

**ARTICLE V
AMENDMENTS**

Section 5.01 Power of City Council

Whenever the public necessity, convenience, general welfare or good zoning practice require, Council may, by Ordinance, after receipt of a recommendation thereon from the Planning and Zoning Commission and subject to the procedures provided by law, amend, supplement or change the regulations, district boundaries or classifications of property now or hereafter established by this Ordinance or amendments thereof. The Planning and Zoning Commission shall submit its recommendation regarding all applications or proposals for amendments or supplements to Council.

Section 5.02 Initiation of Zoning Amendments

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

- A. By referral of a proposed amendment to the Planning and Zoning Commission by City Council.
- B. By the adoption of a motion by the Planning and Zoning Commission submitting the proposed amendment to City Council.
- C. By the filing of an application with the Commission by at least one (1) owner of property (or his/her agent) within the area proposed or affected by the said amendment, or his/her designated agent.

Section 5.03 Contents of Application

An application for amendment shall be submitted by the applicant to the Zoning Enforcement Officer and shall contain, at a minimum, the following information:

- A. Name, address, and phone number of the applicant.
- B. Proposed amendment to the text or legal description of the property affected.
- C. Present use and district.
- D. Proposed use and district.
- E. A map drawn to scale showing property lines, streets, existing and proposed zoning.
- F. A list of all property owners within the 200 feet, contiguous to, and directly across the street from the parcel(s) proposed to be rezoned and their address as appearing on the Darke County Auditor's current tax list. The requirement for addresses may be waived when more than ten (10) parcels are proposed to be rezoned.

- G. A statement as to how the proposed amendment will

- impact adjacent and proximate properties.
- J. A fee as established by the City Council.
- I. Any other information as may be requested by the Zoning Enforcement Officer to determine conformance with, and provide for enforcement of this Zoning Ordinance.

Section 5.04 Transmittal of Resolution to Planning and Zoning Commission

Upon referral of the proposed Ordinance by City Council, or the filing of an application by at least one (1) owner or lessee of the property, or their designated agent, said proposed amendment or application shall be transmitted to the Planning and Zoning Commission.

Section 5.05 Recommendation by Planning and Zoning Commission

Within sixty (60) days after the first regular meeting of the Planning and Zoning Commission after the receipt of the proposed amendment, the Planning and Zoning Commission shall recommend to City Council that the amendment be approved as requested, or it may recommend that the amendment be denied. In formulating such recommendation, the Planning and Zoning Commission may seek input from interested parties in the form of hearings, meetings, or other methods.

Section 5.06 Action by City Council

- A. Public Hearing
Before the proposed Ordinance may be passed, the City Council shall hold a public hearing, and shall give at least thirty (30) days notice of the time and place thereof in a newspaper of general circulation in the City. If the proposed Ordinance intends to remove or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be made by the Clerk of Council, by first-class mail, at least 20 days before the date of the public hearing to the owners of property within 200 feet or contiguous to, and directly across the street from such parcel or parcels to be redistricted to the address of such owners appearing on the application. The failure of delivery of such notice shall not invalidate such proposed Ordinance.
- B. Display of Relevant Materials
During such thirty (30) days, the text of copy of the text of the proposed Ordinance, together with maps, plans, and reports or copies thereof forming part of or referenced in

examination, in the Office of the Zoning Enforcement Officer.

C. Action by City Council

No such Ordinance which is in accordance with the recommendation submitted by the Planning and Zoning Commission shall be deemed to pass or take effect without the concurrence of at least a majority of the membership of the City Council. No such Ordinance which violates, differs from, or departs from the recommendation submitted by the Planning and Zoning Commission shall take effect unless passed or approved by not less than three fourths (3/4) of the membership of the City Council.

D. Criteria

In reviewing the proposed amendment and arriving at its decision, the City Council shall consider the following factors:

1. Compatibility of the proposed amendment with the zoning and use of adjacent land, and with any land use/comprehensive plans adopted by the City.
2. The effect of the adoption of the proposed amendment on motor vehicle access, traffic flow, storm drainage and public infrastructure in the area.
3. The effect of the adoption of the proposed amendment upon the public health, safety and general welfare of the adjacent properties and other residents of the City.

E. Effective Date and Referendum

Such amendment adopted by City Council shall become effective in accordance with applicable Ohio law, unless within thirty (30) days after the passage of the ordinance there is presented to the City Auditor a petition, signed by a number of qualified voters residing in the City 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 City Council to submit the zoning amendment to the electors of the City for approval or rejection at the next general election. When such petition is filed with the City Auditor, signed by the required number of electors, the Auditor shall, after ten (10) days, certify the text of the proposed ordinance or measure to the Board of Elections. The Auditor shall retain the petition.

No amendment for which such referendum vote has been requested shall be put into effect unless a majority 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.

F. Incorporation onto Official Zoning Map

If an amendment adopted by City Council or approved by referendum pertains to a change on the Official Zoning Map, such change shall be incorporated onto the Map by reference to the Ordinance Number and the date of adoption.

