

Steps for Zoning Amendment

Dear Property Owner:

We have attached for your information an outline should you wish to file a petition for a zone amendment to your property.

There will be a \$100.00 processing fee for each petition, which includes the cost of publication and other direct costs.

You must complete the proper form, which is available from the Department of Development, 305 City County Building. A copy is also attached to this information sheet.

You should send your completed petition to City Council in care of the City Clerk. City Council will refer the zone change request to the Wheeling Planning Commission for public hearing and report.

Your petition and the date of the public hearing will be advertised in the local papers under Legal Advertisements. You will be notified in writing of the date and time of the hearing, as will owners of property in the immediate vicinity.

The Planning Commission meets in City Council Chambers on the second Monday of every month at 5:00 p.m., holidays excepted. Your petition will be listed on the agenda under Public Hearings. When the Chairman announces your request, he will ask if the person filing the petition or their representative is present. You should then come to the speaker's table and explain why you are requesting the zone change. There will be a graphic prepared by the Department of Development showing your property and the surrounding area. The Commissioners may ask questions concerning your proposal and its affect on the neighborhood.

You may also present supporting information. This may be in the form of a petition of persons indicating that they are in favor of your request. Any petition should include names and addresses and have the proper information at the top of every page. Photographs of the property, drawings of any proposed construction and any other helpful information should be presented. The Chairman will then ask if there is anyone else to speak in favor of your request. If you have neighbors or supporters, they may then testify to their support of your proposal. The Chairman will then offer anyone present, who is in opposition to the change, an opportunity to speak.

At the conclusion of the hearing, the Planning Commission will forward your request to its Zoning Committee for report and recommendation. The Zoning Committee meeting is not intended to be a second public hearing; however, the meetings are open to interested parties. Anyone

wanting to be heard at the Zoning Committee meeting, must notify the Chairman prior to the start of the meeting. Remember, the proper time to submit information and documentation is at the scheduled public hearing. However, if you have additional information that may be helpful in considering your request, you may present it at the Zoning Committee meeting. This information should be made available to department staff in advance of the preparation of their report. The Zoning Committee will discuss your petition and may ask additional questions. They will then vote to make a recommendation to the Planning Commission.

Following recommendation of the Planning Commission, an Ordinance will be prepared by the Legal Department for consideration at Council meeting. It takes two readings of the Ordinance for the zoning change to become effective. You may not proceed with your plans and obtain any required permits until the Ordinance is passed by City Council changing the zoning classification. You will be notified by the Department of Development of the final decision of City Council.

Should your petition for zoning amendment be denied by City Council, the City of Wheeling may not consider another identical petition for a period of six months following the date of City Council's final action.

The process for amendment is provided by law and it can take from twelve to sixteen weeks before final action is taken. Your cooperation and patience are appreciated.

If you have any further questions or need assistance, do not hesitate to contact the Department of Development at 304-234-3701.

The Planning Commission Bylaws state:

"The Planning Commission shall abide by the following policy in cases where a petitioner (or their representative) requesting a zoning amendment does not appear to present their request at the Planning Commission meeting where there is scheduled a public hearing to solicit comment on the petition:

The Planning Commission will open the public hearing to take comments from the citizens that are present. The Planning Commission will then continue the public hearing until their next regularly scheduled meeting and will not send the request to committee or take a vote. At the second Planning Commission meeting, the petitioner may present his case and the public hearing will be reopened for further comment and then the Planning Commission may take further action on the petition (sending the matter to the Zoning Committee, voting on the petition, etc.). If the petitioner or their representative does not appear at the continued hearing, the issue will be sent back to City Council with a report that the petitioner has abandoned the petition."

PROCEDURE FOR AMENDMENT TO THE ZONING ORDINANCE OF THE CITY OF WHEELING

AMENDMENTS TO THE ZONING MAP

Amendment to the Zoning Map of the City of Wheeling may be initiated by petition of:

- The Planning Commission; or,
- Owners of at least 50% or more of the property involved in the petition.

The following procedures for consideration of a change in zoning classification are provided by State Statute, local ordinances, and policy.

STEP ONE

Petition to Council/Referral to Planning Commission

- Petitions duly signed by property owners requesting change in zoning classification may be presented to the City Council in care of the City Clerk. **(Petition forms are available from the Department of Development, Room 305, City-County Building).**
- City Council shall refer the petition to the Wheeling Planning Commission for consideration and report prior to final action by the Council.

STEP TWO

Public Hearing

- The Planning Commission shall conduct a public hearing on each petition for change in zoning classification prior to submitting a report and recommendation to City Council.
- Prior to holding a public hearing, the Planning Commission shall give notice of the hearing no less than fifteen (15) days prior to the date of the hearing by publication of the notice in the newspaper, and by posting such notice in not less than three conspicuous places in the immediate area to be affected. When practical, the Planning Commission will also provide notice, by mail, to owners of adjacent properties. **(Any expense incurred in giving notice of the public hearing shall be paid by the person(s) requesting the amendment).**
- The public hearing on the proposed change will be held on the advertised date beginning at 5:00 p.m. in City Council Chambers, Room 103, in the City-County Building. **(All relevant information, including petitions, etc., should be presented at the public hearing).**

STEP THREE

Referral to Zoning Committee

- Following the public hearing, the Planning Commission will forward the requested amendment to its Zoning Committee for study and report. The Committee will review and discuss the staff report and recommendation as well as other information provided during the public hearing. **(The Zoning Committee meetings are held in the City Council Chambers, Room 103, of the City-County Building, at 10:30 a.m., on the first Monday of each month. The meetings are open to the public, and while interested parties are welcome to attend, the meeting is not intended to be an open public forum).**

STEP FOUR

Zoning Committee Report to Planning Commission

- The Zoning Committee will submit its report and recommendation to the Planning Commission during the next scheduled Commission meeting following the Committee's action.

STEP FIVE

Report to City Council

- Upon receipt of the Zoning Committee report, the Planning Commission will take action on the requested change and forward its recommendation to the City Council along with all relevant information. **(The Planning Commission report is sent to City Council following the Commission meeting).**

STEP SIX

Final Council Action

- o Wheeling City Council, after receipt of the Planning Commission report, will give final consideration to the matter. They may either uphold the Planning Commission recommendation or disagree. **(In any event, if the requested amendment is to be approved, an ordinance must be introduced and read two times on Council floor before the change in zoning classification would become effective).**

AMENDMENTS TO THE ZONING ORDINANCE TEXT

Amendments to the Zoning Ordinance text may be initiated only by the Planning Commission. The procedures for public hearing and report are the same as outlined for amendment to a zoning classification.

Note - The process of amendment to the Zoning Ordinance requires approximately 9 to 16 weeks from the date of petition.

The main purpose of zoning is to secure a reasonable development pattern by keeping similar and related uses together and by separating dissimilar and unrelated uses. It is based upon a carefully conceived comprehensive plan that should be a consistent and stable base for future development on the various areas of the City in general. If the petition to amend the zoning ordinance is from the owners of fifty percent or more of the real property in the area, then before amending the zoning ordinance, the governing body with the advice of the planning commission, must find that the amendment is consistent with the adopted comprehensive plan. If the amendment is inconsistent, then the governing body with the advice of the planning commission, must find that there have been major changes of an economic, physical or social nature within the area involved which were not anticipated when the comprehensive plan was adopted and those changes have substantially altered the basic characteristics of the area.

Changing needs and recurring problems are two reasons why there must be a process for consideration of amendments to keep the Zoning Ordinance workable. However, amendments are treated with caution and with the community as a whole in mind.