

SECTION 13.0 - AMENDMENTS

13.1 POWER TO AMEND

The County Board may from time to time amend, supplement, or change by ordinance the boundaries of districts, or regulations herein established.

13.2 PETITIONS

Petitions by interested persons to rezone or reclassify any property and the reasons in support thereof shall be filed with the County Zoning Officer along with a fee to partially defray the expense of investigation and consideration, which fee shall be collected by the County Clerk, who shall account for the same to the County, except when an amendment is proposed by county zoning authorities, no fee shall be required.

13.3 PROCEDURES

Upon any application for a proposed amendment, supplement, or change being properly filed with the County Zoning Officer in the County Zoning Office, said officer shall immediately cause a copy of same to be forwarded to the members of the County Planning Commission, hereinafter referred to as Planning Commission, and the members of the County Board of Zoning Appeals, hereinafter referred to as Zoning Board. The Planning Commission shall make such investigation as provided by their rules of procedure. The Planning Commission shall consider such proposed amendments at their next regularly scheduled monthly meeting provided that, if fourteen (14) days have not elapsed since the above said mailing of such proposed amendment, they may defer action on it until the next regular monthly meeting. In determining the fourteen (14) day period, the day the letter is mailed shall be excluded, and the day of the meeting shall be included. The recommendation and report stating reasons for their decision, of the Planning Commission, shall be forwarded to the Chairperson of the Zoning Board and to the Chairperson of the Zoning Committee of the County Board without delay. Said report of the Planning Commission may be considered by the Zoning Board in arriving at their decision, whether or not a member of the Planning Commission appears at the public hearing. The Board shall forward their report and decision, setting forth the reasons therefore, to the Zoning Committee and Chairperson of the Zoning Committee of the County Board.

The Zoning Board shall cause notice of a public hearing to be duly published, as prescribed by statute, not more than thirty (30) nor less than fifteen (15) days before the hearing. A hearing shall be held in each township directly affected, except that in the case of general amendments to the text of the County Zoning Ordinance, the hearing shall be held in the County Courthouse only. The published notice of a hearing affecting a particular township or townships shall be published in a newspaper qualified to accept legal notices, in general circulation in the area affected. In addition, where a proposed amendment affects a particular area of the County, notice shall be mailed to all municipalities within one and one-half miles thereof, and all adjacent property owners fifteen (15) days in advance of the hearing. Property owners shall be considered adjacent although they are separated by a street or road, or if a corner of their land touches, or if their property is next to a tract of land a portion of which is to be re-zoned.

If property is held by a life tenant with contingent remainders or rights in reversion, in trust, or by more than one person, it shall be sufficient notice, if notice is sent to the person receiving the tax bills as shown by the records in the County Treasurer's Office. No proposed amendment shall be defeated because of improperly mailed notices, if the Zoning Board is satisfied that the applicant has made a diligent effort to list all property owners in his application for the zoning change. Within a reasonable time after the hearing, the Zoning Board shall make a report to the County Board.

13.4 PASSAGE OF AMENDMENT

The favorable vote of at least three-fourths of all of the members of the County Board shall be necessary to pass an amendment in the following instances.

1. When a written protest against the proposed amendment is filed with the County Clerk, signed and acknowledged by the owners of twenty (20) percent of the frontage immediately adjoining or across the alley therefrom, or by the owners of twenty (20) percent of the frontage directly opposite the frontage proposed to be altered.
2. When a land affected by a proposed amendment lies within one and one-half miles of the limits of a zoned municipality and a written protest against the proposed amendment is passed by the City Council or President and Board of Trustees of the zoned municipality with the limits nearest adjacent, and filed with the County clerk.
3. The County Clerk is required to forward a copy of the written protest to the petitioner and to the petitioner's attorney. (Act. 81-705, effective January 1, 1980)

In all other instances except those just above listed, a majority vote of the members of the County Board present at the meeting at which the amendment is considered shall be necessary to pass an amendment.