

ARTICLE 21

AMENDMENT

The Council may amend, supplement, change or repeal this ordinance in the manner prescribed by Section 5.03 and 5.04 of the Bellbrook Charter after receiving the recommendation from the Planning Board.

21.01

Right of Petition - Referral to Planning Board

A proposed amendment, supplement, change or repeal may be originated by the Council, the Planning Board or the owner of the affected property. All such proposals except those originating with the Planning Board shall be referred to that Board for a recommendation thereon. Proposals originating by Council shall be referred to the Planning Board by resolution stating the date, not less than sixty days from the next regularly scheduled meeting of the Planning Board, as to when the Planning Board recommendation is required. Upon its request, the Planning Board shall be granted a thirty day extension by which its recommendation shall be due. At its discretion, Council may, upon satisfactory petition by the Planning Board, grant a further extension. The Council shall take no final action on any amendment, supplement, change or repeal until it has received and studied the recommendation of the Planning Board; provided, however, if the Planning Board shall fail to forward its recommendation on any Council initiated proposal within the time specified by the resolution proposing the same, then Council may act thereon as though it had received a negative recommendation from the Planning Board.

The Planning Board shall study the proposed amendment, supplement, change or repeal. If the Board decides the proposal has merit it shall hold a public hearing thereon. At least ten (10)days notice of the time and place of such hearing shall be mailed to the petitioner, and all property owners within three (300) hundred feet of the property included in petitions for rezoning. Public notices of hearings on proposed amendments to Articles of the Zoning Regulations shall be posted in five (5) public places as determined by Council. The Planning Board shall make a report of its findings and a recommendation to the Council.

21.02

Contents of Application:

Applications for amendments to the Official Zoning Map adopted as part of this ordinance by Section 4.02 shall contain at least the following information:

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- (1) Name, address and phone number of applicant;
- (2) Proposed amending ordinance, approved as to form by the City Legal Advisor;
- (3) Present use;
- (4) Present zoning district;
- (5) Proposed use;
- (6) Proposed zoning district;
- (7) A vicinity map at a scale approved by the Zoning Inspector showing property lines, thoroughfares, existing and proposed zoning and such other items as the Zoning Inspector may require;
- (8) A list of all property owners, and their mailing addresses, who are within three hundred(300) feet of the property 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;
- (9) A statement on how the proposed amendment relates to the Comprehensive Plan; (See Comprehensive Plan map in Zoning Inspector's office).
- (10) A fee as established by Council (See Section 19.15)

21.03

Reviews by Officials and Agencies:

Prior to acceptance, the Board may request and review recommendations for each proposed amendment from the Miami Valley Regional Planning Commission, the Transportation Coordinating Committee, the Regional Planning and Coordinating Commission of Greene County, City Law Director, and other city officials, agencies and adjacent local governments to ascertain the nature of highway plans, drainage and flooding problems, utility plans and other factors relevant to the proposal.

21.04

Council Action on Recommendation:

When the Council receives an adverse recommendation
on a proposed amendment, supplement, change or
repeal it

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may concur with the Planning Board and, by a motion of Council stop further action, or if the Council does not agree with the recommendation of the Planning Board, it shall hold a public hearing prior to taking final action on the ordinance.

When the Council receives an affirmative recommendation from the Planning Board on a proposed amendment the Council shall hold a public hearing thereon. When such hearing is held, notice shall be given as prescribed by the Bellbrook Charter, for an ordinance. In addition to such notice the enforcing officer shall, upon notification by the Clerk, place upon the involved premises in a prominent position a printed sign bearing the words "rezoning pending from ... classification to ... classification" and the time, date and place of hearing. Said sign shall be located within ten (10) feet of the right-of-way of a public road or street. The sign shall be placed on the property at three hundred (300) foot intervals. One sign shall suffice for lesser distances. The size of the letters on the sign shall be a minimum of two and one-half inches in height. Such sign shall be posted ten (10) days before the date of the hearing. The Council may adopt such amendment, supplement, change or repeal without further reference to the Planning Board. If the Planning Board recommended disapproval of the change, however, such amendment shall not be passed except by an affirmative vote of four (4) Council members.

Whenever a written protest against a proposed amendment, supplement, change or repeal is presented duly signed by the owners of twenty percent (20%) or more of the frontage of the block proposed to be altered, or by the owners of twenty percent (20%) or more of the frontage of the block immediately in the rear thereof, or by the owners of twenty percent (20%) of the frontage of the block directly opposite the frontage proposed to be altered, such amendment shall not be passed except by a concurring vote of four (4) Council members.

21.05

Scheduling Public Hearing by Council:

Council shall schedule a public hearing not more than

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forty (40) days from the receipt of the recommendation from the Planning Board.

21.06

Notice to Property Owners:

If the proposed amendment is intended to rezone or redistrict ten (10) or less parcels of land as listed

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on the tax duplicate, written notice of the hearing shall be mailed by the Clerk of Council, by first class mail, at least ten (10) 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 address 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 Council. The failure to deliver the notification, as provided in this section shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers and/or posted in public places as required for hearings on ordinances.

21.07

Amendment Limitation:

Petitions for zoning amendment, conditional uses or variances concerning any parcel of, portion thereof or use thereon shall not be accepted for consideration more than once during any consecutive twelve (12) month period.

21.08

Annexation:

All land annexed to the City subsequent to the adoption of this ordinance shall remain subject to the previous Township zoning district until such time as the Official Zoning Map is amended according to the provisions of this Article. All land annexed to the City which, prior to annexation, is not subject to Township zoning shall remain un-zoned until the Official Zoning Map is amended according to the provisions of this Article.

21.09

Fees:

Fees will be determined by ordinance of the Municipality of Bellbrook. (See Section 19.15).