

## ARTICLE XI. AMENDMENT

### SECTION 11.1 GENERAL

Whenever the public necessity, convenience, general welfare, or good zoning practices require, the council may, by ordinance, after receipt of recommendation thereon from the planning commission and subject to the procedures provided by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries or classification of property, now or hereafter established by this ordinance.

### SECTION 11.2 PROCEDURES

#### 11.2.1 INITIATION OF AMENDMENT

Amendment to the zoning text or zoning district map may be initiated in one of the following ways.

1. By the filing of an application by a property owner, leasee, or option holder with the village clerk, along with applicable fees.
2. By the adoption of an ordinance by village council.

#### 11.2.2 REFERRAL TO PLANNING COMMISSION

The council on its motion shall refer the petition and supportive applicable material to the planning commission for review and recommendation. The planning commission shall study and within 75 days after receipt of the referral make recommendation to village council. Failure of the planning commission to report within this 75 day period shall be construed as an approval of the proposed amendment, supplement, or change.

#### 11.2.3 PUBLIC HEARING BY PLANNING COMMISSION

A public hearing shall be held by the planning commission on all proposed amendments to or changes in the district map or the text of the zoning regulations.

#### 11.2.4 NOTICE OF PUBLIC HEARING

Notice of the time and place of such hearing shall be published in the paper of general circulation in the village of Bradner at least 15 days in advance of such hearing.



Notice shall be given by first class mail to all abutting property owners and property owners across the street from the parcel or parcels proposed for rezoning. Failure of delivery of such notice shall not invalidate any such ordinance or measure.

#### 11.1.5 ACTION OF COMMISSION

The commission may recommend that the application be granted as requested, or it may recommend a modification of the zoning amendment requested in the application, or it may recommend that the application not be granted. These recommendations shall be certified to the council.

#### 11.2.6 PUBLIC HEARING BY COUNCIL

After receiving from the commission the certification of said recommendations on the proposed amendment, and before adoption of such amendment, the council shall hold a public hearing thereon, at least 30 days notice of the time and place of which shall be given in the paper of general circulation.

#### 11.2.7 ACTION OF COUNCIL

After receiving from the planning commission certification of the recommendation on the proposed amendment and after holding the above public hearing, the council shall consider such recommendations and vote on the passage of the proposed amendment to the text of the zoning ordinance or the zoning map. The council may overrule a negative recommendation of the planning commission by (3/4) vote of the full membership of the council. On other actions by the commission, a majority vote by council shall decide.

#### 11.2.8 APPLICATION LIMITATION

An application shall not be made more frequently than once a year for a change of zoning or a special use.

