

# CHAPTER 4: AMENDMENT PROCEDURES

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## 4.01 Procedure for Amendment or District Changes

This Ordinance, either text or map, may be amended utilizing the procedures specified in [this chapter](#).~~Chapter 4.~~

## 4.02 General

Whenever the public necessity, convenience, general welfare, or good zoning practices require, Council may by ordinance, after receipt of recommendation thereon from the Planning Commission, and subject to procedures provided by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries or classification of property.

## 4.03 Initiation of Zoning Amendments

Amendments to this ordinance may be initiated in one of the following ways:

- (1) By adoption of a motion of the Planning Commission or by the adoption of a resolution by the Village Council;
- (2) By the filing of an application by at least one (1) owner or lessee of property within the area proposed to be changed or affected by said amendment.

## 4.04 Contents of Application for Zoning Map Amendment

Applications for amendments to the Official Zoning Map adopted as part of this Ordinance shall contain at least the following information:

- (1) The name, address, and phone number of the applicant;
- (2) A statement of the reason(s) for the proposed amendment;
- (3) Present use;
- (4) Present zoning district;
- (5) Proposed use;
- (6) Proposed zoning district;
- (7) A vicinity map at a scale approved by the Zoning Administrator showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Zoning Administrator may require;

- (8) 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 and others that may have a substantial interest in the case, except that addresses need not be included where more than ten (10) parcels are to be rezoned;
- (9) A statement on the ways in which the proposed amendment relates to the comprehensive plan;
- (10) A fee as established by the Village Council.

#### **4.05 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 Official Zoning Map, shall contain at least the following information:

- (1) The name, address, and phone number of the applicant;
- (2) The proposed amending ordinance, approved as to form by the Village Solicitor.
- (3) A statement of the reason(s) for the proposed amendment;
- (4) A statement explaining the ways in which the proposed amendment relates to the comprehensive plan;
- (5) A fee as established by Village Council.

#### **4.06 Transmittal to Planning Commission**

Immediately after the adoption of a resolution by the Village Council or the filing of an application with the Village Administrator by at least one (1) owner or lessee of property, said resolution or application shall be transmitted to the Commission.

#### **4.07 Recommendation by Planning Commission**

Within sixty (60) days from the receipt of the proposed amendment, the Planning Commission shall transmit its recommendation to the Village Council. The Planning Commission may recommend that the amendment be granted as requested, or it may recommend a modification of the amendment as requested, or it may recommend that the amendment be denied. The written decision of the Planning Commission shall indicate the specific reason(s) upon which the recommendation is based, to include the basis for their determination that the proposed amendment is or is not consistent with the comprehensive plan.

#### **4.08 Public Hearing by Village Council**

Upon receipt of the recommendation from the Planning Commission, Village Council shall schedule a public hearing. Said hearing shall be not more than sixty (60) days from the receipt of the recommendation from the Planning Commission.

#### **4.09 Notice of Public Hearing in Newspaper**

Notice of the public hearing required in Section 4.08 shall be given by Council by at least one (1) publication in one or more newspapers of general circulation in the Village. Said notice shall be published at least thirty (30) days before the date of the required hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment.

#### **4.10 Notice to Property Owners by Village Council**

If the proposed amendment 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 Fiscal Officer, by first class mail, at least twenty (20) days before the day of the public hearing to all owners of property within, contiguous to, and directly across the street from such area proposed to be rezoned or redistricted to the addresses of such owners appearing on 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 Village 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 4.09.

#### **4.11 Action by Village Council**

Within thirty (30) days after the public hearing required by Section 4.08, the Village Council shall either adopt or deny the recommendation of the Planning Commission or adopt some modification thereof. In the event the Village Council denies or modifies the recommendation of the Planning Commission, it must do so by not less than three fourths of the full membership of Village Council. No such ordinance shall be passed unless it has been fully and distinctly read on three different days except that such ordinances may become emergency legislation if three-fourths of the members of Village Council vote to dispense with this rule.

#### **4.12 Effective Date and Referendum**

Such amendment adopted by Village 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 Fiscal Officer a petition, signed by a number of qualified voters residing in the Village equal to not less than ten (10) percent of the total vote cast in such area at the last preceding general election at which a Governor was elected, requesting the Village Council to submit the zoning amendment to the electors of the Village 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.

#### **4.13 Zoning Amendment resubmission requests**

An application by a property owner requesting that a zoning amendment be reconsidered by the Planning Commission and Village Council shall not be permitted to be filed for a period of at least twelve (12) months following Council's action.

**TABLE 4.1: ZONING AMENDMENT PROCESS**



**4.14 Zoning Upon Annexation**

The following regulations shall apply to any areas annexed to the Village:

- (1) If any lots, tracts, or lands are not subject to zoning at the time of their annexation, they shall be classified into whichever districts established by this Ordinance most closely resembles the existing uses at the time of the annexation. Such classification shall be recommended to Council by the Planning Commission and shall be approved by Council.
- (2) Any lots, tracts, or areas which are subject to zoning at the time of their annexation shall be classified as being in whichever district established by this Ordinance most closely resembles the zoning district that existed in the annexation. Such classification shall be recommended to Council by the Planning Commission and shall be approved by Council, as specified in the amendment process of Chapter 4.
- (3) The referendum provisions as specified in Section 4.12 shall apply providing such petition is filed as per Section 4.12.

**4.15 Zoning Map Amendments**

Within thirty (30) days of the effective date of any change of a zoning district classification or boundary, the Zoning Administrator shall amend the Official Zoning Map to reflect such change, and shall note the effective date of such change, together with appropriate reference to the ordinance authorizing such change. The Official Zoning Map shall then be signed by the Mayor, Zoning Inspector and attested to by the Fiscal Officer.