

## **Chapter 17.104**

### **Zoning Change**

#### **Section**

#### **17.104.010 Application to City or by City for Zoning Change**

#### **17.104.020 Planning Commission Hearing**

#### **17.104.030 City Council Hearing**

#### **17.104.010 Application to City or by City for Zoning Change**

Any person, firm or legal entity desiring a change in regulations, restrictions or boundaries of the zoning map of any property in the City from one zoning district classification to another zoning district classification under this Title shall make application for such change to the Planning Commission in writing, requesting a change in zoning district classification.

In addition, the City Council may from time to time on its own motion, after public notice and hearing, and after a report by the Planning Commission, move to amend, supplement or change the boundaries or regulations herein or subsequently established.

#### **17.104.020 Planning Commission Hearing.**

A. The applicant must notify all abutting landowners by certified or registered mail at least one week prior to the public hearing in front of the Planning Commission.

B. The Building Official of the City of North Sioux City shall set the date, time and place for a Planning Commission public hearing. The City shall also publish notice of the public hearing in a newspaper of general circulation for the requested change in zoning district classification. Such notice shall be published once in a legal newspaper of the City not less than 10 days prior to the Planning Commission public hearing. The public

hearing shall be held and any person may appear in person or by agent or attorney. Minutes of the public hearing shall be kept in the records of the Planning Commission.

C. After the hearing, the Planning Commission shall either recommend or not recommend approval of the requested zoning district classification to the City Council.

#### **17.104.30 City Council Hearing.**

The City Council shall conduct a public hearing to act on all applications which have been processed and forwarded to them by the Planning Commission as provided in this Title. The City shall set the date, time and place for a City Council public hearing to consider the requested change in zoning district classification. Such notice shall be published in a legal newspaper of the City once not less than 10 days prior to the public hearing.

Upon the day of such public hearing the City Council shall review the recommendation of the Planning Commission. The City Council shall either approve or not approve the requested change in zoning classification. Approval or denial of any application for zoning district classification change shall be majority of all members of the City Council. Twenty days after publication of the City Council's approval the zoning district classification change shall take effect unless a referendum shall be invoked pursuant to state law.

Upon adoption of the zoning district classification change and twenty days after publication, the City's zoning map shall be amended according to 17.12 of the City Ordinances.

No application requesting a zoning district classification change on any property whose application includes such property either entirely or substantially the same as that which has been denied by the City Council shall again be considered by the Planning Commission before the expiration of one year from the date of the final action of the City Council.

(Adopted 2005)