

## CHAPTER 25. AMENDMENTS AND ADOPTION

25.1 **AMENDMENTS TO THE ZONING ORDINANCE.** For the purpose of establishing and maintaining sound, stable and desirable development within the territorial limits of the Village, this Article shall not be amended except to correct an error in the Article or, because of changed or changing conditions in a particular area or in the Village generally, to rezone an area, to extend the boundary of an existing District or to change the regulations and restrictions thereof. Such amendment to this Article may be initiated by any person, firm, or corporation by filing an application with the Zoning Official; by motion of the Village Council; or by the Planning Commission requesting the Zoning Administrator to initiate an amendment procedure.

### 25.2 **AMENDMENT PROCEDURE.**

A. Application. Applications for amendments to this Article shall be filed with the Zoning Administrator on an appropriate form provided by the Village and accompanied by the required fee. All applications for amendments to this Article, without limiting the right to file additional material, shall contain the following:

- 1) The applicant's name, address and interest in the application as well as the name, address and interest of every person, firm, or corporation having a legal or equitable interest in the land.
- 2) The nature and effect of the proposed amendment.
- 3) If the proposed amendment would require a change in the Zoning Map, a complete legal description of the entire land area affected, the present zoning classification of the land, the names and addresses of the owners of all land and the legal descriptions of their land within the area to be rezoned. Also, a fully dimensioned drawing shall be submitted showing the land which would be affected, the zoning classification of all abutting districts, all public and private rights-of-way and easements bounding and intersecting the land under consideration, and the location of all existing and proposed buildings.
- 4) If the proposed amendment will correct an alleged error, a detailed explanation of such alleged error and detailed reasons the proposed amendment will correct the same.
- 5) The changed or changing conditions in the area or in the municipality that make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare.
- 6) All other circumstances, factors and reasons which applicant offers in support of the proposed amendment.

B. Receipt of Application. The Zoning Administrator, upon receipt of an application to amend the Article, shall review the application for completeness and refer same to the Planning Commission for study and report. The Planning Commission shall cause a

complete study of the proposed amendment and hold a public hearing in accordance to Paragraph C below.

- C. Public Hearing. Notice of the public hearing for an amendment to this article shall be delivered and published in accordance with Section 24.9 of this Ordinance. If a notice is delivered by mail, an affidavit of mailing shall be filed with the Planning Commission before the hearing.

Revised 7-13-06/revision E

- D. *"In addition to the above, if an individual property or several adjacent properties are proposed for rezoning, the Planning Commission shall give a written notice of the public hearing to the owner(s) of the property in question, to all persons to whom any real property within 300 feet of the premises in question is assessed, and to the occupants of all dwelling within 300 feet. The notice shall state the time, place, date, and purpose of the hearing. The notice shall be delivered personally or by mail to the respective owners and tenants at the address given in the last assessment roll. If the tenant's name is not known, the term "occupant" may be used. If the notice is delivered by mail, an affidavit of mailing shall be filed with the Planning Commission before the hearing. The notice shall be mailed or delivered not less than fifteen (15) days before the hearing."*

Repealed 7-13-06/revision E - (D is reserve for future use)

- E. Planning Commission Recommendation. Following the public hearing, the Planning Commission shall prepare a report and its recommendations regarding the proposed amendment, and transfer such to the Village Council.

- F. Village Council Action. After the Planning Commission has held a Public Hearing and has made a written report to the Village Council indicating their recommendation on the proposed amendment, the Village Council may adopt the proposed amendment, decline to adopt the proposed amendment, or may adopt it in whole, part, or with or without additional changes. The Council may also hold a public hearing of the proposed amendment or refer the proposed amendment back to the Planning Commission for further study and review or for additional public hearing.

- 25.3 PROTESTS.** In case a protest against a proposed amendment is presented, duly signed by the owners, or part owners, of 20 percent of the land proposed to be altered, or by the owners of at least 20 percent of the area of land included within the area extending outward 100 feet from any point on the boundary of the land included in the proposed change, such amendment shall not be passed except by the  $\frac{3}{4}$  vote of the Village Council.

If a parcel of land is owned by the entireties, by joint tenants, by tenants in common or by legal and equitable owners, any one of such owners may sign the protest for the parcel so zoned. In determining the land area upon which percentages shall be calculated, there shall be included all the property in a common ownership as a single unit. For purposes of this subsection, publicly owned land shall be excluded in calculating the 20 percent land area requirement.

- 25.4 PUBLICATION.** Following adoption of this Article and any subsequent amendments thereto, the Village Council shall publish one (1) notice in a newspaper of general circulation in the village within the Village. The content of such notice shall be in accord with Section 4 of the City and Village Zoning Act (Act 207 of 1921, as amended).