

## ARTICLE XII: AMENDMENTS TO THE ZONING ORDINANCE

### Section 1201 Statement of Intent

- A. For the purpose of establishing and maintaining sound, stable and desirable development within the limits of the City of Munising, the zoning ordinance may be amended to correct an error in the Ordinance, to reflect a change in city policy, to respond to changed or changing conditions in a particular area or the city in general, to rezone an area, to extend the boundaries of an existing zoning **district** or to change the regulations and restrictions of the zoning ordinance.
- B. Only the City Commission shall adopt or amend this Ordinance. Proposals for amendment or changes may be initiated by the City Commission on its own motion, by the **Planning Commission** on its own motion, or by an individual.

### Section 1202 Required Amendment Information

- A. If the amendment is to change the text of the ordinance, the petitioner shall transmit proposed language for consideration to the **Planning Commission**. The petitioner shall explain the reasons for the change and any benefit or interest to be gained.
- B. When the amendment involves a change in the Zoning Map, the petitioner shall submit the following information:
  - 1. A legal description of the property;
  - 2. A scaled map of the property, correlated with the legal description, and clearly showing the property's location;
  - 3. The name and address of the petitioner;
  - 4. The petitioner's interest in the property;
  - 5. Date of filing with the **Zoning Administrator**;
  - 6. Signatures of petitioner(s) and owner(s) certifying the accuracy of the required information; and,
  - 7. The desired change and reasons for such change.

### Section 1203 Review of Amendment by Planning Commission

- A. In viewing any petition for a zoning amendment, the **Planning Commission** shall identify and evaluate all factors relevant to the petition. All findings of fact shall be made part of the Public Hearing.

### Section 1204 Changes and Amendments

- A. Each application or amendment shall be submitted to the **Zoning Administrator**, accompanied by the proper fee, and then referred to the **Planning Commission** for their

review at a public hearing, which is held in conformance with Section 1103 of this Ordinance.

- B. The **Planning Commission** may refuse to schedule a hearing on a petition for rezoning which includes any portion of a site considered for rezoning in the previous twelve months.
- C. Notice of the hearing shall be provided to the owner(s) of the property being considered for rezoning. Notification shall be given by mail or personal service using the current year's assessment roll which shall be considered as prima facie evidence of record of ownership. The notice shall be given at least 15 days before the hearing.
- D. Following the public hearing, the **Planning Commission** shall submit the proposed zoning ordinance amendment and applicable maps, summary of the comments received, and recommendation to the City Commission
- E. Upon receipt, a public hearing may be held by the City Commission. Notice of the public hearing shall be published at least once in a newspaper of general circulation in the City of Munising. The notice shall state the time and place of the hearing and the substance of the proposed amendment. The notice shall appear in the newspaper at least 15 days prior to the date of the public hearing.
- F. The City Commission at a regular meeting or at a special meeting called for that purpose, shall consider and vote upon the adoption of the amendment. An amendment shall be approved by a majority vote of the City Commission, except in the case of a protest petition. The City Commission shall not make a change or departure from the plans, text, or maps as certified by the **Planning Commission**, unless the proposed change or departure is first submitted to the **Planning Commission** for its advice and suggestions. The **Planning Commission** shall have 30 days from the receipt of the proposed changes or departure to send its report to the City Commission.
- G. Upon presentation of a protest petition meeting the requirement of this subsection, an amendment to a zoning ordinance which is the object of the petition shall be passed by a 2/3 vote of the City Commission. The protest petition shall be presented to the City Clerk at or before the public hearing, and shall be signed by one of the following:
  - 1. The owners of at least 20% of the area of land, excluding publicly owned lands included in the proposed change.
  - 2. The owners of at least 20% of the area of land, excluding publicly owned lands, included within an area extending outward 100 feet from any point on the boundary of the land included in the proposed change.
- H. No consideration for an amendment which has been disapproved by the City Commission for a period of 12 months from the date of disapproval, unless new and significant facts

or conditions which would result in the favorable action upon resubmittal, will be permitted. Resubmittal shall follow the same procedure as outlined in this Article.

#### Section 1205 Standards for the Review of Amendments

- A. The general standards to be considered by the **Planning Commission** shall include, but not be limited to, the following:
1. Whether the requested zoning change is justified by a change in conditions since the original ordinance was adopted or by an error in the original ordinance;
  2. Whether the requested zoning change is consistent with local plans and policies;
  3. The precedents, and the possible effects of such precedents, which might likely result from approval or denial of the petition;
  4. The ability of the City or other government agencies to provide any services, facilities, and/or programs that might be required if the petition is approved;
  5. Whether there are any significant and negative environmental impacts which would potentially occur if the petitioned zoning change occurred and resulting permitted structures were built, including, but not limited to, surface water drainage problems, wastewater disposal problems, or the loss of locally valuable natural resources;
  6. Effect of approval of the petition on adopted development policies of the City and other governmental units.

#### Section 1206 Notice of Adoption

- A. Notice of adoption of the amendment shall be published in accordance with Section 4(7) of the City and Village Zoning Act, Act 207 of 1921, as amended.