

**Sec. 2-133. - Procedures.**

- (a) The planning and zoning commission shall only consider applications for zoning, or rezoning, if requested by the landowner or his agent; the owner, or owners of 20 percent or more of the land within 200 feet of the proposed changes; the majority of the members of the planning and zoning commission; the city manager; or the city council. Application from land owners and/or adjacent landowners shall be accompanied by a \$150.00 fee to cover the cost of public notifications associated with the zoning or rezoning action.
- (b) All applications shall be filed with the assistant city manager on forms approved by the planning and zoning commission. All applications shall identify persons and property involved, date and time of filing, and specific information on the zoning changes requested as well as basic information about why the zoning changes are needed or desired.
- (c) When applications are submitted for filing, they shall be examined for completeness and accuracy, and particularly to determine whether all information necessary to make a determination has been supplied. Where information is lacking or inadequate at the time of submission and the deficiency cannot be remedied immediately, the applicant shall be notified as to the nature and extent of such deficiency, and the record shall be retained as an intent to apply until such deficiency shall be remedied.
- (d) Timing and manner of publication of public notice shall be in accordance with any requirements set forth herein and by state statute. In addition, notice shall be given to persons required by statute to be specially notified at least ten days in advance of the hearing. Current statute requires notification of all owners of property within 200 feet of the subject property.
- (e) No application for the rezoning of any land, lots or blocks of land situated in the city shall be considered by the planning and zoning commission if, within six months prior, an application was received and given a full, fair, complete and final hearing on the rezoning of such lot, lots or block of land before the zoning commission, or the application was withdrawn while in the process of consideration by the zoning commission.
- (f) However, the planning and zoning commission shall have the right to waive the six-month provision and proceed to hear and consider the application, if new relevant and substantial evidence, not available at the time set for the original hearing, shall be produced by applicant, under a sworn affidavit to that effect.
- (g) After the city council has conducted a public hearing, considered and denied an application for rezoning, no application for the rezoning of the same property shall be received or filed with the planning zoning commission for hearing or consideration within one year.
- (h) The planning and zoning commission, in making recommendations to the city council on any matter upon which a recommendation is required, shall make the recommendation by a motion, second and a majority vote duly recorded in the minutes of the meeting.

*(Ord. No. 630, § IV, 7-20-2010)*