

**CHAPTER 1107  
Amendments**

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**CROSS REFERENCES**

Authority of Planning Commission in zoning matters - see Chtr. Art. IX, §3.0  
 Clerk-Auditor to have charge of all City records - see Chtr. Art. V, §7.0  
 Zoning Ordinance administration, enforcement and penalty - see P. & Z. Ch. 1103  
 Zoning Map amendments - see P. & Z. 1113.04

**1107.01 AUTHORITY.**

Council may amend, supplement or change the regulations, restrictions and boundaries in this Zoning Ordinance after the public hearing and other procedures are followed as set forth in this Chapter.

**1107.02 INITIATION OF AMENDMENTS.**

Amendments to this Zoning Ordinance may be proposed by Council, or duly signed petitions may be presented to the Clerk of Council requesting an amendment by the following:

- (a) The Municipal Planning Commission.
- (b) One or more of the owners, lessees or occupants within the area proposed to be changed by the amendment.

**1107.03 LIMITATION ON APPLICATIONS.**

A party shall not initiate action for a zoning amendment affecting the same land more often than once every twelve months.

**1107.04 REFERRAL TO THE PLANNING COMMISSION; ACTION.**

(a) Any proposal for the amendment of this Zoning Ordinance not originating from petition of the Planning Commission shall be referred to the Commission for consideration and report before any final action is taken by Council.

(b) The Commission shall study a proposed amendment in relation to public necessity, convenience, general welfare and good zoning practice and within forty-five days after Council referral, shall recommend the approval or denial of the proposed amendment or approval of some modification thereof, and submit such recommendation to Council. Failure of the Planning Commission to report within the required forty-five days shall be construed as approval of the proposed amendment or change.

#### **1107.05 HEARING; NOTICE BY COUNCIL.**

After receiving the Planning Commission's report or petition for a proposed zoning amendment, Council shall hold a public hearing on the proposal and shall give at least thirty days notice of the time and place thereof in a newspaper of general circulation in the City. If the ordinance, measure or regulation 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 of the legislative authority by first class mail, at least twenty days before the date of the public hearing to the owners of property within, contiguous to and directly across the street from such parcel or parcels, 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 or lists that may be specified by the legislative authority. The failure of delivery of such notice shall not invalidate any such ordinance, measure or regulation. During such thirty days the text or copy of the text of such ordinance, measure or regulation, together with the maps or plans or copies thereof forming part of or referred to in such ordinance, measure or regulation and the maps, plans and reports submitted by the Planning Commission, Board or officer shall be on file, for public examination, in the office of the Clerk of Council or in such other office as is designated by Council.

#### **1107.06 ACTION BY COUNCIL.**

Council shall, within reasonable time after the public hearing, approve or deny the proposed zoning amendment. For a proposed amendment involving a change in the Zoning Map, Council may modify the original proposal to a more restricted zoning district or a smaller area than advertised for the public hearing, but may not approve a change to a zoning district allowing uses not permitted in the proposed district originally listed in the notice for public hearing, and also may not approve rezoning of any land not listed in the notice for public hearing. No such ordinance, measure or regulation which violates, differs from or departs from the plan or report submitted by the Planning Commission shall take effect unless passed or approved by not less than five members of Council.

#### **1107.07 ZONING UPON ANNEXATION.**

The following procedures shall apply for establishing zoning in areas annexed to the City:

- (a) Interim Zoning. Upon annexation and until permanent zoning is adopted as provided in subsection (b) hereof, each parcel of annexed land shall be automatically zoned to the district in this Zoning Ordinance which most closely conforms to the previous township zoning district. Any land not subject to zoning at the time of annexation shall be automatically zoned R-1 Single-Family Residential until the permanent zoning is adopted.
- (b) Permanent Zoning. Within a reasonable time after annexation, permanent zoning shall be established for all annexed areas according to the procedures set forth in this Chapter concerning Planning Commission review and recommendation, and hearing and final action by Council.