

Sec. 12-11-3. - Amendments.

The city council may, from time to time on its own motion, or on petition, or on recommendation of the planning board or the zoning board of adjustment or any department or agency of the city, amend, supplement, or repeal the regulations and provisions of this title and the comprehensive plan.

(1) *Authorization and responsibility.*

- a. Every such proposed amendment or change, whether initiated by the city council or by petition, shall be referred to the planning board who shall study such proposals and make recommendation to the city council.
- b. If a rezoning of a parcel of land is proposed by the owner of the parcel or another interested person, it shall be the responsibility of such owner or other interested person to comply with the provisions of this chapter. If such rezoning of a parcel of land is proposed by the city, its staff, or the planning board, it shall be the responsibility of the planning services department to comply with the provisions of this section.

(2) *Initiation.* An amendment may be initiated by:

- a. The city.
- b. The owners of the area involved in a proposed zoning or future land use amendment.

(3) *Application.*

- a. An application for zoning or comprehensive plan future land use amendment must be submitted to the planning services department at least 30 days prior to the regularly scheduled meeting of the planning board.
- b. The application shall be scheduled for hearing only upon determination that the application complies with all applicable submission requirements.
- c. No application shall be considered complete until all of the following have been submitted:
 1. The application shall be submitted on a form provided by the board secretary.
 2. Each application shall be accompanied by the following information and such other information as may be reasonably requested to support the application:
 - i. A legal description of the property proposed to be rezoned or its land use changed;
 - ii. Proof of ownership of the property, including a copy of the deed and a title opinion, title insurance policy, or other form of proof acceptable to the city attorney;
 - iii. Existing zoning and future land use classification;
 - iv. Desired zoning and future land use classification;
 - v. Reason for the rezoning or comprehensive plan future land use amendment.
 3. The applicant shall be required to pay an application fee according to the current schedule of fees established by the city council for the particular category of application. This fee shall be nonrefundable irrespective of the final disposition of the application.
- d. Any party may appear in person, by agent, or by attorney.
- e. Any application may be withdrawn prior to action of the planning board or city council at the discretion of the applicant initiating the request upon written notice to the board secretary.

(4) *Planning board review and recommendation.* The planning board shall review the proposed rezoning or comprehensive plan future land use amendment at the advertised public meeting and make a recommendation to the city council. Such recommendation:

- a. Shall be for approval, approval with modification, or denial, including its reasons for any modifications or denial.
- b. Shall include consideration of the following criteria:
 - 1. Whether, and the extent to which, the proposal would result in incompatible land use considering the type and location of the proposed amendment and the surrounding land use.
 - 2. Whether, and the extent to which, the proposed amendment would affect the carrying capacity of public facilities and services.
 - 3. Whether the proposed amendment would be in conflict with the public interest and welfare.
 - 4. Whether, and the extent to which, the proposed amendment would adversely affect the property values in the area.
 - 5. Whether, and the extent to which, the proposed amendment would result in significant adverse impact on the natural environment.
 - 6. The relationship of the proposed amendment to proposed public and private projects (i.e., street improvements, redevelopment projects, etc.).

(5) *City council review and action.*

- a. *Public hearing.* The city council shall hold up to two public hearings, depending on the type of amendment, after 5:00 p.m. on a weekday to review the proposed zoning amendment. Public notice shall be provided, through applicable procedures as outlined in subsection (6) of this section.
- b. *Action.* The city council shall review the proposed zoning amendment, and the recommendation of the planning board and the recommendation of the department of community affairs, if applicable, and either approve, approve with modification or deny the proposed amendment at the city council public hearing. If the zoning amendment is approved by council, the adoption ordinance will be read two times following the first public hearing. For comprehensive plan amendments, the adopted ordinance will not become effective until the department of community affairs has completed its 45-day compliance review.

(6) *Procedures.*

- a. *Zoning amendments.*
 - 1. Rezoning requests must be submitted to the planning services department at least 30 days prior to the planning board meeting.
 - 2. The city shall publish a notice in the newspaper announcing the planning board meeting at least seven days prior to the planning board meeting.
 - 3. The city shall place a sign on the property to be rezoned at least seven days prior to the planning board meeting.
 - 4. Notice shall be published by public notice advertised in a newspaper of general daily circulation published in the county at least seven days prior to the scheduled board meeting at the expense of the applicant.
 - 5. The city shall notify property owners within a 500-foot radius, as identified by the current county tax roll maps, of the property proposed for rezoning with a public notice by post card, at least seven days prior to the board meeting. The public notice shall state the date, time and place of the board meeting.
 - 6. The planning board shall review the proposed rezoning request and make a recommendation to the city council.

7. The city council shall set a date for a public hearing.
8. The city shall notify property owners within a 500-foot radius of the property proposed to be rezoned with a public notice (letter and a map) mailed certified with return receipt at least 30 days prior to the scheduled city council public hearing dates. The public notice shall state the date, time and place of the public hearing.
9. The city shall place a sign on the property to be rezoned announcing date, time and location of the city council public hearing at least 15 days prior to the hearing.
10. A legal notice of the city council public hearing shall be published in the newspaper at least ten days prior to the hearing.
11. The city council shall review the proposed amendment and take action as described in subsection (5) of this section.
12. In addition to subsections (6)a.1 through 6 of this section the city strongly encourages that the applicant hold an informational meeting with any applicable neighborhood groups and/or property owners associations prior to proceeding with an application involving a zoning and/or comprehensive plan amendment.
13. For proposals initiated by the city to rezone ten or more contiguous acres, subsections (6)a.1 through 6 shall be applicable in addition to the following. The city shall hold two advertised public hearings on the proposed ordinance as follows:
 - i. Public notice of actual zoning changes, including zoning district boundary changes; consolidation or division of existing zones involving substantive changes; and the addition of new zoning districts shall be mailed by first class mail at least 30 days prior to the first city council public hearing to consider the change, to every owner of real property, as identified by the current tax roll, within 500 feet of the boundaries of the subject parcels to be changed.
 - ii. The city shall place a sign on the property to be rezoned announcing date, time and location of the first city council public hearing at least 15 days prior to the hearing.
 - iii. The first public hearing shall be held at least seven days after the day that the first advertisement is published. The second hearing shall be held at least ten days after the first hearing and shall be advertised at least five days prior to the public hearing. At least one hearing shall be held after 5:00 p.m. on a weekday.
 - iv. The required advertisements shall be no less than two columns wide by ten inches long in a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear.

The city council shall review the proposed zoning amendment, and the recommendation of the planning board and either approve, approve with modification or deny the proposed amendment at the first city council public hearing. If the zoning amendment is approved by council, the adoption ordinance will be read two times following the first public hearing.

- b. *Small scale development comprehensive plan future land use map amendments.* Future land use map amendments that comply with the small scale development criteria in F.S. § 163.3187, may be considered by the planning board and the city council at any time during the calendar year until the annual maximum acreage threshold is met. The petitioner shall be required to complete the steps listed above in subsections (6)a.1 through 12 of this section.
- c. *Comprehensive plan future land use map amendments for other than small scale development activities.* Comprehensive plan future land use map amendments for other

than small scale development activities shall be considered twice a year by the planning board and the city council.

1. Comprehensive plan future land use map amendment requests must be submitted to the planning services department at least 30 days prior to the planning board public hearing.
2. The city shall publish a display advertisement in a standard size or a tabloid size newspaper with type no smaller than 18 point in the headline announcing the planning board and city council public hearings at least seven days prior to the planning board hearing. The advertisement shall be no less than two columns wide by ten inches long. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear.
3. The city shall place a sign on the property to be rezoned at least seven days prior to the planning board hearing.
4. The planning board shall review the proposed future land use map amendment at the advertised public hearing and make a recommendation to the city council.
5. The city council shall schedule a public hearing.
6. The city council shall review the comprehensive plan future land use map amendment at the advertised public hearing and either approve the request for transmittal to the department of economic opportunity or disapprove the request for transmittal and further consideration.
7. The planning services department shall transmit the future land use map amendment request to the department of economic opportunity, the appropriate regional planning council and water management district, the department of environmental protection and the department of transportation. The city shall also transmit a copy of the plan amendment to any other unit of local government or government agency in the state that has filed a written request with the city for the plan amendment.
8. After a 60-day review period, the department of economic opportunity shall transmit in writing its comments to the city, along with any objections and any recommendations for modifications.
9. The city council shall review the department of economic opportunity comments and forward to city council for review and action.
10. The city council shall set a date for a public hearing.
11. The city shall notify property owners within a 500-foot radius of the property where the land use is to be changed with a public notice (letter and a map) mailed certified with return receipt at least 30 days prior to the scheduled city council public hearing dates. The public notice shall state the date, time and place of the public hearing.
12. The city shall place a sign on the property where the land use is to be changed announcing date, time and location of the city council public hearing at least 15 days prior to the hearing.
13. The city shall publish a display advertisement in a standard size or a tabloid size newspaper, with type no smaller than 18 point in the headline. The advertisement shall be no less than two columns wide by ten inches long. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear. The advertisement shall be published at least five days prior to the final city council public hearing.
14. Subsection (6)b.11 of this section shall not be applicable to proposals initiated by the city to change the future land use of ten or more contiguous acres. In such cases, the procedure shall be as follows: Public notice of comprehensive plan future land use map, including future land use district boundary changes; consolidation or division of

existing future land use districts involving substantive changes; and the addition of new future land use districts shall be mailed by first class mail at least 30 days prior to the city council public hearing to consider the change to every owner of real property, as identified by the current tax roll, within 500 feet of the boundaries of the subject parcel to be changed.

15. The city council shall review the proposed amendment and take action as described in subsection (5) of this section.

d. *Amendments to the land development code.*

1. Requests for amendments to the land development code shall be filed in the form of a letter to the secretary of the planning board submitted at least 30 days prior to the planning board meeting.
2. Planning board review and recommendation. The planning board shall review the proposed language amendment at a regularly scheduled planning board meeting and make a recommendation to the city council.
3. The city council shall schedule a public hearing.
4. A legal notice of the city council public hearing shall be published in the newspaper at least ten days prior to the hearing.
5. The city council shall review the proposed amendment and take action as described in subsection (5) of this section.
6. In cases in which the land development code amendment changes the actual list of permitted, conditional, or prohibited uses within a zoning category subsections (6)d.1 through 4 of this section shall be applicable in addition to the following:
 - i. The city shall hold two advertised public hearings. The first public hearing shall be held at least seven days after the day that the first advertisement is published. The second public hearing shall be held at least ten days after the first hearing and shall be advertised at least five days prior to the public hearing.
 - ii. The required advertisement shall be no less than two columns wide by ten inches long in a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear.

The city council shall review the proposed land development code amendment, and the recommendation of the planning board and either approve, approve with modification or deny the proposed amendment at the first city council public hearing. If the land development code amendment is approved by council, the adoption ordinance will be read two times following the first public hearing.

e. *Amendments to the comprehensive plan other than future land use map amendments.* Comprehensive plan amendments other than future land use map amendments shall be considered twice a year by the planning board and the city council.

1. Requests for amendments to the comprehensive plan shall be filed in the form of a letter to the secretary of the planning board submitted at least 45 days prior to the planning board hearing.
2. A legal notice announcing the planning board and city council public hearings shall be published at least seven days prior to the planning board hearing. If the proposed comprehensive plan amendment changes the actual list of permitted, conditional, or prohibited uses within a future land use category, the required advertisement shall be no less than two columns wide by ten inches long in a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than

18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear.

3. The planning board shall review the proposed amendment at the advertised public hearing and make a recommendation to the city council.
4. The city council shall schedule a public hearing for review and action.
5. The city council shall review the comprehensive plan amendment at the advertised public hearing and either approve the request for transmittal to the department of economic opportunity or disapprove the request for transmittal and further consideration.
6. The city shall transmit the comprehensive plan amendment request to the department of economic opportunity, the appropriate regional planning council and water management district, the department of environmental protection and the department of transportation. The city shall also transmit a copy of the plan amendment to any other unit of local government or government agency in the state that has filed a written request with the city for the plan amendment.
7. At least 60 days from receipt of the comprehensive plan amendment, the department of economic opportunity shall transmit in writing its comments to the city, along with any objections and any recommendations for modifications.
8. The city council shall schedule a public hearing for review and action.
9. A legal notice of the city council public hearing shall be published in the newspaper at least ten days prior to the hearing. If the proposed comprehensive plan amendment changes the actual list of permitted, conditional, or prohibited uses within a future land use category, the required advertisement shall be no less than two columns wide by ten inches long in a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18 point. The advertisement shall not be placed in that portion of the newspaper where legal notices and classified advertisements appear.
10. The city council shall review the proposed amendment and take action as described in subsection (5) of this section.

- (7) *Limitation on subsequent application.* Whenever amendment is denied by the city council, no new application for identical rezoning or comprehensive plan future land use change of the same parcel shall be accepted for consideration within a period of 12 months of the decision of denial unless such consideration is necessitated by judicial action.

(Code 1986, § 12-12-3; Ord. No. 29-93, § 29, 11-18-1993; Ord. No. 3-94, § 9, 1-13-1994; Ord. No. 33-95, §§ 11—13, 8-10-1995; Ord. No. 9-96, § 15, 1-25-1996; Ord. No. 15-00, § 7, 3-23-2000; Ord. No. 12-09, § 3, 4-9-2009)