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Article XVI. Change of Zone and Pre-zoning.
Ord. No. 427-AC

Section

116.00 Zone change

116.01 Pre-zoning

Sec. 116.00. Zone change. (a) Any ordinance which changes any property from one (1) zone to another shall be considered in accordance with the procedures set forth in this section.

(b) Initiation. A zone change may be initiated by order of the city council or the planning commission, or by application of the owner of affected property or an agent of said owner authorized in writing.

(c) Commission Hearing. On a proposed zone change, at least one (1) public hearing shall be held by the planning commission. Notice of such hearing shall be given by notice to property owners within three hundred (300) feet.

(d) Commission Recommendation. The planning commission shall make written findings and recommendations to the city council on each proposed zone change. Such report shall include:

(1) Explanation of the relationship to the general plan and any applicable specific plans;

(2) Consideration of the effect of the proposal on the housing needs of the region balanced against the public service needs of city residents and the fiscal and environmental resources available.

(e) Further Action or Appeal.

(1) If the planning commission recommends against a proposed zone change, no further action by the city council is required unless an appeal is filed.

(2) If the planning commission recommends approval of a zone change, the city council shall take action on such recommendation.

(f) Council Hearing.

(1) If the city council considers a proposed zone change, at least one (1) hearing shall be held. Notice of such hearing shall be given by notice to property owners within three hundred (300) feet.

(2) If the city council proposes any modification from the commission recommendation which was not previously considered by the commission, the proposal shall be referred

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back to the commission for report and recommendation, but further commission hearing is not required.

(g) Council Action. Action to adopt a zone change shall be by ordinance. When an ordinance for a zone change has been considered by the council but not adopted within one (1) year of introduction, the proceeding shall be considered null and void. New proceedings must be initiated in order to consider the matter further. Ord. 427-AC

Sec. 116.01. Pre-zoning. (a) The city may pre-zone areas outside the city for the purpose of determining the zoning that will apply to such property in the event of annexation to the city. Such zoning shall become effective when property is annexed.

(b) In any petition for the annexation of property to the city, the petitioner shall request in his petition how he desires the property to be zoned, provided the same is annexed by the city.

Copies of the petition shall be filed with the city planning commission, and the planning commission may immediately give notice of its intention to consider the petition for annexation and for zoning the property as requested at two (2) hearings before the planning commission. Said notice shall be by one (1) publication by a newspaper circulated in the city giving notice of its intention to recommend annexation and recommend the zoning of the property if annexation is completed. Notice shall be so given by publication at least ten (10) days prior to the first hearing, the planning commission shall make its recommendation to the city council by resolution. The recommendation of the planning commission shall be final, unless an appeal to the city council is made within thirty (30) days, or the city council may act upon the matter without such an appeal, if done so within forty-five (45) days from the date of the recommendation. After receiving such recommendation, the city council shall by resolution give notice of the filing of the petition, the proposal to annex and its proposal to zone the property in a specific way, provided such annexation is completed.

(c) Said notice of zoning shall be consolidated with a notice for annexation of property to the city and shall comply with the law for the requirements of both notices of annexation and for zoning.

(d) Upon the hearing of the proposal to annex and zone, in addition to the ordinance for annexation, the city council shall zone the property in the manner required by law, pursuant to the notice and upon the completion of said annexation, the zoning of the property shall automatically take effect. Ord. 427-AC