

## **AN AMENDMENT TO THE CITY OF CLEMSON ZONING ORDINANCE TO THE LANGUAGE OF ARTICLE XIV. AMENDMENT TO CLARIFY TO PROCESS FOR MAP AND TEXT AMENDMENTS**

**To amend Section. 19-107. Definitions as follows:**

*Text Amendment* alters the use requirements or standards within a zoning district.

*Map Amendment* alters, enlarges, or reduces the geographic extent of a zoning district or enacts a new zoning designation for a particular tract of real property.

### **ARTICLE XIV. AMENDMENT**

#### **Section. 19-1401. Initiation**

- A. ~~An text~~ amendment ~~subject to the provisions of this chapter~~~~text~~ may be initiated by:
1. City Council;
  2. The Planning Commission;
  3. A legal resident of the City of Clemson;
  4. A property owner of land within the corporate limits of the City of Clemson or an agent authorized by the owner in writing; or
  5. The Board of Zoning Appeals.
- B. An amendment to the zoning map for changing a zoning district designation of property may be initiated by:
1. The owner of the property affected or by an agent authorized by the owner in writing;
  2. City Council; or
  3. The Planning Commission.
- C. An application for an amendment to the zoning map shall be accompanied by a recent survey of the subject property and shall not result in a zoning designation that splits a property into more than one designation.

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- D. A **map** amendment to the district designation of the same or a portion of the same property for which a rezoning has been denied shall not be initiated more often than once in each 12 month period after denial by City Council, unless the Planning Commission determines either:
1. There has been a substantial change from the Comprehensive Plan in the character or use of the area; or
  2. Evidence or factors exist which were not considered in previous deliberations which might substantially alter the basis for the Planning Commission recommendation.
- E. An amendment to either the text or a district designation of a piece of property shall be on an application form provided by the Zoning and Codes Administrator, accompanied by required documents and information, and a filing fee established by regulation of the City Council to cover cost of required advertising and notice.
- F. Requests to rezone property as a Planned Development District shall adhere to the requirements of Article V of this ordinance.
- G. A complete application for amendment must be received at least 14 workdays prior to a Planning Commission meeting in order to be considered at the meeting.

**Section. 19-1402. Minimum District Size**

No **map** amendment shall be initiated which would create a new zoning district with an area of less than that prescribed by Section 19-206.

**Section. 19-1403. Procedure**

The following procedural steps are required for adoption of a text or map amendment:

- A. Amendment shall be initiated pursuant to Section 19-1401;
- B. As part of the review of the proposed amendment by the Planning Commission, the following procedures shall apply:
1. All proposed amendments shall be referred to the Planning Commission for review and recommendation prior to City Council's consideration of an ordinance to amend the Zoning Ordinance;
  2. The Planning Commission shall not conduct a public hearing unless specifically requested to do so by the City Council;

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3. The proposed amendment shall be placed on the agenda of the Planning Commission and published at least 10 days prior to the scheduled Planning Commission meeting;
4. A sign notifying the public of ~~the~~ a pending request to rezone a piece of property shall be posted at least 10 days prior to the scheduled Planning Commission meeting;
5. The Planning and Codes Administration Department shall:
  - a. Prepare a written report for all proposed map amendments containing:
    - 1) A copy of the executed application for a map amendment and attached documentation otherwise required by this Article;
    - 2) Citations from the Comprehensive Plan of the City of Clemson regarding the particular property under review;
    - 3) Reports from the Zoning and Codes Administrator, the City Engineer, the Utilities Director, the Public Works Director, the Chief of Police, the CATS Operations Director, and other appropriate municipal officials as to the effects of the proposed change on city services; and
    - 4) All other information as requested by the Planning Commission;
  - b. Assist the applicant with the preparation of the proposed amendment in written form required by this Code and/or draft language for text amendments;
  - c. Prepare the agenda and/or public notices for publication as required by statute; and
  - d. Make available for public review all documentation related to the proposed amendment;
6. The Planning Commission shall receive oral and/or written comments by the applicant and interested members of the public;
7. The Planning Commission review shall include a determination of whether ~~the~~ any proposed amendment is in conformity with the comprehensive plan and evaluation of the impact of the amendment on elements of the comprehensive plan;

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8. The Planning Commission shall file with the City Council its report and recommendation on the proposed amendment within thirty (30) days after review of the proposed **map** amendment;
9. The time for review may be extended by vote of the City Council; and
10. If the Planning Commission fails to submit a report within the prescribed time, it shall be deemed to have recommended approval of the proposed **map** amendment;

C As part of the review of the proposed amendment by City Council, the following procedures shall apply:

1. The City Council shall schedule a public hearing for a date after the Planning Commission recommendation is due and at least two days prior to the date the amendment ordinance is scheduled for first reading before the City Council;
2. Newspaper notice of a public hearing before the City Council shall be published at least 15 days prior to the hearing for all proposed text or zoning map amendments;
3. The published notice shall notify the applicant and the public that oral and/or written comments will be accepted;
4. Signs indicating a public hearing has been scheduled for a proposed map amendment shall be posted on or adjacent to property to be rezoned, with one sign visible from each street bordering the property at least 15 days prior to the hearing;
5. Posted signs shall contain letters not less than one inch in height;
6. Notices of public hearings regarding any proposed amendment to the zoning map shall be mailed to all landowners within 200 feet of any boundary of the subject property, and to groups which have filed a written request for notices of interest;
7. The Planning Commission's recommendation shall be reviewed and considered, but it shall not be binding on the City Council;
8. If changes other than for grammar, punctuation, or legal terminology to a text amendment are proposed, the proposed changes shall be resubmitted to the Planning Commission for review and recommendation prior to second reading;
9. The City Council shall act upon the amendment request by adopting an

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ordinance on second reading at least six days after the first reading;

10. The adopted ordinance shall be in the form to adopt the amendment request or to reject the amendment request and shall require two readings;
  11. A zoning map amendment which was not included in the public notices shall not be adopted and shall require a new **a map** amendment application, unless the zoning designation is in conjunction with an annexation (See Section 19-208) and has been recommended by the Planning Commission;
  12. **A map** amendment may be withdrawn in writing by the initiator at any time prior to final action by the City Council, provided however:
    - a. A map amendment which is withdrawn by the applicant after publication of notice of the public hearing shall not be resubmitted as the same **map** amendment affecting the same property within six months from the date of withdrawal, unless the Planning Commission determines:
      - 1) There has been a substantial change in the character of the area;  
or
      - 2) Evidence of factors exist which were not considered in prior deliberations and which could alter the basis for the recommendation of the Planning Commission.
    - b. When the City Council shall have denied a request for **a map** amendment, the Planning Commission shall not consider another request for **a map** amendment affecting the same property until one year from the date of the denial, except after a majority vote of the City Council;
- D. All amendments shall be noted and placed in the copy of the Zoning Ordinance maintained by the Zoning and Codes Administrator and in the official copy of this Code maintained by the City Clerk; and
- E. Map amendments shall be reflected on the Official Zoning Map.

**Section. 19-1404--1499. Reserved**