfare;
 - f. Authorize withdrawal of the application without prejudice; and
 - g. Authorize further consideration of the application, to occur within 60 days of the close of the public hearing.
5. *City commission public hearing.* Following action on an application by the planning board or code review committee, the city commission shall advertise and hold a public hearing. The city administrator and planning and zoning administrator shall schedule a date and time for the public hearing, subject to change by the city commission.
6. *City commission decision.* The city commission shall review the application, the findings, and the recommendations of the planning board, and within 60 days after the close of its public hearing shall take action pursuant to the provisions of subsection (a) of this section. Failure to take action within the 60-day period shall constitute approval of this application.
- c. *Change to applications for zoning ordinance amendments.* Changes to applications to amend the zoning code shall be administered pursuant to subsection 94-39(d).
 - d. *Withdrawal of applications for zoning ordinance amendments.* Withdrawal of applications to amend this zoning code shall be administered pursuant to subsection 94-39(d).
 - e. *Protest provisions.* When a zoning district boundary change or zoning code text change is opposed by a petition containing the signatures of property owners controlling 20 percent of the land area affected by the proposed amendment, approval of the change requires the affirmative vote of four-fifths of the city commission.
 - f. *Resubmittals.* A rezoning request for the same parcel of land shall be controlled by the provisions of subsection 94-39(d).

(Code 1979, § 33-12)