

ARTICLE IV CHANGES AND AMENDMENTS

SECTION 4-1 DECLARATION OF POLICY

The Council declares the enactment of this ordinance governing the use and development of land, buildings and structures as a measure necessary to the orderly development of the community and to the carrying out of the adopted City Plan. Therefore, no change shall be made in these regulations or in the boundaries of the zoning districts except

- (a) To correct a manifest error in the regulations or map, or
- (b) To recognize changed or changing conditions in a particular locality, or
- (c) To recognize changes in technology, the style of living, or manner of doing business.

Every proposal to amend this ordinance shall be considered in light of the above declaration of policy and by the purposes enumerated in the preamble to this ordinance.

SECTION 4-2 AUTHORITY TO AMEND ORDINANCE

The Council may from time to time after receiving a final report thereon by City Administrator and after public hearings required by law, amend, supplement or change the regulations herein provided or the boundaries of the zoning districts. Any amendment, supplement or change may be ordered for consideration by the Council, be initiated by the City Administrator, or be requested by proposal of affected persons.

SECTION 4-3 PROCEDURE

A. Proposal Required

Every proposal to amend, supplement or change the regulations of this ordinance or the boundaries of the zoning districts shall be prepared in the form and manner prescribed by and be deposited with the City Administrator. The Council, shall schedule public hearing on the proposed change as provided below.

B. Public Hearing and Notice

The Council shall hold at least one public hearing prior to making changes to this ordinance. Written notice of all public hearings on proposed changes in district boundaries shall be sent to all owners of property, or to the person rendering the same for town taxes, affected by such proposed changes of classification, and to all owners of property, or to the person rendering the same for city taxes, located within two hundred (200) feet of any property affected thereby, within

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250.00

not less than ten (10) days before such hearing is held. Such notice may be served by using the last known address as listed on the city tax roll and depositing the notice, postage paid, in the United States Mail. Notice of hearings on proposed changes in zoning regulations shall be accomplished by one publication not less than fifteen (15) days prior thereto in the official paper of the Town.

*copy legal property plat at fair value - adjacent to Bldg*

C. Council Hearing and Notice

The Council may from time to time amend, supplement, or change by ordinance the boundaries of the districts or the regulations herein established. A public hearing on such amendment, supplement, or change shall be held by the Council. Notice of Council hearing shall be given by publication one time in the official paper of the City, stating the time and place of such hearing, which time shall not be earlier than fifteen (15) days from the date of publication. In making its determination, the Council shall consider the following factors:

- 1) Whether the uses permitted by the proposed change would be appropriate in the area concerned;
- 2) Whether adequate public school facilities and other public services exist or can be provided to serve the needs of additional residences likely to be constructed as a result of such change, and the consequences of such change;
- 3) Whether the proposed change is in accord with any existing or proposed plans for providing public water supply and sanitary sewers to the area;
- 4) The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the city, and any special circumstances which may make a substantial part of such vacant land unavailable for development;
- 5) The recent rate at which land is being developed in the proposed zoning district, particularly in the vicinity of the proposed change;
- 6) How other areas designated for similar development will be, or are likely to be, affected if the proposed amendment is approved, and whether such designation for other areas should be modified also.

D. Negative Recommendations; Written Protest

An amendment, supplement, or change shall not become effective except by favorable vote of three-fourths of all members of the Council

1) If written protest is filed by owners of 20 per cent of the area of land:

- (a) within the site of the proposed change, or
- (b) within 200 feet of all boundaries of the site.

Protests signed by property owners may be filed prior to or at the public hearings conducted by the Council.