

ARTICLE XVII

AMENDMENTS

1700. **Authority.** This Ordinance, including the Official Zoning Map, may be amended from time to time by the County Council as herein specified, but an amendment shall not become effective unless it shall have been proposed by or shall first have been submitted to the Planning Commission for review and recommendation. The Planning Commission shall have thirty (30) days within which to submit its report. If the Planning Commission fails to submit a report within the (30) day period, it shall be deemed to have approved the proposed amendment, provided, however, that the applicant may waive this requirement and consent to an extension of said time period. *(Amended Ord 2000-58)*

1701. **Requirements for Change.** When the public necessity, convenience, general welfare or good zoning practice justifies such action and after the required review and report of the Planning Commission, the County Council may undertake the necessary steps to amend the Zoning Ordinance.

1702. **Procedure for Amendments.** Requests to amend the Zoning Ordinance shall be processed in accordance with the following requirements:

1702.1 **Eligible Applicants:** Parties and individuals or those assigned Powers of Attorney on behalf of qualified applicants are eligible to initiate an application for change and/or relief from requirements of this Ordinance as identified in the chart below, provided, however, that action shall not be initiated for a zoning amendment affecting the same parcel or parcels of property or any part thereof, and requesting the same change in district classification by a property owner or owners of more often than once every twelve (12) months measured from the date of the original recommendation by the Planning Commission. Parties not listed may petition the Planning Commission and/or County Council to initiate a change, but the petitioned party is not bound to act on behalf of the petitioner. *(Amended Ord 2001-38)(Amended Ord 2001-62)*

PARTIES ELIGIBLE TO APPLY FOR CHANGE AND/OR RELIEF FROM THE REQUIREMENTS OF THIS ORDINANCE

Eligible Applicants	*Map Changes (Rezoning)	*Major Change (PD)	*Text Change	** Variance	** Appeals
Property Owner(s) ***	YES	YES	NO	YES	YES
Agent of Property Owner***	YES	YES	NO	YES	YES
Option Holder	YES	NO	NO	NO	NO
Aggrieved Person or Party	NO	NO	NO	NO	YES
Officials Administering this Ordinance	NO	NO	YES	NO	YES
Planning Commission	YES	YES	YES	NO	NO
Governing Council	YES	YES	YES	NO	NO
Developer	YES	YES	NO	YES	YES

GOVERNING BODIES: *PLANNING COMMISSION **ZONING BOARD OF APPEALS *PROPERTY OWNERS OF DIRECTLY IMPACTED AREA**

1702.101 When property owners within a defined area desire to extend

the or change the zoning in a area in the County, the Planning Commission may initiate an amendment to the Official Zoning Map when it is presented with a petition requesting such change and signed by at least eighty (80%) percent of property owners within the area. If the Commission agrees to initiate the Zoning map amendment, the property owners are responsible for completing the application form, submitting stamped and addressed envelopes with notices and maps enclosed and payment of the rezoning application fee. All petitions shall contain the tax map number of the property proposed for rezoning and the tax map numbers of all properties of all properties of the petitioners effected by the rezoning. This provision shall not effect in anyway the power of the Planning Commission to initiate zoning amendments on its own motion.

1702.2 Application Procedure. Application forms for amendment requests shall be obtained from the Planning Commission. Completed forms, together with an application fee to cover administrative costs plus any additional information the applicant feels to be pertinent shall be filed with the Planning Commission. Any communication purporting to be an application for an amendment shall be regarded mere notice to seek relief until it is made in the form required.

1702.201 Applications for all amendments must be submitted, in proper form, at least 45 days prior to a Planning Commission meeting in order to be heard at that meeting. *(Amended Ord. 2007-41)*

1702.2011 Conceptual reviews by outside agencies must be submitted 45 days prior to a Planning Commission meeting in order to be considered at such meeting. *(Amended Ord. 2007-41)*

1702.202 The Planning Commission, at regular meetings, shall review and prepare a report, including its recommendation for transmittal to the County Council.

1702.203 All meetings of the Planning Commission shall be open to the public. At a meeting, any party may appear in person, by agent or attorney.

1702.204 No member of the Planning Commission shall participate in a

matter in which he has any pecuniary or special interest.

1702.205 Following action by the Planning Commission, all papers and data pertinent to the application shall be transmitted to the County Council for final action.

1702.206 The person or entity applying to amend the ordinance by changing the zoning classification of a particular piece of property or establishing or amending a Planned Development must submit to the Planning Commission, as part of the application, letters addressed to each property owner within four hundred (400) feet of the subject property containing information adequate to notify such owners of the intention to rezone, and when and where a public hearing will be held by the Planning Commission. On the back of the letter of notification, a location map showing the areas to be rezoned must be included. Such letters must be placed in unsealed, stamped and addressed envelopes ready for mailing by the Planning Commission. The Planning Commission's address must appear as the return address on the envelopes. A list of all property owners, as reflected by the tax records, to whom letters are addressed must accompany the application.

If an amendment to change the zoning classification for a piece of property or a request to establish or amend a Planned Development is deferred by the Commission, new letters of notification will be required. If an amended request is submitted, the applicant must submit additional letters of notification as described above (*Amended 2009-21*).

1702.207 The letters of notification required by 1702.26 must be mailed to the affected property owners by the Planning Commission at least 21 days prior to the public hearing. The Commission Staff shall certify the mailing date. Failure to strictly comply with the notification requirements contained in Sections 1702.206 and 1702.207 shall not render the rezoning of the property invalid.

1702.208 All changes to the Zoning Maps(s) initiated by either the Planning Commission or County Council shall be subject to the property owner's notification requirements listed above,

excepting that the letters of notification shall only be mailed to owners of property(s) subject to the proposed zoning change(s). If in the case that the proposed zoning involves more than fifty (50) properties owned by more than fifty (50) owners, the County may still mail all of the affected property owner's notices of public hearing. As an alternative published notices of a public hearing shall be published in local newspapers two times each week for a period of two weeks. The fourth published notice shall be placed in local newspapers, and shall be of size equal to one-fourth of a newspaper page in size. Property owners who live outside the newspaper circulation area shall be notified by first class mail. Such mailing shall be certified in writing to the Planning Commission or County Council as appropriate. Failure to strictly comply with the notification criteria established above, as a result of circumstances beyond the control of the Planning Commission or County Council shall not render the rezoning of the property invalid.

1702.209 In rezoning cases, conspicuous notices shall be posted on the affected property that shall be visible from each public street that borders the property. The notice shall be posted at least fifteen (15) days prior to the public hearing date.

1702.3 Public Hearing. Before enacting an amendment to this Ordinance, the Planning Commission shall hold a public hearing thereon, notice of the time and place of which shall be published in a newspaper of general circulation in the County at least fifteen (15) days in advance of the scheduled public hearing date. A proposed amendment shall be deemed submitted to the Planning Commission for its review and recommendation pursuant to Section 1700 of this Ordinance at the conclusion of the public hearing.

1702.4 Changes in the Zoning Map. Following final action by the County Council any necessary changes shall be made on the Official Zoning Map. A written record of the type and date of such change shall be maintained by the County Planning Commission. Until such change is made, no action by the County Council on amendments to the Zoning Ordinance shall be considered official, unless the Planning Commission fails to make the change within fifteen (15) days after formal action by the County Council. In the latter event, action by the County Council shall be considered official fifteen (15) days after the date of the action if the Planning Commission failed to make the appropriate

changes.

1703. **Reversion.** To prevent land speculation at the expense of the general public and to insure the timing of projects in accordance with stated development objectives, construction shall start on all properties rezoned Planned Development within two (2) years after rezoning. If construction is not begun within two (2) years after rezoning to a Planned Development, the Planning Commission shall review the zoning of said property, and, unless presented cogent reasons to allow additional time, shall initiate proceedings to return the zoning of the property to its original classification, or to such classification as the Planning Commission deems consistent with the Comprehensive Plan. If additional time is allowed, the Planning Commission shall review the zoning of the property at the expiration of such additional time if construction has still not begun. The Planning Staff shall periodically review the status of property which has been rezoned Planned Development, and bring to the attention of the Planning Commission any property which falls within the scope of this section. *(Amended Ord 2005-37)*