ARTICLE 9 AMENDMENTS

Section 9.01 Initiating Amendments
A. Any proposal for an amendment to the Zoning Ordinance text or map may be initiated by the Village Council or Planning Commission, upon filing with the Village Zoning Administrator a resolution duly adopted identifying the proposed amendment.

B. Any proposal for an amendment to the Zoning Map (i.e. to rezone a parcel(s)) may be initiated by the owner of that parcel(s) or a person with written permission of the owner. The process is initiated with the filing of the following with the Zoning Administrator:

1. An application for rezoning.
2. A map at a scale of not less than 1 inch = 50 feet showing the subject parcel in relation to adjoining parcels of land.
3. The necessary fees for such zoning change.
4. A copy of the deed to the property.

Section 9.02 Procedures
A. The Village Clerk shall give notice of the Planning Commission Public Hearing at which the amendment will be heard, by publication of a notice in a newspaper of general circulation in the Village.

1. The first notice shall be published not less than fifteen (15) days prior to the date of the hearing.
2. The notice shall include the places and times at which the proposed amendment may be examined prior to the meeting, describe the nature of the request, identify the parcels proposed to be rezoned, by street address if possible, state when and where the public hearing will be held and indicate when and where public comments can be received.

B. Fifteen (15) days notice shall also be given by mail to each public utility company, telecommunication provider and to each railroad company owning or operating any public utility or railroad within zoning districts affected that registers its name and mailing address with the Village for the purpose of receiving the notice. An affidavit of mailing shall be maintained.

C. In the case of a proposed map amendment, the Clerk shall give similar notice by mail of the time and place of such hearing to the owner or owners of the property or properties in question, as well as all the owners of property or residents of dwellings within three hundred (300) feet of the parcel as identified in the most recent tax roll of the Village, not less than fifteen (15) days before the hearing. Owners of property or residents of dwelling within three hundred (300) feet of the parcel located outside the Village shall also receive notice. The notice requirements of this paragraph do not apply to rezonings consisting of eleven (11) or more adjacent parcels.

D. The Village shall also give notice to the Chesaning Township Planning Commission of any proposed rezoning within five hundred (500) feet of the Township/Village boundary.
E. The Planning Commission may submit a proposed zoning amendment to the Saginaw County Metropolitan Planning Commission for their review and comment prior to the Public Hearing.

F. At the Public Hearing where the proposed zoning ordinance amendment is considered, the Planning Commission shall provide the public and the applicant with a reasonable opportunity to comment on the proposal.

G. Following the Public Hearing, the Planning Commission shall consider the request. At the meeting the Planning Commission may recommend approval, denial or postpone the request for further study. In making a recommendation on the proposed amendment, the Planning Commission shall consider the following:

1. In the case of a proposal to amend the Zoning Ordinance text, the Planning Commission must find:
   a. The change is necessary to clarify a provision of the ordinance, or
   b. The change is necessary to correct a mistake in the ordinance, or
   c. The change is necessary to implement a goal or policy of the Village Growth Management Plan, or
   d. The change is necessary to improve administration of the ordinance or to better serve the community.
   e. In addition to one (1) or more of the above findings, the Planning Commission must determine that the requested amendment is in compliance with the Village Growth Management Plan or that a mistake in the Plan, or changes in conditions or Village policy have occurred that are relevant to the request. If the Planning Commission recommends approval of a request that is not in compliance with the current plan due to a mistake or change in conditions or policy, it shall immediately initiate an amendment to the plan to address the identified mistake or change.

2. In the case of a proposed zoning map amendment (rezoning) the Planning Commission must find one of the following:
   a. The requested amendment is in compliance with the Village Growth Management Plan or that a mistake in the plan, or changes in conditions or Village policy have occurred that are relevant to the request. If the Planning Commission recommends approval of a request that is not in compliance with the current plan due to a mistake or change in conditions or policy, it shall immediately initiate an amendment to the plan to address the identified mistake or change.
   b. The property cannot be reasonably used as it is currently zoned and the proposed request represents the most suitable alternative zoning classification based on the Master Plan.

H. The Planning Commission shall provide a record of the Public Hearing concerning the proposed amendment, a written recommendation, and reasons for the recommendation, to the Village Council for their consideration.

I. At the next regularly scheduled Village Council meeting following receipt of the Planning Commissions report, the Village Council shall consider the proposed amendment. The Village Council shall provide a hearing to any person requesting it who was required to receive notice under Section 9.02C of this ordinance. The Village Council may take the following actions on a zoning amendment.
1. Approve the proposed amendment by a majority vote of its members.
2. Deny the request.
3. Set a date for a Public Hearing on the matter before making the decision. Notice for a public hearing by the Village Council shall comply with Sections 9.02.A-D of this ordinance.
4. Consider changes to the proposed amendment.

J. Upon presentation of a protest petition meeting the requirements of this subsection, an amendment to a Zoning Ordinance which is the object of the petition shall be passed only by a b vote of the Village Council. The protest petition shall be presented to the Village Council before final legislative action on the amendment, and shall be signed by one of the following:

1. The owners of at least twenty (20) percent of the area of land included in the proposed change.
2. The owners of at least twenty (20) percent of the area of land included within an area extending outward one hundred (100) feet from any point on the boundary of the land included in the proposed change.
3. Publicly owned land shall be excluded in calculating the twenty (20) percent land area requirement.

K. Following adoption of the zoning amendment, one (1) Notice of Adoption shall be published in a newspaper of general circulation in the Village within fifteen (15) days of adoption. The notice shall include:

1. A summary of the regulatory effect of the amendment or the actual text of the amendment.
2. Notice that the ordinance takes affect seven (7) days after the date of publication.
3. The place and time where a copy of the ordinance may be purchased or inspected.