

## **176.41 AMENDMENTS.**

1. Authority. The regulations and restrictions imposed and district boundaries created by this ordinance may, from time to time, be amended, supplemented, changed, modified, or repealed.
2. Intent. The amendment process herein established is intended to provide a means for making changes in the text of this ordinance and in the official zoning district map.
3. Initiation of Amendments. An amendment may be initiated by a motion of the Council or Commission, or by the filing of an application for such action by property owners within the area proposed to be changed or affected by the proposed amendment.
4. Application for Amendment. Each application requesting a change in the text of this ordinance or the Zoning District Map shall contain at least the following information, when applicable:
  - A. Applicant's name and address and his/her legal interest in the subject property.
  - B. The titleholder's name and address, if different than the applicant.
  - C. Street address or common description and complete legal description of the property.
  - D. Present zoning district of the property.

- E. Proposed zoning district of the property.
- F. A description of the amendment or change requested.
- G. A statement describing the reasons for the request.
- H. A vicinity sketch map of appropriate scale covering sufficient adjoining property to clearly indicate nearby street patterns, property lines, and other significant features which will have a bearing upon the request. This map shall also identify existing zoning districts within 600 feet of the subject property.

5. Notification Signs.

A. Each applicant requesting an amendment to the official zoning district map shall secure notification signs from the Clerk which shall be conspicuously posted by the applicant on the property for which application has been made. The signs shall be placed so that they may be seen from an adjoining street and in cases of double-fronted or corner lots, signs shall be posted on both sides of the lot. The signs shall include the date, time, and place of the meeting or public hearing (as appropriate) and a brief description of the request.

B. Notification signs shall be posted at least four (4) days prior to the public meeting or public hearing of the Commission respecting the request.

C. Notification signs shall be posted at least seven (7) days prior to the public hearing of the Council respecting the request and shall remain posted until the conclusion of the public hearing.

D. If the notification signs are not posted in accordance with the preceding requirements, no action shall be taken on the application.

6. Commission Review.

A. The Commission shall review each proposed amendment to the Zoning Ordinance and report its recommendations to the Council.

B. Before submitting its report to the Council, the Commission shall hold at least one public meeting thereon.

(1) If an application for a change in the official Zoning District Map involves ten (10) acres or more of land, then the Commission shall not submit its report to the Council until the Commission has first held a public hearing thereon.

(2) The Commission may, in its discretion, hold a public hearing on any proposed amendment to the Zoning Ordinance prior to submitting its recommendations to the Council.

(3) Due notice of public hearings held by the Commission on proposed amendments to the Zoning Ordinance shall be given as follows: publication at least once in a newspaper published in Linn County and of general circulation in the City, which date of publication shall be in accordance with Section 362.3 and 414.4 of the Code of Iowa.

(4) Following the public meeting or public hearing, the Commission shall recommend to the Council that the proposed amendment be approved, approved with modifications, or denied. These recommendations shall then be certified and submitted to the Council within thirty (30) days of each public meeting or public hearing.

7. Council Action.

A. After receiving the Commission recommendations on proposed amendments, the Council shall hold a public hearing on said amendments and due notice thereof shall be given by publication in a legal newspaper of general circulation published in Linn County and of general circulation in the City in accordance with Section 362.3 and 414.4 of the Code of Iowa.

B. After holding such public hearing, the Council shall vote on the passage of the proposed amendment.

C. In case of a written protest against a change or repeal in zoning classification which is filed with the Clerk and signed by the owners of 20% or more of the area of the lots included in the proposed change or repeal, or by the owners of 20% or more of the property which is located within 200 feet of the exterior boundaries such property, the change or repeal shall not become effective except by the favorable vote of at least  $\frac{3}{4}$  of all the members of the Council.

8. Filing Fee. Any person making application or petition for amendment of the Zoning Ordinance or to change the Zoning District

classification of a parcel of land shall at the time of application or petition pay a filing fee. The amount of filing fee shall be set by resolution of the Council. The filing fee is not refundable.

9. Limitation on Successive Applications.

A. Whenever any application requesting an amendment to the Zoning Ordinance has been denied by the Council, or when an application has been withdrawn by the applicant after consideration by the Commission and recommendation but prior to the Council action, another application requesting the same change on the same property shall not be considered by the Commission or Council during the succeeding twelve months since the time said application was denied by the Council or withdrawn by the applicant.

B. However, such new application may be considered within the twelve-month period if the Council determines that at least one of the following has occurred:

- (1) The request is for a different zoning classification.
- (2) A different parcel of property is involved.
- (3) The request is for a planned development district.
- (4) There has been a material change in circumstances.

10. Expiration. Whenever any application requesting an amendment to the Zoning Ordinance or Zoning District Map has been tabled at the request of the applicant for a period of six months, or the applicant has not taken affirmative action to process the application for a period of six months, said application shall be considered to be expired. The Council may, at their discretion, extend the expiration date for a period of three months upon request of the applicant.