

**ARTICLE 24.00****CHANGES AND AMENDMENTS****Section 24.01 -- STATEMENT OF INTENT**

For the purpose of establishing and maintaining sound, stable and desirable development within the territorial limits of the municipality, this Ordinance shall not be amended except to correct an error in the Ordinance or, because of changed or changing conditions in a particular area or in the municipality generally, to rezone an area, to extend the boundary of an existing District or to change the regulations and restrictions thereof. Such amendment to this Ordinance may be initiated by any person, firm, or corporation by filing an application therefore with the City Clerk, or by motion of the City Council or the Planning Commission requesting the City Clerk to initiate an amendment procedure.

**Section 24.02 -- AMENDMENT PROCEDURE (amended eff. May 2003)**

- (a) All applications for amendments to this Ordinance shall be in writing, signed, and filed in triplicate with the City Clerk. All applications for amendments to this Ordinance, without limiting the right to file additional material, shall contain the following:
1. The applicant's name, address and interest in the application as well as the name, address and interest of every person, firm or corporation having a legal or equitable interest in the land.
  2. The nature and effect of the proposed amendment.
  3. If the proposed amendment would require a change in the Zoning Map, a fully dimensioned Site Plan showing the land which would be affected by the proposed amendment, a complete legal description of the land, the present zoning classification of the land, the zoning classification of all abutting districts, all public and private rights-of-way and easements bounding and intersecting the land under consideration.
  4. If the proposed amendment would require a change in the Zoning Map, the names and addresses of the owners of all land and their legal descriptions within the area to be changed by the proposed amendment;
  5. The alleged error in this Ordinance which would be corrected by the proposed amendment, with a detailed explanation of such alleged error and detailed reasons the proposed amendment will correct the same;
  6. The changed or changing conditions in the area or in the municipality that make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare;
  7. All other circumstances, factors and reasons which applicant offers in support of the proposed amendment.
- (b) City Clerk, upon receipt of an application to amend or request to amend by any person, the City Council or Planning Commission, shall refer the same to the Planning Commission for study and report. The Planning Commission shall cause a complete study of the proposed amendment to be made and shall recommend to City Council such action as it deems proper. Prior to its recommendation to Council on any proposed amendment, the Planning Commission shall hold at least one (1) public hearing. The planning Commission shall fix a reasonable time for the request and a notice that a request has been received shall be published in a newspaper which circulates in the city. The notice shall be given not less than 15 days before the date the application will be considered. If the name of the occupant is not known, the term "occupant" may be used in making notification.

- (c) If an individual property or 10 or fewer adjacent properties are proposed for rezoning, the Planning Commission shall fix a reasonable time for the hearing of the rezoning request and a notice that a request has been received shall be published in a newspaper that circulates in the city, and sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet. The notice shall be given not less than 15 days before the date the application will be considered. If the name of the occupant is not known, the term “occupant” may be used in making notification. The notice shall:
  - 1. Describe the nature of the rezoning request.
  - 2. Indicate the property which is the subject of the zoning request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
  - 3. State when and where the rezoning request will be considered.
  - 4. Indicate when and where written comments will be received concerning the rezoning request.
  - 5. Indicate that a public hearing on the rezoning request may be requested by any property owner or the occupant of any structure located within 300 feet of the boundary of the property being considered for a rezoning.
- (d) If 11 or more adjacent properties are proposed for rezoning, the Planning Commission shall fix a reasonable time for the hearing of the rezoning request and a notice that a request has been received shall be published in a newspaper which circulates in the city. The notice shall be given not less than 15 days before the date the application will be considered. If the name of the occupant is not known, the term “occupant” may be used in making notification. The notice shall:
  - 1. Describe the nature of the rezoning request.
  - 2. State when and where the rezoning request will be considered.
  - 3. Indicate when and where written comments will be received concerning the rezoning request.
  - 4. Indicate that a public hearing on the rezoning request may be requested by any property owner or the occupant of any structure located within 300 feet of the boundary of the property being considered for a rezoning.
- (e) After the public hearing, the Planning Commission shall make a report and recommendation to the City Council. The City Council may decline to adopt the proposed amendment or may adopt it in whole, in part, or with or without additional changes. The Council may also refer the proposed amendment back to the Planning Commission for further study and review or for additional public hearings.
- (f) Following adoption of the Ordinance amendment, the amendment shall be published in a newspaper of general circulation in the local unit of government within fifteen (15) days after adoption.
- (g) The City Council shall then file the Ordinance in the official ordinance book of the City within seven (7) days after publication with a certification of the Clerk stating the vote on passage, date published, and date filed.

## **Section 24.03 -- PROTESTS**

In case a protest against a proposed amendment is presented, duly signed by the owners, or part owners, of 20 percent of the land proposed to be altered, or by the owners of at least 20 percent of the area of land included within the area extending outward 100 feet from any point on the boundary of the land included in the proposed change, such amendment shall not be passed except by the 3/4 vote of the City Council.

If parcel of land is owned by the entireties, by joint tenants, by tenants in common or by legal and equitable owners, any one of such owners may sign the protest for the parcel so owned. In determining the land area upon which percentages shall be calculated, there shall be included all the property in a common ownership as a single unit. For purposes of this subsection, publicly owned land shall be excluded in calculating the 20 percent land area requirement.

## **Section 24.04 -- COMPREHENSIVE REVIEW OF ORDINANCE**

The Planning Commission shall, at least once per year prepare for the City Council a report on the administration and enforcement of the zoning ordinance and recommendations for amendments or supplements to the ordinance, if any, which are desirable in the interest of public health, safety, and general welfare.