



City of Mount Vernon, Ohio  
Application for Amendment  
Instructions

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The following instructions will guide you in completing the application for amendment. If needed, additional typewritten pages may be attached to the application.

### Applicant's Information

**Property Owner's name.** Enter the property owner's name, address, phone number, and email address

**Agent's name.** Enter the agent's name, address, phone number, and email address. If you are acting on behalf of the property owner, you must submit a notarized power of attorney from the owner authorizing you to act as their agent.

**Petition form.** Submit this completed form for multiple petitioners as in the case of multiple property owners in a large area to be rezoned.

### Site Information

**Site address.** Enter the physical site address of the property.

**Legal Description.** This information can be found either on the deed or on the property tax billing. This information can also be obtained from the County Auditor's Office or on their website at [www.knoxcountyauditor.org](http://www.knoxcountyauditor.org).

If the property is a platted lot in a subdivision, you need only respond with the lot number and subdivision.

If the property is acreage and described by bearings and distances, you would fill in the blank as "m&b" and include the size of the parcel.

**Parcel number.** Can be found on the County Auditor's website. As an example, it will likely look like this "66-09999.000".

**Deed volume and page number.** Can be found on the deed or on the County Auditor's website map in pink numbers.

**Zoning District.** This information can be obtained from the County Auditor's website map as a GIS Layer. In-depth discussions about the proposed zoning classification should be directed to:

Lacie Blankenhorn, Development Services Manager  
City of Mount Vernon, Ohio  
40 Public Square  
Mount Vernon, Ohio 43050

Telephone: 740-393-2033  
Fax: 740-397-6595  
e-mail: [DSM@mountvernonohio.org](mailto:DSM@mountvernonohio.org)  
web address: [www.mountvernonohio.org](http://www.mountvernonohio.org)

## Use of Property

**Present Use.** Describe the present use of the property and list the present zoning district.

**Proposed Use.** Describe in detail the proposed use of the property and list the proposed zoning district.

### Documents to be Submitted

**A statement of reasons for the proposed amendment.** This statement must define and substantiate the rezoning request. Discussion should include discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the comprehensive plan.

**A vicinity map.** A map, drawn to a scale approved by the Zoning Enforcement Officer showing the property lines and defining the tract or tract(s) to be rezoned, streets, rights of way and other such items as the ZEO may require.

**Fee.** A deposit of \$200.00, as established by ordinance, is required to be submitted with the application. You will be billed for any expenses incurred in excess of the deposit.

When the application is complete, it must be filed with the secretary of the Planning Commission. Questions regarding the legislative action or the rezoning process timeline should be directed to:

Lacie Blankenhorn, Development Services Manager  
City of Mount Vernon, Ohio  
40 Public Square  
Mount Vernon, OH 43050

Telephone: 740-393-2033  
Fax: 740-397-6595  
e-mail: [DSM@mountvernonohio.org](mailto:DSM@mountvernonohio.org)  
web address: [www.mountvernonohio.org](http://www.mountvernonohio.org)



# City of Mount Vernon, Ohio

## Application for Zoning Amendment

<i>Applicant's Information</i>			
Owner's Name, Address, Phone, and Email Address			
Agent's Name, Address, Phone, and Email Address			
<i>Site Information</i>			
Site Address	Legal Description		
Parcel Number	Deed Volume and Page Number		
<i>Use of Property</i>			
Present Use	Present Zoning District		
Proposed Use	Proposed Zoning District		
<i>Documents to be Submitted</i>			
<p><b>The following documents must also be submitted with this application:</b></p> <ol style="list-style-type: none"> <li>1. A statement of the reason(s) for the proposed amendment.</li> <li>2. A vicinity map at a scale approved by the Zoning Enforcement Officer showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Zoning Enforcement Officer may require.</li> <li>3. A statement on the ways in which the proposed amendment relates to the comprehensive plan.</li> <li>4. The \$200.00 filing fee as established by ordinance.</li> </ol>			
<p>I hereby certify that the information submitted on this application and on any sketches, drawings or other documents submitted with this application is true and exact.</p>			
Date:		By:	
<i>Filing Information</i>			
Filing Date	Fee deposit	Date Paid	Receipt Number
	<b>\$200.00</b>		



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# Chapter 1103: Review Procedures

## 1103.01 PURPOSE

This chapter establishes the various administrative and board level review procedures used for the administration, interpretation, and enforcement of this code along with the review criteria used for decision-making purposes on individual applications.

## 1103.02 COMMON REVIEW REQUIREMENTS

The requirements of this section shall apply to all applications and procedures subject to development review procedures established in this code, unless otherwise stated.

### (a) Summary of Review Procedures

[Table 1103-1](#) provides a list of all review procedures utilized in the administration and enforcement of this code, the applicable review authority, the type of review hearing or meeting, and the decision-making responsibility of each review authority.

TABLE 1103-1: SUMMARY OF REVIEW PROCEDURES						
Review Procedure	See Section:	City Council	MPC	BZA	HRC	Staff
Code and Text Amendment	<a href="#">1103.03</a>	PH/D	PH/R			
Alternative Equivalency Review	<a href="#">1103.04</a>		PH/D		PH/D	
Certificate of Appropriateness (COA)	<a href="#">1103.05</a>				PM/D	
Conditional Use	<a href="#">1103.07</a>		AH/D			
Variance	<a href="#">1103.07</a>			AH/D		
Appeals	<a href="#">1103.07</a>			AH/D		
Zoning Permit	<a href="#">1103.08</a>					D
Administrative Waiver	<a href="#">1103.08(f)</a>					D
Minor Subdivision	<a href="#">1103.09</a>					D
Major Subdivision: Preliminary Plat	<a href="#">1103.10</a>		PM/D			
Major Subdivision: Subdivision Modification	<a href="#">1103.10</a>		PM/D			
Major Subdivision: Final Plat and Improvement Plans	<a href="#">1103.10</a>		PM/D			
Major Subdivision: Acceptance of Improvements	<a href="#">1103.10</a>	PM/D				
Interpretation of the Code	<a href="#">1103.11</a>					D
Planned Development: Development Plan and Zoning Map Amendment	<a href="#">1107.03</a>	PH/D	PH/R			
<b>Abbreviations</b>						
<b>PH</b> = Public Hearing		<b>AH</b> = Adjudication Hearing		<b>PM</b> = Public Meeting		
<b>R</b> = Recommendation			<b>D</b> = Decisions			

**(b) Authority to File Applications**

- (1) Unless otherwise specified in this code, applications for development review procedures defined in this code may be initiated by:
  - A. An owner of the property that is the subject of the application; or
  - B. An agent who is authorized to file on behalf of an owner as demonstrated by a notarized letter or similar document., An agent may include a lessee of the property, manager, attorney, or other representative.
- (2) The MPC or City Council may initiate code text and map amendments under this code, with or without written authorization or application from the property owners who may be affected.

**(c) Application Submission Schedule**

The schedule for the submission of applications in relation to scheduled meetings and hearings of the review bodies shall be established by the ZEO, and made available to the public.

**(d) Application Contents**

- (1) Applications required under this code shall be submitted to the ZEO.
- (2) All applications shall be in a form and in such numbers as established by the ZEO, and made available to the public as part of application forms.
- (3) Applications shall be accompanied by a fee, if required, in accordance with the fee ordinance adopted by City Council pursuant to Section [1103.02\(g\)](#).
- (4) **Complete Application Determination**
  - A. The ZEO shall only initiate the review and processing of applications submitted under this code if such application is determined to be complete.
  - B. An application shall be determined to be complete if the applicant has submitted all of the forms, maps, and other submittal requirements required for the specified application. The ZEO may waive the submission of requirements if such requirements are not needed due to the type or scale of development, or are unnecessary for determining compliance with this code. Such waiver shall be provided to the applicant in writing as part of the record.
  - C. The ZEO shall make a determination of application completeness within five business days of the application filing.
  - D. If the application is determined to be complete, the application shall then be processed according to the procedures and timelines set forth in this code.
  - E. If an application is determined to be incomplete, the ZEO shall provide written notice to the applicant along with an explanation of the application's deficiencies. No further processing of an incomplete application shall occur until the deficiencies are corrected and the ZEO determines that the application is complete.
  - F. The City shall not be required to process an incomplete application, forward an incomplete application to any decision-making body, or be subject to any required timelines of review for incomplete applications.
  - G. If the applicant fails to correct all deficiencies and submit a complete application within 60 days of the notice provided by the ZEO, the incomplete application shall not be reviewed, the applicant's original filing fee shall be forfeited, and the incomplete application shall be deemed withdrawn. The ZEO may grant one 60-day extension if just cause is shown, upon written request by the applicant.
  - H. No reconsideration of an incomplete application shall occur after expiration of the 60-day period, and an applicant in need of further development approval under the code shall, pursuant to all of the original requirements this chapter, submit a new application, and submit a new filing fee.
  - I. If any false or misleading information is submitted or supplied by an applicant on an application, that application shall be deemed incomplete.

**(e) Simultaneous Processing of Applications**

- (1) Whenever two or more forms of review and approval are required by review boards under this code, the ZEO shall determine the order and timing of review.
- (2) The ZEO may authorize a simultaneous review of applications, so long as all applicable requirements are satisfied for all applications.

**(f) Pre-application Conferences or Meetings**

- (1) Prior to filing an application, an applicant may request a meeting with the ZEO for a pre-application conference to discuss the proposed application or project.
- (2) An applicant may request a pre-application meeting with a review board for any review procedure in this chapter. The applicant may request such meeting by submitting a written request to the ZEO for placement on the agenda of the next regularly scheduled meeting or any special meeting that may be called by the applicable review board.
- (3) The purpose of the pre-application conference or meeting shall be to discuss the proposed application or project, review submittal requirements, and discuss compliance with the provisions of this code and any applicable plans prior to the submission of an application.
- (4) No action can be taken by the administrative staff and/or any review boards until the applicant submits an actual application and/or plan to the City pursuant to the laws and policies of the City. Therefore, all discussions that occur between the applicant and/or applicant's representative(s) and staff, and/or City review boards, that occur prior to the date the applicant submits an actual application and/or plan including, but not limited to, any informal meetings with City staff, review boards, any pre-application conferences or meetings, are not binding on the City and do not constitute official assurances or representations by the City or its officials regarding any aspects of the plan or application discussed.

**(g) Fees**

- (1) Any application for a review procedure under this code shall be accompanied by such fee as shall be specified from time to time by ordinance of City Council. There shall be no fee, however, in the case of applications filed by the Mayor, City Council, or any of the review boards.
- (2) The fees shall be in addition to any other fees that may be imposed by the City, Knox County, State, or other agency having jurisdiction.
- (3) Such fees are adopted to cover the cost to the City for investigations, legal advertising, postage, and other expenses resulting from the administration of planning, subdivision, and zoning activities.
- (4) Unless otherwise identified in the fee schedule adopted by City Council, no application shall be processed or determined to be complete until the established fee has been paid.
- (5) If the City determines that the costs on a particular application will exceed the filing fee as established by City Council as a result of preparation of legal descriptions, maps, studies, or other required information, or as a result of the need for professional expert review, study, or testimony, the ZEO is authorized to collect such additional costs from the applicant.
- (6) Application fees are not refundable except where otherwise stated in this code or where the ZEO determines that an application was accepted in error, or the fee paid exceeds the amount due, in which case the amount of the overpayment will be refunded to the applicant.

**(h) General Provisions for Attendance and Decisions**

- (1) Whenever a provision of this code allows for or requires attendance at a meeting or hearing by the applicant, the applicant may attend in person or may have an authorized representative attend in their place.
- (2) Whenever a provision in this code requires a decision to be provided in writing, or communication in writing, then such provision shall be interpreted to allow for such communication by e-mail unless otherwise stated, required by law, or requested by the applicant.

**(i) Public Notification for Public Meetings**

For all public meetings required by this code, the City shall comply with this code and all applicable State notice requirements.



**(j) Public Notification for Public Hearings**

(1) Applications for development approval that require public hearings, including all adjudication hearings, shall comply with all applicable State requirements and the public meeting notice requirements established in Section [1103.02\(i\)](#), above.

(2) The ZEO shall be responsible for providing the required notice as specified in [Table 1103-2](#).

**(3) Content**

Notices for public hearings, whether by publication or mail (written notice), shall, at a minimum:

- A. Provide the name of the applicant or the applicant’s agent;
- B. Indicate the date, time, and place of the public hearing;
- C. Describe the land involved by street address, as applicable, Knox County parcel identification number (as applicable), or by legal description; and
- D. Describe the nature, scope, and purpose of the application or proposal.

**(4) Notice Requirements**

Published and mailed notice for public hearings shall be provided as defined in [Table 1103-2](#).

TABLE 1103-2: NOTICE REQUIREMENTS		
Review Procedure	Published Notice	Written (Mailed) Notice
Code Text Amendment		No written notice is required for a text amendment.
Zoning Map Amendment and Planned Developments		Written notice shall be sent to all applicant and all owners of property within, contiguous, and across the street from the boundary of all properties subject to the application. The notice shall be required a minimum of 10 days before the scheduled public hearing of MPC and 20 days before the scheduled public hearing of City Council  Written notice shall not be required where the application involves more than 10 individual lots.
Conditional Uses, Variances, Appeals, and Alternative Equivalency Reviews	Published notice required a minimum of 10 days before the scheduled public hearing of BZA, MPC, or HRC, as applicable.	Written notice to the applicant and “all parties of interest” that includes, but is not limited to, the applicant (or person making an appeal), and all adjacent property owners. The notice shall be required a minimum of 10 days prior to the scheduled public hearing of BZA, MPC, or HRC as applicable.

**(5) Published Notice**

- A. Published notice shall be provided in accordance with City ordinances and State law. The City may also provide additional published notice by posting of the notice in City buildings or by electronic media.
- B. The content and form of the published notice shall be consistent with the requirements of this section and State law.

**(6) Written Notice**

- A. Written notice shall be provided by first class mail, unless otherwise stated.
- B. Written notification of property owners shall apply only to the initial presentation of the application for the public hearing in front of the applicable review board.
- C. Written notice shall be postmarked no later than the amount of days specified in [Table 1103-2](#) prior to the hearing date at which the item will be considered.
- D. Where written notice is required, it shall be mailed to the address of such owners appearing on the County Auditor's current list or the County Treasurer's mailing list.

**(7) Constructive Notice**

- A. Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Minor defects in notice shall be limited to errors in a legal description, typographical or grammatical errors, or errors of actual acreage that do not impede communication of the notice to affected parties. Failure of a party to receive written notice shall not invalidate subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing shall be strictly construed. If questions arise at the hearing regarding the adequacy of notice, the decision-making body shall direct the department having responsibility for notification to make a formal finding as to whether there was substantial compliance with the notice requirements of this code, and such finding shall be made available to the decision-making body prior to final action on the request.
- B. When the records of the City document the publication, mailing, and/or posting of notices as required by this chapter, it shall be presumed that notice of a public hearing was given as required by this section.

**(k) Conduct of Public Hearing**

**(1) Rights of All Persons at Public Hearings**

Any person may appear at a public hearing and submit information or evidence, either individually or as a representative of a person or an organization. Each person who appears at a public hearing shall be identified, state their address, and if appearing on behalf of a person or organization, state the name and mailing address of the person or organization being represented.

**(2) Continuance of a Public Hearing or Deferral of Application Review**

- A. An applicant may request that a review board's consideration of an application at a public hearing be deferred by submitting a written or verbal request for deferral to the ZEO prior to the publication of notice, as may be required by this code. The ZEO may grant such requests, in which case, the application will be considered at the next regularly scheduled meeting.
- B. A request for deferral of consideration of an application received by the ZEO after publication of notice of a public hearing, as required by this code, shall be considered as a request for a continuance of the public hearing, and may only be granted by the applicable review board.
- C. The review board conducting the public hearing may, on its own motion or at the request of the applicant, continue the public hearing to a fixed date, time, and place, provided the date, time, and place is publicly announced at the time of continuance. No additional written or published notice shall be required.

**(l) Withdrawal of Application**

- (1) Any request for withdrawal of an application shall be either submitted in writing to the ZEO or made through a written request by the applicant prior to action by the City Council or applicable review board.
- (2) After request for withdrawal has been received, the ZEO will then withdrawal the application from any agenda and no further action will be taken. Any future request for action will require a new application and fee in accordance with this code.

**(m) Examination and Copying of Application and Other Documents**

Documents and/or records related to applications may be inspected and/or copied as provided for by State law.

**(n) Effect of any Approvals**

- (1) The issuance of any approval or permit under this code shall authorize only the particular development, alteration, construction, or use approved in the subject application.
- (2) All approvals shall run with the land or use and shall not be affected by change in ownership provided there is no change in use and all conditions of approval continue to be met.

**(o) Modifications or Amendments of Approved Applications**

- (1) For any review procedure, the ZEO is authorized to allow minor changes related to design of an approved application where the change is insignificant and has minimal impact to the overall design of the development or subdivision, does not increase density, or is necessary to address minor technical issues. This shall not give the ZEO the authority to vary the requirements of this code or any conditions of approval.
- (2) Where the ZEO determines that the proposed modification, amendment, or change is not minor, as stated above, the applicant shall be required to resubmit an application and payment of additional fees for the application to be reviewed in accordance with the procedures and standards established for its original approval.
- (3) Modifications to approved PD Development Plans shall be allowed in accordance with Section [1107.03\(d\)](#).

**(p) Reapplication after Denial of an Application**

If an application is denied, the applicant may:

- (1) Appeal the decision in accordance with the applicable appeals procedure established for the procedure in this code, or as granted by State Law; or
- (2) Make changes to the application that will fully address all issues and findings identified for the denial and resubmit a new application, including any required fees. Any such resubmission shall contain evidence that shows how the new application has substantially changed to address each of the findings of the original decision. The ZEO shall have the authority to determine if the evidence submitted substantially changes the application to address all issues as part of the complete application determination in [1103.02\(d\)\(4\)](#). If it does not, the ZEO shall return the application, with reasons for their determination in writing, along with any submitted fees;
- (3) Submit the same application after a 12-month waiting period; or
- (4) Submit a new application if the proposed use and design of the site will be entirely different than the denied application.

**(q) Subsequent Development**

- (1) Development authorized by any approval under this section and this code shall not be carried out until the applicant has secured all other approvals required by this code or any other applicable provisions of the City's Codified Ordinances.
- (2) The granting of any approval or permit shall not guarantee the approval of any other required permit or application.
- (3) The City shall not be responsible for reviewing the application for compliance with any permits, certificates, or other approvals that may be required by Knox County, the State, or other agencies having jurisdiction.

**(r) Records**

The City shall maintain permanent and current records of all applications and the decisions related to those applications in City Hall or in a digital format, available to the public, as allowed by State law.

**(s) Computation of Time**

- (1) In computing any period of time prescribed or allowed by this code, the date of the application, act, decision, or event, from which the designated period of time begins shall not be included. The last date of the period of time to be computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday observed by the City of Mount Vernon where the City administrative offices are closed for the entire day, in which case the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday.
- (2) When the period of time prescribed is less than seven days, intermediate Saturdays, Sundays, and legal holidays shall be excluded from the computation (i.e., business days and not calendar days).
- (3) When the City offices are closed to the public for the entire day which constitutes the last day of the period of time, then such application, act, decision, or event may be performed on the next succeeding day which is not a Saturday, a Sunday, or a legal holiday observed by the City of Mount Vernon in which the City administrative offices are closed for the entire day.

- (4) If a timeframe does not specify business or calendar days, such timeframe shall be interpreted to be calendar days.

## → 1103.03 CODE TEXT AND MAP AMENDMENTS

(a) **Purpose**

The purpose of the code text and zoning map amendment procedure is to provide a process for amending the zoning map and/or text of this code.

(b) **Applicability**

This section shall apply to requests to amend the text of this code or amend the Zoning District Map of the City of Mount Vernon, Ohio.

(c) **Initiation**

- (1) For a zoning map amendment of a specific property, any person who has authority to file an application (See Section [1103.02\(b\)](#).) for such property may initiate an amendment by filing an application with the ZEO. Where the application involves multiple properties, at least one person having authority to file an application for each property shall be required to sign the application.
- (2) Only City Council or the MPC may initiate code text amendments, however, any member of the public may request that the MPC or City Council consider a text amendment during their respective public meetings.
- (3) City Council may initiate a code text or map amendment by adopting a resolution that refers the amendment to the MPC.
- (4) The MPC may initiate a code text or map amendment by adopting a motion to make such amendment.

(d) **Code Text or Map Amendment Review Procedure**

The review procedure for a code text or map amendment shall be as follows:

(1) **Step 1 – Pre-Application Meeting (Optional)**

An applicant may request to have a pre-application meeting with the ZEO and/or MPC to informally discuss the application and any concept plans. Such meeting shall be subject to Section [1103.02\(f\)](#).

→ (2) **Step 2 – Application**

- A. For amendments that are not initiated by the MPC or City Council, the applicant shall submit an application in accordance with Section [1103.02](#) and with the provisions of this section.
- B. Amendments initiated by City Council shall be referred to the MPC for initiation of review.
- C. Once the application is determined to be complete, the ZEO shall fix a date for a public hearing before the MPC (Step 4).

(3) **Step 3 – Administrative Staff Review**

- A. Upon determination that a text or zoning map amendment application is complete, the ZEO shall forward the application to the MPC and may distribute the application to other departments or agencies for review and comment.
- B. The ZEO may consolidate any comments from the public received in advance of the hearing and comments from the any City departments or other agencies into a report for the MPC to review as part of Step 4.

(4) **Step 4 – MPC Review and Recommendation**

- A. The MPC shall review the amendment application at a public hearing at the next regularly scheduled MPC meeting or at a special meeting.
- B. Notification of the public hearing shall be provided in accordance with Section [1103.02\(j\)](#).
- C. In addition to the general notification above, the ZEO shall give notice by registered or certified mail to the State Director of Transportation of the initiation of any proposed amendment that:
- i. Affects any land within 300 feet of a proposed new highway; or

- ii. Affects any land within 300 feet of any proposed changes to a highway as described in certification to local officials by the State Director of Transportation; or
- iii. Affects any land within 500 feet from a proposed intersection of such a new highway and any existing public road or highway.
- iv. If the Director of Transportation's response is negative, the MPC will stay their proceedings until the reason for the negative response is resolved.
- D. In reviewing the application, MPC shall, at a minimum, consider the review criteria of this section.
- E. The MPC shall make a recommendation to City Council regarding the application. In making its recommendation, the MPC may recommend approval, approval with some modification, or denial of the application.
- F. If the MPC fails to make a recommendation within 30 days following the close of the public hearing, or an extended timeframe approved by the applicant, the application will move forward to Step 5 without a specific recommendation.

**(5) Step 5 – City Council Review and Decision**

- A. Following receipt of the recommendation from the MPC (Step 4), the application shall be placed on City Council's agenda for the next regularly scheduled meeting, if in compliance with notification requirements, or City Council shall set a time for a public hearing on the proposed amendment that is no more than 60 days from receipt of the MPC's recommendation, or an extended timeframe approved by the applicant.
- B. Notification of the public hearing shall be provided in accordance with Section [1103.02\(j\)](#).
- C. City Council shall review a text or zoning map amendment application during the public hearing. In reviewing the application, City Council shall, at a minimum, consider the recommendation from MPC, if made, and the review criteria of this section.
- D. Within 90 days of the close of the public hearing, City Council shall adopt, adopt with some modification, or deny the recommendation of the MPC.
  - i. If City Council moves to adopt the recommendation of MPC, such action shall only require concurring vote of four members of City Council.
  - ii. If City Council moves to adopt the recommendation of MPC with some modification, or deny the recommendation, such action shall require a favorable vote of six members of City Council.
- E. No such ordinance shall be passed unless it has been fully and distinctly read on three different days except that such ordinance may become emergency legislation if six members of City Council vote to dispense with this rule.

 **(e) Review Criteria**

The review of code text or map amendment applications by MPC and City Council shall be based on consideration of the following review criteria. Not all criteria may be applicable in each case, and each case shall be determined on its own facts.

- (1) The proposed amendment is compatible with the use of adjacent land, adjacent zoning, and with land use plans for the general area;
- (2) The proposed amendment is necessary or desirable because of changing conditions, new planning concepts, or other social or economic conditions;
- (3) The proposed amendment will promote the public health, safety, convenience, comfort, prosperity and general welfare;
- (4) The proposed amendment, if amending the zoning map, is consistent with the stated purposes of the proposed zoning district;
- (5) The proposed amendment, if amending the zoning map, follows lot lines or the centerlines of streets, railroads, or other rights-of-way, to the maximum extent feasible.
- (6) The proposed amendment is not likely to result in significant adverse impacts upon the natural environment, including air, water, noise, storm water management, wildlife, and vegetation, or such impacts will be substantially mitigated;

- (7) The proposed amendment will not constitute a significant impact on public facilities, general expansion plans of the City, and the City's schedule for improvement of capital facilities;
- (8) The proposed amendment will not constitute spot zoning where special treatment is given to a particular property or property owner that would not be applicable to a similar property, under the same circumstances; and/or
- (9) The proposed amendment is not likely to result in significant adverse impacts upon other property in the vicinity of the subject tract including, but not limited to, traffic flow and pedestrian safety.

**(f) Effective Date And Referendum**

- (1) Any text or zoning map amendment adopted by City Council shall become effective 30 days after the date of such adoption unless within 30 days after the passage of the ordinance there is presented to the City Clerk a petition, signed by a number of qualified voters residing in the city equal to not less than 10 percent of the total vote cast in such area at the last preceding general election at which a Governor was elected, requesting the City Council to submit the zoning amendment to the electors of the City for approval or rejection at the next general election.
- (2) 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 has been approved by the voters, it shall take effect immediately.

## **1103.04 ALTERNATIVE EQUIVALENCY REVIEW**

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**(a) Purpose**

The alternative equivalency review is a procedure that allows applicants to propose a unique design option as an alternative to a development standard established in this code, provided it meets or exceeds the intent of the design-related provisions of this code. It is not a variance, waiver, or weakening of regulations. Rather, this procedure permits a site-specific plan that is equal to or better than the strict application of a design standard specified in this code. An alternative equivalency review approval shall apply only to the specific site for which it is requested and does not establish a precedent for assured approval of other requests.

**(b) Applicability**

The alternative equivalency review procedure shall be available only for the following sections of this code:

- (1) Section [1109.02: Outdoor Lighting](#);
- (2) Section [1109.03: Fences, Walls, and Hedges](#);
- (3) [Chapter 1110: CB District Architectural Standards](#);
- (4) [Chapter 1111: Landscaping and Screening](#);
- (5) [Chapter 1112: Parking, Access, and Connectivity](#); and
- (6) Any design standards or guidelines that apply to a historic district.

**(c) Review Timing and Review Board**

- (1) An alternative equivalency review that is related to a COA application shall be reviewed by the HRC and made concurrently with a COA application with notice for the public hearing as set forth in this section.
- (2) An alternative equivalency review that is not related to a COA application shall be reviewed by the MPC in accordance with the procedure below.

**(d) Alternative Equivalency Review Procedure**

The review procedure for any alternative equivalency review application shall be as follows:

**(1) Step 1 – Application**

The applicant shall submit an application in accordance with Section [1103.02](#) and with the provisions of this section.