

ORDINANCE NO.

AN ORDINANCE TO AMEND SECTION 11.4404 OF THE SEWARD ZONING AND SUBDIVISION REGULATIONS RELATING TO THE METHODS BY WHICH CHANGES MAY BE MADE IN THE TEXT OF THE ZONING AND SUBDIVISION REGULATIONS; TO CHANGE THE LENGTH OF TIME WHICH MUST ELAPSE AFTER NOTICE AND PUBLICATION BEFORE A PUBLIC HEARING CAN BE HELD FROM FIFTEEN DAYS TO TEN DAYS; TO PROVIDE FOR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; TO PROVIDE FOR A TIME WHEN THIS ORDINANCE SHALL TAKE EFFECT.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SEWARD, NEBRASKA:

Section 1. Amendment. Section 11.4404 is hereby amended to read as follows:

**11.4404 Amendment Procedure**

a. Purpose

The Amendment Procedures describe the methods by which changes may be made in the text of the Zoning Regulations (text amendment) and/ or the official boundaries of zoning districts (rezoning).

b. Initiation of Amendments

1. Text amendments may be initiated by a citizen, the Planning Commission or City Council.
2. Rezoning may be initiated by a property owner or authorized agent; the Planning Commission; or the City Council.

c. Rezoning Application Requirements

An application for a rezoning may be filed with the Zoning Administrator, or his/her designee. The application shall include the following information:

1. Name and address of the applicant.
2. Owner, address and legal description of the property (shall be verified with a certified copy of the last deed or document of record from the Seward County Register of Deed's Office).
3. A description of the reason for the rezoning application and the nature and operating characteristics of the proposed use.
4. Any graphic information, including site plans, elevations, other drawings, or other materials determined by the Zoning Administrator to be necessary to describe the proposed use to approving agencies.

d. Amendment Process

1. The Planning Commission, following ten days notice and publication, shall hold a public hearing on each proposed text amendment or rezoning and, following such public hearing, shall recommend action to the City Council. A vote either for or against an amendment by a majority

of all Planning Commission members shall constitute a recommendation to the City Council. A vote either for or against an amendment by less than a majority of all Planning Commission members shall constitute a failure to make a recommendation to the City Council.

2. The City Council, following ten days notice and publication, shall hold a public hearing on each proposed text amendment or rezoning and, following such public hearing, shall act on the proposed amendment or rezoning. On applications that receive a recommendation of approval from the Planning Commission, a majority vote of those members either elected or appointed to the City Council is required for approval. On applications that receive a recommendation of denial from the Planning Commission, a majority vote plus one of those members either elected or appointed to the City Council is required for approval.

3. Protest: If a valid protest petition opposing an amendment is filed with the City Clerk by eligible property owners, pursuant to Section 19-905 R.R.S. 1943 (Reissue 1991), a majority vote plus one of those members either elected or appointed to the City Council is required for approval. A valid protest petition must meet the following criteria:

a) Submission of the petition in the office of the City Clerk within fourteen (14) days after the conclusion of the public hearing on the amendment by the Planning Commission.

b) Notarized signatures by at least one of the following:

1) The owner or owners of at least 20% of the property proposed for rezoning.

2) The owners of 20% of the total area, excepting public rights-of-way and public property, within the zoning jurisdiction of the city and within 300 feet of the proposed rezoning.

e. Required Notice and Publication

Prior to consideration of amending, supplementing, changing, modifying, or repealing these regulations by the governing body, notice of public hearings shall be provided by the following methods:

1. Notice By Posted Sign: A notice shall be posted in a conspicuous place on or near the property upon which action is pending. Such notice shall be not less than eighteen inches in height and twenty-four inches in width with a yellow or white background and black letters not less than one and one-half inches in height. Such posted notice shall be so placed upon such premises that is easily visible from the street and shall be so posted at least ten days before the date of such hearing. It shall be unlawful for any person to remove, mutilate, destroy or change such posted notice prior to such hearing.

2. Publication: At least ten days before the date of any public hearing required by this Ordinance, the City Clerk shall have published in a daily newspaper having a general circulation in the City of Seward a Notice of the time, place and subject matter of such hearing.