

19.60 - Zoning Amendments

Chapter 19.60 - ZONING AMENDMENTS

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19.60.010 Initiation. Amendments to the Official Zoning Map of the City of Evans may be initiated by:

- A. Planning Commission;
- B. City Council;
- C. City Manager; or
- D. any owners of land in the City of Evans who wish to have the zoning of land they own changed. (Ord. 330-05: Ord. 015-00)

19.60.020 Information Required for Filing. A landowner wishing to have the zoning designation of his/her land changed shall file an application for amendment to the Official Zoning Map with the Director of Public Works/Planning on such forms as prescribed by the City Council. Such application shall include the following information:

- A. Name and address of all owners of the land proposed to be rezoned.
 - B. Name and address of all owners of severed mineral rights of the land proposed to be rezoned.
 - C. A statement explaining why the property should be reclassified, or why the zoning district boundaries should be changed.
 - D. A legal description of each requested change.
 - E. Application form, including signatures of all owners of record of all property proposed to be rezoned or, if the property is subject to a contract for sale and purchase, by all contract purchasers. If the land is owned by a legal business entity, the application must be signed by an authorized representative of the business entity, and evidence of authorization to sign for the business entity must be included with the application.
 - F. Evidence of ownership and contract for sale and purchase, if applicable.
 - G. Such additional information as may be required by the City in order to ensure a complete and comprehensive review of the proposed zoning amendment.
 - H. If the requested zoning includes Planned Unit Development (PUD) zoning, the application shall include the requirements of Chapter 18.28 of the Evans Municipal Code.
- (Ord. 330-05: Ord. 015-00)

19.60.030 Review and Public Hearing – Planning Commission Duties.

The Planning Commission shall review all requests for amending the Official Zoning Map in the following manner:

- A. Upon receipt of a completed application for zoning change, the Planning Commission shall hold a public hearing within 30 days. The Planning Commission may continue the hearing beyond 30 days if circumstances warrant such continuation.
- B. The Planning Commission shall make recommendation regarding the zoning change to the City Council. (Ord. 330-05: Ord. 015-00)

19.60.040 Review and Public Hearing – City Council Powers. The City Council shall review all zoning requests for amending the Official Zoning Map in the following manner.

- A. After the Planning Commission makes a recommendation on the request to the City Council, the City Council shall hold a public hearing. Such public hearing shall be held within 30 days of the Planning Commission's recommendation regarding the zoning change. Such public hearing may be held at regularly scheduled Council

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meeting or at a special meeting as approved by the City Council. The Planning Commission's recommendations shall be made part of the Council records of the public hearing. The City Council may continue the hearing beyond 30 days if circumstances warrant such continuation.

B. The City Council shall approve or disapprove the zoning request. Approval of the zoning request shall be made by ordinance. Denial of the zoning request shall be made by resolution setting out the reasons relied upon for denying the zoning change.

C. Five affirmative votes of the members of City Council shall be required to overrule the recommendations of the Planning Commission.

(Ord. 330-05: Ord. 015-00)

19.60.050 Notice Requirements. The public hearings before the Planning Commission and the City Council required by this chapter shall be held only after public notice has been given in accordance with Chapter 19.64 of the Evans Municipal Code. (Ord. 330-05: Ord. 015-00)

19.60.060 Fees for Zoning Map Amendments. Each application for amending the Official Zoning Map shall be accompanied at the time of the filing by a fee as established by City Council by resolution. Additionally, the City Clerk shall invoice the applicant for the cost of publication of notice, postage of mailed notices, and recording fees. The ordinance approving a requested zoning amendment shall be recorded with the County Clerk and Recorder's office upon receipt of such payment. (Ord. 330-05: Ord. 015-00)

19.60.070 Establishing City zoning for Newly Annexed Property. The City Council, following a recommendation by the Planning Commission, shall establish City zoning for property annexed to the City of Evans within 90 days of the effective date of such annexation in accordance with the procedures of this chapter. (Ord. 330-05)

19.60.080 Criteria for Approval of Zoning Amendments. Zoning amendments shall be approved only if the proposed zoning is in substantial conformance with the Evans Comprehensive Plan or there exists substantial reasoning for amending the Comprehensive Plan. (Ord. 330-05)

Code Documents



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