

CITY OF OGALLALA
APPLICATION FOR AMENDING THE CITY
ZONING MAP
(Please type or print legibly)

DATE _____

NAME OF PROPERTY
OWNER _____

MAILING ADDRESS _____

CITY _____ STATE _____ PHONE _____

Legal description of the property requested to be rezoned.

Proposed change of zoning from _____ to _____

Future land use designation _____

Applicant signature _____

For department use only

Fee Paid _____

Application accepted by _____ **Date** _____

(Excerpt from City Code)

44-1901. Amendments.

(1) Generally. This chapter, including the Official Zoning Maps, may be amended from time to time, but no amendments shall become effective unless they have been proposed by, or been submitted to, the Planning Commission for review and recommendation. The Planning Commission shall have 30 days within which to submit its report to the Council. If the Planning Commission fails to submit a report within the 30 days, it shall be deemed to have approved the proposed amendment. A public hearing shall be held by the Planning Commission before adoption of any proposed amendment to this chapter. A notice of such public hearing shall be given once a week for two successive calendar weeks in a newspaper of general circulation in the City, said notice to be published the first time not less than 15 days prior to the date established for the public hearing.

(2) Application. In order to have a proposed change of district or amendment introduced and considered by the Planning Commission, persons requesting the same shall comply with the following:

(a) At the time an application for the change of a zoning district or amendment to the zoning text is filed with the Planning Commission, there shall be deposited with the City Clerk a fee as established by resolution of the City Council.

(b) An application for a change of district to a commercial district shall contain a minimum area of three acres. The area, should more than one parcel of land be involved, shall be contiguous exclusive of any streets or easements.

(c) An application for a change of district to an industrial district shall contain a minimum area of five acres. The area, should more than one parcel of land be involved, shall be contiguous exclusive of any streets or easements.

(d) The foregoing requirements in subsections (a) and (b) will not apply in the case of an extension of a commercial or industrial district.

(e) A person presenting an application for a change of district shall not be entitled to have such change considered and acted upon by the Council unless and until the Planning Commission has certified that such change is not inconsistent with the principles of the Land Use Plan of the City.

(f) When an application for change of zoning district for a lot or parcel of land specifically described and identified has been submitted to and denied by the Council, a period of six months must elapse before the aforementioned lot or

parcel, either separately or as a component of a larger parcel, can again be brought before the Planning Commission for further consideration.

(3) Public hearing. Before enacting an amendment to this chapter, the Council shall hold a public hearing thereon. At least ten days prior to the hearing, a notice containing the time and place shall be published in a newspaper of general circulation in the City. Additionally, notice shall be posted in a conspicuous place on or near the property on which action is pending. At the option of the Council, in place of the posted notice provided above, the owners or occupants of real estate within three hundred feet of the affected real estate may be personally served with a written notice thereof at least ten days prior to the date of the hearing if they can be served within Keith County, Nebraska. If the record title owners or occupants of any lots included in such proposed change are nonresidents of the county, then a written notice of such hearing shall be mailed by certified mail to such owners or occupants addressed to their last-known addresses at least ten days prior to such hearing. All notices provided for herein shall conform to the requirements of Neb. RS 19-904, 19-905 & 19-923.

(4) Protest. If a protest against such change is signed by the owners of 20% or more either of the area of the lots included in such proposed change, or of those immediately adjacent thereto, extending 300 feet therefrom, and of those directly opposite thereto extending 300 feet from the street frontage of such opposite lots, the amendment shall not become effective except by favorable vote of three-fourths of all Members of the Council.

Statutory reference: Neb. RS 19-905