

Because you own property that adjoins a property that has requested a zoning change, you are being notified of that request as required by state law. **This process will not change the zoning classification of your property.** The process for the request to change the zoning on this property is as follows:

- ✓ The applicant and owner make application to the OMPC Planning Office requesting the zoning map amendment (zone change request).
- ✓ The property is posted to notify the public of the request and the time and date that the OMPC will hear the request for a map amendment. A public notice appears in the Messenger/Inquirer notifying the public of the request.
- ✓ A letter of notification of the map amendment request is sent to adjoining property owners, which are those owners whose property borders or is directly across the street from the property to be rezoned.
- ✓ The applicant, adjoining property owners and the general public may contact the OMPC Planning staff at any time with questions regarding the application. Brian Howard, or an available planner may be reached at 270-687-8650. Planning Commissioners should not be contacted prior to the scheduled public hearing, because they are required by law to base their decision on the information presented at the public hearing.
- ✓ The OMPC staff prepares a staff report recommending approval or denial of the map amendment, which is given to the applicant/owner and the Planning Commissioners. This staff report is available approximately one week prior to the public hearing date.
- ✓ The OMPC holds a public hearing on the requested map amendment. At this public hearing, Planning Commission staff will present the request to the Planning Commission. The Commission will hear comments from the applicant and public in support of the request as well as those opposed to the request. The Planning Commission must weigh the evidence presented in the public hearing in order to make findings to either approve or deny the zoning change. Adjoining property owners and the general public are invited to make any comments to the OMPC regarding the zone change request. Adjoining property owners are **not required** to attend the public hearing if you have no questions or comments.
- ✓ The OMPC recommends approval or denial of the zone change request at the conclusion of the public hearing on the zone change request.
- ✓ Once the OMPC makes a recommendation on the zone change, the recommendation is immediately forwarded to the appropriate legislative body. If the property is located within the City of Owensboro, the recommendation is forwarded to the Owensboro City Commission. If the property is located outside of the Owensboro and Whitesville city limits, the recommendation is forwarded to the Daviess County Fiscal Court. If the property is located within the City of Whitesville, the recommendation is forwarded to the Whitesville City Commission. If the appropriate legislative body or any aggrieved person files notice with the OMPC within 21 days of the OMPC recommendation, the legislative body will decide the zoning change. If no notice or request is filed by either the legislative body or an aggrieved person, then the recommendation of the OMPC will become final 21 days after the OMPC recommendation. The Planning Office may be contacted to inquire when the OMPC recommendation was made and when the recommendation was forwarded to the legislative body. The Planning staff does not notify the public by mail or through public notice if the item will be considered by the legislative body. Forms to file notice to have the legislative body decide the zoning change are available in the OMPC office.
- ✓ The OMPC recommendation becomes final 21 days after the recommendation is made unless the legislative body or an aggrieved person requests in writing that the legislative body decide the zoning change. If the item is requested to be decided by the legislative body, then the legislative body will schedule the item on their agenda after receiving the full minutes of the public hearing. The appropriate legislative body would then have two readings on the request. The legislative body has the authority to uphold or override the OMPC recommendation.
- ✓ Appeals of the final decision of the legislative body must be filed within thirty (30) days to the Circuit Court.

GENERAL FLOW CHART FOR ZONING CHANGE APPLICATION

Application received for Zoning Map Amendment



**Property posted
Public Notice published
Adjoining Property Owners notified**



Staff Review of Zoning Change Application



**OMPC holds Public Hearing, makes Recommendation
and forwards recommendation to Legislative Body**



**OMPC Recommendation becomes final 21 days after recommendation is
made unless Legislative Body or Aggrieved Person requests within 21 days for
Legislative Body to decide application. If request is made for Legislative Body to hear
zoning change request, then**



**Legislative Body takes Final Action - 2 readings of ordinance
Appeals may be made to Circuit Court within 30 days of Final Action**