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## ARTICLE 19. AMENDMENTS TO THE ZONING ORDINANCE AND DISTRICT MAP

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### Section 1900. Council May Amend the Zoning Ordinance.

The Village Council may amend the Zoning Ordinance. Such change shall be in the interest of public necessity, convenience, general welfare and/or good zoning practice. Prior to such amendment, the Planning Commission shall make recommendations on all proposed amendments according to the provisions of this Ordinance and other applicable regulations of the Village. Such changes may include amendments, supplements, changes in regulations and/or district boundaries and/or classification of property as now or hereafter established by the Zoning Ordinance and amendments thereof.

### Section 1901. Criteria for Amendments to the Zoning District Map

- The amendment is consistent with the purpose of the district
- The property to be rezoned is similar in character to other areas of the community which are in the same zoning district.
- The amendment will not create a case of "spot zoning", i.e., assign a property to a zoning district where it does not conform to the purpose.
- Will not change the legal, conforming status of uses and structures that are acceptable and appropriate in the community and in their present location.

### Section 1902. Procedure for Change in Zoning Ordinance

**1902.1 Initiation of Zoning Amendment:** A proposed amendment to this Zoning Ordinance may be initiated in one of the following ways:

- By adoption of a motion of the Planning Commission;
- By passage of a motion or Ordinance by Council;
- By the filing of an application by at least one owner, agent, or lessee of property within the area proposed to be changed or affected by such amendment.

Additionally, any resident, property owner or official of the community may suggest an amendment to the Zoning Ordinance, which the Council and/or the Planning Commission may decide to study.

**1902.2 Application for Zoning Amendment:** An application for a Zoning Amendment shall be submitted to the Zoning Inspector and shall contain eight (8) collated sets of the information listed below, including two (2) sets with original signatures. Applicants are encouraged, but not required, to contact the Zoning Inspector to review the requirements for applications prior to submittal.

- An application form, available from the Zoning Inspector, to be completed and signed by the applicant and property owner(s).
- A sketch map of the proposed zone change, if applicable, as described in this section.
- The text of the existing sections of the Ordinance, and the proposed new text, including section numbers, if applicable.
- Names and addresses of property owners and occupants of properties within two hundred (200) feet of the subject property.
- A fee as required in this Ordinance.

**1902.3 Sketch Map of Zoning Amendment.** The purpose of the sketch map is to illustrate the area of the proposed zoning amendment if the amendment involves an amendment of the map. The sketch map shall contain the following information:

- A copy of all or a portion of the Village Zoning District map, in the same scale as the official map and on a page of at least 8-1/2 x 11" in size, including the subject area and surrounding areas, and with notations describing the proposed change.
- Present zoning district;
- Proposed use of the property;
- Proposed zoning district;
- A vicinity map showing property lines, thoroughfares, existing and proposed zoning of adjacent parcels and of those across the street;

**1902.4 Action of the Commission.** The proposed amendment shall be considered by the Planning Commission by the following process.

- The proposed amendment shall be submitted to the Zoning Inspector. In the case of an application, the Zoning Inspector shall determine whether the application is complete within three (3) business days. If the application is determined to be complete, the Planning Commission shall schedule the hearing as provided below.
- If the application is deemed to be incomplete, it shall be the responsibility of the applicant to request a refund of the application fee from the Zoning Inspector.
- The Planning Commission shall schedule the hearing and shall provide public notice as provided in this Article.
- The Commission shall make a recommendation on the proposed amendment to the Village Council. The Commission may recommend that the application be approved as requested, it may recommend a modification of the zoning amendment requested in the application, or it may recommend that the application not be granted.
- The Planning Commission shall make its recommendation within thirty (30) days of the date of adoption of the Planning Commission motion, or Village Council Ordinance, or determination of completeness of the application.

**1902.5 Public Hearing by the Council:** The proposed amendment shall be considered by the Village Council according to the following process.

- The recommendation of the Commission along with any necessary supporting documents shall be forwarded to City Council for their review.
- After receiving the recommendation of the Planning Commission and before the adoption of any such amendments, Council shall hold a public hearing thereon.
- The Village Clerk shall provide notices to the public and property owners as described in this Ordinance.

- The Council may decide to approve the proposed amendment as submitted, or with any further changes, or to reject the whole or any part of the amendment.
- The Council shall take action on the proposed amendment within sixty days of the date of adoption of the Planning Commission motion, or Village Council Ordinance, or determination of completeness of the application.
- If the Council approves an amendment of the Zoning District Map, the Zoning Inspector shall revise the map within ten (10) business days of the Council action.

**1902.6 Notice to the Public and Property Owners:** Public notice of public hearings related to proposed zoning amendments shall be published in a newspaper of general, local circulation at least ten (10) days beforehand. If the proposed amendment intends to rezone ten or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by first class mail at least ten days before the date of the public hearing, to all occupants and owners of property within, contiguous to and directly across the street from such area proposed to be rezoned. The notice shall state the place or places and times at which the proposed amendment to the Ordinance including text and maps may be examined and other notices as required by state statutes. The names and addresses shall be obtained from the County auditor's current tax list or the treasurer's mailing list and to such other list or lists that may be specified by the legislative authority. The failure to notify individual property owners and occupants as provided in this section shall not invalidate any recommendation adopted hereunder, it being the intent of this section to provide so far as is reasonably possible, due notice to the persons substantially interested in the proposed change that an application is pending.

**1902.7 Resubmittal of Application for Amendment:** In the event the proposed amendment has been disapproved by Council, no application for a proposed identical amendment shall be resubmitted for a period of six (6) months following such disapproval.

**Section 1903. Zoning Amendments Shall Not be Approved With Conditions**

Zoning amendments shall not be approved with conditions, and shall not be contingent, for example, upon the completion of a proposed structure or initiation of a proposed use.