

## **ARTICLE XII**

### **Amendments**

#### 12.1 POWER TO AMEND

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

#### 12.2 PETITIONS

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

#### 12.3 PROCEDURES

12.31 Upon any application for a proposed amendment, supplement, or change being properly filed with the Zoning Enforcing Officer in the Bureau County Zoning Enforcement Office, said Officer shall immediately cause a copy of same to be forwarded to the members of the Bureau County Planning Commission, hereinafter referred to as the Planning Commission, and the members of the Bureau County Zoning Board of Appeals. 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 their 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 recommendations and report, stating reasons for their decision in writing, of the Planning Commission, shall be forwarded to the Chairman of the Zoning Board of Appeals, and the Chairman of the Planning and Zoning Committee of the County Board without delay. Said report of the Planning Commission may be considered by the Zoning Board of Appeals in arriving at their decision, whether or not a member of the Planning Commission appears at the public hearing. The Zoning Board of Appeals shall forward their report and decision, setting forth in writing the reasons therefor, to the Planning and Zoning Committee and Chairman of the Planning and Zoning Committee of the County Board.

12.32 The Zoning Board of Appeals 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 the Bureau County Courthouse, and that in the case of general amendments to the text of the County Zoning Ordinance, the hearing shall also be held in the Bureau County Courthouse. 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 (1 ½) 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 rezoned.

If property is held by a life tenant with contingent remainders or rights in reversion, in trust, or by more than one (1) person, it shall be sufficient notice if notice is sent to the person receiving the tax bills as shown by the records in the Bureau County Treasurer's Office. The Zoning Enforcing Officer shall certify that each affected property owner has received written notice and that a legal notice has been published in a newspaper in general circulation in the area affected.

No proposed amendment shall be defeated because of improperly mailed notices, if the Zoning Board of Appeals 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 of Appeals shall make a report to the County Board which shall take action.

#### 12.4 PROCEDURES FOR INSTITUTING THE SUNSET CLAUSES

12.41 Under the Power to Amend, the County Board may initiate a review by the Zoning Board of Appeals of all property formerly rezoned from any category, the said rezoning purpose of which has not been acted on and not exercised within a three (3) year period after the granting of the rezoning, and there is little or no vesting of interests.

12.42 The County Board shall request the Zoning Enforcing Officer to compile a list of all properties which fall into this category.

12.43 The list of properties compiled by the Zoning Enforcing Officer shall be transmitted to the Planning Commission and to the Zoning Board of Appeals.

12.44 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 their 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 recommendations and report, stating reasons for their decision in writing, of the Planning Commission, shall be forwarded to the Chairman of the Zoning Board of Appeals, and the Chairman of the Planning and Zoning Committee of the County Board without delay. Said report of the Planning Commission may be considered by the Zoning Board of Appeals in arriving at their decision, whether or not a member of the Planning Commission appears at the public hearing. The Zoning Board of Appeals shall forward their report and decision, setting forth in writing the reasons therefor, to the Planning and Zoning Committee and Chairman of the Planning and Zoning Committee of the County Board.

12.45 The Zoning Board of Appeals 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 the Bureau County Courthouse, and that in the case of general amendments to the text of the County Zoning Ordinance, the hearing shall also be held in the Bureau County Courthouse. 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 (1 ½) miles thereof, and all affected landowners and 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 rezoned.

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12.46 Within a reasonable time after the hearing, the Zoning Board of Appeals shall make a report to the County Board, which shall take action.

## 12.5 PASSAGE OF AMENDMENTS

12.51 No amendment of this Ordinance shall be passed except by the favorable vote of three-fourths ( $\frac{3}{4}$ ) of all the members of the County Board in case:

12.51-1 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:

- (1) proposed to be altered, or
- (2) immediately adjoining or across an alley therefrom, or
- (3) directly opposite the land affected.

12.51-2 The land affected by a proposed amendment lies within one and one-half ( $1\frac{1}{2}$ ) miles of the limits of a zoned municipality and 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.

12.51-3 In such cases, a copy of the written protest shall be served by the protester or protesters on the applicant for the proposed amendment, and a copy upon the applicant's attorney, if any, by certified mail at the address of such applicant and attorney shown in the application for the proposed amendment. The signed receipt or a copy thereof and a copy of the written protest will be filed with the County Zoning Enforcing Officer a minimum of twenty-four (24) hours prior to the County Board meeting, at which the amendment is scheduled for a vote.

12.52 In all other instances except those just above listed, a simple majority vote based on a quorum of all the County Board members shall be necessary to pass an amendment.