

## ARTICLE 15

### AMENDMENTS

#### Section 15.1 Initiating Amendments

- A. A proposal for an amendment to the text of this Ordinance may be initiated by any person by the filing of a petition meeting the requirements outlined below requesting consideration of the amendment, the application for a text amendment, and either the necessary fees for such text amendment or a copy of the proposed text change with the Zoning Administrator.
  - 1. The petition required above shall be signed by a minimum (10) percent of the total registered electors residing in the Village. All signatures shall be collected no more than sixty (60) days prior to the submission of the application for amendment. The petition shall include the proposed text amendment.
- B. Any proposal for an amendment to the Zoning Map (i.e. to rezone a parcel(s) may be initiated by the owner of that parcel(s) or a person with written permission of the owner. The process is initiated with the filing of the following with the Zoning Administrator:
  - 1. An application for rezoning.
  - 2. A map at a scale of not less than 1"=50' showing the subject parcel in relation to adjoining parcels of land.
  - 3. The necessary fees for such zoning change.
  - 4. A copy of the deed to the property.
- C. Any proposal for an amendment to the Zoning Ordinance text or map may be initiated by the Village Council, Planning Commission or Zoning Board of Appeals, upon filing with the Village Zoning Administrator a resolution duly adopted identifying the proposed amendment.

#### Section 15.2 Procedures

- A. The Village Clerk shall give notice of the time and place of the Planning Commission public hearing at which the amendment will be heard, by publication of a notice in a newspaper of general circulation in the Village. Notice shall be in accordance with Section 10.3 of this Ordinance.
- B. Following the public hearing, the Planning Commission shall consider the request. At the meeting the Planning Commission may recommend approval, denial or postpone the request for further study. In making a recommendation on the proposed amendment, the Planning Commission shall consider the following:

1. In the case of a proposal to amend the zoning ordinance text the Planning Commission must find:
    - a. The change is necessary to clarify a provision of the ordinance, or
    - b. The change is necessary to correct a mistake in the ordinance, or
    - c. The change is necessary to implement a goal or policy of the Village Land Use Plan, or
    - d. The change is necessary to improve administration of the ordinance or to better serve the community.
    - e. In addition to one (1) or more of the above findings, the Planning Commission must determine that the requested amendment is in compliance with the Village Land Use Plan or that a mistake in the plan, or changes in conditions or village policy have occurred that are relevant to the request. If the Planning Commission recommends approval of a request that is not in compliance with the current plan due to a mistake or change in conditions or policy, it shall immediately initiate an amendment to the plan to address the identified mistake or change.
  2. In the case of a proposed zoning map amendment (rezoning) the Planning Commission must find one of the following:
    - a. The requested amendment is in compliance with the Village Land Use Plan or that a mistake in the plan, or changes in conditions or village policy have occurred that are relevant to the request. If the Planning Commission recommends approval of a request that is not in compliance with the current plan due to a mistake or change in conditions or policy, it shall immediately initiate an amendment to the plan to address the identified mistake or change.
    - b. The property cannot be reasonably used as it is currently zoned and the proposed request represents the most suitable alternative zoning classification based on the Land Use Plan.
- C. The Planning Commission shall provide a record of the public hearing concerning the proposed amendment, a written recommendation, and reasons for the recommendation, to the Village Council for their consideration.
- D. At the next regularly scheduled Village Council meeting following receipt of the Planning Commissions report, the Village Council shall hold a first reading of the proposed amendment and shall offer the public an opportunity to comment on the proposal. The Village Council shall then schedule the proposed amendment for a second reading.
- E. At the second reading of the proposed zoning ordinance amendment the Village Council may take the following actions on a zoning amendment.
1. Approve the request by a majority vote of the Village Council membership.
  2. Deny the request.

3. Hold a public hearing on the matter before decision.
  4. Consider changes to the proposed amendment.
- F. If the Village Council desires to make any changes to the amendment as submitted by the Village Planning Commission, it shall refer the matter back to the Planning Commission for a second report within a time period specified by the Village Council. The Planning Commission reviews the proposed changes and may choose to agree with the change, keep the original recommendation or propose a different change.
- G. Following adoption of the zoning amendment, one (1) notice of adoption shall be published in a newspaper of general circulation in the Village within fifteen (15) days of adoption.
- H. If within seven (7) days after publication of an amendment to the ordinance, the Village Council is presented with a notice of intent to file a petition opposing the amendment from a registered elector residing in the Village, a petition may be filed with the Village Clerk within thirty (30) days following publication of the ordinance. If a petition signed by not less than ten percent (10%) of registered electors residing in the Village, is filed with the Village Clerk, a referendum on the ordinance amendment shall be held.

**End of Article 15**