

## **ARTICLE 12.**

### **AMENDMENTS**

#### **SECTION 1201. AMENDMENTS TO REGULATIONS**

The City Council may from time to time, upon the recommendations of the Planning and Zoning Commission, amend, supplement, change or repeal the regulations, restrictions and zoning district boundaries herein established. Requests to amend this Ordinance may be initiated by the City Council or the Planning and Zoning Commission on their own motion, or be petitioned as hereinafter set forth.

#### **SECTION 1202. APPLICATIONS FOR AMENDMENT**

Applications for amendment of this Ordinance shall be made to the Planning and Zoning Commission on a standard form provided for the purpose and shall be signed by a real property owner in the area for which amendment is applied for. In the event that the application includes other property in addition to that owned by the applicant, there shall be filed by the applicant on a form provided therefore, a petition in favor of the request signed by the real property owners representing at least seventy-five (75) percent of the land area to be included in the application. Such petition shall be filed and checked for authenticity of ownership before the application is accepted by the Planning and Zoning Commission. In the event that the application includes properties owned by more than one owner, the City Clerk shall notify by certified mail, all property owners included in the area proposed for change. Such notice shall be postmarked not later than fifteen (15) days prior to any Planning and Zoning Commission hearing of the application.

#### **SECTION 1203. PUBLIC HEARING ON AMENDMENT APPLICATION**

Every application for amendment of this Ordinance shall be considered by the Planning and Zoning Commission at a public hearing. Said public hearing shall be held only after a public notice of time, place and date of such hearing has been published in a newspaper of general circulation in the City of Douglas, at least fifteen (15) days prior to such hearing. The Planning and Zoning Commission may, upon its own motion, after such public hearing, submit to the City Council a report of the hearing and a recommendation concerning amendment of this Ordinance, whereupon the City Council shall arrange to hold its public hearing at which final action in regard to the amendment shall be taken. At least fifteen (15) days notice of the time, place and date of such City Council hearing shall be published in a newspaper of general circulation in the City of Douglas. Notice of the time, place and date of the City Council hearing shall also be posted on the affected property at least seven (7) days prior to said hearing.

#### **SECTION 1204. APPEAL FROM DENIAL OF AMENDMENT**

In the event that the request for amendment is denied by the Planning and Zoning Commission, the applicant may, within seven (7) days from the date of the Planning and

Zoning Commission hearing, file an appeal to the City Council. Upon receipt of such an appeal, the City Council shall arrange to hold a public hearing upon due notice and posting as heretofore specified.

**SECTION 1205. PROTESTS AGAINST AMENDMENTS**

In the event that a written protest against a proposed amendment is presented at the City Council hearing on the application for amendment, signed by the owners of twenty (20%) percent or more of the lots or parcels in the area included in a requested amendment, or of the lots adjacent to the rear and within one hundred fifty (150) feet of the area, or of the lots fronting on the opposite side of the street and within one hundred fifty (150) feet of the area, or of the lots fronting on the opposite street line, such an amendment shall not become effective except by the favorable vote of three-fourths of all members of the City Council.

**SECTION 1206. RECONSIDERATION OF DENIED AMENDMENTS**

In the event that an application for amendment is denied by the City Council, or is withdrawn after the Planning and Zoning Commission hearing, the Commission shall not reconsider the application nor consider another application for the same amendment of this Ordinance as it applies to the same property described in the original application or any part thereof, for a period of not less than one (1) year from the date of such denial action.

**SECTION 1207. FEES**

A filing fee as provided for in Article 13 of this Ordinance shall accompany each application for amendment of this Ordinance, and not part of such fee shall be returnable. Payment of filing fee shall be waived when the application is initiated by the City Council or Planning and Zoning Commission, or when the applicant is a person acting as a City Representative of, and agency of, the City of Douglas, Cochise County, the State of Arizona, or the United States Government.

**SECTION 1208. EXCEPTIONS**

In the event that a request for amendments concerns only the amendment of general requirements or permitted uses, no petitions or posting shall be required; provided, however, that all other provisions of this Article shall be compiled with.