

CHAPTER 1174
Amendments

1174.01 General.**1174.02 Planning Board action.****1174.03 Permit and certificate issued prior to amendment.****1174.04 Application for permit and certificate at time of amendment.****1174.01 GENERAL.**

(a) The City Commission may from time to time on its own motion; initiation by the Planning Board; or on petition by a person, amend the boundaries of districts or regulations established in this code by adopting an ordinance to supplement; change; modify or repeal them.

(b) To amend the districts and regulations established in this code, applications shall be submitted on forms available from the City Clerk and shall be accompanied with the following items:

- (1) A plot plan of the petitioned property and all other properties within 200 feet of the lands shall be submitted.
- (2) The names and addresses of all property owners of the petitioned property and those within 200 feet of any part of the petitioned property shall be submitted. However, when ten (10) or more contiguous properties are joined in one (1) petition by motion of the City Commission or instigation by the Planning Board, the names and addresses of those of the petitioned properties and those within 200 feet need not be submitted.
- (3) A written statement setting forth the reasons for amending the map as petitioned shall be submitted.
- (4) A filing fee of \$285.00 shall be submitted.
(Ord. 04-248. Passed 8-10-04.)
- (5) Such other documentation as may be necessary to process the proposed amendment shall be submitted.

1174.02 PLANNING BOARD ACTION.

(a) An amendment by any person shall first be submitted to the Planning Board for its recommendations and a report. If the Planning Board does not submit a report within 45 days of the filing date of the application, it shall be considered to have submitted a report approving the proposed amendment. Applicants may waive this time limitation in writing. Incomplete

applications are deemed to not have been properly filed. The said 45-day time limitation will begin to run once an application has been properly filed. After the recommendations and report of the Planning Board have been filed, the City Commission shall before enacting any proposed amendment, hold a public hearing on the proposed amendment, giving notice of the time and place of the hearing, which notice shall be published in a newspaper having a general circulation in the city at least 30 days before the public hearing.

(Ord. 03-288. Passed 8-19-03.)

(b) The Planning Board may make recommendations and a report to the City Commission for amendments to this code or map upon its own initiation. If the Planning Board initiates such recommendations and a report to the Commission, said recommendations may be immediately set for public hearing following the procedures generally prescribed for amendments to the code and map by the Commission.

1174.03 PERMIT AND CERTIFICATE ISSUED PRIOR TO AMENDMENT.

Nothing contained in this code shall require any change in building or structure for a use for which a building permit and a zoning certificate, as prescribed in Chapter 1176, had been legally granted before the amendment of the code and map. However, the construction of any building or structure shall commence within six (6) months from the date the permit and the certificate are issued and be completed prior to the expiration of the building permit.

1174.04 APPLICATION FOR PERMIT AND CERTIFICATE AT TIME OF AMENDMENT.

If the establishment of a building, structure or use is contemplated that would not be permitted because of the proposed amendment to the code or map, no building permit and zoning certificate for the building, structure and use shall be issued for a period of 60 days after the City Commission has set a public hearing on the proposed amendment. The permit and certificate shall be subject to one of the following actions of the Commission:

- (a) If within the 60 day period the Commission shall enact an ordinance amending the code or map, the provisions of the code or map as amended shall thereafter be in effect, and the building, structure and use for which a permit or certificate is pending shall comply with the code or map as amended.
- (b) If final action by the Commission has not been taken on the amendment within 60 days of the time the matter is set for public hearing, the permit and certificate shall be issued based upon the present code.
- (c) If within the 60 day period the Commission does not receive a sufficient number of votes for passage of the amendment, the suspension period shall be terminated and the permit and certificate shall be issued based upon the present code.