

ARTICLE 15 AMENDMENTS

11-1501. ZONING ORDINANCE AMENDMENTS

Procedure For Amendments To The Zoning District Map, Zoning Ordinance.

Application for amendment, revision or change of the zoning district map may be made by any person, or his agent, who owns the land sought to be rezoned. If such application is made by the owner's agent, said agent shall enter upon the application the name and current mailing address of the owner. Such application shall be made upon forms prescribed by the Planning Commission and duly filed with the City Clerk.

Applications for amendment, revision or change of any of the rules, regulations or provisions of the text of this zoning ordinance, other than the zoning district map, may be made by any interested person, on forms prescribed by the Planning Commission and duly filed with the City Clerk.

Recommendations for revision, or amendment of this ordinance, including the zoning district map, may also be made by the Planning Commission upon its own motion, for final determination by the City Council; likewise, the City Council may revise, modify or amend this ordinance, including the zoning district map, upon its own motion provided, such proposed changes shall first be submitted to the Planning Commission for recommendation and report. In either case final action thereon shall be taken only after notice and public hearing as provided.

Petitioners for rezoning or conditional use permit shall disseminate a notification petition to each property owner or occupant within three hundred (300) feet of the exterior boundary of the subject property. Said notification petition shall be on forms prescribed by the Planning Commission and shall be supplied to the petitioner by the Building and Zoning Department of the City. The petitioner shall return all petitions to the Building and Zoning Department, or shall provide a stamped self-addressed envelope for the occupant to mail the signed petition direction to the Building and Zoning office. The petitioner shall also file a notarized certification of public notification on a form prescribed by the Commission certifying that the specified owners/occupants have been duly informed as set forth above.

Upon receipt of the signed petitions and certification of notice, the Planning Commission secretary will schedule the item on the appropriate agenda and will send letters of notification to the specified owners/occupants giving notice of the date and time of the public hearing on the application not less than seven (7) days prior to the hearing date. Failure of the petitioner to properly notify the specified persons can result in the City Council denying or rescinding approval. Failure of the property owners or occupants to receive notice of meeting shall not invalidate any action taken by the Planning Commission or City Council.

An application fee shall accompany each application for rezoning, zoning amendment or conditional use permit. The application fee shall be set by resolution adopted by the City Council and may be changed from time to time by further enacted resolution. Upon receipt of said application the City Clerk shall note thereon the date of filing, and make a permanent record thereof.

Applications and supporting plans and documents filed with the City Clerk less than fifteen (15) days prior to a regular Planning Commission meeting shall be set over for hearing at the second following meeting of the Commission. Any such hearing may for good cause, at the request of the applicant or at the discretion of the Commission be continued.

Notice of such hearing shall be published in one issue of a newspaper of general circulation within the City of Kimball. Such notice to be published not more than fifteen (15) days and not less than ten (10) days prior to the date of said hearing before the Commission. Notice shall also be submitted to the Board of Education of the School District in which the property lies not less than ten (10) days prior to the date of the hearing before the Planning Commission. A notice of said hearing shall also be posted on the subject property as hereinafter provided.

Upon the final hearing of such application the Commission shall approve or deny the same and report of such action together with a recommendation for final approval or denial shall be made by the Commission to the City Council.

Before acting upon any application for amendment, the Council shall set a time and place for a hearing thereon, notice of which hearing shall be published at least one time in a newspaper of general circulation in the City of Kimball, not less than ten (10) days prior to the date of such hearing. In addition to the publication notice herein described, a notice shall be posted in a conspicuous place on or near the property on which action is pending. Such notice shall not be less than eighteen (18) inches in height and twenty-four (24) inches in width with a white or yellow background and black letters not less than one and one-half (1-1/2) inches in height. Such posted notice shall be so placed upon such premises that it is easily visible from the street nearest the same and shall be unlawful for anyone to remove, mutilate, destroy or change such posted notice prior to such hearing. Any person so doing shall be deemed guilty of a misdemeanor. If the record title owners on any lots included in such proposed change be non-residents of the city, then a written notice of such hearing shall be mailed by certified mail to them addressed to their last known address at least ten (10) days prior to such hearing. These provisions in reference to notice shall not apply in the event of a proposed change in these regulations or in the district boundaries throughout the entire area of the City of Kimball, but only the requirements of Section 19-904 R.R.S. Nebraska, 1943, as amended shall apply.

In case of a protest against such revision or amendment be presented, duly signed and acknowledged by the owners of twenty (20) percent or more either of the area of the lots included in such proposed change, or of those immediately adjacent on the sides and in the rear thereof, extending three hundred (300) feet therefrom, and of those directly opposite thereto, extending three hundred (300) feet from the street frontage of such opposite lots, such revision or amendment shall not become effective except by the favorable vote of three fourths of all the members of the City Council.