

CHAPTER 640 AMENDMENTS

Section 640.01 Purpose

The purpose of this Chapter is to define the procedures by which this ordinance may be amended.

Section 640.02 General

Whenever the public health, safety, convenience, prosperity, general welfare or sound planning and zoning practices require, Village Council may by ordinance after receipt of recommendations from the Planning Commission, and subject to procedures provided by law, amend, supplement, or repeal any of the regulations contained in this Zoning Ordinance, and boundaries or classifications of property.

Section 640.03 Initiation of Zoning Amendments

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

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

Section 640.04 Contents of Application for Amendment to the Zoning Ordinance

- A. The application for amendment of the Zoning Ordinance pursuant to section 640.03 (C) shall first be submitted to the Zoning Inspector for determination of compliance with this section, and the application shall be submitted on forms made available by the Zoning Inspector, and shall include the following:
 - 1. The name, address and phone number of the applicant.
 - 2. A statement of the proposed changes to the Zoning Ordinance text.
 - 3. A statement of the reason(s) for the proposed amendment.
 - 4. The present Zoning District.
 - 5. The proposed use(s).
 - 6. The proposed Zoning District.
 - 7. A map of the proposed zoning district and geographic boundaries, and a copy of applicable tax map parcels and boundaries. The map shall include all streets bounding the subject property.
 - 8. Evidence that the proposed amendment would improve upon and not undermine the intent of this Ordinance.
 - 9. A list and mailing addresses of all current property owners within, contiguous to, and directly across the street from the subject property to a distance of within 250 feet from the parcel(s) proposed to be rezoned.

10. A statement on how the proposed amendment relates to the Mantua Village Land Use, Comprehensive Plan, or other adopted plans and policies of the Village.
11. A fee as established in Village Council.

Section 640.05 Transmittal to Planning Commission

For applications filed by at least one owner or lessee of property, if the Zoning Inspector determines that the application provides the information necessary, he/she shall transmit the application for an amendment to the Chairman of the Planning Commission.

Immediately upon adoption of a resolution by Council to amend the Zoning Ordinance, the resolution shall be transmitted to the Planning Commission Chairman.

Section 640.06 Submission to State Director of Transportation

Before any zoning amendment is approved affecting any land within three hundred (300) feet of the center line of a proposed highway or highway for which changes are proposed as described in the certification to local officials by the State Director of Transportation, or within a radius of five hundred (500) feet from the point of intersection of said center-line with any public road or highway, the Commission shall give notice, by registered or certified mail to the State Director of Transportation. The Commission may proceed as required by law, however, the Village Council shall not approve the amendment for one hundred twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Village that he shall proceed to acquire the land needed, then the Village shall refuse to approve the re-zoning. If acquisition at this time is not in the public interest or upon the expiration of the one hundred and twenty day time period or any extension thereof agreed upon by the Director of Transportation and the property owner, the Village shall proceed as required by law.

Section 640.07 Recommendation by Planning Commission

- A. Where a proposed amendment to the Zoning Ordinance is initiated by recommendation of the Planning Commission, the Planning Commission shall adopt a motion by a majority vote stating the precise nature of the proposed amendment, and shall enter a record of said vote upon its minutes. The Planning Commission shall then cause a proposed Ordinance containing the precise language of the proposed amendment to be transmitted to the Clerk of Council for inclusion on the Agenda of the next regular meeting of the Village Council.
- B. Where such proposed amendment is initiated by Resolution of Village Council pursuant to Section 640.03(B), or where initiated by application pursuant to Section 640.03(C), the Planning Commission shall have no less than thirty (30) days from receipt of the proposed amendment to the Zoning Ordinance, to review and provide a written report and recommendation to Council. The Planning Commission may recommend approval of the amendment as requested, modification of the amendment as requested, or disapproval of the amendment as requested. The written decision of the Planning Commission shall indicate the specific reason(s) upon which the recommendation is based, including a statement that the proposed amendment is or is not consistent with the comprehensive plan, land use plan or other relevant adopted plans of the Village.

The Planning Commission shall provide such recommendation to the Clerk of Council in a reasonable time, which generally should not be longer than sixty (60) days from the date of receipt of the amendment request or initiation by Resolution of Village Council. (*Ord. 2010-06, eff. 04-15-10*)

Section 640.08 Public Hearing By Council

Upon receipt of the recommendation from the Planning Commission, the Village Council shall schedule a public hearing. The public hearing shall be held not more than forty (40) days from the receipt of the recommendation from the Planning Commission

Section 640.09 Notice of Public Hearing in Newspaper

Notice of public hearing as required in section 640.08 shall be given by Village Council in at least one newspaper of general circulation in the Village. The notice shall be published at least thirty (30) days before the date of the required public hearing or such other time period as required by state law. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment and that during the thirty days, copies of the proposed amendment with maps and plans referred to in the proposed amending ordinance and the report of the Planning Commission shall be on file for public examination in the office of the Clerk of Council.

Section 640.10. Notice to Property Owners by Village Council

If the proposed amendment intends to rezone or redistrict ten or less parcels of land as listed on the tax duplicate, written notice of the public hearing shall be mailed by the Clerk of Council, by first class mail, at least twenty (20) days before the day of the public hearing, or such other time period as required by state law, 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(s) that may be specified by 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 640.09.

Section 640.11 Action By Council

Within thirty (30) days after the public hearing required by Section 640.08, Council shall either adopt or deny the recommendation of Planning Commission or adopt some modification thereof. In the event that Council denies or modifies the recommendation of Planning Commission, it must do so by not less than three-fourths of the full membership of Council.

No ordinance to approve of the recommendation of Planning Commission shall be adopted or take effect unless at least a majority of the members of Council concur.

Section 640.12 Effective Date and Referendum

Such amendment adopted by Council shall become effective thirty (30) days after the date of

such adoption or such other time as specified by state law, unless within thirty (30) days after the passage of the ordinance there is presented to the Clerk of Village Council, 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 the Village in 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 effect immediately.

Section 640.13 Annexation

Any land annexed to the Village subsequent to the adoption of this code shall remain subject to the previous Township zoning district regulation until such time as the Official Zoning Map is amended according to the provisions of this Chapter. All land annexed to the Village which, prior to annexation, is not subject to Township Zoning shall remain unzoned until the Official Zoning Map is amended according to the provisions of this Chapter.