

appears on the County Auditor's current tax list or the Treasurer's mailing list and such other lists as may be required by the Commission.

- C) Preliminary Public Hearing. After receiving an application for a proposed amendment, supplement or change and before making a recommendation to Council, the Commission shall hold a preliminary public hearing on the proposed amendment, supplement or change, at least fifteen days' notice of the time and place of which shall be given by publication in a newspaper of general circulation in the City. If the proposed amendment, supplement or change intends to rezone or redistrict ten or less parcels of land, as listed in the tax duplicate, written notice of the hearing shall be mailed by the Commission, by regular mail, at least fifteen days before the date of the public hearing to the owners of all real property within 300 feet of the parcel or parcels, to the addresses of the owners, ~~contiguous to or directly across the street from such parcel or parcels, to the addresses of such owners~~ appearing on the County Auditor's current tax list or the Treasurer's mailing list and such other lists as may be required by the Commission.

### 1137.3 PLANNING COMMISSION RECOMMENDATIONS.

Upon receipt of the application by the Zoning Administrator, the Zoning Administrator shall determine whether the application contains all the items referred to in Section 1137.2(A). Once the Zoning Administrator determines that the application is complete, the application shall be forwarded to the Planning Commission at its next regularly-scheduled meeting. The Planning Commission shall review the proposed amendment and consider reports from staff and other public agencies and public comments. (Ord. 04-155, passed January 10, 2005)

Following the procedure stated above, the Planning Commission may recommend that the application be granted as requested, or may recommend a modification of the zoning amendment requested in the application, or it may recommend that the application be denied. The Planning Commission shall identify and evaluate all factors relevant to the petition and use its best efforts to report its findings and recommendations to Council within forty five days of receiving an amendment application. (Ordinance 04-15, passed March 8, 2004) (Ord. 04-155, passed January 10, 2005)

If:

- 1) The Planning Commission requests additional information from the applicant, from city staff, or from any other interested parties or agencies in order to make its recommendation; or
- 2) The Planning Commission determines that there is an indication that notice of the Preliminary Public Hearing required by Chapter 1137.2(C) has not been given, requiring additional notice; or
- 3) The applicant agrees,

standards or criteria be made, and that special conditions be required for the development, provided such adjustment or conditions will not be in conflict with the promotion of the public health, safety and general welfare of the Municipality. Such adjustments and conditions shall constitute a part of the proposed concept plan.

- C) The concept plan, together with eight (8) copies of the report of the Planning Commission, shall be filed with the clerk for submission to Council and the Mayor.

#### 1161.12 ACTION BY COUNCIL.

- A) Council, at its next regular meeting following receipt of the Planning Commission report, or as otherwise extended by consent of the developer, shall set a date for a public hearing on the concept plan of the development area, including the report of the Commission thereon, and shall give at least fifteen days' notice of the time, place and purpose of such hearing by publication in ~~one two~~ newspapers of general circulation in the City.
- B) Following the public hearing, Council shall either approve, disapprove or modify the concept plan in conformity with regulations, standards, criteria and purpose prescribed by this Zoning Ordinance. Council may affirm any report of the Planning Commission or disapprove a favorable report of the Planning Commission by a majority vote of its members. If Council reverses a report of the Commission recommending disapproval of a concept plan, it may only do so by the affirmative vote of two thirds of the members elected or appointed to Council. (Ord. 99-132, passed October 11, 1999)

#### 1161.13 CHANGE IN ZONE MAP. (Ord. 04-155, passed January 10, 2005)

On filing of the required inspection fee, the City Engineer shall cause a notation to be made on the zone map to reflect the area which is included in the concept plan in a PUD District, and shall return the concept plan to the Planning Commission with a report of Council's action thereon.

#### 1161.14 FINAL PLAN OF A DEVELOPMENT AREA.

The developer of any parcel or parcels of land for which a concept plan has been approved by Council, and who has posted the inspection fee, may submit a final plan of the development area. Twenty copies of such plan shall be filed with the City Engineer at least fourteen (14) working days before the next regularly scheduled Planning Commission meeting, and upon payment of the appropriate fees shall be submitted by him to the Planning Commission.

- A) The final plan of the development area shall contain and be accompanied by the following unless waived by Planning Commission as inapplicable:
- 1) Topography, at a two-foot contour interval, of the proposed development area,

CHAPTER 1181  
Height Modifications

1181.1 HEIGHT LIMITATIONS NOT APPLICABLE.                      1181.2 MINIMUM REQUIREMENTS.

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1181.1 HEIGHT LIMITATIONS NOT APPLICABLE.

The height limitations stipulated elsewhere in this Zoning Ordinance shall not apply to the following:

- A) Farm Buildings and Architectural Features. Barns, silos or other farm buildings or structures on farms; to ~~church spires, belfries, cupolas and domes, monuments,~~ water towers, fire and hose towers, cooling towers, observation towers, transmission towers, windmills, chimneys, smokestacks, and flag poles; and to parapet walls extending not more than four feet above the limiting height of the building. (Ord. 99-132, passed October 11, 1999)
- B) Places of Public Assembly. Places of public assembly in churches, schools and other permitted public and semi-public buildings, provided that these are located on the first floor of such buildings and provided that for each ~~three feet~~foot by which the height of such buildings exceeds the maximum height otherwise permitted in the district, its side and rear yard ~~setbacks~~ shall be increased in width or depth by an additional ~~two feet~~foot over the side and rear yards required for the highest building otherwise permitted in the district.
- ~~1. Elevator Penthouses and Water Tanks. Elevator penthouses, water tanks, monitors, and scenery lofts, provided no linear dimensions of any such structure exceeds fifty percent (50%) of the corresponding street lot line frontage; or to towers and monuments, fire towers, hose towers, cooling towers or other structures, where greater height is required.~~
- C) Cellular or Wireless Communications Systems. Cellular or wireless communication antennas or towers shall comply with Chapter 1188.

1181.2 MINIMUM REQUIREMENTS.

All such structures above the heights otherwise permitted in the district shall not occupy more than twenty-five percent (25%) of the area of the lot and shall be distant not less than fifty feet in all parts from every lot line not a street line.