

ARTICLE 16
AMENDMENT PROCEDURES

16.01 AMENDMENT PROCEDURE

Amendments or supplements to this Zoning Ordinance may be made from time to time in the manner provided by law.

1. The regulations and provisions stated in the text of this Ordinance and the boundaries of the zoning districts shown on the zoning map may be amended, supplemented, or changed by Ordinance of the Village Council.
2. Proposals for amendments, supplements, or changes may be initiated by the Village Council on its own motion, by the Planning Commission, or by petition of one (1) or more owners of property to be affected by the proposed amendment.
3. A petition for change of zone or text amendment shall be submitted by application to the Zoning Administrator on a standard form provided and shall be accompanied by the fee as set by resolution of the Village Council to cover administrative and publication costs. No part of such fee shall be returnable to a petitioner.
4. In case of a text amendment the applicant shall submit by application to the Zoning Administrator the proposed text to be added and the existing text to be deleted.
5. In case of a map amendment, the applicant shall submit a written application specifying the following:
 - a. The name and address of the owner of the land.
 - b. The street numbers, if any, or if none, the location with respect to nearby public streets serving the land that is proposed to be reclassified.
 - c. Lot, block, and subdivision designation with appropriate plat reference as recorded in the land records of Barry County.
 - d. The area of the land proposed to be reclassified stated in square feet if less than one acre, and in acres if one acre or more.
 - e. The present classification and the classification proposed for such land.
 - f. An identification plat prepared by a civil engineer or surveyor showing the land proposed to be reclassified. If the boundaries conform to lot boundaries within a subdivision for which plat is recorded among the land record of Barry County, then a copy of such plat with the land proposed to be reclassified appearing in a color

distinctive from that of other lands shown on the plat.

Upon completion by the applicant of the necessary forms and maps as specified by this Ordinance, the Zoning Administrator shall place the consideration to hold a public hearing on the application on the agenda for the next regular Planning Commission Meeting.

The Planning Commission will schedule a public hearing on the amendment request and distribute such notices as required by law not less than fifteen (15) days before the hearing.

Following the public hearing, the Planning Commission shall deliberate the results of the public hearing and decided on the proposed amendment. The Planning Commission shall consider each proposal for amendment in terms of its judgment of particular factors related to the individual proposal and in terms of the most likely effect on the Village's development in relation to any Village Master Plan, regulations, or guidelines. The recommendation and reasons for the amendment request shall be documented and retained as part of the record on the amendment request. A majority vote to the Planning Commission shall be required and the motion shall be to either:

1. Recommend approval of the amendment and cause it to be transmitted to the Village Council.
2. Recommend disapproval of the proposed amendment, stating the reasons for such disapproval and cause it to be transmitted to the Village Council.
3. Make recommendations regarding changes or modifications of the original proposed amendment and/or state a recommended course of action to be taken by the Village Council.

Following the transmittal of both the formal motion stating the action of the Planning Commission and the summary of the public hearing comments, the Village Council shall act on the proposed amendment. Their action may be as follows:

1. Adoption of the proposed amendment as originally submitted.
2. Adoption of the proposed amendment with minor modifications as recommended by the Planning Commission.
3. Denial of proposed amendment.

If the Village Council shall deem any amendments, changes, or additions to the proposed amendment, it shall refer the same to the Planning Commission for a report thereon. The Planning Commission shall have thirty (30) days after receipt of such recommended changes within which to send a report to the Village Council.

Any hearing on an amendment request conducted by the Village Council shall be preceded

by publication of a notice informing the public of the proposed hearing in a newspaper of general circulation in the Village not less than fifteen (15) days before the hearing.

16.02 PROTESTS

Upon presentation of a protest petition, an amendment to the Zoning Ordinance that is the object of the petition shall be passed only by a minimum $\frac{3}{4}$ 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 1 of the following:

1. The owners of at least 20% of the area of land included in the proposed change.
2. The owners of at least 20% of the area of land included within an area extending outward 100 feet from any point on the boundary of the land included in the proposed change.

Publicly owned land shall be excluded in calculating the 20% land area requirement.

16.03 PUBLICATION REQUIREMENTS

Following adoption of a zoning ordinance amendment by the Village Council, 1 notice of adoption shall be published in a newspaper of general circulation in the Village within 15 days after adoption. The notice shall include the following information:

1. In the case of a newly adopted zoning ordinance, the following statement “A zoning ordinance regulating the development and use of land has been adopted by the village council of the village of Freeport.”
2. Either a summary of the regulatory effect of the amendment including the geographic area affected, or the text of the amendment.
3. The effective date of the ordinance.
4. The place and time where a copy of the ordinance may be purchased or inspected.