

DISTRICT CHANGES AND ORDINANCE AMENDMENTS

150.110 GENERAL

Whenever the public necessity, convenience, general welfare, or good zoning practice require, the council may, by ordinance, after receipt of recommendation thereon by the planning commission, and subject to the procedure prescribed by general law and by the Charter of the city, amend, supplement, or change the regulations, district boundaries, or classification of property now or hereafter established by this chapter or amendments thereof. It shall be the duty of the commission to submit its recommendations regarding all applications or proposals for amendments to the council.

150.111 PROCEDURE FOR DISTRICT CHANGES AND ORDINANCE AMENDMENTS

- A. Applications for any change of district boundaries or classifications of property as shown on the zoning map shall be submitted to the commission, at its public office, upon such forms as are made a part of this chapter and shall be accompanied by such data and information as may be prescribed for the purpose by the commission, so as to assure the fullest practicable presentation of facts for the permanent record. Each such application shall be verified by at least one (1) of the owners or lessees of property within the area proposed to be reclassified. The owners or lessees shall attest to the truth and correctness of all facts and information presented with the application. Upon filing the request for change in classification, the applicant, at his expense, shall erect a sign or signs conforming to the requirements below, legible from the public right-of-way, measuring two feet (2') by four feet (4'), at the property requested for change in classification the same day the completed application and fees are turned in to the Planning Department. If the required sign(s) are not in place, the request shall be returned to the applicant as incomplete and not placed on the Commission's agenda. In the case of parcels with frontage on more than one (1) public street, a minimum of one (1) sign shall be provided for each public street. In any event, one (1) sign shall be provided for each public street. In any event, one (1) sign shall be provided for every six hundred feet (600') of frontage. The sign shall give the applicant's name, address, and telephone number and the present zoning classification. The sign shall state that the information concerning the request is on file at the Planning Commission's public office and is available for inspection during normal business hours. The required signs shall remain in place until forty (40) days after the final action on the legislation when they shall be removed by the applicant. Applications for amendments initiated by the commission shall be accompanied by its motion pertaining to such proposed amendment.
- B. Public hearing by commission. Before submitting its recommendations on a proposed amendment to council, the planning commission may hold a public hearing thereon. If the planning commission determines that a public hearing is desirable, notice of such hearing shall be given by one (1) publication in a newspaper of general circulation in the city and shall also be posted as provided in the administrative code. The notice shall state the place or places where, and time when, the proposed amendment to the ordinance, including text and maps, may be examined, and the time and place for the public hearing.
- C. Notice to property owners. If the planning commission elects to hold a public hearing, and if the proposed ordinance, measure, or regulation intends to rezone or redistrict ten (10) or less parcels of land as listed on the tax duplicate, notice of the hearing shall be mailed by the zoning inspector by first class mail at least twenty (20) days before the date of the public hearing to the owners of property within, contiguous to, and directly across the street from such parcel or parcels, to the addresses of such owners appearing on the county auditor's current tax list or the treasurer's mailing list. Failure to receive notice as provided in this section shall not invalidate any such ordinance, measure, or regulation.
- D. Department assistance. The commission may call upon the various departments of the municipality, upon its own staff, or upon expert consultants for assistance in the performance of its duties, and it shall be the duty of such departments or staff to render such assistance to the commission as may reasonably be required.
- E. Action of the commission. The commission may, without a public hearing, or after public hearing if it determines a public hearing is desirable, recommend that the application be granted as requested, or it may recommend a modification of the zoning amendment requested in the application, or it may recommend that the application not be granted. The commission's recommendation shall be certified to council.

- F. Public hearing by council. After receiving from the commission the planning commission's recommendations on the proposed amendment, and before acting on such amendment, the council shall hold a public hearing thereon in accordance with the provisions of R.C. 713.12. Council shall set the date of such hearing and shall give at least thirty (30) days' notice of the time and place thereof in a newspaper of general circulation in the municipal corporation by publication twice. If the ordinance, measure, or regulation intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the clerk of the legislative authority, by first class mail, at least twenty (20) days before the date of the public hearing to the owners of property within and contiguous to and directly across the street from such parcel or parcels, to the addresses of such owners appearing on the county auditor's current list, or the treasurer's mailing list, and to such other list or lists that may be specified by the legislative authority. The failure of delivery of such notice shall not invalidate any such ordinance, measure, or regulations. Notice shall be posted as provided by the administrative code. During such thirty (30) days, the text or copy of the text of such ordinance, measure, or regulations, together with the maps, plans, or copies thereof forming part of or referred to in such ordinance, measure, or regulation, and the maps, plans, and reports submitted by the planning commission, board, or officer shall be on file for public examination in the office of the clerk of the legislative authority or in such other office as is designated by the legislative authority.
- G. Action by Council. After receiving the planning commission's recommendations, and after holding the above public hearing, council shall consider the proposed amendment and recommendations of the planning commission. No ordinance, measure, or regulation that violates, differs from, or departs from the plan or reports submitted by the planning commission shall take effect unless passed by a vote of four (4) members of council. No ordinance, measure, or regulation which is in accordance with the recommendation, plan, or reports submitted by the planning commission shall be deemed to pass or take effect without the concurrence of at least a majority of the members elected to council.

150.112 FEES

- A. In order partially to defray the costs of processing a property owner's or lessee's application for change in a zoning district, the following schedule itemizes the fee that must accompany the application and which shall be deposited in the general fund.
 - 1. Application for change in zoning to an R-1, R-2, R-3, R-4, R-5, B-1, B-2, B-3, A-1, POD, I-1, M-1, M-2, or M-3 District, \$300;
 - 2. Application for change in zoning to an S-1, S-2, S-3, S-4, or S-5 District, \$300 plus \$5 per acre over three (3) acres.
- B. Under no condition shall any of the aforesaid sums or any part thereof be returned to the applicant for failure of the application.
- B. If the application for change in district, or for other change in the zoning code, originates in the planning commission on its own action without application from a property owner, no fee shall be charged.