

ARTICLE 18 AMENDMENTS

SECTION 18.1: PURPOSE

18.1.1 Purpose: The Village Council may from time to time, on recommendation of committee, commission, or on petition, amend, supplement, or change the district boundaries or the regulations of this Ordinance. Such action shall be pursuant to and in accordance with the provisions of the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended.

SECTION 18.2: INITIATION OF AMENDMENTS

18.2.1 Initiation of Amendments:

- A. The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the Village of Port Sanilac Zoning Map may be amended pursuant to the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended.
- B. Amendments may be initiated by the Village Council, the Planning Commission or by petition of one or more persons having an interest in the property to be affected by the proposed amendment.
- C. Prior to any amendments to this Ordinance a public hearing shall be conducted by Planning Commission, notification of which shall be in accordance with the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended, and Section 4.10 of this Ordinance.
- D. Applications for amendment shall be submitted by the property owner seeking such change or by his legally authorized representative as provided below.
- E. Applications shall be made to the Village Clerk on forms provided and shall be accompanied by a nonrefundable fee annually set by Council to cover cost of public action and other charges.

SECTION 18.3: FEES

18.3.1 Fees:

- A. The Village Council shall establish fees for zoning amendment petitions.
- B. Such fee shall be paid in full at the time of application, and no portion of such fee shall be returnable to the petitioner.
- C. Fees shall not be required for amendments proposed or requested by the Village Council or the Planning Commission.

SECTION 18.4: AMENDMENT PROCEDURES

18.4.1 Amendment Procedures: All petitions for amendment shall be submitted as provided herein:

- A. Not less than forty-five (45) days before any regular meeting of the Planning Commission, the petitioner shall deliver to the Zoning Administrator:
 1. Two (2) copies of the petition for amendment accompanied by two (2) copies of such documents as prescribed therein.
 2. A petition shall be made for each parcel of land which is not contiguous to any adjacent parcel of land being proposed for the same type amendment.

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- B. The Zoning Administrator shall review each petition to insure it is complete and in compliance with the provisions of this Ordinance.
 - 1. Any petition not complete or not in compliance with this Ordinance shall be returned to the petitioner.
 - 2. Any petition returned as not complete or not in compliance with this Ordinance shall not constitute filing to commence the running of time for processing the petition.
 - 3. Any petition meeting the requirements of this Ordinance shall be scheduled for public hearing by the Zoning Administrator, within forty-five (45) days of acceptance of the petition, pursuant to subsections A. and B. above.
- C. Any person having an interest in any amendment may reasonably present testimony or evidence in support of or opposition thereto.

SECTION 18.5: FINDINGS OF FACT REQUIRED

18.5.1 Findings of Fact Required: In reviewing any petition for a zoning amendment, the Planning Commission shall identify and evaluate all factors relevant to the petition and shall report its findings in full along with its resulting recommendations for the proper disposition of the petition to the Village Council. The facts to be expressly considered by the Planning Commission shall include, but shall not be limited to the following:

- A. What, if any, identifiable conditions related to the petition have changed which justify the petitioned change in zoning?
- B. What, if any, error in judgment, procedure, or administration was made in the original Ordinance which justifies the petitioned change in zoning?
- C. What are the precedents and the possible effects of precedent which might result from the approval or denial of the petition?
- D. What is the impact of the amendment on the ability of the Village and other governmental agencies to provide adequate public services and facilities and/or programs that might reasonably be required in the future if the petition is approved?
- E. Does the petitioned zoning change adversely affect the environmental conditions or value of the surrounding property?
- F. Does the petitioned zoning change generally comply with the adopted Village of Port Sanilac Master Plan?
- G. Are there any significant negative environmental impacts which would reasonably occur if the petitioned zoning change and resulting allowed structures were built such as:
 - 1. Surface water drainage problems?
 - 2. Waste water disposal problems?
 - 3. Adverse effect on surface or subsurface water quality?
 - 4. The loss of valuable natural resources such as forest, wetland, historic sites, wildlife, mineral deposits, or valuable agricultural land?

SECTION 18.6: PUBLIC HEARING

18.6.1 Public Hearing: Upon receipt of an application for a use requiring special condition approval, the Planning Commission shall hold at least one (1) public hearing, in accordance with the public hearing and public notice requirements set forth in the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended, and the public notification requirements detailed in Section 4.10 of this Ordinance.

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SECTION 18.7: PLANNING COMMISSION RECOMMENDATIONS

18.7.1 Planning Commission Recommendations:

- A. All findings of fact shall be made a part of the public records of the meeting of the Planning Commission and the Village Council.
- B. After the public hearing, the Planning Commission shall submit a summary of the comments received at the public hearing its findings of fact and the proposed amendment (including any zoning maps and other related material) to the Village Council.
- C. The Planning Commission shall not forward a recommendation to the Village Council unless all of the aforementioned and other factors identified by the Ordinance are affirmatively resolved.

SECTION 18.8: CONSIDERATION BY THE VILLAGE COUNCIL

18.8.1 Consideration by the Village Council:

- A. After receiving the recommendations of the Planning Commission, the Village Council, 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 petitioned amendment. Such action shall be by Ordinance requiring a roll call vote. The amendment shall be approved by a majority vote of the members of the Village Council.
- B. The Village Council may hold additional public hearings if it considers it necessary. Notice of a public hearing held by the Village Council shall be in accordance with the public hearing and public notice requirements set forth in the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended, and the public notification requirements detailed in Section 4.10 of this Ordinance.
- C. Further, the Village Council shall make no change in the proposed amendment without first referring the petition back to the Planning Commission, which shall have thirty (30) days from and after such referral in which to make a further recommendation to the Village Council, after which the Village Council shall take such action as it determines necessary. In the event that a petition is referred back to the Planning Commission, the Village Council shall make specific mention of their objections to results of the Planning Commission's findings and recommendations.

SECTION 18.9: NOTICE OF ORDINANCE ADOPTION

18.9.1 Notice of Ordinance Adoption:

- A. Following the adoption of a Zoning Ordinance and any subsequent amendments by the Village Council, the Zoning Ordinance or subsequent amendments shall be filed with the Village Clerk, and a notice of Ordinance adoption shall be published in a newspaper of general circulation in the Village of Port Sanilac within fifteen (15) days after adoption, pursuant to the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended.
- B. The notice required as detailed in subsection A above shall include all of the following information:
 - 1. In the case of a newly adopted Zoning Ordinance, the following statement: "A Zoning Ordinance regulating the development and use of land has been adopted by the Port Sanilac Village Council."

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2. In the case of an amendment to an existing Zoning Ordinance, either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment.
3. The effective date of the Ordinance or amendment.
4. The place and time when a copy of the Ordinance or amendment may be purchased or inspected.