

Sec. 46-4. - Approval of development or change in use of park lands.

- (a) *Generally.* The further development or change in use from the master plan referred to in section 46-3 of lands within the parks system shall only be made after compliance with the following procedure:
- (1) *Recommendation by planning commission and parks and recreation board.* Any proposed change shall be first certified in writing by the city council to the planning commission and parks and recreation advisory board, whereupon the commission and board shall, within 30 days after certification thereto, recertify the proposed change, with recommendations, to the city council for approval, disapproval or modification in whole or in part.
  - (2) *Hearing.* The city council shall thereafter hold a public hearing on the proposed change. Notice of such hearing shall be advertised at least 15 days prior thereto in a newspaper of general circulation in the city. The notice shall contain the legal description of the parcel under consideration for change, a short explanation of the proposed change, and the time and place of the scheduled hearing thereon.
  - (3) *Action by city council.* The city council may thereafter approve the development or change of use as proposed, and such approval or authorization shall be made by ordinance.
- (b) *Referendum required for permanent change to nonpark use.* Whenever the city council proposes to permanently utilize lands within the parks system for something other than a public park, the city council shall follow the procedure described in subsections (a)(1) and (2) of this section and, in addition, shall provide for a referendum election by the qualified electors of the city on the question of the proposed change in use.

(Code 1982, §§ 13-6, 13-7)