

ARTICLE XXV

AMENDMENTS

Section 25.01 - Initiation. Amendments to this Ordinance may be initiated by the City Commission upon its own motion, by the Plan Commission, or may be proposed for consideration by the petition of the owners of property which would be involved or affected by such change or amendment. All proposed amendments not originating with the Plan Commission shall first be referred to the Plan Commission for study, review and recommendation.

Section 25.02 - Plan Commission Procedures. Amendments to this Ordinance, after the review and recommendation of the Plan Commission, may be adopted and enacted by the City Commission. The procedures to be followed in the enactment of an amendment to this Ordinance are those prescribed by the City Charter of the City of Buchanan for the enactment of any other kind of ordinance and Public Act 207 of 1921 as amended.

1. **Application for Amending the Zoning Ordinance.** An applicant, the City Commission or Plan Commission, upon its own action, may initiate an application for amending the zoning ordinance text or map. An application (on a form provide by the City with any established by this Ordinance (See Article XXVI, Section 26.04) shall be filed with the Zoning Administrator who shall immediately transmit the application to the Plan Commission, if the application did not originate from the Plan Commission.

2. **Plan Commission Public Hearing Required.** Upon receipt of an application for a zoning amendment, a notice that a request for zoning amendment has been received and that a public hearing will be held shall be published in a newspaper of general circulation in the City and shall be sent by mail or personal general delivery to the owners of property for which approval is being considered, to all persons whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet, except that the notice shall be given not less than five (5) and not more than fifteen (15) days before the application will be considered. If the name of the occupant is not known, Ae team "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. The notice shall:
 - A. Describe the nature of the proposed amendment requested;
 - B. Indicate the property which is the subject of the rezoning or nature of the change on the zoning ordinance text, as applicable;
 - C. State when and where the public hearing will be held;
 - D. Indicate when and where written comments will be received concerning the request;

3. **Plan Commission Review and Recommendation.** Within thirty (30) days following the public hearing, the Plan Commission shall review the application for the amendment and comments received at the public hearing, the site plan, and other materials submitted in relation to the application, and take action to recommend approval or denial of the application to the City Commission. The decision shall be incorporated in a statement of conclusions relative to the amendment under consideration. The decision shall specify the basis for the decision, and any special circumstances utilized in arriving at the recommendation. The recommendation of the Plan Commission on application shall be made in accordance with conformance with the City of Buchanan Comprehensive Plan, as from time to time is amended, and such standards contained in this Ordinance which relate to the matters under consideration. Immediately upon action by the Plan Commission, the application, and all supporting documentation including the written report of the Plan Commission shall be transmitted to the City Clerk for inclusion on the City Commission agenda.

Section 25.03 - City Commission Review and Approval. Upon receipt of an application and recommendation to amend the Ordinance, the City Commission shall cause the action to be scheduled for Commission consideration and action. Prior to consideration of an action to approve or deny a request to amend the Ordinance, the City Commission shall consider the report and recommendation of the Plan Commission. The City Commission may provide for an additional public hearing. The City Commission may approve the amendment by a simple majority vote unless a protest petition is presented meeting the provisions of Section 4 of Public Act 207 of 1921 as amended is presented to the City Commission. A minimum two-thirds ($\frac{2}{3}$) majority vote by the City Commission is required to approve an amendment upon the filing of a valid protest petition.