

## SUBCHAPTER 1R CHANGES AND AMMENDMENTS

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5-1R-1 PROVISIONS FOR AMENDMENT. An amendment to the zoning ordinance may be accomplished by petition, by direction of the council or by the initiative of the Zoning Commission.

5-1R-2 PETITION FOR CHANGE OR AMENDMENT. Whenever the owners of fifty percent (50%) or more of the area of the lots in any district or part thereof desire any amendment, supplement or change in any of the provisions of this title applicable to such area, they may file a petition with the City Clerk requesting the City Council to make such amendment, supplement or change. Such petition shall be accompanied by a map or diagram showing the area affected by the proposed amendment, supplement or changed together with the boundaries of the said area and the names and addresses of all the owners on record in the office of the Count Recorder of Jackson County, Iowa, of lots therein and within a distance of five hundred (500) feet outside of the boundaries of said area; and such petition shall immediately be transmitted to the Zoning Commission for an investigation and report.

5-1R-3 DIRECTED TO THE ZONING COMISSION. The City Council may by resolution direct that the Zoning Commission study and make recommendations regarding a proposed amendment to the Zoning Ordinance which resolution containing the proposed amendment shall be transmitted to the Zoning Commission.

5-1R-4 ZONING COMMISSION AMENDMENTS. The Zoning Commission may by resolution propose an amendment to the Zoning Ordinance and proceed to make recommendations regarding the proposed amendment to the City Council.

5-1R-5 ACTION BY ZONING COMMISSION. The Zoning Commission upon receipt of a petition for amendment under 5-1R-2, or a resolution of the Council under 5-1R-3, or upon passing its own resolution under 5-1R-4 shall investigate and recommend to the City Council whether any amendment, supplement or change should be made to the City zoning regulations and ordinances. Within thirty (30) days of the receipt of a proposed amendment, supplement or change, the Zoning Commission shall conduct a public hearing which any and all parities of interest and citizens may attend. The Zoning Commission shall cause to be published in the Maquoketa Sentinel Press at

least one (1) notice of the meeting and the proposed amendment, supplement or changed not less than seven (7) days and not more than twenty (20) days prior to the public hearing. Within ten (10) days after the public hearing regarding the proposed amendment, the Zoning Commission shall present a written report and recommendation to the City Council. If the Commission has not completed the recommendation within thirty (30) days of receipt of the petition by the Commission, it shall file with the City Council a written report detailing the progress of the commission on the investigation of the recommendation.

5-1R-6 FILING FEE. A petition for change or amendment to the zoning district boundaries shall be accompanied by a filing fee of seventy-five dollars (\$75.00) . The fee shall be deposited in the General Fund of the City. Denial of the requested change shall not cause the fee to be refunded to the petitioner.

5-1R-7 PUBLIC HEARING. After receipt of the Zoning Commissions recommendation, the Council shall consider the amendment, supplement or change at a public hearing during a regularly scheduled Council meeting open to the public. Notice of this hearing shall be provided by publication in the Maquoketa Sentinel-Press at least once not less than seven (7) days and not greater than twenty (20) days prior to Council's consideration of the amendment, supplement or change. Said public hearing shall not take place sooner than the first regularly scheduled Council meeting after notice is published.

5-1R-8 CONDITIONS. The Council may impose conditions on a property owner which are in addition to existing regulations if the additional conditions have been agreed to in writing by the property owner before the public hearing required under this section or any adjournment of the hearing. The conditions must be reasonable and imposed to satisfy public needs which are directly caused by the requested change.

5-1R-9 ADDITIONAL NOTICE. The City of Maquoketa may, at its discretion, provide additional notice by regular mail to record owners of property located within the property subject to the amendment and to record owners of property within two hundred (200) feet of the exterior boundaries of property subject to the amendment.

5-1R-10 PROTESTING, CHANGE OR AMENDMENT.

1. A protest against any proposed amendment, supplement or change may be filed with the City Clerk prior to the public hearing of the Zoning Commission or with the City Council at the public hearing considering the amendment, supplement or change.

2. The protest must be written and if signed by the owners of twenty percent (20%) or more of the area of the lots included in the proposed change or repeal, or by the owners of twenty percent (20%) or more of the property which is located within two hundred (200) feet or more of the exterior boundaries of the property for which the change or repeal is proposed, then the change or repeal shall not become effective except by the favorable vote of at least three-fourths ( $\frac{3}{4}$ ) of all the members of the Council.

5-1R-11 RENEWAL OF PETITION. Whenever a petition requesting an amendment, supplement or change of any regulation prescribed by this title has been denied by the City Council, such petition cannot be renewed for one (1) year thereafter, unless, it be signed by at least fifty percent (50%) of the property owners who previously objected to the change; this provision, however, shall not prevent the City Council from acting on its own initiative in any case at any time provided in this chapter.

5-1R-12 NOTICE PROVISIONS. For the purposes of this subchapter, notice of the Planning and Zoning Commission hearings and the City Council meetings regarding amendment, supplements and changes to zoning properties shall include the following information: The date, time and place of the hearing, the proposed amendment, statement that a written protest to the amendment may be presented at the meeting; and that the proposed change shall not become law unless passed by a three-quarter ( $\frac{3}{4}$ ) vote of all members of the council if the protest is signed by the owners of twenty percent (20%) or more of the area of the lots within the area of the proposed changed or twenty percent (20%) of the area of the lots within two hundred (200) feet of the exterior boundaries of the property for which the change is proposed. The notice must also state that the Council may impose reasonable restrictions are presented in writing at the hearing before the Council.

(Ord. 759, passed 8-19-91)