



City of Essexville, Michigan

# APPLICATION FORM

## PROPOSED AMENDMENT TO ZONING ORDINANCE (Submit to Planning Commission)

### THIS SECTION TO BE COMPLETED BY CITY

Date Application Filed: \_\_\_\_/\_\_\_\_/\_\_\_\_

Fee Paid: \$ \_\_\_\_\_

Receipt No. \_\_\_\_\_ Check No. \_\_\_\_\_

### THIS SECTION TO BE COMPLETED BY APPLICANT

#### PART I

PLEASE PRINT OR TYPE

Applicant Name: \_\_\_\_\_

Applicant's Mailing Address: \_\_\_\_\_

\_\_\_\_\_

Applicant's Phone Number: \_\_\_\_\_

Home

Work

#### PART II

Type of Application: Amend the text of the Zoning Ordinance  Rezoning – Change in Map

#### PART III

**(Complete this Part if you propose to amend Text of Zoning Ordinance).**

Type of amendment proposed:

- Amend text within a Section that proposes a new requirement or specification be added
- Amend text within a Section that would delete a present requirement or specification
- Delete an entire Section or Article
- Add a new Section or Article

What specific Section(s) or Article(s) of the Zoning Ordinance would be affected by the proposed amendment?

How will the amended or new Section(s) or Article(s) read: (include additional sheets if necessary)

**PART IV**

**(Complete this Part if you are proposing to rezone a property).**

Legal description of property to be rezoned:

Is the applicant the present owner of the property? Yes  No

If the applicant is not the present owner of the property what is the present owner's name and complete mailing address?

Owner's Name \_\_\_\_\_

Owner's Address \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**If the applicant is not the present owner of the property the applicant must provide sufficient evidence to demonstrate a proper interest in having the property rezoned.**

Present Zoning of affected property: \_\_\_\_\_

Requested Zoning for the affected property: \_\_\_\_\_

Explain the purpose or intent for rezoning the property including a description of both the present and proposed use(s) of the property.

Has a site plan been prepared for the proposed use of the property? Yes  No

IF YES, PLEASE ATTACH A COPY OF THE SITE PLAN WITH THIS APPLICATION.

**PART V**

I attest and swear to the best of my knowledge that the information provided with this application is complete and correct and that I have reviewed the applicable sections of the Essexville Zoning Ordinance prior to submitting this application.

By: \_\_\_\_\_  
Applicant's Signature

Dated: \_\_\_\_\_

## EXCERPTS FROM ESSEXVILLE ZONING ORDINANCE

### Section 18.3 Amendment

- A. City Commission may amend the regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the current Zoning Map in accordance with the below stated amendment procedures. If the stated amendment procedure becomes in conflict with or is in conflict with the applicable zoning enabling legislation of the State of Michigan, then the procedure required by the State of Michigan shall be controlling.
- B. Initiation of Amendments: Proposals for amendments, supplements, or changes may be initiated by the City Commission of its own action by written notice to the Planning Commission, by the Planning Commission itself, or by petition of one (1) or more owners, or their agents, of property to be affected by the proposed amendment.

C. Amendment Procedures:

Filing of Applications. All petitions for amendments to this Ordinance shall be in writing, signed and filed in triplicate with the City Clerk for presentation to the City Commission. A fee, as established by the City Commission, shall be paid at the time of application to cover costs of necessary advertising, for public hearings, for use of a standard amendments sign and investigation of the amendment request. The City Commission shall transmit the application to the Planning Commission for recommended action.

Referral of Petition to Planning Commission. The Planning Commission shall consider each petition for amendment in terms of its own judgment on particular factors related to the individual petition and in terms of the likely effect of such proposal upon the Development Plan for the Community. The Planning Commission may recommend any additions or modifications to the original amendment petition.

Public Hearing and Notice Thereof. After deliberation on any petition, the Planning Commission shall conduct at least one (1) public hearing, notice of the time and place of which shall be given by at least one (1) publication in a newspaper of general circulation in the community not less than fifteen (15) days prior to the date set for the public hearing. Not less than fifteen (15) days notice of the time and place of such hearing 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 the districts or zones affected that registers its name and mailing address with the City Clerk for the purpose of receiving the notice. The notice shall include the places and time at which the tentative text and/or map amendment to the Zoning Ordinance may be examined.

An affidavit of mailing shall be maintained. Additionally, it is required that if an individual property or several adjacent properties are proposed for rezoning, the notice of the proposed rezoning and hearing shall be given to the property owners by 1<sup>st</sup> class mail or personally at least fifteen (15) days prior to the public hearing, stating the time, place, date and purpose of the hearing.

City Commission Action. Upon receipt of the Planning Commission's report and a summary of the public hearing comments, which shall be considered received at the next regularly scheduled City Commission meeting, and after delivery of such report and summary to the City Clerk for transmittal to the City Commission, the City Commission shall review said report and summary. After receiving the proposed amendment recommendations, the City Commission shall hold its own public hearing on the proposed amendments by giving the same public and private notices as required of the Planning Commission as stated in paragraph 3 above. Such public hearing by the City Commission may be at a special meeting at a time, date, and location specified by the Commission or at its regularly scheduled City Commission meeting. The City Commission may refer the proposed amendment back to the Planning Commission for further review and a report at any time after initial receipt and prior to final adoption. After receipt of the proposed amendment, the City Commission may adopt the proposed ordinance and/or zoning maps with or without its own amendments. There shall be two readings of the proposed amendment as required by the City Charter but only the first reading of proposed amendment to the ordinance or zoning maps shall require a public hearing after public and private notice by the procedures stated in paragraph 3 above.

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.

Effect of Protest to Proposed Amendment. 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  $\frac{2}{3}$  vote of the City Commission, unless a larger vote, but not to exceed a  $\frac{3}{4}$  vote, is required by ordinance or charter. The protest petition shall be presented to the City Commission before final legislative action on the amendment, and shall be signed by one of the following:

The owners of at least 20% of the area of land included in the proposed change.

The owners of at least 20% of the area of land included within an area extending outward 100 feet from any point of the boundary of the land included in the proposed change.

For purposes of calculation of this subsection, publicly owned land shall be excluded in calculating 20% land area requirement.

Notice of Adoption. Within fifteen (15) days following adoption of an ordinance or an amendment by the City Commission, a Notice of Adoption, containing the information specified in this new section, must be published in a newspaper of general circulation in the City. Said Notice shall include the following information:

For newly adopted Ordinances, the following statement: "A Zoning Ordinance regulating the development and use of land has been adopted by the City Commission of the City of Essexville."

1. For amendment to existing Ordinance, a summary of the regulatory effect of the amendment or the 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.

*[Amendments adopted January 4, 1999 and effective February 5, 1999]*