

## ARTICLE XXII

### CHANGES AND AMENDMENTS

- (1) The governing body may from time to time amend, supplement, or change by ordinance the boundaries of the districts or the regulations herein established.
- (2) Before taking action on any such proposed amendment, supplement or change, the governing body shall submit the same to the city Planning and Zoning Commission for its recommendation and report. The Planning & Zoning Commission shall make a preliminary report and hold public hearings on that report before submitting a final report to the City Council. Before the tenth (10<sup>th</sup>) day before the hearing date, written notice of each public hearing before the zoning commission on a proposed change in a zoning classification shall be sent to each owner, as indicated by the most recently approved municipal tax roll, of real property within two hundred feet (200') of the property on which the change in classification is proposed.
- (3) A public hearing shall be held by the governing body before adopting any proposed amendment, supplement or change. Notice of such hearing shall be given, by publication, one (1) time in the official publication of the city, stating the time and place of such hearing, which time shall not be earlier than fifteen (15) days from the first date of publication.
- (4) (A) If a proposed change to a regulation or boundary is protested in accordance with this subsection, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body. The protest must be written and signed by the owners of at least twenty per cent (20 %) of either:
  - (1) The area of the lots or land covered by the proposed change; or
  - (2) The area of the lots or land immediately adjoining the area covered by the proposed change and extending two hundred feet (200') from the area.
- (B) In computing the percentage of the land area under subsection (A) (2) the area of streets and alleys shall be included.
- (C) A written protest filed in accordance with the foregoing provisions must be submitted no sooner than the mailing of the notice of the earliest public hearing before the Planning and Zoning Commission or the filing of an application for a change in a regulation or boundary, whichever is earliest. The protest must: be written; contain the signature and printed name of

each person signing the protest; identify the address or legal description of the property owned by such person; and, show the date that each such person signed the protest. The date of each signature must be on or after the mailing of the notice of the earliest public hearing before the Commission or the filing of an application for a change in a regulation or boundary, whichever is earlier. The written protest must be received in the office of the city secretary no later than the close of business on the Wednesday of the week immediately preceding the week in which the governing body is to first consider the proposed change to a regulation or boundary. A protest not filed or submitted in compliance with the foregoing requirements shall not be considered as valid nor as invoking the requirement of an affirmative vote of at least three fourths of all members of the governing body.

- (D) The affirmative vote of at least three-fourths of all members of the governing body is required to overrule a recommendation of the Planning and Zoning Commission that a proposed change to a regulation or boundary be denied.
- (5)
- (A) After a final decision is reached by the City Council denying a request for a change in a zoning district or boundary, no further application may be considered for that property for twelve (12) months from the date of the final decision;
  - (B) The Planning and Zoning Commission may recommend denial of a zoning request “without prejudice.” If the City Council renders a final decision of denial without prejudice, the twelve (12) months limitation is waived;
  - (C) A property owner may apply to the City Council for a waiver of the twelve (12) months limitation and the council may grant the request if there are changed circumstances regarding the property sufficient to warrant a new hearing.
- (6) The official zoning map of the city shall be kept in the office of the city secretary, and all changes in district boundaries shall be noted thereon immediately after approval by the governing body of the city.”

(Ord. No. 1565, § 1, 4-20-99; Ord No. 1704, § 1, 2/20/01; Ord. No. 1740, § 1, 8/21/01)