

## **ARTICLE 25 ORDINANCE AMENDMENT**

### **25.01 INITIATION OF AMENDMENTS**

Amendments to this ordinance may be initiated by the planning commission or the city council by resolution or by an interested person or persons by petition to the planning commission.

### **25.02 AMENDMENT PETITION PROCEDURE**

All petitions for amendment to this ordinance shall be in writing, signed, and filed with the ordinance enforcement officer for presentation to the planning commission. Such petitions shall include the following:

- A. The petitioner's name, address, and interest in the petition as well as the name, address, and interest of every person having a legal or equitable interest in any land that is to be rezoned.
- B. The nature and effect of the proposed amendment.
- C. If the proposed amendment would require a change in the zoning map, a fully dimensioned map showing the land that would be affected by the proposed amendment, a legal description of such land, the present zoning district of all abutting lands, and all public and private rights-of-way and easement bounding and intersecting the land to be rezoned.
- D. The alleged error, if any, in the ordinance that would be corrected by the proposed amendment, with a detailed explanation of such alleged error and detailed reason why the proposed amendment will correct the same.
- E. The changed or changing conditions in the area or in the city that make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare.
- F. All other circumstances, factors, and reasons that the petitioner offers in support of the proposed amendment.

### **25.03 AMENDMENT PROCEDURE**

- A. The planning commission shall authorize notice of the proposed amendment upon payment of the required fees.

- B. The planning commission shall set a time and place for at least one public hearing, notice of which shall be published in a newspaper of general circulation in the city not less than 15 days prior to the public hearing. Not less than 15 days' notice of the public hearing shall also be given by mail to each public utility company and to each railroad company owning or operating any public utility or railroad within the districts or zones affected that registers its name and mailing address with the city clerk for the purpose of receiving the notice. An affidavit of mailing shall be maintained.
- C. In the case of map change requests, at least 15 days' notice of the public hearing shall be given to the owner of the property in question.

#### **25.04**

#### **STANDARDS FOR APPROVAL**

In reviewing any petition for a zoning amendment, the planning commission shall identify and evaluate all factors relevant to the petition. The facts to be considered by the planning commission shall include but shall not be limited to the following:

- A. Whether or not the requested zoning change is justified by a change in conditions since the original ordinance was adopted or by an error in the original ordinance and whether the property can reasonably be used for uses permitted within the district in which it is located.
- B. The precedents and the possible effects of such precedents that might result from approval or denial of the petition.
- C. The capability of the city or other government agencies to provide any services, facilities, and/or programs that might be required if the petition were approved.
- D. The effect of approval of the petition on the condition and/or value of property in the city or in adjacent civil divisions.
- E. The effect of approval of the petition on adopted master plans or development policies of the City of Ewart and other governmental units.

All findings of fact shall be made a part of the public records of the meetings of the planning commission.

**25.05****DECISION**

- A. The planning commission shall forward its decision, a copy of the minutes of the public hearing, and the proposed amendment to the city council with its recommendation for approval or denial.
- B. The city council shall consider the amendment request, the planning commission's recommendations, and all comments made at the public hearing and shall make a decision to approve, deny, or approved with conditions the request, stating the reasons for its actions.
- C. The city council may hold additional public hearings if it considers it necessary.

**25.06****ADOPTION**

- A. The city council may adopt the amendment at any regular meeting or at any special meeting called for such purpose, with or without amendments, after receipt of the planning commission's report; or it may refer the ordinance and maps back to the planning commission for a further report.
- B. Amendments shall be published in a newspaper of general circulation in the city within 15 days after adoption. The notice shall include the following information:
  - 1. In the case of a newly adopted zoning ordinance, the following statement: "A zoning ordinance regulating the development and use of land has been adopted by the city council of the City of Evart."
  - 2. In the case of an amendment to an existing ordinance, either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment.
  - 3. The effective date of the ordinance.
  - 4. The place and time where a copy of the ordinance may be purchased or inspected.