

1. Petition by ^{prop.} Owners
2. P & Z Comm. votes on petition - recommends to Council
3. City Council sets public hearing - published notice
4. Notify all abutting or opposite prop. owners 2 days prior

ARTICLE 18
AMENDMENTS

SECTIONS:

- 18.010 Authority
- 18.020 Purpose
- 18.030 Procedure
- 18.040 Procedural Omissions

18.010 AUTHORITY

The City Council may, from time to time, upon petition, after public notice and hearing as provided herein and after report by the Planning and Zoning Commission, amend, supplement, or change the boundaries or regulations herein or subsequently established and such amendment shall not become effective except by a favorable vote of the City Council, as set forth in the Code of Iowa.

18.020 PURPOSE

For the purpose of establishing and maintaining sound, stable, and desirable development within the City, it is declared to be a public policy that amendments shall not be made to the Zoning Ordinance and Map except to promote more fully the objectives and purposes of this Zoning Ordinance or to correct errors.

18.030 PROCEDURE

1. Whenever any person, firm or corporation desires that any amendment or change be made to the Zoning map of the City, there shall be presented to the Planning and Zoning Commission a petition requesting such change or amendment and clearly describing the property and its boundaries as to which the change or amendment is desired, duly signed by the owner or owners of at least fifty percent (50%) of all real estate included within the boundaries of said tract as described in said petition. It shall be the duty of the Planning and Zoning Commission to vote upon such petition within sixty (60) days after the filing of such petition.
2. In case the proposed amendment, supplement or change be disapproved by the Planning and Zoning Commission, or a protest be presented duly signed 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 in the rear thereof, extending the depth of one lot or not to exceed two hundred (200) feet therefrom or of those directly opposite thereto, extending the depth of one lot or not to exceed two hundred (200) feet from the street frontage of such opposite lots, such amendment shall not become effective except by a favorable vote of at least three-fourths (3/4) of all members of the Council. It shall be the duty of the City Council to

upon such petition within sixty (60) days after the receipt of the Planning and Zoning Commission recommendation. Whenever any petition for an amendment, supplement or change of the zoning or regulations herein contained or subsequently established shall have been denied by the City Council, then no new petition covering the same property or the same property and additional property shall be filed with or considered by the City Council until one (1) year shall have elapsed from the date of the filing of the first petition.

3. Before any final action shall be taken as provided in this part, the party or parties proposing or recommending a change in the district regulations or district boundaries, shall deposit with the City Clerk the amount prescribed in Article 20. Under no conditions shall said sum or any part thereof be refunded for failure of said amendment to be enacted into law.
4. Public hearings shall be held by the Planning and Zoning Commission and the City Council; notice of time and place of such hearings shall be published not less than fifteen (15) or more than thirty (30) days preceding said hearing and at least once in one or more newspapers of general circulation in the City. The City Clerk shall notify all abutting or opposite property owners separated by public right-of-way. Such notice shall be in written form and shall be sent by mail (either certified or non-certified) not less than ten (10) days prior to the public hearing.

18.040 PROCEDURAL OMISSIONS

The failure to notify, as provided by this Article shall not invalidate an ordinance, provided such failure was not intentional, and the omission of the name of any owner or occupant of property who may, in the opinion of the Planning and Zoning Commission, be affected by such amendment, supplement or change, unless such omission is intentional, shall not invalidate any ordinance passed hereunder, it being the intention of this Article to provide so far as may be possible for notice to the persons substantially interested in the proposed change that an ordinance is pending before the Council, proposing to make a change in zoning.