

CHAPTER 1183
Amendments

CROSS REFERENCES

Council may amend zoning - see Ohio R.C. 713.10

1183.01 PROCEDURE FOR AMENDMENTS, SUPPLEMENTS, AND CHANGES IN ZONING DISTRICTS.

This Ordinance may be amended utilizing the procedures specified in Section 1183.02 to 1183.07, inclusive of this Ordinance.

1183.02 GENERAL.

Whenever the public interest, the general welfare, or good zoning practices require a need for appropriate changes, Council by Ordinance, after receipt of recommendation thereon from the Planning Commission and subject to procedures provided by law, may amend, supplement, change or repeal the regulations, restrictions, and boundaries or classification of property.

1183.03 INITIATION OF ZONING AMENDMENTS.

Amendments to this Ordinance may involve an amendment of the text of this Ordinance or the Official City Zoning Map, and may be initiated in one (1) of the following ways:

- A. By adoption of a motion by the Planning Commission.
- B. By the passage of an Ordinance by Council.
- C. By the filing of an application of at least one (1) or more of the owners or lessees of property within the area proposed to be changed or affected by the amendment.

1183.04 CONTENTS OF APPLICATION FOR ZONING MAP AMENDMENT.

Applications for any change of district boundaries or classification of property shall be submitted to the Planning Commission on appropriate forms.

- A. Application

Application for amendment to the Official City Zoning Map adopted as part of this Ordinance by Chapter 1139 shall contain at least the following information.

- 1. The name, address, and telephone number of the property owner.
- 2. The proposed amending resolution, approved as to form by the City Law Director.
- 3. A statement of the reason(s) for the proposed amendment.
- 4. Present use.
- 5. Present zoning district.
- 6. Proposed use.

7. Proposed zoning district.
8. A vicinity map at a scale approved by the Director of Zoning showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Director of Zoning may require.
9. A list of all property owners and their mailing addresses who are within, contiguous to, or directly across the street from the parcel(s) proposed to be rezoned, except that addresses need not be included where more than ten (10) parcels are to be rezoned.
10. A statement on the ways in which the proposed amendment relates to the Comprehensive Plan.
11. A fee as established by Ordinance of the City Council.

B. Contents of Application for Zoning Text Amendment

Applications for amendments proposing to change, supplement, amend or repeal any portion(s) of this Ordinance, other than the City Zoning Map, shall contain at least the following information:

1. The name, address, and telephone number of the property owner.
2. The proposed amending Ordinance, approved as to form by the City Law Director.
3. A statement of the reason(s) for the proposed amendments.
4. A statement explaining the ways in which the proposed amendment relates to the Comprehensive Plan.
5. A fee as established by City Council and adopted by ordinance.

1183.05 TRANSMITTAL TO THE PLANNING COMMISSION.

Immediately after the adoption of a ordinance by the City Council, or the filing of an application by at least one (1) owner or lessee of property, said Ordinance or application shall be transmitted to the Planning Commission.

A. Public Hearing by the Planning Commission

The Planning Commission may schedule a public hearing on the proposed amendment not less than thirty-five (35) days from date of receipt of the proposed amendment.

B. Notice of Public Hearing in Newspaper

Prior to holding the public hearing required in Section 1183.05A., notice of such hearing shall be given in one (1) or more newspapers of general circulation of the City at least fifteen (15) days before the date of the said hearing. The notice shall set forth the time and place of the public hearing and the specific item to be considered.

C. Notice to Property Owners

If the amendment intends to rezone or redistrict property as shown on the Official District Map, written notice shall be mailed by the Secretary of the Planning Commission, by first class mail at least fifteen (15) days prior to the hearing, to all owners of property within, contiguous to, and directly across the street from the area subject to the proposed amendment. This notice shall be sent to the address of such owners appearing on the County Auditor's current tax list and to any other list specified by the Planning Commission. If the application was submitted by one or more owners or lessees of the property, the mailing list shall be supplied to the Secretary by the property owners or lessees requesting the amendment. The failure to deliver the notification as provided in this Section shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers, as specified in Section 1183.05B.

D. Action by the Planning Commission

Within thirty-five (35) days after holding its public hearing and, with no less than three (3) members of the Commission concurring, the Commission may recommend full approval, approval subject to specified modifications, or denial of the application for a Zoning amendment. No member of the Commission shall be authorized to vote by proxy. Such recommendation shall be certified to Council within thirty-five (35) days after the hearing.

1183.06 PUBLIC HEARING BY CITY COUNCIL.

Upon receipt of the certified recommendation from the Planning Commission, City Council shall schedule a public hearing within thirty-five (35) days.

A. Notice of Public Hearing in Newspaper

Notice of the public hearing required in Section 1183.06, including other notices as required by state statutes, shall be given by City Council in accordance with the provisions of Section 1183.05B. governing the hearings of the Planning Commission.

B. Notice to Property Owners

If the amendment intends to rezone or redistrict property as shown on the Official District Map, written notice shall be mailed by the Clerk by first class mail at least fifteen (15) days prior to the hearing, to all owners of property within, contiguous to, and directly across the street from the area subject to the proposed amendment. This notice shall be sent to the address of such owners appearing on the County Auditor's current tax list (refer to Section 1183.05C.) and to any other list specified by the City Council. The failure to deliver the notification as provided in this Section shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers, as specified in Section 1183.05B.

C. Action by City Council

Within twenty-one (21) days after the public hearing required in Section 1183.06, Council shall either adopt or deny the recommendation of the Planning Commission, or adopt some modification thereof.

1. Amendments fully consistent with the recommendations of the Planning Commission shall require approval from at least four (4) members of Council for passage.
2. In the event the City Council denies the recommendation of the Planning Commission, it must do so by a concurring vote of at least five (5) members of Council. No member of Council shall be authorized to vote by proxy.
3. In the event the City Council determines that there are other initial issues which need to be addressed that were not part of the Planning Commission's consideration and recommendation, the application must be returned to the Planning Commission for further review and recommendation back to the City Council.

1183.07 EFFECTIVE DATE AND REFERENDUM.

Such amendment adopted by City Council shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the passage of the Ordinance, there is presented to the City Clerk a petition, signed by a number of qualified voters residing in the City, equal to but not less than ten percent (10%) of the total vote cast in such areas at the last preceding general election at which a Governor was elected, requesting the City Council to submit the Zoning Amendment to the electors of the City for approval or rejection at the next general election.

No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate effect.