

SECTION 12

AMENDMENT PROCEDURE AND REZONING REQUESTS

12.01 INTENT

This section intends to provide a procedure for the amending or repealing any provision of this Ordinance. For clarification, the procedure to amend this Ordinance for purposes of rezoning property also includes the outlined items in Section 12.03.

12.02 AMENDMENT PROCEDURE

An application for an amendment the rezoning of property, requires a processing period of about 90 days as outlined below. The applicant may present "pre-application" information to the City Clerk in advance of any regularly scheduled meeting of the P & Z, and no fee will be charged. The City Clerk will immediately distribute the pre-application information to members of the P & Z for examining, so they may be better prepared for the meeting when the formal application is taken under consideration. Review of the pre-application information submitted to the P&Z does not create any binding agreement for a particular recommendation to the City Council. The process for application review is set forth below.

- A. **Amendment Presented:** A properly completed and signed application for an amendment (rezoning application), including 20 copies of the application and its supporting documents, and the fee as regulated by Section 12.04 is filed with the Tiffin City Clerk. Any application fee must be paid in full and the applicant is given a posting sign and must immediately post it on the proposed property. (See 12.03 below.)
- B. **P & Z Commission's Initial Review:** The City Clerk must deliver the official application immediately to the Chairman of the P & Z, city council members, the mayor, the City Engineer, the City Attorney, and other city officials. The application will be placed on the agenda for the next regularly scheduled meeting date of the P&Z Commission; provided however, the "complete" application and fee have been received at least 14 days prior to the next regularly scheduled P&Z meeting. An applicant may request a special meeting of the P&Z to consider the application if the applicant pays the fee for a special meeting
- C. **P&Z Commission Review:** The P&Z may review the application at no more than two regular meetings before it reports to the City Council by either recommending approval or disapproval.
- D. **Date of Public Hearing and Publication of Notice to the Public**
At the time of their first regularly scheduled meeting following the submission of a rezoning application, the City Council must establish a public hearing date on the application. That public hearing date must have a Notice of it published at least 7 but not more than 20 days prior to the public hearing being held and in no case can it be earlier than the next regularly scheduled council meeting following

publication of the Notice. The notice of the time and place of the public hearing before the City Council must be given according to the requirements for public hearings in the Iowa Code. The City Clerk must publish the notice in its designated newspaper. The notice must be published in a newspaper of general circulation in the City at least seven days prior to the public hearing date but not more than 20 days prior to the public hearing date. Further, the City Clerk must send by regular mail, a written notice of the hearing at least seven days before the hearing to all property owners within a radius of 200 feet from the property involved in the rezoning. The notice must also be mailed to land owners within a proposed rezoning area. The applicant must provide the list of property owners with mailing addresses confirmed by county tax records. For purposes of this ordinance, notice must be given to each of the owners of units within a condominium regime that are within 200 feet of the proposed property rezoning.

E. City Council Public Hearing and Vote: The City Council will convene the public hearing on the amendment and receive any comments from the public at that time. The council may act on the amendment at the meeting immediately following the public hearing or at the following regularly scheduled city council meeting, or at a special meeting if requested by the applicant and paid for by the applicant. In the event that one or more of the following events should occur, the amendment may not be passed except by the favorable vote of at least three-fourths of all members of the City Council:

1. The Planning and Zoning Commission recommends disapproval of the amendment; or,
2. Prior to or at the public hearing, if a written protest against such a change is filed with the city clerk and signed by the owners of 20% percent 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 that is located within two hundred feet of the exterior boundaries of the property for that the change or repeal is proposed, the change or repeal will not become effective except by the favorable vote of at least three-fourths of all the members of the council. Each unit owner within a condominium regime is considered the owner of the area of the lot proportionate to the number of units in the regime as a whole.

12.03 AMENDMENT FOR REQUEST FOR REZONING

An amendment that is a request for rezoning of property, in addition to 20 copies of the application and its supporting documents, must contain the following information:

A. Fee: The applicant is required to pay the City Clerk a fee in that amount established by resolution of the City Council. The City Clerk must credit the payment to the General Fund of the City. Once the fee is paid, it is nonrefundable. Any related costs for rezoning applications that are incurred, such as the cost for newspaper publication of the notice of public hearing, mailings, and other costs incurred for the purpose of reviewing and action upon by the council, etc., including the posting sign, must be reimbursed by the rezoning applicant to the City after receiving a bill for it from the City Clerk. These costs are in addition to any rezoning application fee set by resolution of the City Council.

- B. Legal description and local address of the property.
- C. Current zoning classification and requested zoning classification.
- D. Detailed description and site plan of the existing use of the property and proposed use of the property, including utilities and other relevant improvements.
- E. Names of *current titleholders and their proper mailing addresses* for all owners of any property within two hundred (200) feet of, or inside of, the proposed amendment area, whether within and outside of the city limits.
- F. A statement of the reasons why the applicant feels the present zoning classification is no longer valid.
- G. Plat or Site Plan showing the locations, dimensions, and use of the applicant's property and all property within two hundred (200) feet thereof, including streets, alleys, railroads, and other physical features. The following will also be required on the aforementioned site plan:
 - 1. North arrow and scale.
 - 2. Size and location of existing and proposed structures and drives on the subject property, and existing structures and drives on surrounding properties.
 - 3. Name and address of the applicant (landowner) and the name and address of any contractor who is hired by the landowner to do work on the property.
 - 4. Date of preparation of the plan.
 - 5. Any other information requested by P&Z or Council.