

CHAPTER 165.83 AMENDMENTS

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165.83.010 Authorization

This chapter may, from time to time, be amended, supplemented, changed, modified, or repealed.

165.83.020 Petition and Fee-Signatures Required

A. The Council may, from time to time either on its own action or on petition of interested property owners, after public notice and hearing as provided by law, amend, supplement, change, modify, or repeal the boundaries or regulations or subsequently established in this chapter.

B. If such proposed amendment, supplement, change, modification or repeal is petitioned for by interested property owners, the petition shall be signed by the owners of fifty percent of the area of all the real estate included within the boundaries of the tract of real estate described in the petition.

C. Any petition or request for an amendment to this chapter, except by the Commission, Board of Council, shall be accompanied by a filing fee of \$100.00 for 10 acres or less and \$200.00 for 10.01 acres or more, payable to the Finance Clerk of the City at the time the petition is filed. The fee shall be credited to the general revenue fund of the City, and no part shall be returnable to the petitioner.

165.83.030 Submission-Approval or Disapproval

Whenever any amendment, supplement, change, modification or repeal of this Chapter is proposed, such proposed amendment, supplement, change, modification or repeal shall first be submitted to the Commission, which shall within thirty days after the date of the receipt of such proposed amendment, supplement, change, modify or repeal, report back to the Council either approving or disapproving such proposed amendment, supplement, change, modification, or repeal.

165.83.040 Effective When-Applicable

A. If the report of the Commission on such proposed amendment, supplement, change, modification, or appeal is unfavorable or if a protest against such proposed amendment, supplement, change, modification, or repeal signed by the owners of twenty percent or more either of the area of the lots included in such proposed change or of those within two hundred feet of the boundary of such proposed change exclusive of the width of intervening streets and alleys, such amendment shall not become effective except by the favorable vote of at least three-fourths of all members of the Council. The provisions relative to public hearings and official notice shall apply to all changes or amendments.

B. If any area is hereafter transferred to another district by a change in district boundaries by an amendment, supplement, change, modification, or repeal as provided, the provisions of this Chapter in regard to buildings or premises existing at the time of passage of this Chapter shall apply to buildings or premises existing at the time of passage of such amendment in such transferred area.

165.83.050 Time Limit

It is the duty of the Council to act upon such proposed amendment, supplement, change, modification or repeal within sixty days after receiving the report from the Commission.

165.83.060 Reapplication Upon Withdrawal or Rejection

If an amendment filed by interested property owners is withdrawn by the owners or rejected by the Council, a new application for a similar amendment on this same property or any portion thereof may not be filed before one year has elapsed from the date of filing. A similar amendment shall be any other district within an industrial classification, commercial classification, multiple-family classification, or single-family and two-family classification. Where unusual circumstances occur that warrant reconsideration of an application, the Commission may grant specific exceptions to the requirement of this section.

165.83.070 Notice

Notice of the public hearing to be conducted by the body holding the hearing and the time and place thereof shall be published at least once not less than seven days nor more than 20 days prior to the date fixed for such hearing in a Clinton County publication having a general circulation in the City.