

Zoning Amendment Additional Information

Initiation

The Provisions of the Zoning Ordinance may be amended, supplemented, changed, or repealed to meet changing conditions or to better meet good zoning practices.

Application Contents

The Application for amendment shall contain as a minimum:

- A completed Zoning Application packet;
- The proposed amendment to the Zoning Ordinance, the proposed use and the proposed zoning district of the property(s);
- The present use and present zoning district of the property(s);
- A list of all property owners within, contiguous to, and directly across the street from the property(s) in question. The list of addresses may correspond to the County Auditor's current tax list;
- A statement of the relationship of proposed change or amendment to the general welfare of the community, to appropriate plans for the area, and to the changed or changing conditions behind the request to re-zone;
- A plot plan to show:
 - o Boundaries and dimensions of the lot and the size and location of all proposed and existing structures;
 - o The proposed use of all parts of the lot and structures;
 - o Traffic access, traffic circulation, existing and proposed utilities, parking, lighting, and illumination, landscaping, signs, and other such information relevant to the proposed use; and
 - o Such additional information as may be required by this Zoning Ordinance and/or requested by the Board and/or Director of Inspection and Engineering to review the application.
- Any deed restrictions, easements, covenants and encumbrances to be used to control the use, development, and maintenance of land, and proposed uses, shall be fully denoted by text and map; and
- At the discretion of the Planning Commission, and engineer's estimate of utility needs of the proposed use of the area being considered for rezoning, to include sewer, water, and refuse demand may be required. In addition, an engineer's estimate of potential traffic generation for the proposed uses and measures proposed by the Applicant to mitigate the resulting from said generation may be required by the Board.

Criteria for Review

The Planning Commission shall, at the minimum, consider the following factors in the review of the application:

- Compatibility of the proposed amendment to adjacent land use, adjacent zoning, and to appropriate plans for the area;
- Relationship of the proposed amendment to access and traffic flow and utility services including sanitary sewer, water, and storm drainage;
- Relationship of the proposed amendment to the public health, safety, convenience, comfort, prosperity, and general welfare; and
- Relationship of the proposed use to the adequacy of available services and to general expansion plans and planned capital improvements.

Review Procedure

- Filing and Acceptance of Application – Fifteen (15) copies of a completed application shall be filed with the Director of Inspection and Engineering at least forty-five (45) days prior to a regularly

- scheduled meeting of the Planning Commission. Prior to accepting such application, the Director of Inspection and Engineering shall review the submittal and determine whether such application is complete and meets all submittal requirements. Failure to submit a complete application, as determined by the Director of Inspecting and Engineering, shall result in a refusal of acceptance.
- Public Hearing – A public hearing of the Board of Zoning and Building Appeals shall be held within sixty (60) days from the date of the acceptance of a resolution, motion, or complete application to amend this Ordinance and/or official zoning map. Nothing in this section shall prevent the Board from granting a continuance of the public hearing.
 - Public Notice for Hearing – At least one (1) notice shall be given at least ten (10) business days prior to a scheduled public hearing in one or more newspapers of general circulation in the Village. Such notice shall include the time and place of the public hearing, nature of the proposed amendment, and a statement that after the conclusion of such public hearing the matter will be referred to the Village Council for further determination.
 - Notice to Property Owners – If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notices of the hearing shall be mailed by the Village, certified mail, at least thirty (30) days prior to the date of a scheduled public hearing to all property owners within, contiguous to, or directly across the street from such area proposed to be rezoned or redistricted as per Chapter 153.041 (B)(3)(e). The notice shall correspond to division (d)(3) of this section in content.
 - Action of Planning Commission – Within thirty-one (31) days of the public hearing, or within thirty-one (31) days of the date of referral of each ordinance or resolution referred to the Planning Commission by Village Council in accordance with Charter Section 4.12 unless a time extension is granted by Council; Planning Commission shall review the application and forward one of the following recommendations of the majority of members of the Commission to Village Council
 - o Recommend amendment be granted as requested
 - o Recommend a modification of amendment
 - o Recommend amendment not be granted
 - Public Hearing of the Council – Upon receipt of such recommendation, Village Council shall schedule a public hearing within forty-five (45) days of said receipt. Nothing in this section shall prevent the Council from continuing a public hearing.
Council shall hold a public hearing whenever an ordinance or resolution establishes, amends, revises, changes, or repeals a zoning classification, zoning district, or zoning regulation as per Charter Section 4.13
 - Public Notice for Hearing: At least one (1) notice shall be given at least ten (10) business days prior to a scheduled public hearing in one or more newspapers of general circulation in the Village. Such notice shall include the date, time, and place of the public hearing, nature of the proposed amendment, and a summary of any planning commission recommendation.
 - Notice to Property Owners: If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notices of the hearing shall be mailed by the Village, certified mail, at least thirty (30) days prior to the date of the public hearing to all property owners within, contiguous to, or directly across the street from such area proposed to be rezoned or redistricted as per Chapter 153.041 (B)(3)(e). The notice shall correspond to division (d)(3) of this section in content.
 - Action by Village Council – Within thirty-five (35) days after public hearing, Council shall adopt or deny the recommendation of Planning Commission or adopt a modification thereof. To adopt the Commission's recommendation, a majority vote of the membership of Council is required. To reverse or modify the Commission's recommendation, the affirmative vote of five members of Village Council is required.

An application for zoning amendment that has been disapproved by Village Council may be resubmitted to the Village no sooner than one (1) year of the date of such disapproval by Council.

Date Application Filed: _____

Date(s) of Public Hearing: _____

Date(s) Notice of Hearing: _____

Date(s) of Notice to Property Owners: _____

Hearing Date: _____

Date(s) of Public Hearing: _____

Date(s) of Notice for Hearing: _____

Date(s) of Notice to Property Owners: _____

Action of Village Council

Hearing Date: _____

- attach copy of meeting minutes
- other attachments as necessary.

Variance Approved: _____

Approved with Conditions: _____

Denied: _____

Comments: