

## CHAPTER 9: AMENDMENTS AND HEARINGS

### ARTICLE 1: AMENDMENTS

#### **9-1.1. GENERAL PROVISION**

- A. Authority. The Governing Body of Clearwater may, by ordinance, amend, supplement, change, modify or repeal these regulations and the district boundaries. No such amendment or change shall be adopted by the Village Board until the Planning Commission has held a public hearing and submitted its recommendations.
- B. Proposal of Amendments. Amendments may be initiated by the Governing Body, the Planning Commission, or upon application by the owners of the property affected. However, no person may apply for an amendment within a period of six (6) months following the denial by the Village Board of the same application.
- C. Application. When the owner of the property affected initiates an amendment to the regulations or the district boundaries, an applicant for such amendment shall be obtained from the Village Clerk. Said application shall be completed in its entirety and filed with the Village Clerk so that a public hearing date can be established.
- D. Ownership List. The application for an amendment shall be accompanied by the ownership list obtained from an abstractor or County Records listing the legal description and the name and address of the owners of all property located within three hundred (300) feet of the boundaries of the property for which the zoning change is requested.
- E. Fees. For the purpose of wholly or partially defraying the costs of the amendment proceedings, fees shall be paid upon the filing of each application for a change of district boundaries or conditional use permit. Fees shall be determined by the Village.
- F. Disposition of Amendment Proposals. Upon receipt of a proposed amendment from the Village Board or an application for an amendment from the owner of the property affected, the Planning Commission shall hold a public hearing on the proposed amendment, and forward its findings and recommendations with respect to the proposed amendment to the Village Board.

#### **9-1.2. PLANNING COMMISSION PUBLIC HEARING**

- A. The Planning Commission shall hold a public hearing on each proposed amendment that is referred to, filed with, or initiated by it. The Planning Commission shall select a reasonable hour and place for such public hearing. And it shall hold such hearing within sixty (60) days from the date on which the proposed amendment is referred to, file with, or initiated by it. An applicant for an amendment may waive the requirement that such hearing be held within sixty (60) days.
- B. Notice of Hearing. Public notice of a hearing on a proposed amendment shall be published once in a newspaper or general circulation and at least ten (10) days shall elapse between the date of the publication and the date set for such hearing. Such notice shall state the date, time and place of the hearing and shall contain a statement regarding the proposed change in regulations or restrictions, or the zoning classification or zoning district boundaries of the property.
- C. If the proposed amendment would change the zoning classification of any property, or the boundaries of any zoning district, such notice shall contain the legal description and street address or general street location of such property, its present zoning classification, and the proposed classification.

- D. When a proposed amendment will affect the zoning classification of specific property, in addition to the publication of the notice described above, the notice shall be posted in a conspicuous place on or near the property on which action is pending. Such notice shall not be less than eighteen inches in height and twenty-four inches in width with a white or yellow background and black letters not less than one and one-half inches in height. Such posted notice shall be so placed upon such premises that it is easily visible from the street nearest the same shall be so posted at least ten days prior to the date of such hearing. It shall be unlawful for anyone to remove, mutilate, destroy, or change such posted notice prior to such hearing. Any person so doing shall be deemed guilty of a misdemeanor. If the record title owners of any lots included in such proposed change or within three hundred (300) feet thereof be non-residents of the municipality, then a written notice of such hearing shall be mailed by certified mail to them addressed to their last-known address at least ten (10) days prior to such hearing by the Secretary of the Planning Commission. The Planning Commission shall also send such notice to the Board of Education. The Planning Commission may give such additional notice to other persons as needed.
- E. Conduct of Hearings. The hearing shall be conducted and a record of the proceedings shall be preserved in such a manner and according to such procedures as the Planning Commission may from time to time prescribe by rule. Any interested person or party may appear and be heard at the hearing in person, by agent or by attorney. The Planning Commission may request a report on any proposed amendment from any governmental official or agency, or any other person, firm or corporation. If such a report is made, a copy thereof shall be made available to the applicant and any other interested persons and shall be available for review in the office of the Village Clerk at least three (3) days before the date set for public hearing. The Planning Commission may also require such reports after such public hearing if additional information is deemed necessary. Such reports shall again be available to the applicant and any other interested persons.

### **9-1.3. ACTION BY THE PLANNING COMMISSION**

- A. Recommendations. Upon the conclusion of the public hearing, the Planning Commission shall prepare and adopt its recommendations and shall submit the same, together with a record of the hearing thereon, to the Village Board. Said recommendations may be for approval or disapproval, or approval for less land area or a less intense zoning district, and reasons for recommendation shall be included.
- B. Amendments to Text. When a proposed amendment would result in a change in the text of these regulations, but would not result in a change of zoning classification of any specific property, the recommendation of the Planning Commission shall contain a statement as to the nature and effect of such proposed amendment.

### **9-1.4. ACTION BY THE GOVERNING BODY**

- A. Adoption of Amendments. The Governing Body shall consider the proposed amendment at a duly advertised public hearing. Upon the receipt of the recommendation of the Planning Commission and any protest petitions that have been submitted, the Governing Body shall consider the application and may approve the recommendations of the Planning Commission or take whatever action it deems necessary.

If a proposed amendment is not acted upon finally by the Governing Body within one hundred twenty (120) days after the recommendation of the Planning Commission is submitted to it, such proposed amendment shall be deemed to have been defeated and denied, unless the applicant for such amendment shall have consented to an extension of such period of time. Whenever a proposed amendment is defeated, either by vote of the Governing Body or by reason of the operation of this Section, such amendment shall not thereafter be passed without a further public hearing and notice thereof as provided by this Article.

- B. Notice of Hearing. Public notice of the Village Board hearing on a proposed amendment shall be published once in a newspaper of general circulation and at least ten (10) days shall elapse between the date of the publication and the date set for such hearing. Such notice shall state the date, time and place of the hearing and shall contain a statement regarding the proposed change in regulations or restrictions, or the zoning classification or zoning district boundaries of the property.

If the proposed amendment would change the zoning classification of any property, or the boundaries of any zoning district, such notice shall contain the legal description and street address or general street location of such property, its present zoning classification, and the proposed classification.

When a proposed amendment will affect the zoning classification of specific property, in addition to the publication of the notice described above, a notice shall be posted in a conspicuous place on or near the property on which action is pending. Such notice shall not be less than eighteen inches in height and twenty-four inches in width with a white or yellow background and black letters not less than one and one-half inches in height. Such posted notice shall be so placed upon the premises that it is easily visible from the street nearest the same and shall be so posted at least ten (10) days prior to the date of such hearing. It shall be unlawful for anyone to remove, mutilate, destroy, or change such posted notice prior to such hearing. Any person so doing shall be deemed guilty of a misdemeanor. If the record title owners of any lots included in such proposed change be non-residents of the municipality, then a written notice of such hearing shall be mailed by certified mail to them addressed to their last-known addresses at least ten (10) days prior to such hearing by the Village Clerk.

- C. Protest. If a written protest against a proposed amendment shall be filed in the office of the Village Clerk within fourteen (14) days after the date of the conclusion of the hearing on a proposed amendment by the Planning Commission, which protest is duly signed and acknowledged by the owners of twenty (20) percent or more either of the area of the lot or lots immediately adjacent on the sides and in the rear thereof extending three hundred (300) feet there from, and of those directly opposite thereto extending three hundred (300) feet from the street frontage of such opposite lots, then such proposed amendment shall not be passed except by a three-fourths (3/4) vote of the Village Board.
- D. Approved Action. If the Village Board approves a change, it shall adopt an ordinance to that effect. If the official zoning map has been adopted by reference, the amending ordinance shall define the change or boundary as amended, shall order the official zoning map to be changed to reflect such amendment, and shall amend the section of the ordinance incorporating the same and shall reincorporate such map as amended.

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