

CHAPTER 20

AMENDMENTS

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SECTION 2000. GENERAL

- A. This Ordinance, restrictions imposed, and Districts created may be amended, supplemented or repealed by ordinance. For this to occur the Planning Commission must give notice (see Section 2003) and hold a public hearing to consider the proposed change. At the conclusion of the hearing the Planning Commission shall send a report to the City Council or Board of County Commissioners which includes a recommendation on the proposed change. The City Council or Board of County Commissioners will then act on the proposal.
- B. In addition to the procedural provisions set out in this Chapter, the Planning Commission shall adopt procedural rules for conducting zoning public hearings.

SECTION 2001. ZONING TEXT AMENDMENTS

- A. The Planning Commission upon its own motion may or at the direction of the City Council or Board of County Commissioners shall give notice and hold a public hearing on a proposed text amendment. After holding the public hearing, the Planning Commission shall within 20 days transmit its report and recommendation to the City Council or Board of County Commissioners.
- B. The Appendices of this Ordinance may be amended upon review and recommendation of the Planning Commission and approval of a Resolution by the City Council or Board of County Commissioners.

SECTION 2002. ZONING MAP AMENDMENTS

A. Amendments initiated by other than the City Council or Board of County Commissioners:

1. Any person, corporation, partnership, association, or combination thereof, having a legal or equitable interest in real property, may file an application for a change in the zoning classification of property by amendment of the Official Zoning Map.
2. The application shall be filed with the Planning Commission at least 30 days prior to the date of the public hearing at which it is to be considered. The Planning Commission by a two-thirds (2/3) vote may permit a shorter period for reasons shown by the applicant.
3. Fees for a rezoning application shall be paid as set forth in the Schedule of Fees (see Appendix F) adopted by the City Council or Board of County Commissioners.
4. In Rogers County, each applicant shall submit with the application a list certified by a Licensed Bonded Abstractor of the names and addresses of all property owners of record within 300 feet of the affected property to receive the required notice.
5. In the City of Claremore, each applicant shall be responsible for such public notice and submit with the application a list of the names, addresses and legal descriptions of all property owners of record within 300 feet of the affected property to receive the required notice. Notice shall be given based upon one of the following options:
 - a. A certified list submitted with the application prepared by a Licensed Bonded Abstractor of the names, addresses, and legal descriptions of all property owners of record; or
 - b. A list of the names, addresses, and legal descriptions of all property owners of record requested from the City and paid for by the applicant.

B. Amendments Initiated by the Planning Commission

The Planning Commission may upon its own motion, upon the written request of any person, or at the direction of the City Council or Board of County Commissioners, hold a public hearing on a proposed zoning map amendment upon public notice being given prior to the public hearing. At the conclusion of the public hearing, the Planning Commission shall within 30 days forward its report and

recommendation to the City Council or Board of County Commissioners for consideration.

SECTION 2003. REQUIRED PUBLIC NOTICE

A. In all cases where public notice is required in incorporated areas, it shall be given at least 20 days prior to the public hearing. It shall be the responsibility of the applicant for giving proper and timely notice as required by this Ordinance and for the payment of all fees and costs.

B. Type of Notice Required

1. For a Zoning Map Amendment initiated other than by the Board of County Commissioners the following notice shall be given:
 - a. Publication in a newspaper of general circulation at least 15 days prior to the public hearing in unincorporated areas;
 - b. Posting of a sign on the property at least 7 days prior to the public hearing in unincorporated areas; and
 - c. Mailing written notice to all owners of property within a 300 foot radius of the exterior boundary of the subject property; or
 - d. As otherwise permitted by Oklahoma State Statutes.
2. For rezoning classification initiated by the Planning Commission, City of Claremore or Rogers County, notice shall be given as follows:
 - a. Publication in a newspaper of general circulation;
 - b. Posting of a sign on the property or as otherwise permitted by Oklahoma State Statutes; and
 - c. Mailing written notice to all owners of property within a 300 foot radius of the exterior boundary of the subject property; or
 - d. As otherwise permitted by Oklahoma State Statutes.
3. For an amendment to the text of the Zoning Code notice shall be given by publication in a newspaper of general circulation.

C. Specifics of Notice

1. Notice given by publication in a newspaper of general circulation in the City or County shall include:

- a. Notice of the date, time and place of the hearing;
 - b. A map of the area to be affected which indicates street names or numbers, streams, or other significant landmarks in the area; and
 - c. The present zoning classification and the classification sought by the applicant.
2. Required posting of the affected property by a sign:
- a. The sign shall state:
 - 1) The date, time and place of public hearing;
 - 2) Who will conduct the public hearing;
 - 3) The present and desired zoning classification; and
 - 4) Other information which may be necessary to provide proper notice.
 - b. The dimensions of the sign, design, content and location shall conform with the specifications established by the Planning Commission.

3. Written Notice

At least 20 days prior to the hearing, written notice must be sent to all owners of real property included in the proposed change and all owners of real property within a 300 foot radius of the exterior boundary of the property included in the proposed change and shall include:

- a. The legal description or the property address or the approximate location in the City or County;
- b. The present zoning of the property and the zoning sought by the applicant; and
- c. The date, time and place of the public hearing.

D. Affidavit Attesting Public Notice Has Been Given: Rogers County Only

Prior to the public hearing an affidavit shall be submitted by the applicant to the Director of the Planning Commission which states that all public notice requirements have been achieved.

SECTION 2004. NOTICE OF REZONING SHALL CONFER JURISDICTION TO CONSIDER

- A. Notice of a proposed AG, AI, AR, AO or P District rezoning shall confer jurisdiction on the Planning Commission, City Council or Board of County Commissioners to consider and act upon only such AG, AI, AR, AO or P District.
- B. Notice of a proposed RS 6, RS 10, RS 20, RS 25, RS 40 or RS 60 District rezoning shall confer jurisdiction on the Planning Commission, City Council or Board of County Commissioners to consider and act upon any such less intense RS District. Notice of a proposed RS 25 CL, RS 40 CL, or RS 60 CL shall confer jurisdiction on the Planning Commission, or City Council to consider and act upon any such less intense RS CL District.
- C. Notice of a proposed RST 6, RST 10, RST 20, RST 25, RST 40, or RST 60 District rezoning shall confer jurisdiction on the Planning Commission, or Board of County Commissioners to consider and act upon any such less intense RST District.
- D. Notice of a proposed RM 1.5, RM 2.5, RM 4, or RM 6 District rezoning shall confer jurisdiction on the Planning Commission, City Council or Board of County Commissioners to consider and act upon any such less intense RM District.
- E. Notice of a proposed RT, SR, F1, F2, or PUD District rezoning shall confer jurisdiction on the Planning Commission, City Council or Board of County Commissioners to consider and act upon only such RT, SR, F1, F2, or PUD District.
- F. Notice of a proposed OL, OM or OH District rezoning shall confer jurisdiction on the Planning Commission, City Council or Board of County Commissioners to consider and act upon such less intense O District or in the alternative, or in part, or in combination of any less intense O and P District.
- G. Notice of a proposed C5, C4, C2, or C1 District rezoning shall confer jurisdiction on the Planning Commission, City Council or Board of County Commissioners to consider any and act upon a P District and any such less intense C District except C3. A notice of a proposed C3 District rezoning shall confer jurisdiction on the Planning Commission, City Council or Board of County Commissioners to consider and act upon only such C3 District.
- H. Notice of a proposed I-4, I-3, I-2, or I-1 District rezoning shall confer jurisdiction on the Planning Commission, City Council or Board of County Commissioners to consider and act upon any such less intense I District.
- I. Notice of a proposed M District rezoning shall confer jurisdiction on the Planning Commission, City Council or Board of County Commission to consider and act upon such M District in combination with the AO District.

SECTION 2005. PLANNING COMMISSION AND CITY COUNCIL OR COUNTY COMMISSION ACTION ON ZONING MAP AMENDMENTS

A. Planning Commission

1. After notice and public hearing the Planning Commission shall vote to:
 - a. Recommend to the City Council or Board of County Commissioners that the application be approved as submitted, or as amended, or be approved subject to modification; or
 - b. Recommend to the City Council or Board of County Commissioners that the application be denied.
2. An application recommended for approval, or approval subject to modification shall be transmitted with the report and recommendation of the Planning Commission to the City Council or Board of County Commissioners within 15 days from the date of Planning Commission action.
3. In the event the Planning Commission arrives at a tie vote, the application, report and the notation shall be transmitted to the City Council or Board of County Commissioners within 15 days from the date of the Planning Commission action for final action.
4. If the Planning Commission votes to deny an application or to modify it in a manner not acceptable to the applicant, the applicant may appeal the Planning Commission action to the City Council or Board of County Commissioners. An application recommended for denial will not be considered further unless:
 - a. The applicant files a written request of appeal with the City or County Clerk for a hearing by the City Council or Board of County Commissioners within 15 days from the date of the Planning Commission action.
 - b. Upon notice of such request the Planning Commission shall immediately transmit the application, report and recommendations to the City Council or Board of County Commissioners.
5. If the Planning Commission fails to make a recommendation on a proposed amendment for a period of 60 days, such failure to act shall be considered a refusal to approve the proposed amendment and the City Council or Board of County Commissioners shall be under no obligation to wait longer for such recommendation.

B. City Council or Board of County Commissioners Action on Zoning Map Amendments

1. The City Council or Board of County Commissioners shall hold a hearing on each application transmitted from the Planning Commission and shall:
 - a. Approve the application as submitted, or as amended; or
 - b. Approve the application subject to modifications; or
 - c. Deny the application.
2. Should the request for a rezoning be denied by the City Council or Board of County Commissioners, no application for the same zoning classification of the subject tract of land or any part of the tract shall be accepted for public hearing for one (1) year for the same zoning or six (6) months for a lesser zoning after the date of the action of the City Council or Board of County Commissioners.
3. Protest

In the case of protest (which includes the names, addresses and legal descriptions of the land owned) against a proposed zoning change, such protest being filed with the City or County Clerk at least three (3) days prior to the public hearing either by:

- a. The owners of 20% or more area of the tracts included within such proposed change; or
- b. By the owners of 50% or more of the area of the lots within a 300 foot radius of the exterior boundary of the area included in a proposed change.
- c. In such cases, a proposed amendment will not become effective except by the favorable vote of three-fourths (3/4) of all the members of the City Council or favorable vote of all of the members of the Board of County Commissioners.