ARTICLE 11

AMENDMENTS

SECTION 1101. GENERAL PROVISIONS

A. AUTHORITY. The Governing Body of Sutherland 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, 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 district boundaries, an application 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 an 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, as follows:

Agricultural District. $50.00

Residential District. $50.00

Mobile Home Park District. $75.00

Commercial District. $100.00

Industrial District. $100.00

Conditional Use. $75.00

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.

SECTION 1102. PLANNING COMMISSION PUBLIC HEARING

A. PUBLIC HEARING. 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 shall hold such Hearing within sixty (60) days from the

date on which the proposed amendment is referred to, filed 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 one 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 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 (18) inches in height and

twenty-four (24) inches in Width with a white or yellow background and

black letters not less than one and one-half (1 1/2) inches in height. Such

posted notice shall be so placed upon such 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 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 know addresses at least ten (10) days prior to such bearing by the

Secretary of the Planning Commission. The Planning Commission shall also

send notice to the Board of Education. The Planning Commission may give

such additional notice to other persons as it may from time to time provide by

its rules.

C. CONDUCT OF HEARING. The hearing shall be conducted and record of the

proceedings shall be preserved in such 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 a 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 the 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 made available

to the applicant and any other interested persons.

SECTION 1103. 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

the 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.

SECTION 1104. 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 of 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 (18) inches in height

and twenty-four (24) inches in width with white or yellow background and

black letters not less than one and one-half (1 1/2) inches in height. Such

posted notice shall be so placed upon such premises that it is easily visible

from the street nearest the same and shall be so posted 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 included in

such proposed change, or of those immediately adjacent on the sides and in

the rear thereof extending three hundred (300) feet therefrom, 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.

SECTION 1105. CONDITIONAL USES

A. DEFINITION. Conditional uses are those types of uses which, due to their

nature, are dissimilar to the normal uses permitted within a given zoning

district or where the product, process, mode of operation or nature of business

may prove detrimental to the health, safety, welfare or property values of the

immediate neighborhood and its environs. Within the various zoning

districts, conditional uses that are specifically listed in the district

regulations, may be permitted only after additional requirements are

complied with as established within this section.

B. PROCEDURE. The consideration of a conditional use application shall be

handled in the same manner as a Zoning Amendment regarding the

requirements for a Public Hearing, notices, protests and action by the

Planning Commission and Governing Body.

C. MINIMUM REQUIREMENTS. A Conditional Use Permit shall not be

granted unless specific written findings of fact directly based upon the

particular evidence presented support the following conclusions:

1. The proposed conditional use complies with all applicable provisions of

these regulations, including intensity of use regulations, yard regulations

and use limitations.

2. The proposed conditional use at the specific location will not adversely

affect the welfare or convenience of the public.

3. The proposed conditional use will not cause substantial injury to the

value of other property in the neighborhood in which it is to be located.

4. The location and size of the conditional use. the nature and intensity of

the operation involved in or conducted in connection with it, and the

location of site with respect to streets giving access to it are such that the

conditional use will not dominate the immediate neighborhood so as to

prevent development and use of neighboring property in accordance with

the applicable zoning district regulations, in determining whether the

conditional use will so dominate the immediate neighborhood,

consideration shall be given to:

a. The location, nature and height of buildings, structures, walls,

and fences on the site, and

b. The nature and extent of landscaping and screening on the site.

5. Off-street parking and loading areas will be provided in accordance with

the standards set forth in these regulations, and such areas will be

screened from adjoining residential uses and located so as to protect such

residential uses from injurious effect.

6. Adequate utility, drainage, and other such necessary facilities have been

or will be provided.

7. Adequate access roads or entrance and exit drives will be provided and

shall be so designed to prevent traffic hazards and. to minimize traffic

congestion in public streets and alleys.

D. ADDITIONAL REQUIREMENTS. In granting a conditional use, the Village

Board may impose such conditions, safeguards and restrictions upon the

premises benefited by the conditional use as may be necessary to reduce or

minimize any potential injurious effect of such conditional uses upon other

property in the neighborhood, and to carry out the general purpose and intent

of these regulations.