

ARTICLE 8
AMENDMENTS

800. INITIATION OF PROPOSALS FOR ZONING AMENDMENTS.

An amendment to this Ordinance may be proposed by the Town Council, the Zoning Administrator, any department or agency of the Town, or any other individual, corporation, or agency. A request for an amendment to the Zoning Map, other than a request from the Town Council, including property other than that owned by the applicant, shall include a written certification that the owners or authorized agents of all properties other than that owned by the applicant for amendment are in agreement with the proposed amendment. Requests for proposed amendments shall be submitted in writing to the Zoning Administrator whose duty it shall be to review and present requests for amendments for study and recommendation to the Planning Commission for determination.

801. PLANNING COMMISSION REVIEW.

All proposed amendments shall be submitted to the Planning Commission for study and recommendation. The Planning Commission shall study such proposals to determine:

801.1. The need and justification for the change;

801.2. When pertaining to a change in the district classification of the property, the effect of the change, if any, on the property and on surrounding properties;

801.3. When pertaining to a change in the district classifications of property, the amount of land in the general area and in the Town having the same district classification as that requested; and

801.4. The relationship of the proposed amendment to the purposes of the general planning program, with appropriate consideration as to whether the proposed change will further the purposes of this Ordinance.

802. PLANNING COMMISSION RECOMMENDATION TO TOWN COUNCIL.

Within forty-five (45) days from the date that any proposed zoning amendment is referred to it (unless a longer period shall have been established by mutual agreement between the Town Council and the Planning Commission in the particular case) the Planning Commission shall submit its report and recommendation to Town Council. The recommendation of the Planning Commission shall be advisory only, and shall not be binding on Town Council. If the Planning Commission does not submit its report within the prescribed time, the Town Council may proceed to act on the amendment without further awaiting the recommendation of the Planning Commission.

803. PUBLIC HEARING TO BE HELD.

Before making a recommendation to Town Council on any proposed amendment, the Planning Commission shall hold a public hearing. Such public hearing shall be held at such times as the Planning Commission shall decide, but in no case shall it be longer than forty-five (45) days from the date the proposed zoning amendment was referred to the Planning Commission.

804. NOTICE OF PUBLIC HEARING.

In scheduling a public hearing concerning zoning amendments, the Planning Commission shall publish a notice in a newspaper of general circulation in the Town of Gilbert at least fifteen (15) days prior to the hearing, which notice shall state the time, date and place of the hearing, shall be blocked in, and shall have an appropriate descriptive title. When a proposed amendment made by anyone other than the Planning Commission or Town Council affects the district classification of a particular piece of property, the Zoning Administrator shall cause to be conspicuously located on or adjacent to the property affected, one (1) hearing notice for every three hundred (300) feet of street frontage or portion thereof. Such notice shall be posted at least fifteen (15) days prior to the hearing and shall indicate the nature of the change proposed, identification of the property affected, time, date and place of the hearing.

805. RECONSIDERATION OF PROPOSED AMENDMENTS.

The Town Council shall not reconsider a proposed amendment to the Zoning Map if such amendment requests a change affecting the same lot, parcel or portion thereof, for a period of one (1) year from the date of the amendment fee payment of the prior request unless the Planning Commission recommends to the Town Council that such reconsideration be given, after the Planning Commission has found either (a) that there has been a substantial change in the character of the area or (b) that evidence of factors or conditions exists which were not considered by the Planning Commission or the Town Council in previous deliberations which might substantially alter the basis upon which the previous determination was reached.

806. MINIMUM AREA FOR NEW DISTRICTS.

No request from any individual, corporation, or agency other than the Town Council or the Planning Commission for a change in zoning classification or creation of a separate district shall be considered which involves an area of less than two (2) acres, except the extension of existing district boundaries.

Approved May 13, 2013