

~~Existing Language to be deleted~~

Proposed Language to be added

Existing Ordinance:

SECTION 11.0 BOARD OF APPEALS, ADMINISTRATION, AND ENFORCEMENT

11.6 NOTICE OF HEARING

No variation of the terms of this ordinance shall be granted by the Zoning Board unless an application for a permit has been made to the Enforcing Officer and a duly advertised public hearing has been held by the Zoning Board, as prescribed by statute. The notice of hearing shall contain the address or location of the property and contain a brief description of the nature of the appeal for which the variation or other ruling by the Zoning Board is sought. Notice shall be given by certified mail at least fifteen (15) days prior to hearing to all property owners within two hundred (200) feet in areas zoning residential, three hundred (300) feet in areas zoning business or manufacturing, and one-quarter (1/4) mile in areas zoned agricultural. These distances shall be from the area to be rezoned except where the said district extends into another district; then that standard will apply. At the hearing, the appellant or applicant may appear in person, by agent or by attorney.

Proposed Ordinance:

11.6 NOTICE OF HEARING

No ~~variation of the terms of this ordinance~~ **decision or recommendation** shall be granted ~~made~~ by the Zoning Board unless **an amendment, appeal, or application** for a permit has been made to the Enforcing Officer and a duly advertised public hearing has been held by the Zoning Board, ~~as prescribed by statute.~~ The notice of ~~the~~ hearing shall contain the address or location of the property **the particular location of the property for which the amendment, appeal, or application is requested by parcel number, legal description and street address, and if there is no street address, then by locating such property with reference to any well-known landmark, highway, road, thoroughfare or intersection** and contain a brief description of the nature of the **amendment, appeal, or application.** ~~for which the variation or other ruling by the Zoning Board is sought.~~ Notice shall be given by certified mail at least ~~fifteen (15)~~ **twenty-five (25)** days prior to ~~the~~ hearing to all property owners within two hundred (200) feet in areas zoning residential, three hundred (300) feet in areas zoning business or manufacturing, and one-quarter (1/4) mile in areas zoned agricultural **or Special District.** These distances shall be from the ~~area to be rezoned except where the said district extends into another district; then that standard will apply~~ **property line of the property for which the amendment, appeal, or application is being sought. Notice shall also be given to any municipality whose boundaries are within 1-1/2 miles of any part of the property for which the amendment, appeal or application is being sought.** At the hearing, the appellant or applicant may appear in person, by agent or by attorney.

Existing Ordinance:

10.3 CONDITIONAL USE PROCEDURE

10.31 Procedure in applying for a conditional use: The applicant shall follow all procedures set forth on zoning permits. The County Zoning Officer shall refer the application to the Planning Commission. The Planning Commission shall, after careful review of the application for conditional use, make a recommendation of each application to the Board of Appeals. The Board of Appeals, after holding a public hearing in accordance with state statutes, shall make a recommendation independent of that submitted by the Planning Commission within thirty (30) days of the concluded public hearing forwarding such recommendations directly to the County Board. The County Board may approve, modify, or disapprove the application. In the case of approval or approval with modification, the County Board shall issue written authorization to the County Zoning Officer to issue a zoning permit in full conformance with Section 12.0. This authorization shall remain on permanent file with the application. The County Board may attach special conditions to insure conformance with the intent of all comprehensive plan elements. The County Board may establish a schedule of reasonable fees to be charged for conditional use permits.

Proposed Ordinance:

10.3 CONDITIONAL USE PROCEDURE

10.31 ~~Procedure in applying for a conditional use: The applicant shall follow all procedures set forth on zoning permits.~~ The County Zoning Officer shall refer the application to the **Logan County Regional Planning Commission, hereinafter referred to as the Planning Commission.** The Planning Commission shall, ~~after careful review of the application for conditional use,~~ make a recommendation of each application to the **Board of Appeals Zoning Board.** ~~The recommendation shall be forwarded to the Zoning Board within thirty (30) days after the Planning Commission's decision.~~ The **Board of Appeals Zoning Board,** after holding a public hearing in accordance with **the notice requirements in Section 11.6,** ~~state statutes,~~ shall make a recommendation independent of that submitted by the Planning Commission within thirty (30) days of the concluded public hearing forwarding such recommendations directly to the County Board **shall consider the Planning Commission's recommendation and Standards for Decisions and Recommendations and shall make a recommendation to the County Board. The Zoning Board may recommend special conditions to insure conformance with the Standards for Decisions and Recommendations, as found in this section. The recommendation shall be forwarded to the County Board within thirty (30) days after the Zoning Board's decision.** The County Board may approve, modify, or disapprove the application. ~~In the case of approval or approval with modification, the County Board shall issue written authorization to the County Zoning Officer to issue a zoning permit in full conformance with Section 12.0. This authorization shall remain on permanent file with the application.~~ The County Board may attach special conditions to insure conformance with **the Standards for Decisions and Recommendations as found in this section** the intent of all comprehensive plan elements. ~~The County Board may establish a schedule of reasonable fees to be charged for conditional use permits.~~

Existing Ordinance:

SECTION 13.0 AMENDMENTS

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.

Proposed Ordinance:

SECTION 13.0 AMENDMENTS

13.3 PROCEDURES

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Upon any application for a proposed amendment, supplement, or change being properly filed with the County Zoning Officer, The County Zoning Officer shall refer the proposed amendment to the Logan County Regional Planning Commission, hereinafter referred to as the Planning Commission. The Planning Commission shall make a recommendation to the Zoning Board. The recommendation shall be forwarded to the Zoning Board within thirty (30) days after the Planning Commission's decision. The Zoning Board, after holding a public hearing in accordance with the notice requirements in Section 11.6, shall consider the Planning Commission's recommendation and applicable approval criteria and shall make a recommendation to the County Board. The recommendation shall be

forwarded to the County Board within thirty (30) days after the Zoning Board's decision. The County Board shall consider the Zoning Board's recommendation and applicable approval criteria and shall approve, modify, or disapprove the amendment.

Hearings on text amendments shall be held in the court house of the county or other county building with more adequate facilities for such hearings. Hearings on map amendments shall be held in the township or road district affected by the terms of such proposed amendment or in the court house, or other county building with more adequate facilities for such hearings. No proposed amendment shall be defeated because of improperly mailed notices, if the Zoning Board is satisfied that the applicant has made diligent effort to list all property owners in the application, in accordance with notice requirements in section 11.6, for a proposed map amendment.

Existing Ordinance:

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.

Proposed Ordinance:

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- ~~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.~~

13.4 PASSAGE OF AMENDMENT

Amendments may be passed at a county board meeting by a simple majority of the elected county board members, except a favorable vote of 3/4 of all the members of the county board will be required in the following instances:

- 1. Written protests against the proposed text amendment that are signed by 5% of the land owners of the county or by resolution of the corporate authorities of a zoned municipality;**
- 2. Written protests against the proposed map amendment that is either:**
 - a. signed by the owner or owners of at least 20% of the land to be rezoned, or**
 - b. signed by the owner or owners of land immediately touching, or immediately across a street, alley, or public right-of-way from, at least 20% of the perimeter of the land to be rezoned, or in cases where the land affected lies within 1 1/2 miles of the limits of a zoned municipality, by resolution of the corporate authorities of the zoned municipality.**
- 3. If a township located within a county with a population of less than 600,000 has a plan commission and the plan commission objects to a text amendment or a map amendment affecting an unincorporated area of the township, then the township board of trustees may submit its written objections to the county board within 30 days after the hearing before the board of appeals.**

Written protests shall be filed with the County Clerk.

A copy of the written protest shall be served by the protestor or protestors 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.

Notwithstanding any other provision of this Section, if a map amendment is proposed solely to correct an error made by the county as a result of a comprehensive rezoning by the county, the map amendments may be passed at a county board meeting by a simple majority of the elected board.