

SECTION 20 - AMENDMENT

Subdivision 1. Application.

1. This Ordinance may be amended whenever the public necessity and the general welfare require such amendment by following the procedure specified in this SECTION.
2. Proceedings for amendment of this Ordinance shall be initiated by:
 - a. A petition of the owner or owners of the actual property;
 - b. A recommendation of the Town Planning and Zoning Commission;
 - c. Or by action of the Town Board.
3. An application for an amendment shall be filed with the Zoning Administrator. All applications for changes in the boundaries of any zoning district which are initiated by the petition of the owner or owners of property, the zoning of which is proposed to be changed, shall be accomplished by a map or plat showing the lands proposed to be changed and all lands within three hundred (300) feet of the boundaries of the property proposed to be rezoned, together with the names and addresses of the owners of the lands in such area as the same appears on the records of the Town.
4. All property owners within one-half (1/2) mile shall be notified as to the time and place of the public hearing. All municipalities within one and one-half (1-1/2) miles of the boundaries of the property proposed to be rezoned and the township within which the property proposed to be rezoned is located shall be given proper notice.

Subdivision 2. Public Hearing.

Upon receipt in proper form of the application and other requested material, the Town Planning and Zoning Commission shall hold at least one (1) public hearing in a location to be prescribed by the Planning Commission. At least ten (10) days in advance of each hearing notice of the time and place of such hearing shall be published in the official paper of the Town and notice given as otherwise provided by law.

Subdivision 3. Authorization.

1. Following the public hearing, the Town Planning and Zoning Commission shall make a report of its findings and recommendations on the proposed amendment and shall file a copy with the Town Board and the Zoning Administrator within sixty (60) days after the hearing. If no report or recommendation is transmitted by the Town Planning and Zoning Commission within sixty (60) days after the hearing, the Town Board may take action without awaiting such recommendation.
2. Upon the filing of such report or recommendation, the Town Board may hold such public hearings upon the amendment as it deems advisable. After the conclusion of the hearings, if any, the Town Board may adopt the amendment or any part thereof in such form as it deems advisable. The amendment shall be effective only if two-thirds (2/3) of all the members of the Board concur in its passage.

Subdivision 4. Fees.

To defray the administrative cost of processing of request for an amendment to this Ordinance, a fee not exceeding administrative costs shall be paid by the petitioner. Such fee shall be determined by the Town Board.

Subdivision 5. Amendments to the Flood Plain Designation.

1. The flood plain designation on the Official Zoning Map shall not be removed from flood plain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regional flood and its contiguous to lands outside the flood plain. Special exceptions to the rule may be permitted by the Commissioner of Natural Resources if he determines that through other measures, lands are adequately protected for the intended use.