

File

ORDINANCE NO. 941

AN ORDINANCE AMENDING ARTICLE XXII, SECTION 1 OF ORDINANCE NO. 807 OF THE CITY OF ROSWELL; REPEALING ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT OR INCONSISTENT HEREWITH; PROVIDING FOR SEVERABILITY AND, FIXING THE EFFECTIVE DATE OF THIS ORDINANCE.

BE IT ORDAINED BY THE GOVERNING BODY, THE CITY COUNCIL OF ROSWELL, NEW MEXICO:

Section 1. That Article XXII, Section 1 of Ordinance No. 807 be, and the same hereby is amended to read as follows:

ARTICLE XXII, SECTION 1. Amendments and changes. The City Council may on its own motion or on signed petition therefor, made and filed with the Building Inspector, after published notice of public hearing and public hearing held, amend, supplement, modify or otherwise change the regulations, restrictions and boundaries herein established. Every such proposed change or amendment shall be referred by the City Council to the City Planning and Zoning Commission for report and recommendation. Any such proposed change or amendment which has failed to receive the approval of the City Planning and Zoning Commission shall not be passed by the City Council, except by the favorable vote of three-fourths of the members of the City Council present.

A three-fourths favorable vote of all the members of the municipal governing body shall be required to pass an amendment or change of the zoning ordinance: To effect a change of zoning classification to a less restrictive use; or to supplement, modify or otherwise change the regulations, restrictions or boundaries therein provided, where a valid protest is filed in the office of the City Building Inspector at least five (5) days prior to the published date of public hearing therein. Said filed petition of protest shall reflect the protesting property owner's name and mail address with lot, block and subdivision description of property owned by said protestor, shall be subscribed by the bona-fide owner of legal or equitable title thereto, and shall constitute in the aggregate not less than twenty (20%) percent of:

- a. The land or area proposed to be rezoned; or
- b. The land adjacent to and within two hundred (200) feet of the area proposed to be rezoned or otherwise transformed, excluding intervening public street or alley frontage in measuring such 200 feet.

Section 2. Any person or persons aggrieved by any such decision of the City Council may present to a court of competent jurisdiction a petition for court review thereof within the time and in the manner as provided in Article XVII, Section 5, hereof.

Section 3. Application for a requested change of zoning, amendment, modification, alteration or otherwise changing of the regulations, restrictions, boundaries, zones or districts, herein or hereafter established, including applications for requested special use permits, shall be made in writing to the Building Inspector upon the prescribed application form therefor and signed by the applicant. A fee of Fifteen (\$15) Dollars shall be paid to the Building Inspector at the time such application is filed, which fee the Building Inspector shall forthwith pay over to the City Clerk to the credit of the General Revenue Fund of the City of Roswell.

Section 4. Repealer. All other ordinances or parts of ordinances in conflict or inconsistent herewith be, and the same hereby are repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance or parts of any ordinance heretofore repealed.

Section 5. Severability. That if any section, paragraph, clause or provisions of this ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any other part of this ordinance.

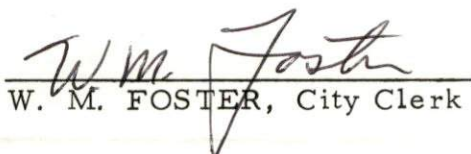
Section 6. Effective Date. This ordinance shall be and become effective five (5) days after its publication.

PASSED, ADOPTED, SIGNED AND APPROVED on February 13, 1973.

CITY SEAL


WM. F. BRAINERD, Mayor

ATTEST:


W. M. FOSTER, City Clerk