

ARTICLE 7: AMENDMENT

- 700 PROCEDURE FOR AMENDMENT OR DISTRICT CHANGES.
- 701 GENERAL.
- 702 INITIATION OF ZONING AMENDMENTS.
- 703 CONTENTS OF APPLICATION FOR ZONING MAP AMENDMENT.
- 704 CONTENTS OF APPLICATION FOR ZONING TEXT AMENDMENT.
- 705 TRANSMITTAL TO PLANNING COMMISSION.
- 706 SUBMISSION TO DIRECTOR OF TRANSPORTATION.
- 707 RECOMMENDATION BY PLANNING COMMISSION.
- 708 PUBLIC HEARING BY VILLAGE COUNCIL.
- 709 NOTICE OF PUBLIC HEARING IN NEWSPAPER.
- 710 NOTICE TO PROPERTY OWNERS BY VILLAGE COUNCIL.
- 711 ACTION BY VILLAGE COUNCIL.
- 712 EFFECTIVE DATE AND REFERENDUM.
- 713 ANNEXATION.

ARTICLE 7

AMENDMENTS

700 PROCEDURE FOR AMENDMENT OR DISTRICT CHANGES.

This Ordinance may be amended utilizing the procedures specified in Sections 701 to 713, inclusive of this Ordinance.

701 GENERAL.

Whenever the public necessity, convenience, general welfare, or good zoning practices require, Rock Creek Village Council may, by ordinance, after receipt of recommendation thereon from the Planning Commission, and subject to procedures provided by law, amend, supplement, change, or repeal the regulations, restrictions, and boundaries or classification of property.

702 INITIATION OF ZONING AMENDMENTS.

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

1. By the adoption of a motion by the Planning Commission;
2. By the adoption of a resolution by the Village Council;
3. By the filing of an application by at least one (1) owner or lessee of property within the area proposed to be changed or affected by said amendment.

703 CONTENTS OF APPLICATION FOR ZONING MAP AMENDMENT.

Applications for amendments to the Official Zoning Map adopted as part of this Ordinance by Article 7 shall contain at least the following information:

1. The name, address, and telephone number of the applicant;
2. The proposed amending ordinance, approved as to form by the Village Solicitor or Legal Council;
3. A statement of the reason(s) for the proposed amendment;
4. Present use;
5. A statement of the reason(s) for the proposed amendment;
6. Proposed use;
7. Proposed zoning district;
8. A vicinity map at a scale approved by the Zoning Inspector/Administrator showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Zoning Inspector/Administrator may require;
9. A list of all property owners and their mailing addresses who are within, contiguous to, or directly across the street from the parcel(s) proposed to

be rezoned and others that may have a substantial interest in the case, except that addresses need not be included where more than ten (10) parcels are to be rezoned;

10. A Statement on the ways in which the proposed amendment relates to the comprehensive plan; and
11. A fee as established by the Rock Creek Village Council.

704 CONTENTS OF APPLICATION FOR ZONING TEXT AMENDMENT.

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

1. The name, address, and telephone number of the applicant;
2. The proposed amending ordinance, approved as to form by the Village Solicitor or Legal Advisor;
3. A statement of the reason(s) for the proposed amendment;
4. A statement explaining the ways in which the proposed amendment relates to the comprehensive plan; and
5. A fee as established by the Rock Creek Village Council.

705 TRANSMITTAL TO PLANNING COMMISSION.

Immediately after the adoption of a resolution by the Village Council or the filing of an application by at least one (1) owner or lessee of property, said resolution or application shall be transmitted to the Planning Commission.

706 SUBMISSION TO DIRECTOR OF TRANSPORTATION.

Before any zoning amendment is approved affecting any land within three-hundred (300) feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Director of Transportation, or within a radius of five-hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Commission shall give notice, by registered or certified mail, to the Director of Transportation. If the Director of Transportation notifies the Village Administrator or Board of Public Affairs that he shall proceed to acquisition at this time is not in the public interest, or upon the expiration of the one-hundred and twenty (120) day period or any extension thereof agreed upon by the Director of Transportation and the property owner, the Village Council shall proceed as required by law.

- 707 RECOMMENDATION BY PLANNING COMMISSION.**
Within sixty (60) days from the receipt of the proposed amendment, the Planning Commission shall transmit its recommendation to the Village Council. The Planning Commission may recommend that the amendment be granted as requested, or it may recommend a modification of the amendment as requested, or it may recommend that the amendment be denied. The written decision of the Planning Commission shall indicate the specific reason(s) upon which the recommendation is based, to include the basis for their determination that the proposed amendment is or is not consistent with the comprehensive plan.
- 708 PUBLIC HEARING BY VILLAGE COUNCIL.**
Upon receipt of the recommendation from the Planning Commission, Village Council shall schedule a public hearing. Said hearing shall be not more than forty (40) days from the receipt of the recommendation from the Planning Commission.
- 709 NOTICE OF PUBLIC HEARING IN NEWSPAPER.**
Notice of the public hearing required in Section 708 shall be given by Village Council by at least one (1) publication in one (1) or more newspapers of general circulation in the Village affected. Said notice shall be published at least thirty (30) days before the date of the required hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment.
- 710 NOTICE TO PROPERTY OWNERS BY VILLAGE COUNCIL.**
If the proposed amendment intends to rezone or redistrict ten (10) 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 twenty (20) days before the day of the public hearing 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 or lists that may be 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 709.
- 711 ACTION BY VILLAGE COUNCIL.**
Within thirty (30) days after the public hearing required by Section 707, the Village Council shall either adopt or deny the recommendation of the Planning Commission or adopt some modification thereof. In the event the Village

Council denies or modifies the recommendation of the Planning Commission, it must do so by not less than three-fourths ($\frac{3}{4}$) of the members of Village Council vote to dispense with this rule.

712 EFFECTIVE DATE AND REFERENDUM.

Such amendment adoption by Village Council shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the passage of the ordinance there is presented to the Village Clerk 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 such area at 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 immediate effect.

713 ANNEXATION.

All land annexed to the Village subsequent to the adoption of this Ordinance shall remain subject to the previous County or Township zoning district regulations until such time as the Official Zoning Map is amended according to the provisions of this Article. All land annexed to the Village which, prior to annexation, is not subject to County or Township zoning shall remain non-zoned until the Official Zoning Map is amended according to the provision of this Article.