

ORDINANCE NO. 1439

LEXINGTON, NEBRASKA.

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ORDINANCE NO. 1439

AN ORDINANCE AMENDING THE RULES OF PROCEDURE GOVERNING APPLICATIONS, PERMITS AND APPEALS REGARDING APPLICATIONS FOR AMENDMENT, REVISION, OR CHANGE OF THE ZONING DISTRICT MAP OR FOR A SPECIAL USE PERMIT, AMENDMENTS OF CHARTER, ETC.; AMENDING SECTION 28-8; REPEALING ALL OTHER SECTIONS OR PARTS OF SECTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, DAWSON COUNTY, NEBRASKA:

Section 1. Section 28-8 of the Code is hereby amended to read as follows:

Sec. 28-8. Rules of procedure governing applications, permits and appeals, amendment of chapter, etc.

Applications for amendment, revision or change of the zoning district map or for a special use permit may be made any person, or his agent, who owns the land sought to be rezoned or specially used. If such application is made by the owner's agent, the agent shall enter upon the application the name and current mailing address of the owner.

Applications for amendment, revision or change of any portion of this chapter may be made by any interested person. All applications shall be made on forms prescribed by the City Clerk-Treasurer and duly filed with the City Clerk-Treasurer.

A fee of Thirty-five dollars (\$35.00) shall accompany each application for amendment or special use permit. An accurate sketch of the land in question, drawn to scale on a sheet 8 1/2 x 11", and a legal description thereof shall accompany the application.

Immediately upon receipt of such application and fee, the Clerk-Treasurer shall note thereon the date of filing and make a permanent record thereof. All such applications shall be set down for hearing not later than the second regular monthly meeting of the planning commission following the application. Any such hearing may, for good cause, at the request of the applicant or in the discretion of the planning commission be continued for a definite time to be specified in the record of the planning commission.

Notice of such hearing shall be published at least one time in the official newspaper of the city, such Notice to be published not less than ten days prior to the date of the hearing before the planning commission. Said Notice shall contain such information as is required by law to be given, the name of the person who is the record title holder of the land sought to be rezoned or specially used, the legal description of said property, and the street address of said property.

In addition to the publication of the Notice herein prescribed, a Notice shall be posted in a conspicuous place on or near the property on which action is pending. Said Notice shall not be less than two feet in height and four feet in width with white or yellow background, and black letters not less than two inches in height, and be substantially the same as the published Notice. Such posted Notice shall be so placed upon such premises that it is easily visible from the street nearest the same and shall be so posted at least ten days prior to the date of such hearing. It shall be unlawful for anyone to remove, mutilate, destroy or change such Notice prior to such hearing. Any person so doing shall be deemed guilty of a misdemeanor. The record title holders of any real estate included in such proposal, and all record title holders of land within four hundred feet of the land involved in such proposal, shall be served with a written Notice substantially the same as the published Notice, service to be made by certified mail to the last known address of said title holder. Such Notice shall be mailed at least ten days prior to such hearing. In addition, the Clerk-Treasurer shall notify the Board of Education having jurisdiction in the area containing the property, for the purpose of securing a recommendation from the Board relative to the zoning change. Such recommendation from the Board of Education shall be advisory only and failure to submit a recommendation within thirty days shall be construed as approval of the proposal as submitted.

Following the final hearing of such application, the planning commission shall approve or deny the same, at the earliest reasonable time, and shall transmit an accurate written summary of the proceedings to the City Clerk-Treasurer.

Following receipt of the summary of the action of the planning commission, the City Clerk-Treasurer shall submit the same to the City Council for consideration as soon as reasonably possible, but not later than the third regular meeting of the Council following the date of receipt thereof, at which time, final action approving, or disapproving the recommendation of the planning commission shall be taken; provided,

