

CHAPTER 17.92 AMENDMENTS AND CHANGE OF ZONE

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17.92.1 Purpose. Any person, firm, or corporation desiring a change in this Ordinance shall file an application for such change with the Authorized Official. Additionally, the City Council may from time to time on its own motion, after public notice and hearing, and after a recommendation from the Planning Commission, amend, supplement, or change this Ordinance according to the provisions contained herein.

17.92.2 Application. In petitioning the City for an amendment or change of zone, any person, firm, or corporation shall file an application with the Authorized Official on a form as provided. Every application for a change of zone shall contain the following information:

- A. Legal description or address of the lot for which the change of zone is requested.
- B. Name, address, and phone number of the owner of the lot which is the subject of such application.
- C. The district and principal land use classification(s) under which the lot is regulated at the time of the application.
- D. The zoning district classification requested by the application.
- E. A site plan in conformance with Chapter 17.92.03.
- F. Any other information concerning the lot as may be requested by the Authorized Official.

17.92.3 Information on Site Plan. Plans of sufficient clarity to indicate the location and use classification of any existing buildings shall be provided to the Authorized Official. Where applicable, all site plans required in Chapter 17.92.02(E) shall contain the following information:

- A. The address of the lot or its legal description.
- B. A north arrow.

- C. All existing and proposed buildings or additions.
- D. Dimensions of all buildings.
- E. Distance from all building lines to the lot lines at the closest points.
- F. The location and dimensions of all buildings and structures located on properties abutting the lot that is the subject of the application.
- G. Building height and number of stories.
- H. Dimensions of all lot lines.

Exception: The Authorized Official may waive the submission of plans, if he or she determines the nature of the request is such that reviewing of plans is not necessary to assist the Planning Commission and/or City Council in determining whether to grant the change of zone request.

17.92.4 Fees. Upon the filing of any application for an amendment or change of zone with the Authorized Official, the applicant shall pay the City of North Sioux City the appropriate fee in conformance with Chapter 17.100.

17.92.5 Procedure. The following procedures for requesting an amendment or change of zone shall be followed:

- A. The Authorized Official shall review the application for an amendment or change of zone and forward the application and his or her comments to the Planning Commission for review.
- B. The Authorized Official shall set the date, time, and place for a Planning Commission public hearing. The Authorized Official shall publish notice of the public hearing in the City's legal newspaper(s) and on the City's website once no less than ten (10) days prior to the public hearing. At least one (1) sign in conformance with SDCL 11-4-4.4 shall be posted on the lot for a continuous period of ten (10) days immediately prior to any public hearing held by the Planning Commission to consider any amendment or change of zone application.

For changes of zone, the applicant shall give notice by certified mail to at least one (1) owner of each adjacent property. The notice shall include, at a minimum, the name and contact information for a person responsible for addressing questions related to the proposal; the address of the lot subject to the proposal; the current zoning district classification of the lot; the proposed zoning district classification of the lot; the date, time, and place of the public hearing; and a statement that all materials submitted by the applicant are available for public review prior to the public hearing at City

Hall. Notices shall be postmarked not less than ten (10) days prior to the date of the public hearing. The applicant is responsible for meeting all requirements and shall provide documentation to the Authorized Official that this public notice requirement has been satisfied at least four (4) business days prior to the date of the public hearing. Failure to provide all required notices or proper documentation of such shall result in the cancellation of the public hearing. Failure of the recipient of the certified letter to accept delivery does not invalidate service.

For residentially zoned properties, the term “adjacent” shall mean all properties located within two hundred fifty (250) feet. For commercially and industrially zoned properties, the term “adjacent” shall mean all properties located within one thousand (1,000) feet.

- C. The public hearing shall be held. Any person or persons may appear in person, by agent, or by attorney. Minutes of the public hearing shall be recorded and kept in the records of the Planning Commission.
- D. The Planning Commission shall either recommend or not recommend approval of the amendment or change of zone to the City Council.
- E. The Authorized Official shall set the date, time and place for a City Council public hearing. The Authorized Official shall publish notice of the public hearing in the City’s legal newspaper(s) and on the City’s website once no less than ten (10) days prior to the public hearing. At least one (1) sign in conformance with SDCL 11-4-4.4 shall be posted on the lot for a continuous period of ten (10) days immediately prior to any public hearing held by the City Council to consider any change of zone application.

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- F. The City Council shall either approve or not approve the ordinance describing the proposed amendment or change of zone to this Ordinance in accordance with standard procedures for reading, approval, publication, and effective date as established by South Dakota law.

- G. When a proposed amendment or change of zone is approved by the City Council, the amendment shall take effect twenty (20) days after the date of publication in the City’s legal newspaper(s) unless the referendum shall have been invoked.