

## ARTICLE 14 AMENDMENTS

### §14.01 PURPOSE

The purpose of this article is to identify the procedures for consideration of amendments to this ordinance including the zoning map and standards for approval of an amendment.

#### A. Initiation of Amendments:

1. Amendment to Ordinance Text: An amendment to the Zoning Ordinance text may be initiated by the City Planning Commission, City Commission or Zoning Board of Appeals by adoption of a resolution identifying the proposed amendment language. Any proposal for an amendment to the Zoning Ordinance text may also be initiated by any qualified voter, resident in the City upon the filing with the City Clerk of a petition containing the proposed text or map change and endorsed by City electors numbering not less than five (5) percent of the number of City electors voting for the office of the governor at the last election at which a governor was elected, and accompanied by any necessary documents.
2. Amendment to Ordinance Map: Any amendment to the Zoning Ordinance map may be initiated by the City Planning Commission or City Commission by adoption of a resolution identifying the parcels proposed for the amendment, their current zoning district and proposed zoning district. Any proposal for an amendment to the Zoning Ordinance map may also be initiated by any owner of interest in the lot as to the rezoning of such lot, upon the filing of the following with the City Clerk:
  - a. An application for rezoning.
  - b. A map at a scale of not less than 1" = 50' showing the subject parcel in relation to adjoining parcels of land.
  - c. The necessary fees for such zone change.
  - d. A copy of the deed to the property.

#### B. Procedures:

1. The City Clerk shall give notice of the time and place of the City Planning Commission meeting at which the amendment will be heard by a publication in a newspaper of general circulation in the City.
  - a. The notice shall be published not less than fifteen (15) days from the date of such hearing.
  - b. The notice shall include a description of the nature of the request, indicate the property that is the subject of the request by street address, state when and where the request will be considered and indicate when and where written comments can be received. The notice shall also include the places and times at which the tentative text and any maps of the Zoning Ordinance may be examined.

2. The City Clerk shall further notify the applicant and all residents and owners of real property within three hundred (300) feet, regardless of municipal boundaries, of any parcel upon which a petition for amendment of zoning has been filed, of the time and place of all public hearings at which such petition for rezoning will be considered. Provided further, such notice of public hearings shall be given by first class United States mail, deposited at a United States Post Office at least fifteen (15) days prior to the date of the hearing.
3. The City Clerk shall give similar notice of the time and place of such hearing to each public utility company owning or operating any public utility or railroad within the districts or zones affected or telecommunication providers within the district or zones that registered its name and address to receive such notice.
  - a. Such notice shall be given by first class mail not less than fifteen (15) days before the public hearings.
4. The City Clerk shall give similar notice to the Vienna Township Board in cases of rezonings located within 300' of the Township limits with the City of Clio.
5. At the public hearing where the proposed zoning ordinance amendment is considered, the Planning Commission shall provide the public and the applicant with a reasonable opportunity to comment on the proposal.
6. Following the public hearing, the Planning Commission shall consider the request. At the meeting the Planning Commission may recommend approval, denial or postpone the request for further study. In making a recommendation on the proposed amendment, the Planning Commission shall consider the following:
  - a. In the case of a proposal to amend the zoning ordinance text, the Planning Commission must find:
    - 1) The change is necessary to clarify a provision of the ordinance, or
    - 2) The change is necessary to correct a mistake in the ordinance, or
    - 3) The change is necessary to implement a goal or policy of the Clio Master Plan, or
    - 4) The change is necessary to improve administration of the ordinance or to better serve the community.
  - 5) In addition to one (1) or more of the above findings, the Planning Commission must determine that the requested amendment is in compliance with the Clio Master Plan or that a mistake in the plan, or changes in conditions or City policy have occurred that are relevant to the request. If the Planning Commission recommends approval of a request that is not in compliance with the current plan due to a mistake or change in conditions or policy, it shall immediately initiate an amendment to the plan to address the identified mistake or change.

- b. In the case of a proposed zoning map amendment (rezoning) the Planning Commission must find one of the following:
  - 1) The requested amendment is in compliance with the City Master Plan or that a mistake in the plan or changes in conditions or City policy have occurred that are relevant to the request. If the Planning Commission recommends approval of a request that is not in compliance with the current plan due to a mistake or change in conditions or policy, it shall immediately initiate an amendment to the plan to address the identified mistake or change.
  - 2) The property cannot be reasonably used as it is currently zoned and the proposed request represents the most suitable alternative zoning classification based on the Master Plan.
7. The Planning Commission shall provide a record of the public hearing concerning the proposed amendment, a written recommendation, and reasons for the recommendation, to the City Commission for their consideration.
8. Prior to making a decision at the next regularly scheduled City Commission meeting, the Commission must provide a hearing to any person requesting it that owns property or is a resident within 300 feet of the subject parcel. The City Commission shall consider the proposed amendment and may take the following actions on a zoning amendment.
  - a. Approve the proposed amendment.
  - b. Deny the request.
  - c. Hold a public hearing on the matter before making the decision.
  - d. Consider changes to the proposed amendment.
9. 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. 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:
  - a. The owners of at least twenty (20) percent of the area of land included in the proposed change.
  - b. The owners of at least twenty (20) percent of the area of land included within an area extending outward one hundred (100) feet from any point on the boundary of the land included in the proposed change.
  - c. Publicly owned land shall be excluded in calculating the twenty (20) percent land area requirement.
10. Following adoption of the zoning amendment, one (1) notice of adoption shall be published in a newspaper of general circulation in the City within fifteen (15) days of adoption. The notice shall include:
  - a. A summary of the regulatory effect of the amendment or the actual text of the amendment.
  - b. The place and time where a copy of the ordinance may be purchased or inspected.\

The Zoning Ordinance amendment takes effect seven (7) days after publication.