

ARTICLE 9

AMENDMENTS

SECTION 901 INITIATION OF AMENDMENTS AND FEES

- A. The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the Zoning Map may be amended pursuant to Michigan Zoning Enabling Act No. 110 of the Public Acts of Michigan of 2006, as amended, (MCL 125.3101 et seq.)
 - 1. Amendments may be initiated by City Council, the Planning Commission, or by petition of one or more persons having an interest in a property to be affected by a proposed amendment.
- B. The City Council shall establish by resolution fees for zoning amendment petitions. Such fee shall be paid in full at the time of application and no part of such fee shall be returnable or refundable to the petitioner.

SECTION 902 AMENDMENT PROCEDURE

- A. On an application provided by the Zoning Administrator, the petitioner shall deliver a petition for amendment not less than thirty (30) days before any regular meeting of the Planning Commission. Ten (10) copies of the petition for amendment accompanied by ten (10) copies of documents and explanatory matter as requested herein.
- B. The Zoning Administrator, and/or assigns shall review each petition to ensure compliance with the provisions of this Ordinance.
 - 1. Any petition procedurally not in compliance with this Ordinance shall be returned to the petitioner. Any petition procedurally not in compliance with this Ordinance shall not constitute a legitimate filing of the petition.
 - 2. A petition meeting the requirements of this Ordinance will be scheduled for Public Hearing unless the petition is withdrawn by the petitioner.
 - 3. For any parcel or lot for which a petition for change in zoning classification has been filed, a notice of such petition shall be posted by the petitioner for a period at least fifteen (15) days prior to the Public Hearing. The posted notice shall be no larger than four (4) square feet and no less than the size of standard sheet of eight (8) and a half by eleven (11) inch sheet of paper. The posted notice shall be enclosed or otherwise protected from the elements in a weather proof material and located in a conspicuous manner that is readily visible from a public right-of-way. Such posted notice shall include the following content:

- a. The present and proposed zoning classification;
 - b. The time and place of the Public Hearing; and
 - c. The location where additional information may be obtained.
- C. Any person having an interest in any amendment may present testimony or evidence in support of or opposition thereto, and, if in writing, such communication shall be submitted to the Zoning Administrator no less than three (3) days before the hearing at which time the petition will be considered.

SECTION 903 PLANNING COMMISSION PUBLIC HEARING, REVIEW AND RECOMMENDATION

- A. A copy of the petition shall be submitted to the Planning Commission by the Zoning Administrator for a scheduled Public Hearing. The Planning Commission shall conduct at least one Public Hearing on each petition for amendment.
- B. Notice of the Public Hearing shall be provided pursuant to Section 306, herein. Notice of the time and place of the public hearing shall also be given by mail to each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the clerk of the legislative body for the purpose of receiving the notice of public hearing. The Planning Commission with the assistance of the Zoning Administrator and/or Clerk shall maintain a file of each affidavit of mailing for each mailing made under this Section.
- C. The Planning Commission shall hold a public hearing and shall take action to recommend approval or denial of the proposed amendment based upon the petition's level of conformity with the Master Plan and based on assessment of the following findings of fact:
 1. What, if any, identifiable conditions related to the petition have changed which justify the petitioned amendment?
 2. What, if any error in judgment, procedure, or administration was made in the original Ordinance which justifies the petitioned amendment?
 3. What are the precedents and the possible effects of such precedent that might result from the approval or denial of the petition to amend the Ordinance?
 4. What is the impact of the amendment on the ability of the City and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future if the petition is

approved?

5. Does the petitioned amendment adversely affect the environmental conditions or value of the surrounding property?
 6. Does the petitioned zoning change generally comply with the adopted policies of the Master Plan?
 7. Are there any significant negative environmental impacts which would reasonably occur if the petitioned amendment and possible resulting development was implemented?
- D. The Planning Commission shall not forward a recommendation to the City Council unless all of the aforementioned and other factors identified by the Ordinance are considered. After the hearing, the Planning Commission shall submit a summary of the comments received at the Public Hearing, its findings of fact, and the proposed amendment, including any zoning maps, and other related material to the City Council.

SECTION 904 REVIEW AND ACTION BY CITY COUNCIL

- A. After receiving the recommendation(s) of the Planning Commission, the City Council, at any regular meeting or at any special meeting called for that purpose, shall consider said findings of fact and recommendations and vote upon the adoption of the petitioned amendment.
 1. The City Council may accept or reject the Planning Commission's recommendation. If the City Council rejects the recommendation of the Planning Commission, the petition is not required to be remanded back to the Planning Commission for review prior to City Council action on the petition.
 2. The petition may be remanded back to the Planning Commission for additional review at the discretion of the City Council.
- B. The City Council may hold additional public hearings if it considers it prudent and necessary. Notice of a public hearing held by the City Council shall be published in a newspaper that circulates in the City. The notice shall be given not more than fifteen (15) days nor less than five (5) days before the Public Hearing before City Council.

SECTION 905 CONDITIONAL REZONING

- A. An owner of land may voluntarily offer in writing certain standards, stipulations, prohibitions, or measurable criteria regarding the use and development of the land under petition as a condition to the approval of the amendment.

- B. In reviewing and approving an offer of conditions, the Planning Commission and City Council may establish a time period during which the conditions apply to the land.
 - 1. If the conditions are not satisfied within the time specified, the land shall revert to its former zoning classification unless the time period specified may be extended upon the application of the property owner and approval of the City Council.
 - 2. City Council shall not add to or alter the conditions during the time period specified.
- C. It shall not be required of the property owner to offer conditions as a requirement set forth by the Planning Commission or City Council in order to obtain the amendment. The lack of an offer of conditions shall not otherwise affect a petitioner's rights under the Michigan Zoning Enabling Act No. 110 of the Public Acts of Michigan of 2006, as amended, (MCL 125.3101 et seq.), the Ordinance, or any other laws of this state.

SECTION 906 EFFECTIVE DATE AND NOTICE OF ORDINANCE ADOPTION

- A. Except as otherwise provided under Section 907, an amendment shall take effect upon the expiration of seven (7) days after publication as required below or at such later date after publication as specified by City Council.
 - 1. Following adoption of an amendment by City Council, the amendment shall be filed with the Clerk and a notice of adoption published in a newspaper of general circulation in the City within fifteen (15) days after adoption.
 - 2. The notice required under this section shall include all of the following information:
 - a. A summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment;
 - b. The effective date of the ordinance or amendment; and
 - c. The place where and time when a copy of the petition and amendment may be purchased or inspected.
- B. A copy of the notice shall also be mailed to the airport manager of an airport entitled to be noticed under the Michigan Zoning Enabling Act No. 110 of the Public Acts of Michigan of 2006, as amended, (MCL 125.3101 et seq.).

SECTION 907 PROTEST OF AMENDMENT

- A. An amendment to the Ordinance or Zoning Map is subject to a protest petition. If a protest petition is filed, approval of the amendment shall require a two-thirds (2/3) vote of the City Council.
- B. The protest petition shall be presented to the City Council before final legislative action on the amendment and shall be signed by one (1) or more 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 noted above.

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