

Article XXIII

ORDINANCE AMENDMENTS

Section 23.01 INITIATION OF AMENDMENTS

The City Council may, from time to time, amend, modify, supplement or revise the zoning district boundaries shown on the Official Zoning Map or the provisions of this Ordinance. Amendments to the provisions of this Ordinance may be initiated by the City Council the Planning Commission, the Board of Zoning Appeals, the Zoning Administrator or by petition of one or more residents or land owners. Amendments to the Official Zoning Map may be initiated by the City Council, the Planning Commission, or by the owner or owners of the subject site. All proposed amendments to the provisions of this Ordinance or the Official Zoning Map shall be referred to the Planning Commission for public hearing and recommendation to the City Council prior to action by the City Council.

Section 23.02 APPLICATION PROCEDURE

An amendment to this Ordinance or the Official Zoning Map, except those initiated by the City, shall be initiated by submission of a completed application form and fee. The following information shall accompany the application form:

- A. A legal description and street address of the subject property, together with a map identifying the subject property in relation to surrounding properties.
- B. The name and address of the owner of the subject site, and a statement of the applicant's interest in the subject site if not the owner in fee simple title.
- C. The existing and proposed zoning district designation of the subject property.
- D. The land use classification for the subject site as illustrated on the City's Master Plan.
- E. In the case of an amendment to this Ordinance, other than an amendment to the Official Zoning Map, a general description of the proposed amendment and rationale for the change shall accompany the application form.
- F. A written description of how the requested rezoning meets Section 23.05 Criteria for Amendment of the Official Zoning Map, or Section 23.06 Criteria for Amendments to the Zoning Ordinance Text.

Section 23.03 AMENDMENT PROCEDURE; PUBLIC HEARING AND NOTICE

- A. Upon initiation of an amendment, a work session and public hearing to consider the proposed amendment shall be scheduled before the Planning Commission. Notice of the hearing shall be given as required by the Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended).
- B. Following the public hearing, the Planning Commission shall identify and evaluate all factors relevant to the petition and shall report its findings and recommendation to the City Council. The Planning Commission shall consider the criteria listed in Section 23.05 for a requested amendment to the Official Zoning Map, and the criteria listed in Section 23.06 for requested amendments to the standards and regulations in the text.
- C. Following receipt of the findings and recommendation of the Planning Commission, the City Council shall act on the proposed amendment. In the case of an amendment to the text of this Ordinance, the City Council may modify or revise the proposed amendment recommended by the Planning Commission prior to enactment. In the case of an amendment to the Official Zoning Map, the City Council shall approve or deny the amendment, based on its consideration of the criteria in Section 23.05.

Section 23.04 AMENDMENTS REQUIRED TO CONFORM TO COURT DECREE

Any amendment for the purpose of conforming to a decree of a court of competent jurisdiction shall be adopted by the City Council and published, without necessity of a public hearing or referral thereof to any other board or agency.

Section 23.05 CRITERIA FOR AMENDMENT OF THE OFFICIAL ZONING MAP

In considering any petition for an amendment to the Official Zoning Map, the Planning Commission and City Council shall consider the following criteria in making its findings, recommendations and decision:

- A. Consistency with the goals, policies and future land use map of the Dexter Master Plan. If conditions upon which the Master Plan was developed (such as market factors, demographics, infrastructure, traffic and environmental issues) have changed significantly since the Master Plan was adopted, as determined by the City, the Planning Commission and Council shall consider the consistency with recent development trends in the area.

- B. Compatibility of the site's physical, geological, hydrological and other environmental features with the host of uses permitted in the proposed zoning district.
- C. Evidence the applicant cannot receive a reasonable return on investment through developing the property with at least one (1) of the uses permitted under the current zoning.
- D. The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.
- E. The capacity of the City's infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety and welfare".
- F. The apparent demand for the types of uses permitted in the requested zoning district in the Dexter area in relation to the amount of land currently zoned and available to accommodate the demand.
- G. The request has not previously been submitted within the past one (1) year, unless conditions have changed or new information has been provided.
- H. Other factors deemed appropriate by the Planning Commission and City Council.

Section 23.06 CONDITIONAL REZONING OF LAND

As an alternative to a rezoning amendment as described in Section 23.01 of this Ordinance, the City of Dexter may allow conditional rezoning to help ensure the proper use of land and natural resources and to allow for a more flexible approach to the rezoning process in accordance with Act No. 110 of Public Acts of Michigan of 2006 as amended. It is recognized that, in certain instances, it would be an advantage to both the City and petitioners seeking Rezoning of land if a site plan, along with conditions and limitations that may be relied upon by the City, could be proposed as part of a petition for Rezoning. Conditional rezoning of land must follow the standards and procedures as noted below.

- A. The amendment procedure for a conditional rezoning shall follow the same procedure as a traditional rezoning amendment pursuant to Article 23 of this Ordinance.
- B. In addition to the procedures as noted in Section 23.02, the following specific procedures, standards, and requirements apply to all proposed conditional rezoning requests.

(1) A conditional rezoning request must be voluntarily offered by an owner of land within the City. All offers must be made in writing and must provide the specific conditions to be considered by the City as a part of the rezoning request. All offers shall be in the form of a written agreement approvable by the City and property owner, incorporating the conditional rezoning site plan and setting forth any conditions and terms mutually agreed upon by the parties relative to the land for which the conditional rezoning is sought.

(2) Conditional rezoning shall not allow a use or activity that would not otherwise be allowed in the proposed zoning district.

(3) Conditional rezoning shall not alter any of the various zoning requirements for the use(s) in question, i.e. parking, landscaping, lot area, lot width, building height, setbacks, lot area coverage, etc. Conditional rezonings shall not grant zoning variances of any kind. Any zoning variance must follow the provisions of Article 24 of this Ordinance.

(4) Conditional rezoning shall not grant special land use approval. The process for review and approval of special land uses must follow the provisions of Article 8 of this Ordinance.

(5) All conditions offered by a land owner in relation to a rezoning request must have a direct relationship to the rezoning itself. The provisions to allow conditional rezoning shall not be construed to allow rezoning by exaction.

(6) In addition to the informational requirements provided for in Section 23.02 of this ordinance the applicant must provide a conditional rezoning site plan prepared by a licensed professional allowed to prepare such plans under this Ordinance, that may show the location, size, height or other measures for and/or of buildings, structures, improvements and features on, and in some cases adjacent to, the property that is the subject of the conditional rezoning of land. The details to be offered for inclusion in the conditional rezoning site plan shall be determined by the applicant, subject to approval of the City. A conditional rezoning site plan shall not replace the requirement under this Ordinance for site plan review and approval, or subdivision or site condominium approval, as the case may be.

C. Time Limits and Reversion of Land to Previous District.

(1) If the proposed conditions of rezoning are acceptable to the City, the City may establish a time period during which the conditions apply to the property and must be met. If the conditions are not satisfied within the time

specified under this section, the property shall revert to its former zoning classification unless an extension is granted as noted below. Reversion of a property back to its former classification must follow the rezoning amendment provisions as provided in Section 23.03 of the Zoning Ordinance.

(2) Unless a reversion of the zoning takes place as described in the section above, the approved conditional rezoning shall be binding upon the subject property owner, their heirs, successors, assigns, and transferees.

(3) Upon approval of a conditional rezoning, a copy of the written agreement between the property owner and City shall be filed with the Washtenaw County Register of Deeds, which shall act to provide notice to all subsequent owners of the property of the conditions approved and agreed to by the City.

(4) The City may not add to or alter any conditions approved as a part of a rezoning during the time period specified above.

(5) The time limits specified and approved by the City may be extended upon the application of the landowner and approval of the City.

- D. Review Procedures. The factors found in Section 23.05 of this Ordinance must be considered in any conditional rezoning request.

Section 23.07 CRITERIA FOR AMENDMENT TO THE ZONING ORDINANCE TEXT

The Planning Commission and City Council shall consider the following criteria to determine the appropriateness of amending the text, standards and regulations of the Zoning Ordinance.

- A. Documentation has been provided from City Staff or the Board of Zoning Appeals indicating problems and conflicts in implementation of specific sections of the Ordinance.
- B. Reference materials, planning and zoning publications, information gained at seminars or experiences of other communities demonstrate improved techniques to deal with certain zoning issues, or that the City's standards are outdated.
- C. The City Attorney recommends an amendment to respond to significant case law.
- D. The amendment would promote implementation of the goals and objectives of the City's Master Plan.

E. Other factors deemed appropriate by the Planning Commission and City Council.

Section 23.08 RESTRICTIONS ON RESUBMITTAL OF A REZONING REQUEST

An application for an amendment to the Official Zoning Map (i.e. a rezoning request) that has been denied shall not be reconsidered for one (1) year, unless the applicant demonstrates that conditions have changed.