Section 67. Amendments

A. APPLICATION FOR ZONING CHANGES:

1. Any person, firm or corporation requesting change in zoning of any property from one district classification to another district classification under this Ordinance shall make an application in writing to the City Planning Department requesting change in zoning, which application shall contain the following information:

a. Legal description of the land on which a zoning change is requested, together with the local street address.

b. Name and address of the owner of the property.

c. Name and address of the person making the application, if made by anyone other than the owner, together with a statement that the person making the application is authorized to act for the owner in making the application.

d. District use under which the property is regulated at the time of making application and the district use requested by the applicant.

e. Any other information concerning the property as may be reasonably requested by the City Planning Department.

2. Upon filing of an application for a change in zoning with the City Planning Department, the applicant shall pay to the City the sum of five hundred dollars ($500.00) for all tracts that do not exceed one (1) acre and an additional filing fee of twenty five dollars ($25.00) per acre, on any part thereof, for each additional tract that exceeds one (1) acre, no part of which shall be returnable, regardless of the action taken on the request. For a request for a change in zoning related to the establishment of a Historic Landmark “H” designation, there shall be no fee.

For established planned commercial centers in excess of five (5) acres, the application fee for conditional/special uses shall be determined as follows:

a. For interior modifications relative to established structures regardless of the size of said structure, the fee shall be $500.00.

b. For new construction with an established legally described property boundary the fee shall be based solely on the size of said legally described property which shall be calculated as follows: $500.00 for
the first acre and an additional $25.00 per acre or part thereof.

c. For any modifications to the approved plan for an established planned commercial center that effects or is relative to the entire planned commercial center, the fee shall be based upon the size, in acres, of the entire center.

3. A waiting period of one (1) year between the date an application for amendment to the zoning ordinance, or a requested change in zoning, is denied by the City Council and a new application for such a change or amendment is accepted, is hereby established. The one-year waiting period shall be applicable to all requested amendments and changes for the same zoning district, or districts, on all or any portion of the property previously considered for amendment or change in zoning; provided, however, said one-year waiting period shall not be applicable to any proposed amendment or change instituted by the City Council or Planning and Zoning Commission or to any proposed amendment or change denied by the City Council without prejudice. For purposes of this section, denied by the City Council shall mean that on final reading: (a) a motion by the City Council to deny the requested zoning change passed by a majority of the quorum present and voting; or (b) a motion by the City Council to deny or approve the requested zoning change received a tie vote of the quorum present and voting; or (c) a motion by the City Council to approve the requested zoning change received a tie vote of the quorum present and voting; or (d) a motion by the City Council to approve a withdrawal of a requested zone change, when requested by the applicant, that is approved by a majority of the quorum present and voting. A denial without prejudice must be expressly granted by the City Council, except that a tie vote shall automatically constitute a denial without prejudice.

An application for an amendment to the zoning ordinance or a requested change in zoning can be tabled (postponed) no more than once and must be scheduled to be heard no later than the next scheduled joint public hearing. This requirement also applies to applications being considered during the Planning and Zoning Commission’s deliberations. This requirement shall not apply to requests to table initiated by city staff, the City Council, or the Planning and Zoning Commission.

4. Any application for a change in zoning or for an amendment to the zoning ordinance shall have, from the date of submittal, a period of four months to request and be scheduled on an agenda before the Planning and Zoning Commission and City Council. If after said period of four months an application has not been scheduled before the Commission and Council said application shall be considered withdrawn, with forfeiture of all filing fees. The application, along with the required filing fee may be resubmitted any
time thereafter for reconsideration. Delays in scheduling applications before the Planning and Zoning Commission and City Council created by city staff shall not be considered a part of the four month period.

5. The City shall have at least one sign erected on any property upon which a zoning change request has been filed. Such sign or signs shall, if possible, be located adjacent to a public thoroughfare in a visible location. Such sign shall be removed immediately after final action by the City Council or when the applicant withdraws the request, whichever comes first. The sign shall contain a notice of the rezoning, and the agency and telephone number from which information relative to the rezoning request may be obtained. For a request for a change in zoning related to the establishment of a Historic Landmark “H” designation, there shall be no requirement for a sign to be erected on the property for which the request has been filed. Accompanying every petition for amendment of this Ordinance, shall be a required statement signed by the applicant authorizing the placement of such sign or signs by the City. The erection or continued maintenance of the sign or signs shall not be deemed a condition precedent to the granting of any zoning change or the holding of any public hearing.

B. CHANGES AND AMENDMENTS:

1. Any person, corporation or group of persons having a proprietary interest in any property, upon proof of such interest, may petition the City Council for a change or amendment to the provision of the Ordinance, or the City Planning and Zoning Commission may, on its own motion, institute proposals for change and amendment in the public interest. All petitions for the amendment of this Ordinance shall bear the signature of the owners of all property within the area of request.

2. The City Council may from time to time amend, supplement, or change by Ordinance the boundaries of the districts or regulations herein. Before taking action on any proposed amendment, supplement, or change, the City Council shall submit the same to the City Planning and Zoning Commission for its recommendation and report.

3. The City Planning and Zoning Commission shall hold a public hearing on any application for amendment, supplement, or change prior to making its recommendation and report to the City Council. Written notice of all public hearings before the City Planning and Zoning Commission on a proposed amendment, supplement or change shall be sent to all owners of real property lying within two hundred (200) feet of the property on which the change is requested. Such notice shall be given not less than ten (10) days before the date set for hearing by depositing a notice, properly addressed
and postage paid in the United States Post Office to such property owners as the ownership appears on the last approved City tax roll.

4. A public hearing shall be held by the City Council before adopting any proposed amendment, supplement, or change. At least fifteen (15) days' notice of the time and place of such hearing shall be published in the official newspaper of the City of Grapevine.

5. Changes to any aspect of a zoning case or Conditional Use Application, including changes to concept plans or site plans, that the City Council or Planning and Zoning Commission consider, in their sole judgement, to be significant that are proposed by the applicant shall not be considered unless filed with the City at least 14 (fourteen) days prior to the scheduled public hearing. In the event such a proposed change is filed less than 14 (fourteen) days prior to the scheduled public hearing, the Planning and Zoning Commission or City Council may decline to consider the proposed changes or may continue the public hearing to a date certain that is at least fourteen (14) days from the date said proposed change was filed. This section does not apply to any changes proposed by the Planning and Zoning Commission or City Council.

6. If such proposed amendment, supplement or change has been denied by the City Planning and Zoning Commission, or if a protest against such proposed amendment, supplement or change has been filed with the City Secretary, duly signed and acknowledged by the owners of twenty (20) percent or more, either of the area of the lots included in such proposed change or those immediately adjacent to and extending two hundred (200) feet therefrom, such amendment shall not become effective except by a three-fourths (3/4) vote of the members of the City Council of the City of Grapevine.