

## **1600 Amendment Procedure**

### **A. Initiation of Zoning Amendments:**

The Council, either on petition of a property owner, recommendation of the Planning Commission, or on its own initiative, may amend or change the number, shape, area, or regulations of/ or within any zone or district, but no such amendment or change shall become effective unless the proposed amendment or change is first submitted to or considered by the Planning Commission for its approval, disapproval or recommendation.

### **B. Planning Commission Action:**

It shall be the duty of the secretary of the Planning Commission to forthwith file with the Clerk of Council, a report of the action and recommendation of the Commission with respect to any referral or submittal. Failure to file such report thirty (30) days after referral or the time otherwise provided, shall be accepted as to be deemed an approval of the proposed change or amendment submitted. This time limit may be extended by agreement of applicant and Planning Commission.

1. Public Hearing by Commission: Before submitting its recommendation on a proposed amendment to the Council, the Commission shall hold a public hearing thereon, notice of which shall be posted in two (2) locations within the village at least thirty (30) days before the date of the hearing. The notice shall state the place or places and times at which the proposed amendment to the Ordinance, including text and maps, may be examined.

2. Notice to Property Owners: In addition to the published notice as hereinbefore specified, the Commission shall give notice of the time, place and purpose of public hearings to be held by it on proposed amendments or supplements, by mailing a postal card or letter to the owners of all properties abutting any part of the property proposed to be changed. The failure to notify, as provided in this Section, shall not invalidate any recommendations adopted hereunder; it being the intention of this Section to provide, as far as may be possible, due notice to the persons substantially interested in the proposed change that an application is pending before the Commission, proposing to make a change in the Zoning District Map or the regulations set forth in this Ordinance.

### **C. Public Hearing:**

Before any ordinance, measure or regulations amending or changing the number, shape, area or regulations of/ or within any zone or district may be passed, the Council shall hold a public hearing hereon. It shall post notice of such hearing in two (2) locations within the village for the entire thirty (30) days before the hearing, adequately describing the nature of the pending legislation. If the ordinance, measure or regulation intends to rezone, or redistrict fewer than ten (10) or more parcels of land, as listed on the tax duplicate, written notice of the hearing shall be sent by the Village Clerk, by first class mail at least twenty (20) days before the date of the public hearing, to the owners of property contiguous to and directly across the street from each parcel or parcels to the addresses of such owners appearing on the county Auditor's current tax list or lists or the Treasurer's mailing list and to such other list or lists that may be specified by Council. The failure of delivery of such notice shall not invalidate any such ordinance, measure or regulation. During such thirty (30) days the text of such ordinance, measure, regulations or proposed change, together with the map, or plans, or copies thereof forming part of or referred to in such ordinance, measure, regulation or proposed change, and the maps, plans and reports submitted by the Planning Commission shall be kept on file for public examination in the office of the Zoning Inspector or in such other office as may be designated by Council.

### **D. Action by Council:**

No such ordinance, measure, regulations or proposed change which violates differs from, or departs from the plans or report submitted by the Planning Commission, shall take effect unless passed or approved by not less than three-fourths

(3/4) of the membership of the Council. Any such ordinance, measure, or proposed change may be amended by majority vote, prior to the voting thereon by the Council, without further notice or postponement if such amendment shall be germane to the subject matter and does not violate or differ, or depart from the report of the Planning Commission.