

## ARTICLE XXIII

### AMENDMENTS

#### 23.0 PURPOSE AND INTENT:

**The purpose of this Article is to establish and maintain sound, stable and desirable developments within the territorial limits of the City.**

#### 23.1 INITIATION OF AMENDMENTS:

Only the City Commission may amend this Ordinance. Proposals for amendments or changes may be initiated by the City Commission 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.

#### 23.2 FILING FEE:

The City Commission shall establish by resolution, a fee to be paid in full at the time of receipt of any application to amend this Ordinance. Said fee shall be collected by the City Clerk and no part shall be refundable to the applicant. No fee shall be charged when the applicant is a governmental body.

#### 23.3 PROCEDURES:

- A. Application: A petitioner shall submit a completed and signed application for Ordinance amendment, along with the appropriate fees, to the City Clerk. An application shall be submitted for each parcel of land which is not contiguous to any adjacent parcel of land being proposed for the same amendment.
- B. Action of Clerk: The City Clerk shall review the application form to ensure it is complete. Any application not properly filed or complete shall be returned to the applicant. Complete applications shall be transmitted to the Planning Commission.

- C. Notice of Hearing: After transmitting the amendment application to the Planning Commission the Clerk shall establish a date for a public hearing on the application, which will be conducted by the Planning Commission within 45 days of the date of application receipt. The Clerk shall give notice of the public hearing in the following manner:
1. By two publications in a newspaper of general circulation in the City not more than thirty (30) days nor less than twenty (20) days and the second not more than eight (8) days before the date of the hearing.
  2. For any proposed amendment to the zoning map, written notice will be delivered by mail, or hand-delivered, to all persons to whom any real property is assessed within three hundred (300) feet of the premises in question, and to the occupants of all dwelling units within three hundred (300) feet of the premises in question. The notice shall be made at least eight (8) days prior to the hearing. Requirements of written notice to property owners shall not apply to a comprehensive revision to the Zoning Ordinance.

#### **23.4 APPLICATION INFORMATION:**

When the petition involves a change in the zoning map, the applicant shall submit the following information to the City Clerk:

- A. A legal description of the property.
- B. A scaled map of the property, correlated with the legal description, and clearly showing the property's location.
- C. The name and address of the applicant.
- D. The applicant's interest in the property, and if the applicant is not the owner, the name and address of the owner.
- E. Signature(s) of petitioner(s) and owner(s) certifying the accuracy of the required information.
- F. The desired change and reasons for such change.

## 23.5 PLANNING COMMISSION RECOMMENDATIONS:

- A. Scope of Examination: In reviewing any application for an amendment to this Ordinance, the Planning Commission shall identify and evaluate all factors relevant to the application, and shall report its findings in full along with its recommendations for disposition of the application to the City Commission within a period of sixty (60) days. The matters to be considered by the Planning Commission shall include, but shall not be limited to, the following:
1. What identifiable conditions related to the application have changed which justify the proposed amendment?
  2. What are the precedents and the possible effects of such precedent which might result from the approval or denial of the petition?
  3. What is the impact 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 proposed amendment is adopted?
  4. Does the petitioned district change adversely affect environmental conditions or the value of the surrounding property?
  5. What is the ability of the property in question to be put to a reasonable economic use in the zoning district in which it is presently located?
- B. Finding of Fact: All findings of fact shall be made a part of the public records of the meeting of the Planning Commission. The Planning Commission shall transmit its findings of fact and a summary of comments received at the public hearing to the City Commission.

C. Outside Agency Review: In determining the above-mentioned findings of fact the Planning Commission may solicit information and testimony from officials of, but not limited to, the following agencies:

- a. Allegan County Health Department
- b. Allegan County Road Commission
- c. Allegan County Drain Commission

### **23.6 CONSIDERATION BY THE CITY COMMISSION:**

After receiving the recommendation of the Planning Commission, the City Commission 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 proposed amendment. Such action shall be by Ordinance, requiring a majority vote of the full membership of the City Commission. It is understood pursuant to Act 184 of Public Acts of 1943, as amended, that the City Commission shall not deviate from the recommendation of the Planning Commission, without first referring the application back to the Planning Commission, which shall have thirty (30) days from and after such referral in which to make further recommendation to the City Commission, which shall take such action as it determines. If an application is referred back to the Planning Commission, the City Commission shall make specific mention of their objections to the Planning Commission's findings and recommendations. The City Commission shall make a written record of the rationale for each action taken.

### **23.7 PUBLICATION OF NOTICE OF ORDINANCE AMENDMENTS:**

Following adoption of amendments to this Ordinance, one (1) notice of adoption shall be published in a newspaper of general circulation in the City within fifteen (15) days after adoption. The notice shall include the following information:

- A. Either 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 amendment.

- C. The place and time where a copy of the amendment may be purchased or inspected.

### **23.8 RESUBMITTAL:**

No application for a rezoning which has been denied by the City Commission shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly-discovered evidence or proof of changed conditions found upon inspection by the City Commission to be valid.