

**Sec. 1-6. - Rezoning.****(a) Procedure.**

- (1) Land may be rezoned at the initiative of the property owner or other person with beneficial interest in the land as agent of the property owner. Rezoning may also be initiated by the City Council.
- (2) Any request for rezoning shall be made on forms provided by the City Manager accompanied by a letter of authorization from the property owner (if applicable), and a survey and legal description of the property to be rezoned. The City Manager will review the request (or have it reviewed) and will make a recommendation to the City Council for action.
- (3) A community meeting hosted and arranged by the applicant is required for all rezoning applications including Planned Unit Developments (PUD). The community meeting shall afford citizens and other affected parties an opportunity to discuss the applicant's proposal and express concerns, issues or problems they may have with the proposal in advance of the public hearing. Following the community meeting the applicant shall submit a report documenting the results of the meeting. Notification of the community meeting shall be in accordance with the following.
  - i. The community meeting shall be held at least seven days prior to the first public hearing for the proposed ordinance.
  - ii. The level of citizen interest and area involvement will vary depending on the nature of the application and the project's location. The applicant will determine the target area for notification after consultation with the Planning Administrator and approval by the City Manager. But in no case shall the notification area for the community meeting be less than required by section 1-10 (c)(1), Notice requirements, (currently 200 feet but as may be amended by City Council from time to time).
  - iii. The applicant shall notify neighborhood and homeowner's associations within the public notice area.
  - iv. The applicant shall provide a list to the City of all those notified by the applicant of the community meeting.
- (4) The City Council will review the request at a public hearing following a recommendation by the City's Planning and Zoning Commission and following public notice as required by law and by this Code, and will approve, deny, or approve with modifications.
- (5) If a request for rezoning is denied, no substantially similar request may be considered within 180 days, unless this restriction is waived by the City Council.

**(b) Criteria for rezoning.** All applications for rezoning shall be reviewed in accordance with the following criteria:

- (1) The proposal shall be consistent with the Comprehensive Plan, including proposed uses and intensity or density of use.
- (2) The establishment, maintenance, or operation of the uses permitted by the proposed rezoning shall not be detrimental to or endanger the public health, safety, or general welfare.
- (3)

The uses permitted by the proposed rezoning shall not impede the normal and orderly development and improvement of surrounding properties for uses permitted in the district and shall be consistent with the character of the immediate neighborhood.

- (4) The establishment, maintenance, or operation of the uses permitted by the proposed rezoning shall be supported by adequate infrastructure or provisions shall be made to ensure that infrastructure is adequate when needed to serve the development.

*(Ord. No. 01-99, § 1(105), 11-3-1999; Ord. No. 02-12, § 2(Exh. A), 9-5-2012)*