

CHAPTER 1246
Amendments

EDITOR'S NOTE: This chapter was repealed in its entirety and re-enacted by Ordinance 99-76, passed July 12, 1999.

A schedule of fees for planning related activities is adopted from time to time by resolution of Council. Copies of the latest such schedule and of the latest relevant legislation may be obtained, at cost, from the Village Clerk.

1246.01	Authority of Council to amend Zoning Code text or Zoning Map; filing petitions.	1246.04	Public hearing by Planning Commission.
1246.02	Referral by Council to Planning Commission.	1246.05	Recommendations to Village Council.
1246.03	Powers and duties of Planning Commission.	1246.06	Action by Village Council.
		1246.07	Protest petitions.

CROSS REFERENCES

Regulation of land development and the uses of land and structures by local authorities - see M.C.L.A.125.3201

Authority to zone - see M.C.L.A. 125.3202

Uses of land or structures not conforming to ordinances; powers of legislative bodies; acquisition of property - see M.C.L.A. 125.3208

Zoning; adoption and amendment - see M.C.L.A. 125.3401

1246.01 AUTHORITY OF COUNCIL TO AMEND ZONING CODE TEXT OR ZONING MAP; FILING PETITIONS.

The Village Council may amend, supplement or change the Village Zoning Code text or Zoning Map, pursuant to the authority and procedure set forth in Act 110 of the Public Acts of 2006, as amended, provided, however, that no such amendment, supplement or change to the Village Zoning Code text or Zoning Map shall become effective until such amendment, supplement or change shall have been reviewed, heard and approved in accordance with the procedures established in this chapter. Any applicant desiring to have any change made in this Zoning Code shall, with his or her petition for such change, pay the applicable fee for a Zoning Code amendment as specified in the Schedule of Fees adopted by Council at the time that the petition is filed, in order to cover the publication and other miscellaneous costs of the Zoning Code amendment. (Ord. 99-76. Passed 7-12-99; Ord. 2006-03. Passed 11-13-06.)

1246.02 REFERRAL BY COUNCIL TO PLANNING COMMISSION.

Any proposed rezoning or text change, amendment or supplement to this Zoning Code shall be placed on the regular agenda of the Village Council. The Village Council shall, with regard to each proposed change, amendment or supplement, refer the same to the Planning Commission for comment, review and recommendation.
(Ord. 99-76. Passed 7-12-99.)

1246.03 POWERS AND DUTIES OF PLANNING COMMISSION.

With regard to each proposed rezoning or text change, amendment or supplement to this Zoning Code, the Planning Commission shall review and consider the same with reference to the Village Master Plan, and in particular, whether such proposed change, amendment or supplement is consistent with said Master Plan and whether the intent of the Master Plan will be served by such proposed change, amendment or supplement. In addition, the Planning Commission shall review the same in order to carry out the powers and duties of the Planning Commission pursuant to Act 285 of the Public Acts of 1931, as amended, and Chapter 1220 of this Planning and Zoning Code. In carrying out its said duties, the Planning Commission may employ and consult such persons or firms as it may require, subject to the provisions of Section 1220.03. Further, the Commission shall have the power and duty to review and consider in detail all such proposed changes, amendments or supplements to this Zoning Code based upon a plan designed to promote the public health, safety and general welfare; to encourage the use of lands in accordance with their character and adaptability and to limit the improper use of land; to avoid the overcrowding of population; to promote adequate light and air; to lessen congestion on the public roads and streets; to reduce hazards of life and property; to facilitate adequate provision for a system of transportation, safe and adequate water supply, education, recreation and other public requirements; and to conserve the expenditure of funds for public improvements and services to conform with the most advantageous uses of land, resources and property. Such plan shall be made with reasonable consideration, among other things, to the character of each district, its peculiar suitability for particular uses, the conservation of property values and natural resources, and the general and appropriate character of the land.
(Ord. 99-76. Passed 7-12-99.)

1246.04 PUBLIC HEARING BY PLANNING COMMISSION.

In all cases, any proposed rezoning or text change, amendment or supplement shall be considered in a public hearing held by the Planning Commission prior to its recommendation to the Village Council.

Notice of the public hearing shall be given according to Section 1242.08, except that the distance specified in Section 1242.08(c) shall be three hundred (300) feet. Notice shall also be conspicuously posted at the Village Offices, the Library and the Community Church.

(Ord. 99-76. Passed 7-12-99; Ord. 2006-03. Passed 11-13-06.)

1246.05 RECOMMENDATIONS TO VILLAGE COUNCIL.

On conclusion of its deliberations, the Planning Commission shall forthwith transmit its recommendation or recommendations to the Village Council.
(Ord. 99-76. Passed 7-12-99.)

1246.06 ACTION BY VILLAGE COUNCIL.

Upon receipt of a recommendation from the Planning Commission, the Village Council shall thereupon consider whether such proposed change, amendment or supplement to this Zoning Code and the Zoning Map should be approved or denied. The Village Council shall conduct a public hearing in each case where a public hearing is required or where a majority of the Council determines that a public hearing is to be held, in which case such hearing shall be properly noticed in accordance with Act 110 of the Public Acts of 2006, as amended, and Section 1242.08.

On conclusion of its deliberations, the Village Council may approve or deny such proposed change, amendment or supplement or may re-refer the same to the Planning Commission for further review and recommendations. In the event of such re-referral, the Council shall specify to the Planning Commission such additional advice or recommendation as the Council may require. In the event of such re-referral, the Planning Commission shall not hold any further public hearings.
(Ord. 99-76. Passed 7-12-99; Ord. 2006-03. Passed 11-13-06.)

1246.07 PROTEST PETITIONS.

Upon presentation of a protest petition meeting the requirements of this section, a proposed change, amendment or supplement to this Zoning Code which is the object of the petition shall be passed only by a two-thirds vote of Council. The protest petition must be presented to Council prior to final action on the proposed change, amendment or supplement. The petition shall be signed by one of the following:

- (a) The owners of at least twenty percent of the area of land included in the proposed change, amendment or supplement; of
- (b) The owners of at least twenty percent 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.

For purposes of this section, publicly owned land shall be excluded in calculating the twenty percent land area requirement.
(Ord. 99-76. Passed 7-12-99.)