

Chapter 17.76

AMENDMENTS TO THIS ORDINANCE

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17.76.01 PURPOSE & APPLICATION. The purpose of this Chapter is to establish procedures for the amendment of this Zoning Ordinance and Zoning Maps. Amendments to this Ordinance may be initiated by the City Council on its own motion or by the application of any interested person.

17.76.02 INITIATION OF AMENDMENTS BY THE CITY. The Planning Commission, City Council, or property owner directly affected may at any time and in any form deemed appropriate by the Commission/Council initiate an amendment to any portion of this Ordinance. An amendment may be any of the following types:

- A. An amendment to the text of this Ordinance not changing regulations or standards affecting the use of any property.
- B. An amendment to the text of this Ordinance changing regulations or standards affecting the use of property.
- C. Amendment to the Official Zoning Maps reclassifying property from one district to another, including applying a combining district to, or removing a combining (overlay) district from, property.

17.76.03 INITIATION OF AMENDMENTS BY AN INTERESTED PERSON. A property owner, his/her authorized representative, or any other interested person may initiate an amendment to the Official Zoning Map to reclassify property from one district to another by submitting an application and to the Planning Department.

- A. An application for a reclassification of property shall include:
 - 1. The name and address of the applicant.
 - 2. The name(s) and address(es) of the property owner(s).
 - 3. Assessor's parcel number(s).

4. Legal description of the property.
5. A map of the property.
6. Identification of the zoning district reclassification being sought.
7. Signatures or letter of consent from all property owners of record.

The application shall be accompanied with the fee established by the City Council pursuant to Section 17.77.03.

- B. The Planning Department shall inform the applicant in writing within thirty (30) calendar days of receipt that the application is complete or that additional information is needed to complete the application.

17.76.04 NOTICE OF PUBLIC HEARING.

- A. At least ten (10) days before the date of any public hearing on a proposed amendment to the text of this Ordinance changing regulations or standards affecting the use of any property or on an amendment to the Official Zoning Maps reclassifying property from one district to another, notice of hearing, identity of the hearing body, and the nature of the amendment, identification of affected properties, shall be given by the following methods:
 1. Publishing such notice once in at least one (1) newspaper of general circulation.
 2. Mailing or delivering notice, postage prepaid, to the property owner, the applicant, to each member of the City Council, to each member of the Planning Commission, to the owners of all property within three hundred (300) feet of the exterior boundaries of the property which is subject of the application and to any person who has filed a written request for such notice. For the purposes of this notice, property owners shall be the last known name and address of the property owner names on the last assessment role of the County. If the number of owners to whom notice would be mailed or delivered pursuant to this paragraph is greater than one thousand (1,000), a display advertisement of at least one-eighth (1/8) page in at least one (1) newspaper of general circulation may be published at least ten (10) days prior to the hearing in lieu of mailed or delivered notice.
 3. In lieu of the requirements set forth in Section 17.76.04.A.1, notice may also be given by posting notices not more than three hundred (300) feet apart along each street upon which the subject property abuts for a distance of not less than three hundred (300) feet in each direction from the exterior limits of the subject property.

- B. At least ten (10) days before the date of any public hearing on a proposed amendment to the text of this Ordinance not changing regulations or standards affecting the use of any property, notice of the hearing, including the date, time, place of the hearing, identity of the hearing body, and the nature of the amendment, shall be given by publishing such notice once in at least one (1) newspaper of general circulation.

17.76.05 PUBLIC HEARING. A public hearing shall be held before the City Council at a time and place in accordance with the public notice. The City Council may establish rules for the conduct of such hearings. The name and address of each witness shall be recorded and made a part of the permanent files. Any hearing may be continued provided that prior to adjournment or recess, the City Council shall announce the time and place to which the hearing will be continued.

17.76.06 DECISION.

- A. The City Council may approve by ordinance or deny by order the proposed amendment following the close of the public hearing within thirty-five (35) days thereafter by ordinance. The decision shall be final.
- B. Where the amendment was initiated by an interested person pursuant to Section 17.76.03, written notice of the decision shall be given by mail within seven (7) days after the date of the decision to the applicant and any person filing a written request for notice of the decision.

17.76.07 TIME LIMITATIONS CHALLENGES. Any action or proceeding to attack, review, set aside, void, or annul any decisions made pursuant to this Chapter, or concerning any of the proceedings, acts, or determinations taken, done, or made prior to such decision, or to determine the reasonableness, legality, or validity or any condition attached thereto, shall not be maintained by any person unless the action or proceeding is commenced within thirty (30) days after the date of decision, and the legislative body is served within sixty (60) days after the date of the decision. Thereafter, all persons are barred from any such action or proceeding or any defense of invalidity or unreasonableness of that decision or of these proceedings, acts, or determinations.