

CHAPTER 1248 AMENDMENTS

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1248.01 Authority of Council

Whenever the public necessity, convenience, general welfare or good zoning practices require, Council may, by ordinance, after receipt of recommendations thereon from the Planning Commission, and subject to and in compliance with all applicable statutory provisions of the Charter, amend, supplement or change the regulations, district boundaries or classification of property now or hereafter established by this Zoning Code or amendments hereof. It shall be the duty of the Planning Commission to submit its recommendations regarding all applications or proposals for amendments or supplements to Council. This Zoning Code may also be amended as provided in Section 1248.02 (Initiation of Amendments).

1248.02 Initiation of Amendments

Council, on its own motion or on a petition by an owner/applicant or his/her agent, after reference to and report by the Planning Commission, and after public notice and hearing as provided in this section, may amend, supplement or change district boundaries or zoning regulations herein or subsequently established. This Zoning Code may also be amended as provided in Section 1248.01 (Authority of Council).

1248.03 Referral to Planning Commission

- A. The Planning Commission shall prepare and recommend to the Council legislation on amendments to the Zoning Code.
- B. Upon the direction of Council and the adoption of the Resolution to amend, supplement, or change existing boundaries or zoning regulations, the Clerk of Council shall certify the Resolution to the Planning Commission for report and recommendation within thirty (30) days after such certification.
- C. Failure of the Commission to report within sixty (60) days after receipt of such Resolution shall be construed as no action of the proposed amendment, supplement or change. Council may proceed to take final action on the amendment.

1248.04 Public Hearing and Notice of Planning Commission

- A. A public hearing shall be held by the Planning Commission on all proposed amendments to or changes in the District Map or the text of the Zoning Regulations.
- B. Notice of the time and place of such hearing shall be published in the paper of general circulation in the Village of Whitehouse within at least 30 days in advance of such hearing. During such thirty (30) days, the text, or a copy of the text, of the proposed ordinance or measure amending, supplementing or changing the boundaries or regulations herein established, together with the maps or plans, or copies thereof, forming part of or referred to in such ordinance or measure, and the maps, plans and reports submitted by the Commission with reference thereto, shall be on file for public examination in the office of the Clerk of Council.
- C. If the proposed ordinance or measure is intended for rezoning or redistricting ten (10) or fewer parcels of land as listed on the tax duplicate, written notice of such hearing shall be mailed by the Planning Commission, by certified mail, at least ten (10) days before the date of such public hearing to the owners of property within one hundred fifty (150) feet of such parcels, to the addresses of such owners appearing on the current tax list of the County Auditor or on the mailing list of the County Treasurer. The failure of delivery of such notice shall not invalidate any such ordinance or measure.

1248.05 Action of Planning Commission/Recommendations to Councils

- A. Commission may recommend that the application be granted as requested, or it may recommend a modification of the Zoning Amendment requested in the application, or it may recommend that the application not be granted. These recommendations shall be certified to Council.
- B. No ordinance or measure which differs or departs from the plan or report submitted by the Planning Commission shall be adopted unless passed or approved by the affirmative vote of four (4) members of the Council.

1248.06 Public Hearing and Notice by Council

After receiving from the Commission the certification of said recommendations on the proposed amendment, and before adoption of such amendment, the Council shall hold a public hearing. If the proposed ordinance or measure is intended for rezoning or redistricting ten (10) or fewer parcels of land as listed on the tax duplicate, written notice of such hearing shall be mailed by the Clerk of Council, by certified mail at least ten (10) days before the date of such public hearing, to the owners of property within, one hundred fifty (150) feet of such parcels to the addresses of such owners appearing on the current tax list of the County Auditor or on the mailing list of the County Treasurer. The failure of delivery of such notice shall not invalidate any such ordinance or measure.

1248.07 Action of Council

After holding the above public hearing, the Council shall consider such recommendations and vote on the passage of the proposed amendment to the Text of the Zoning Ordinance or the Zoning Map. The Council may overrule a negative or modify the recommendation of the Planning Commission by the affirmative vote of the majority of the Mayor and Council. On other actions by the Commission, a majority vote by Council shall decide.

1248.08 Application/Time Limitation

An application shall not be made more frequently than once each year for any change of zoning or a special use on a parcel of record.