

CHAPTER 4 AMENDMENTS

Whenever the public necessity, convenience, general welfare or good zoning practices require, Council may, by ordinance, after receipt of a recommendation thereon from the Planning & Zoning Commission, and subject to procedures provided by law, amend, supplement, change, or repeal the regulations, restrictions, and boundaries or classification of property in the manner prescribed by ORC 713.07 thru 713.12.

A. Amendments To This Ordinance May Be Initiated In One Of The Following Ways:

1. By referral of a proposed amendment by Village Council to the Planning Commission.
2. By the adoption of a motion by the Planning & Zoning Commission submitting the proposed amendment to Village Council.
3. By the filing of an application with the Planning & Zoning Commission by at least one (1) owner of property (or his/her agent) within the area proposed or affected by said amendment.

Each application for a proposed amendment shall be accompanied by a fee set forth and approved by the Village of Arcanum. Application fees are non-refundable.

Requests for a zoning amendment concerning any parcel of property, portion thereof or use thereof shall not be accepted for consideration more than once during any consecutive twelve-month period.

B. The Village Planning & Zoning Commission And Village Council Shall Favorably Consider An Application For An Amendment To The Zoning Code Text Or To The Official Zoning District Map, Only If The Request Meets The Following Conditions.

1. Manifest error in the original Zoning Code text and/or designations on the Official Zoning District Map.
2. Substantial change in area conditions.
3. Legitimate requirement for additional land area for the particular zoning district.

C. Application Requirements:

1. Zoning Map Amendments:

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 statement of the reason(s) for the proposed amendment.
- f. A map drawn to scale showing property lines, streets, existing and proposed zoning.
- g. 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, as verified by Village Administration. NOTE: The requirement for addresses may be waived when more than ten (10) parcels are proposed to be rezoned.
- h. A statement as to how the proposed amendment will impact adjacent and proximate properties.
- i. A statement of the relationship of the proposed use to adjacent property and land use.
- j. Any other information as may be requested regarding the property, proposed use, or surrounding area as may be pertinent to the application or required for appropriate action by the Planning Commission.

2. Zoning Text Amendments:

Applications for amendments proposing to change, supplement, amend, or repeal any portion(s) of this Zoning Code, other than the Official Zoning Map, shall contain at least the following information:

- a. The name, address, and phone number of the applicant.
- b. The proposed amendment
- c. A statement of the reason(s) for the proposed amendment.
- d. A statement explaining the ways in which the proposed amendment relates to the comprehensive plan.

D. Recommendation By Planning & Zoning Commission

Within 60 days from the receipt of the proposed amendment, the Planning & Zoning Commission shall make one of the following recommendations to Council:

- 1. Recommend that the amendment be granted as requested; or
- 2. Recommend a modification of the amendment as requested; or
- 3. Recommend that the amendment be denied.

The written recommendation from the Planning & Zoning Commission shall indicate the specific reason(s) upon which the recommendation is based,

including the basis for their determination that the proposed amendment is or is not consistent with the comprehensive plan.

E. Village Council Action:

Council shall consider the following criteria before taking any final action on the proposed amendment:

1. Compatibility of the proposed amendment with the zoning and use of adjacent land, and with any land use/comprehensive plans adopted by the Village.
2. Effect of the adoption of the proposed amendment on motor vehicle access, traffic flow, storm drainage and public infrastructure in the area.
3. 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 Village.

Affirmative/ Adverse recommendations: When Council receives an affirmative or adverse recommendation from the Planning and Zoning Commission on a proposed amendment, the following shall be followed:

1. Within 60 days of the receipt of the recommendation from the Planning & Zoning Commission on a proposed amendment, a public hearing shall be held in accordance with ORC 713.12. Notice of the public hearing shall be given by Village Council by at least one publication in one or more newspapers of general circulation in the Village. Said notice shall be published at least 30 days before the date of the hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment.
2. Notice to Property Owners: 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 hearing shall be mailed by the Clerk of Council, by first class mail at least 20 days before the day of the public hearing, to all owners of property within 200 feet or 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 application. Notice should also set forth the time and place of the public hearing and a summary of the proposed amendment. The failure to deliver the notification as provided in this Section shall not invalidate any such amendment.
3. Within 30 days after the required public hearing, the Village Council shall:
 - a. Adopt the recommendation or some modification thereof, of the Planning & Zoning Commission with an affirmative vote of at least a majority of the membership of Village Council.
 - b. In the event the Village Council denies or modifies the recommendation of the Planning & Zoning Commission, it must do

so by not less than three-fourths of the full membership of Village Council.

No legislation concerning such Zoning amendments shall be passed unless it has been fully and distinctly read on three different days, with the exception that any such legislation may be declared an emergency if three-fourths of the members of the Village Council vote to dispense with the three-reading rule.

When an amendment is adopted by Village Council pertaining 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 passage within thirty (30) days.

After action is taken by Village Council, the applicant, or other party adversely affected by the action, may seek relief through the Court of Common Pleas. Such appeal must be filed within thirty days from the date of the action by Village Council.

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