

## TITLE FIVE – ZONING USE DISTRICTS and MAP

---

### CHAPTER 1143 DISTRICT CHANGES and ORDINANCE AMENDMENTS.

**1143.01 Power of Council; Recommendation of Planning Commission.**

**1143.02 Procedure for Change.**

**1143.03 Application Fees.**

---

#### CROSS REFERENCES

Council may amend districting or zoning - See Ohio Revised Code 713.10

Council to hold public hearing – See Ohio Revised Code 713.12

---

### **1143.01 POWER OF COUNCIL; RECOMMENDATION OF PLANNING COMMISSION.**

Whenever the public necessity, convenience, general welfare, or good zoning practice requires, Council may, by ordinance,

Amend, supplement or change the regulations, district boundaries or classification of property,

After receipt of recommendation thereon from the Planning Commission and subject to the procedure provided by law,

Now hereafter established by this Zoning Ordinance or amendments thereof.

It shall be the duty of the Planning Commission to submit recommendations regarding all applications or proposals for amendments or supplements to Council.

(Ord. 10-63. Passed 2-10-64.)

### **1143.02 PROCEDURE FOR CHANGE.**

- A. Applications.  
Application for any change of district boundaries or classifications of property,

As shown on the Zoning District Map,

Shall be submitted to the Planning Commission, at its public office, upon such forms and accompanied by such data and information as prescribed for that purpose by the Planning Commission,

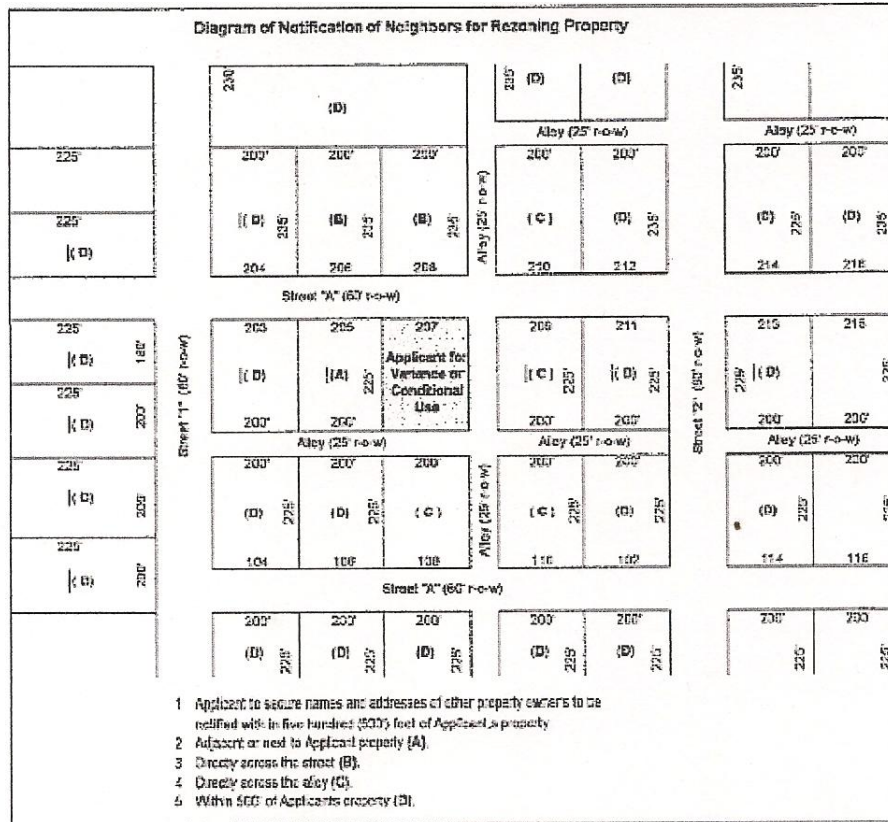
So as to assure the fullest practicable presentation of facts for the permanent record.

Each such application shall be verified by at least one (1) of the owners or lessees of the property within the area proposed to be reclassified, attesting to the truth and correctness of all the facts and information presented with the application.

Applications for amendments initiated by the Planning Commission shall be accompanied by its motion pertaining to such proposed amendment.

1. Application for amendment shall contain at least the following information:
  - a. Name.
  - b. Address.
  - c. Phone number, fax number.
  - d. Email address (if applicable).
  - e. Present use of the property.
  - f. Present Zoning District classification.
  - g. Proposed use of the property.
  - h. Proposed Zoning District classification.
  - i. Vicinity map at a scale approved by the Zoning Administrator showing the following:
    - i. Property lines.
    - ii. Streets (existing and proposed).
    - iii. Location of existing utilities.
    - iv. Current Zoning District classification of adjacent properties (including properties across the street).
  - j. Such other items, information or studies as the Zoning Administrator may require.

- k. A list of all property owners contiguous to, and directly across the street or alley, from the parcel (s) proposed to be rezoned.



- l. Tax mailing address(es) of the property owners in item k above as listed in the Ottawa County Auditor's Office.

**B. Public Hearing by Planning Commission.**  
 Before submitting its recommendation on a proposed amendment to Council, the Planning Commission shall hold a Public Hearing thereon.

1. Notice of the Public Hearing shall be given by one publication in a newspaper of general paid circulation in the Village.
2. Notice of the Public Hearing shall be posted for not less than thirty (30) days prior to the actual meeting.
3. The notice shall state the location of the Public Hearing.
4. The notice shall identify by address(es) the place(s) of the

requested change of zoning.

5. The notice shall state the time at which the proposed amendment to the Zoning Ordinance shall be heard.
6. Text and maps may be examined, as well as other notices as required by State statues or the Planning Commission, in the office of the Zoning Administrator.

C. Notice to Property Owners.

In addition to the published notice as previously specified, the Planning Commission shall give notice of the time, place and purpose of the Public Hearing to be held by it on the proposed amendments or supplements.

Notice will be achieved accordingly:

1. Mailing a postal card or letter notice, not less than ten (10) days prior to the date of Public Hearing,

To the property owners contiguous to, and directly across the street from the parcel(s) proposed to be rezoned,

Which addresses are to be provided by the applicant to the Zoning Administrator or his or her designee.

2. Mailing shall be by certified mail.
3. Posting of the notice shall be in accordance with the regular policy employed by the Fiscal Officer.

Failure to notify, as provided in this section, shall not invalidate any recommendation adopted hereunder, as it is the intention of this section to provide notice to the persons substantially interested in the proposed change.

The notice will inform the affected property owners of an application that is pending before the Planning Commission, proposing to make a change in the Zoning District Map or the regulations set forth in this Zoning Ordinance.

D. Action of Planning Commission.

Within fifteen (15) days after the Public Hearing, the Planning Commission shall recommend consistent with the following:

1. That the application be granted as requested, or

2. The Planning Commission may recommend a modification of the zoning amendment requested in the application, or
3. The Planning Commission may recommend that the application not be granted.
4. The Planning Commission's recommendation shall be certified to the Council.

E. Public Hearing by Council.

After receiving the Planning Commission's recommendation,

Which has been formally approved by motion as noted in the Planning Commission minutes,

On the proposed amendment and before adoption of such amendment, Council shall hold a Public Hearing thereon.

1. Notice of the Public Hearing shall be given by one publication in a newspaper of general paid circulation in the Village.
2. Notice of the Public Hearing shall be posted for not less than thirty (30) days prior to the actual meeting.
3. The notice shall state the location of the Public Hearing.
4. The notice shall identify by address(es) the place(s) of the requested change of zoning.
5. The notice shall state the time at which the proposed amendment to the Zoning Ordinance shall be heard.
6. Text and maps may be examined, as well as other notices as required by State statutes or the Planning Commission, in the office of the Zoning Administrator.

F. Notice to Property Owners.

In addition to the published notice as previously specified, the Council shall give notice of the time, place and purpose of the Public Hearing to be held by it on the proposed amendments or supplements.

Notice will be achieved accordingly:

1. Mailing a postal card or letter notice, not less than ten (10) days prior to the date of Public Hearing,

To the property owners contiguous to, and directly across the street from the parcel(s) proposed to be rezoned,

Which addresses are to be provided by the applicant to the Zoning Administrator or his or her designee.

2. Mailing shall be by certified mail.
3. Posting of the notice shall be in accordance with the regular policy employed by the Fiscal Officer.

G. Action of Council.

After receiving from the Planning Commission its certification of the recommendation on the proposed amendment and

After holding the above Public Hearing,

Council shall consider such recommendation and vote on the passage of the proposed amendment to the text of the Zoning Ordinance or the Zoning District Map.

1. Council shall set the Public Hearing for the certified recommendation of the Planning Commission within thirty (30) days of receipt.
2. Council shall follow the Public Hearing process as noted in this Chapter 1143.
3. Council may overrule the recommendation of the Planning Commission by three-fourths (3/4 or 75%) vote of the full membership of Council

(Ord. 43-2023. Passed 08-21-2023.)

**1143.03 APPLICATION FEES.**

A fee, as determined by Village Council, shall be paid to the Zoning Administrator's Office upon the submission of the application.

(Ord. 5-97. Passed 2-4-97.)