

ARTICLE 13 AMENDMENTS

Sec. 13.01 Changes and Amendments

- A. A proposal for an amendment to the Zoning Ordinance text or map may be initiated by the Village Council, Planning Commission or ZBA upon filing with the Village Zoning Administrator a resolution duly adopted identifying the proposed amendment. The Village Planning Commission may recommend the initiation of a text amendment to the Village Council.
- 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"=50' 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.
- C. A proposed text amendment to the text of the Zoning Ordinance may be initiated by a resident or property owner of the village by the filing of a petition requesting consideration of the amendment signed by at least fifteen (15) qualified electors of the village and a copy of the proposed text amendment.

Sec. 13.02 Procedures

- A. The Zoning Administrator 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 not less than fifteen (15) days prior to the date of the hearing. The notice shall include the following:
 - 1. The nature of the request.
 - 2. Indicate the property that is the subject of the request by street address. If the property does not have an address, the property shall be indicated by use of its tax parcel id number and a general description of its location.
 - 3. When and where the hearing will be held
 - 4. When and where written comments on the request can be submitted
 - 5. The places and times at which the proposed amendment may be examined prior to the meeting.
- B. Fifteen (15) days notice shall also be given by mail to each public utility company 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 within three hundred (300) feet of the parcel as identified in the most recent tax roll of the Village, not less than eight (8) days before the hearing. Owners of property within three hundred (300) feet of the parcel located outside the Village shall also receive notice.
- D. The Village shall also give notice at least eight (8) days before the meeting to the Forest Township Planning Commission of any proposed rezoning within three hundred (300) feet of the Township/Village boundary.

- E. 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.
- F. 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 Master 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 Master 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.
- G. 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.
- H. At the next regularly scheduled Village Council meeting following receipt of the Planning Commission's report, the Village Council shall consider the proposed amendment and may take the following actions on a zoning amendment.
1. Approve the proposed amendment.
 2. Deny the request.
 3. Hold a Public Hearing on the matter before making the decision. If the Village Council chooses to conduct a formal public hearing on the request, they must first provide notice as required for the Planning Commission public hearing outlined in Section 13.02.A.
 4. Consider changes to the proposed amendment.
 5. Postpone action on the request for further information.
- I. 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 $\frac{3}{4}$ 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 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.
- J. 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. The effective date of the ordinance.
 3. The place and time where a copy of the ordinance may be purchased or inspected.

Sec. 13.03 Conditional Rezoning Agreements

- A. **AUTHORITY.** The Village Council may, after a public hearing by the Village Planning Commission, enter into an agreement with a property owner to rezone property pursuant to the authority contained in Michigan Compiled Law Section 125.3405, being part of the Michigan Zoning Enabling Act.
- B. **APPLICATION.** Any offer to enter into a conditional rezoning agreement shall be submitted to the Village Clerk along with a rezoning agreement fee, in an amount established by the Village Council. Whenever a petitioner offers to enter into a rezoning agreement, the person shall be the fee owner of the premises concerned or else have the fee owner subscribe to the offer. Proposed rezoning agreements may only be initiated by a property owner/applicant and not by the Village.
- C. **PUBLIC HEARING AND RECOMMENDATION.** After due notice, a public hearing in compliance with all regular procedural rezoning requirements shall be conducted by the Planning Commission as to the proposed rezoning agreement. The Commission shall subsequently adopt recommendations as to the approval, approval with revisions, or denial of the proposed rezoning agreement.
- D. **VILLAGE COUNCIL.** Upon receipt of the recommendations of the Village Planning Commission, the Village Council shall undertake consideration of the proposed rezoning agreement. Any decision by the Village Council which results in a rezoning agreement shall be incorporated in a written document duly executed by the Village Council and the property owner. The proposed agreement shall be reviewed for legal sufficiency by the Village Attorney before to final approval. Any such agreement shall be recorded with the Register of Deeds and shall run with the land. The Village shall either record the agreement or shall receive verification that the applicant has recorded the agreement.
- E. **STANDARDS FOR DECISION.** In deciding whether or not to approve a proposed rezoning agreement, the Planning Commission and the Village Council shall base their decisions on the following factors:

1. a. The terms of the offer must be reasonably related to the property covered in the agreement.
 2. The proposed land use must be designed in such a way as to be compatible with surrounding land uses
 3. The proposed land use must be consistent with the goals and policies of the Village, including the Village Master Plan.
- F. LIMITATIONS ON AGREEMENTS. A rezoning agreement shall not be used to allow any land uses which would not otherwise be permitted in the proposed new zoning district. Any agreement shall include a specific time period during which the terms of the agreement must be completed.
- G. ZONING REVERSION. If the terms of a zoning agreement are not fulfilled within the time specified in the agreement, the Village Council shall initiate a proposed rezoning to revert the property back to the original classification.