

CHAPTER 21

AMENDMENTS

- 2100 General
- 2110 Policy on Zoning Map Amendments
- 2120 Zoning Text Amendments
- 2130 Zoning Map Amendments

SECTION 2100 GENERAL

The regulations, restrictions, prohibitions and limitations imposed, and the districts created may from time to time be amended, supplemented, changed, modified or repealed by ordinance, but no change shall be made until the Planning Commission, after notice and public hearing, files with the governing body, a report and recommendation on the proposed change. In addition to the procedural provisions hereinafter set out, the Planning Commission shall adopt procedural rules for the conduct of zoning public hearings.

SECTION 2110 POLICY ON ZONING MAP AMENDMENTS

It is the policy of the governing body that in the consideration of proposed amendments to this Code that:

Amendments will be adopted to recognize changes in the Comprehensive Plan, to correct error, or to recognize changed or changing conditions in a particular area or in the jurisdictional area generally.

SECTION 2120 ZONING TEXT AMENDMENTS

The Planning Commission upon its own motion may, or at the direction of the governing body shall hold a public hearing, giving notice thereof, of a proposed text amendment. After holding the public hearing, the Planning Commission shall within 30 days transmit its report and recommendation to the governing body.

SECTION 2130 ZONING MAP AMENDMENTS

2130.1 Initiated by Application

- (a) Any person, corporation, partnership, association, or combination thereof, having a legal or equitable interest in or to real property, may file an application for a change in the zoning classification of such property by amendment of the Zoning Map. An application shall be filed with the Inspecting Officer, or his designee shall be in such form and content as the Planning Commission may by resolution establish, and shall be accompanied by payment of a fee, the amount of which shall be established by resolution adopted by the governing body. Cost of notice and posting of signs shall be billed to the applicant.

- (b) An application shall be filed with the governing body or his designee at least 30 days prior to the date of public hearing and shall be set for public hearing.

2130.2 Initiated by Planning Commission

In any instance, the Planning Commission, upon its own motion may, or on the written request of any person may, or at the direction of the governing body shall, hold a public hearing, giving notice thereof, of a proposed map amendment. After holding the public hearing, the Planning Commission shall within 15 days transmit its report and recommendation to the Board of County Commissioners.

2130.3 Notice Required

- (a) The Planning Commission shall give notice of public hearing on any proposed zoning changes as follows:
1. At least fifteen (15) days notice of the date, time, and place of the hearing by publication in a newspaper of general circulation in the metropolitan area.
 2. In addition to published notice requirements, notice may also be given by posting notice of such hearing on the affected property.
- (b) Notice of rezoning shall confer jurisdiction:
1. Notice of the proposed RM-1 rezoning shall confer jurisdiction on the Planning Commission and governing body to consider and act upon RM-1, RD, RS-3, RS-2, RS-1, and RS-0 or combination thereof in the disposition of the application, and in like manner, notice of any R district, including RMHS, and RMHP shall confer jurisdiction to consider any less dense R district, except RMHS and RMHP. However, notice of a RMHP shall confer jurisdiction to consider the RMHS districts and notice of RMHS-2 shall confer jurisdiction to consider the RMHS-1 district.
 2. Notice of a proposed CG rezoning shall confer jurisdiction on the Planning Commission and governing body to consider and act upon CG, CN, and O, or combination thereof in the disposition of the application, and in like manner, notice of any C district, shall confer jurisdiction to consider any less intense C or O district.
 3. Notice of a proposed IH rezoning shall confer jurisdiction on the Planning Commission and governing body to consider and act upon IH, IM, IL, and combinations thereof in the disposition of the application and in like manner, notice of proposed IM rezoning shall confer jurisdiction on Planning Commission and governing body to consider and act upon IM and IL in the disposition of the application.
 4. Specific notice of a proposed AG, PUD or RMHP district shall be required to confer jurisdiction on the Planning Commission and governing body to consider such AG, PUD or RMHP district.

2130.4 Planning Commission Action on Zoning Map Amendments

After notice and public hearing, the Planning Commission shall vote to:

- (a) Recommend to the governing body that the application be approved as submitted, or as amended, or be approved subject to modification or;
- (b) Recommend to the governing body that the application be denied.

An application recommended for approval, or approval subject to modification shall be transmitted, with the report and recommendation of the Planning Commission, to the governing body within 15 days from the date of Planning Commission action.

An application recommended for denial, shall not be considered further unless the applicant within 15 days from the date of the Planning Commission action, files a written request with the county clerk for a hearing by the Board of County Commissioners. The request for hearing shall be accompanied by the payment of a \$25.00 fee. Upon notice of such request, the Planning Commission shall forthwith transmit the application and its report and recommendations to the Board of County Commissioners.

In the event the Planning Commission arrives at a tie vote, the application shall be transmitted with a report and notation of the tie vote, to the City Council within 15 days from the date of Planning Commission action.

2130.5 Board of County Commissioners Action on Zoning Map Amendments

The Board of County Commissioners shall hold a hearing on each application transmitted from the Planning Commission and on any proposed Zoning Map amendment initiated pursuant to Section 2130.2. The governing body shall approve the application as submitted, or as amended, or approve the application subject to modification, or deny the application.

2130.6 Time Limit for Resubmittal of Denied Applications

When the Board of County Commissioners has denied an application to amend the zoning classification of a particular tract of land, or when the Planning Commission has denied such application and no appeal was made to the governing body, no subsequent application on such tract or portion thereof, shall be set for public hearing by the Planning Commission until 180 days have elapsed from the date of the Planning Commission action on the original application.

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