

ARTICLE XVIII

AMENDMENT PROCEDURE INCLUDING BUT NOT LIMITED TO CHANGE IN ZONING

SECTION 18.0 DECLARATION OF PUBLIC POLICY: This Ordinance, and as herein use, the term Ordinance shall be deemed to include the official zoning map or maps, shall not be amended except to correct a manifest error in the Ordinance, or, because of changed or changing conditions in a particular area or in the city generally, to rezone an area or to extend the boundary of an existing zone so as not to be in conflict with the area - wide comprehensive plan as adopted by the Kenton County and Municipal Planning and Zoning Commission or to change the regulations and restrictions thereof, only as necessary to the promotion of the public health, safety, or general welfare. Subject to the limitations of the foregoing Declaration of Public Policy, an amendment to this Ordinance may be initiated by Board of Council or the Planning Commission on their own motion, or in the manner and pursuant to the procedure hereinafter set forth, may be initiated by any person, firm, or corporation filing an application therefore with the city.

SECTION 18.1 LIMITATIONS ON ALL PROPOSED AMENDMENTS: All proposed amendments to this Ordinance regardless of how or by whom initiated, shall be subject to the following limitations:

- A. **ADMINISTRATIVE EXAMINATION:** No amendment to this Ordinance shall be adopted until the amendment has been examined by the Planning Commission as hereinafter set forth. Before any amendment is granted, the planning commission, or Board of Council, must find that the amendment is in agreement with the adopted comprehensive plan, for the city of Park Hills or in the absence of such a finding, that one or more of the following apply, and such finding shall be recorded in the minutes and records of the planning commission or Board of Council:
1. That the original zoning classification given to the property is was inappropriate or improper.
 2. That there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the community's comprehensive plan and which have substantially altered the basic character of such area.

The Commission shall review the proposal, and shall within sixty (60) consecutive calendar days from the date of its receipt, advise the Board of

Council, after a public hearing, whether it recommends approval or disapproval of the change and if it recommends disapproval, state the reasons for such recommendation.

- B. **UNIFORMITY OF ZONE REGULATIONS AND RESTRICTIONS:** No amendment to this Ordinance shall be adopted whereby the regulations and restrictions established thereby are not uniform for each zone having the same classification and bearing the same symbol or designation on the official zoning map.
- C. **MINIMUM SIZE OF NEW ZONES:** No amendment to this Ordinance shall be adopted whereby the zoning classification of an area is changed unless the total area being applied for meets the following requirements as to minimum size. For the purpose of computing the total size of an area to be rezoned for compliance herewith, there shall be added to such area: (1) the area of public rights - of - way interior to the area being changed; (2) one - half the area of public rights - of - way abutting the area being changed; and (3) the area of any land within the city limits which is contiguous to the area being changed and which land already bears the zoning classification sought for the area being changed). For the purpose of this section neither continuity nor abutment shall be destroyed by the existence of a street, or alley. Subject to the foregoing limitations, every zone shall be of at least the following size:

The zoning map or maps shall not be amended, changed, or modified in such manner as to create a free standing zone of less than five (5) acres, except where specific area restrictions are stipulated in this Ordinance, or as outlined in the Comprehensive Plan for the city of Park Hills.

SECTION 18.2 PUBLIC HEARING REQUIRED, NOTICE GIVEN: No amendment, including, but not limited to, changes of zoning to this Ordinance, shall become effective until after a public hearing has been held by the Planning Commission in relation thereto at which hearing parties in interest and citizens shall have an opportunity, to be heard. Notice of the time and place of such hearings shall be published at least once, but may be published two or more times in a newspaper of general circulation in the city provided that one publication occurs not less than seven (7) calendar days nor more than twenty - one (21) calendar days before the occurrence of such hearing.

Additionally, where a hearing is scheduled on a proposal to amend any zoning map, plat, plan, text, or regulation, the following notice shall be given in addition to any other notice required by statute by local regulation or ordinance to be given: (1) notice of the hearing shall be posted conspicuously on the property, the classification of which is proposed to be changed; and (2) notice of the hearing shall be given at least fourteen (14) days in advance of the hearing by registered mail to the owners of all property

adjoining the property the classification of which is proposed to be changed. It shall be the duty of the person or persons proposing the amendment to furnish to the Planning Commission the names and addresses of the owners of all adjoining property.

Where property adjoins a street or alley, the classification of which is to be changed, the property abutting the opposite side of such street or alley shall be considered adjoining property.

SECTION 18.3 APPLICATION FOR AMENDMENTS:

- A. BY WHOM MADE: The owner, legal representative, Planning Commission, Board of Council, or Fiscal Court may apply for an amendment to this Ordinance.
- B. FILING OF APPLICATION: All applications for amendments to this Ordinance shall be filed in writing with the Zoning Administrator to be transmitted to the Planning Commission on forms furnished by the Zoning Administrator (in triplicate - see Appendix A) The fee required for applying for such amendment shall be as provided in Section 20.0 of this Ordinance.

SECTION 18.4 EXAMINATION OF APPLICATIONS: Upon receipt of an application for an amendment, properly and completely completed as herein set forth, the Zoning Administrator shall transmit copies of the application to the Planning Commission, which, after examination of the application, may require, if considered necessary, that the applicant furnish additional information of a pertinent and reasonable nature.

SECTION 18.5 DISPOSITION OF APPLICATIONS:

- A. ADMINISTRATIVE DISPOSITION: Upon receipt of an application for an amendment from the Zoning Administrator, the Planning Commission shall hold at least one (1) public hearing on the proposed amendment. After consideration of the proposed amendment, the Planning Commission shall forward written notice of its findings and recommendations concerning the application to the Board of Council along with a copy of the application.
- B. LEGISLATIVE DISPOSITION: Within a reasonable time after receipt of the Planning Commission's recommendations and findings concerning the application and a copy of the application, the Board of Council shall act on such application. A majority of the entire legislative body shall be required to override the recommendation of the Planning Commission.