

**50-37.3 UDC text or zoning map amendment.**

**A. Application.**

1. The planning commission may, upon its own motion, propose and hear amendments to the text of the UDC or the boundaries of the official zoning map. Any property owner may petition the planning commission to amend the district boundaries in which the property is located;
2. The application provisions of Section 37.1.B shall apply to the extent they are consistent with subsection 1 above.

**B. Procedure.**

1. Planning commission review.

The planning commission shall review the application, conduct a public hearing pursuant to Section 50-37.1.I, with public notice as required by Section 50-37.1.H, and make a written recommendation to council based on the criteria in subsection C below;

2. Council decision.

Upon receipt of the planning commission recommendation, the council shall make a decision to adopt, adopt with modifications, or deny the application based on the criteria in subsection C below. Council action shall be by ordinance;

3. When written consent or supermajority required.

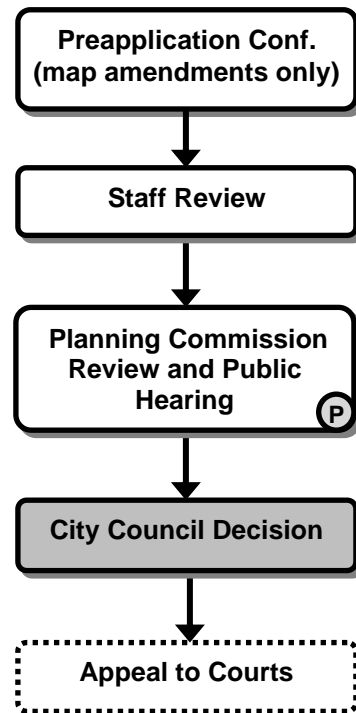
The following provisions shall apply after the initial adoption of the zoning map reflecting the zone district consolidations reflected in this UDC.

- (a) Where a proposed amendment to the zoning map would change any property from a residential district to a mixed use, form or special purpose district, a planning commission hearing and a notice of three weeks shall be required. In addition, the affirmative vote of 2/3 of the council shall be required if:

- (i) The city has not received the written consent of the owners of 2/3 of those properties located wholly or partially within 100 feet of the property proposed to be rezoned;
- (ii) The planning commission has completed a study of an area containing at least 40 acres of land surrounding the applicant's property and the proposed rezoning is a result of that study, and a finding is made that it would be impractical to obtain the required written consent;

- (b) For purposes of this provision, the property proposed to be rezoned shall include all contiguous property owned by the applicant, including the parcel proposed for rezoning, as well as any contiguous properties purchased from the applicant within one year preceding map amendment application date;

**UDC Text or Zoning Map Amendment**



**(P)** Indicates Public Hearing Required

#### C. Criteria.

The planning commission shall review the application, and council shall approve the application, or approve it with modifications, if it determines that the application:

1. Is consistent with the comprehensive land use plan;
2. Is reasonably related to the overall needs of the community, to existing land use, or to a plan for future land use;
3. Is required by public necessity, convenience, or general welfare, or good zoning practice;
4. Will not create material adverse impacts on nearby properties, or if material adverse impacts may be created they will be mitigated to the extent reasonably possible;

#### D. Interim ordinances.

1. Council may adopt interim controls when changes to the text of this Chapter or the zoning map are under consideration. Upon introduction of an interim ordinance, council may provide by resolution that no use, development, project or subdivision for which an application has not been previously filed shall be established or expanded, and that no application for a UDC permit or approval, a license, or building permit that (a) concerns both the geographical area and subject matter of the interim ordinance and (b) is filed after the introduction of the interim ordinance, may be granted or further processed pending a final decision on the adoption of the interim ordinance;
2. Upon enactment of an interim ordinance, the following restrictions shall apply:
  - (a) No permits, licenses, or other approvals of any kind that concern both the geographical area and subject matter of the interim ordinance shall be processed or issued except in accordance with its terms;
  - (b) No use, development, project, or subdivision that concerns both the geographical area and subject matter of the interim ordinance shall be established or expanded except in accordance with its terms;
3. If the interim ordinance is not adopted, the resolution establishing interim uses shall be null and void and requests for permits and other necessary approvals shall be processed promptly in accordance with the procedures governing the request. (Ord. No. 10044, 8-16-2010, § 6.)