

CHAPTER 9

Administration, Enforcement and Amendments

SECTION 901. PEOPLE INVOLVED IN THE ZONING PROCESS.

The provisions of this ordinance shall be carried out by the Village of Lakewood Club Planning Committee/Village Council, the Zoning Board of Appeals, the Village Council, and the Village Zoning Administrator in conformance with applicable State of Michigan enabling legislation.

- (1) **ZONING ADMINISTRATOR.** The Lakewood Club Village Council, with the recommendation of the Planning Committee, shall employ staff and a Building Inspector to carry out day to day administration and enforcement of this Ordinance. The Village Council may designate the Building Inspector as the Zoning Administrator. Conditions of the Zoning Administrator's employment, including compensation, shall be established by the Village Council. Additional staff may be employed, under the supervision of the Zoning Administrator, to assist with administration and enforcement of this Ordinance.

The Zoning Administrator's duties shall include the following items and any other tasks that may be assigned by the Village Council or provisions of this Ordinance.

- (a) **ACCEPT AND RECORD APPLICATIONS, ISSUE AND RECORD PERMITS.**
All applications for site plans shall be submitted to the Zoning Administrator who shall keep a record of all applications which have been submitted and their disposition. When all applicable provisions of this Ordinance have been met regarding any application, the Zoning Administrator shall issue a Zoning Permit for the proposed use. When conditions are not met, the Zoning Administrator shall consult with the applicant to determine the proper course of action. The Zoning Administrator shall maintain a record of all applications and related Zoning Permits, including documentation for each.
- (b) **ISSUE WRITTEN DENIAL.** When any application for a use is denied, the Planning Committee/Village Council shall provide the applicant with a written denial, stating the reasons for the denial.
- (c) **NOTICE OF HEARINGS.** Whenever a zoning matter is the subject of a public hearing before the Planning Committee/Village Council or the Zoning Board of Appeals, the Zoning Administrator shall prepare notices of the hearing and disseminate said notices as required by this Ordinance.
- (d) **INSPECTIONS.** The Zoning Administrator shall be empowered to make inspections of buildings or premises to carry out enforcement of this Ordinance.
- (e) **RECORD NONCONFORMING USES.** The Zoning Administrator shall record all nonconforming uses existing at the effective date of this Ordinance.

- (f) **RECORD SPECIAL USES.** The Zoning Administrator shall keep a record of all Special Use Permits issued under the terms of this Ordinance.
- (g) **RECORD INTERPRETATIONS OF ORDINANCE.** The Zoning Administrator shall maintain a concise record of all interpretations of this Ordinance rendered by the Zoning Board of Appeals. Interpretations of the ordinance do not include dimensional or administrative issues. This record shall be consulted whenever questions arise concerning interpretation of any provision of this Ordinance to determine whether any applicable precedents have been set.
- (h) **PUBLIC INFORMATION.** The Zoning Administrator shall respond to inquiries and dispense information or copies of this Ordinance to make the public aware of and familiar with the provisions of this Ordinance. Public awareness and acceptance of the Zoning Ordinance will help to maintain compliance with it.
- (i) **RESPOND TO COMPLAINTS.** The Zoning Administrator shall respond within five business days, whenever possible, to any complaint regarding an alleged violation of the terms or conditions of this Ordinance or any permit issued pursuant to it. The Zoning Administrator shall provide a report at each regular Planning Committee/Village Council meeting summarizing the nature and disposition of complaints that have been received. A written record of all complaints, responses and dispositions of the complaint will be maintained.
- (j) **MAY NOT CHANGE ORDINANCE.** Under no circumstances is the Zoning Administrator permitted to make changes in this Ordinance or to vary the terms of this Ordinance.

(2) **PLANNING COMMITTEE/VILLAGE COUNCIL.**

- (a) **MEMBERSHIP.** The Planning Committee/Village Council shall be composed of nine (9) members, appointed by the President with the approval of the Village Council.
- (b) **TERMS OF OFFICE.** The term of service for each member shall be three (3) years. Rotation of membership is encouraged.
- (c) **RULES OF PROCEDURE.** The Planning Committee/Village Council shall adopt its own rules of procedure as may be necessary to conduct its meetings and carry out its function. The Committee/Village Council shall choose its Chairperson, Vice chairperson and Secretary.
- (d) **MEETINGS.** The Planning Committee/Village Council shall meet monthly and by resolution shall determine the time and place of meetings. All meetings shall be properly noticed and open to the public.

- (e) PER DIEM OR EXPENSES. Members of the Planning Committee/Village Council may be compensated for their services as provided by the Village Council. The Planning Committee/Village Council may make and administer regulations relative to compensation for the travel of its members and employees when engaged in the performance of activities authorized by the Planning Committee/Village Council.
- (f) DEVELOPMENT PLAN. The Planning Committee/Village Council shall make and adopt a basic plan as a guide for the development of the Village. Plan contents, adoption, amendment, approval by the Village Council, hearing and publication shall be according to The City and Village Zoning Act, P.A. 207 of 1921 as amended.
- (g) ZONING ORDINANCE. The Zoning Ordinance shall be based on a plan designed to promote the public health, safety, and general welfare.
- (h) ADMINISTRATION AND ENFORCEMENT. The Planning Committee/Village Council shall be responsible for the following administrative and enforcement activities under this Ordinance:
 - (1) SITE PLAN APPROVAL. The Planning Committee/Village Council shall review Site Plans and issue its approval, conditional approval or denial of same.
 - (2) SPECIAL USE PERMITS. The Planning Committee/Village Council shall conduct a public hearing on any application for a Special Use Permit. Following a public hearing, the Planning Committee/Village Council shall review and approve or deny said application. The Planning Committee/Village Council shall also take any necessary action to revoke a Special Use Permit.
 - (3) REZONING OR AMENDMENT. The Planning Committee/Village Council shall conduct public hearings for proposals to rezone property or amend the text of this Ordinance. Following a public hearing, the Planning Committee/Village Council shall make its recommendation regarding the proposed rezoning or text change to the Village Council. The Planning Committee/Village Council may initiate a text change or rezoning, subject to the requirements for notice, hearing and Village Council approval.
- (3) ZONING BOARD OF APPEALS.
 - (a) ESTABLISHMENT. The Village Council, exercising the authority of Act 207 of the Public Acts of 1921, as amended, hereby provides that a Village Zoning Board

of Appeals be established. Upon adoption of this Ordinance, the Zoning Board of Appeals established under the terms of the previous Zoning Ordinance shall remain in office, including all members thereof.

- (b) **MEMBERSHIP.** The Village of Lakewood Club Zoning Board of Appeals shall consist of at least three (3) members. The first member of the Board of Appeals shall be a member of the Village Planning Committee, two members shall be property owners within the Village. An elected officer of the Village may not serve as chairperson of the Zoning Board of Appeals. An employee or contractor of the Village Council may not serve as a member or employee of the Zoning Board of Appeals. Members of the Board of Appeals shall be removable by the Village Council for nonperformance of duty or misconduct in office upon written charges and after public hearing.
- (c) **TERMS OF OFFICE.** Terms of Zoning Board of Appeals members shall be for three (3) years, except for members serving because of their membership on the Planning Committee/Village Council or Village Council, whose terms shall be limited to the time they are members of said bodies and the period stated in the resolution appointing them. A successor shall be appointed not more than one month after the term for the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term. Rotation of membership is encouraged.
- (d) **RULES OF PROCEDURE.** The Board of Appeals may adopt its own rules of procedure as may be necessary to conduct its meetings and carry out its function. The Board shall choose its chairperson, and in the chairperson's absence, an acting chair may be appointed.
- (e) **MEETINGS.** Meetings shall be held at the call of the chairperson and at such times as the Board of Appeals may determine. A simple majority of the membership of the Board of Appeals shall constitute a quorum and may conduct any items of business brought before the Board. All meetings of the Board shall be open to the public. The Board may declare any meeting, or part of any meeting, a study meeting to pursue matters of business without comment or interruption from the public in attendance.
- (f) **RECORDS.** Minutes shall be recorded of all proceedings which shall contain evidence and dates relevant to every case considered together with the votes of the members and the final disposition of each case. Such minutes shall be filed in the office of the Village Clerk and shall be public records.
- (g) **DECISIONS.** The Zoning Board of Appeals shall return a decision upon each case within thirty (30) days of the filing of a request or appeal unless a further time is agreed upon by the parties concerned. Any decision of the Zoning Board of Appeals shall not take effect until the expiration of five (5) days after the date

of said decision, unless the Board of Appeals certifies on the record that the decision must be given immediate effect for the preservation of property or personal rights. No Zoning Permit authorized by such a decision shall be issued until the decision has taken effect.

- (h) MAJORITY VOTE. The concurring vote of a majority of the membership of the Zoning Board of Appeals shall be necessary to decide upon any issue brought before the Board. For example, if three members are present, out of a total of five members, all three must concur to pass a motion.
- (i) CONFLICT OF INTEREST. A member of the Zoning Board of Appeals shall disqualify himself or herself from discussion and voting in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest shall constitute misconduct in office.
- (j) DUTIES. The Village of Lakewood Club Zoning Board of Appeals shall have the power to act on those matters where this Ordinance provides for an administrative review, interpretation, or variance as defined in this Section. The Board of Appeals shall NOT have the power to alter or change the zoning district classification of any property, or to make any change in the terms or intent of this Ordinance.
 - (1) ADMINISTRATIVE REVIEW. The Board of Appeals shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision, or refusal made by the Zoning Administrator or by any other official administering or enforcing provisions of this Ordinance.
 - (2) INTERPRETATION. The Board of Appeals shall have the power to interpret, upon request, the provisions of this Ordinance in such a way as to carry out the intent and purpose of the Ordinance as defined by Section 703.
 - (3) VARIANCES. The Board of Appeals shall have the power to authorize variances from any quantifiable requirements of this Ordinance where practical difficulties or unnecessary hardships prevent carrying out the strict letter of this Ordinance. Creation of nonconforming lots is prohibited.
 - (4) VILLAGE COUNCIL. On recommendation of the Planning Committee/Village Council, the Village Council has adopted the Zoning Ordinance, making it the enforceable policy of Village government. Likewise, the Village Council may amend the text of this Ordinance or the boundaries of Zoning Districts (rezoning). The Village council may

review all zoning decisions of the Planning Committee. The Village Council shall, by resolution, set fees to be charged for any administrative action under this Ordinance. The Council may also act to waive any fee.

SECTION 902. ADMINISTRATIVE PROCESSES.

- (1) **BUILDING PERMIT REQUIRED.** The issuance of a Building Permit, showing compliance with the zoning ordinance, signifies compliance with the requirements of this Ordinance. A Zoning Permit must be obtained from the Zoning Administrator before any of the following activities may legally take place:
 - (a) Occupancy and use of vacant land (including parking lot construction),
 - (b) Any change in the use of a parcel of land or a building, including any construction or structural alteration of a building which requires issuance of a Building Permit by the Village Building Inspector, (A Zoning Permit must be obtained before a Building Permit may be issued. When erected at the same time as the principal building, accessory buildings shall not require a separate Zoning Permit.)
 - (c) Any use of land or a building which would be identified as a Use by Special Use Permit for the Zoning District in which the parcel is located,
 - (d) Any change of a nonconforming use or building.
- (2) **APPLICATION FOR BUILDING PERMIT.** Application for a Building Permit shall be made ten (10) days before construction of a new or enlarged building or structure, or a new or enlarged use of a parcel, is intended to begin. Form and content of the application package shall be as specified by the following material.
 - (a) **APPLICATION FORM.** Applicants for a Building Permit shall submit a Zoning Application Form with all requested information completely filled in.

When a Building Permit is also required, application for a Zoning Permit may be made at the same time. If the Village Building Inspector also acts as Zoning Administrator, the Inspector may elect to accept information submitted for a Building Permit without duplicating it on the Building Application Form.
 - (b) **PROPERTY INFORMATION.** The Building Application Form must be accompanied by a copy of a property survey, deed or tax records sufficient to allow identification of the parcel in the Township Assessor's property maps. When the applicant is anyone other than the property owner identified by the Assessor's records, evidence of the owner's concurrence or a change in ownership must also be submitted.
 - (c) **SITE PLAN.** The Building Application Form must also be accompanied by a

plot plan drawn at size and scale sufficient to clearly identify the exact dimensions of the parcel, all abutting streets, alleys or easements, and the size, position and height of all existing and proposed buildings or structures thereon. The Zoning Administrator may also require any other information deemed necessary for the proper enforcement of this Ordinance.

- (3) **APPLICATION REVIEW PROCESS.** On submission of an application for a Zoning Permit, the Zoning Administrator will review the application material as described by the REVIEW PROCESS Table which accompanies this Section. Whenever possible, it is desirable for this review to be conducted with the applicant present to facilitate any necessary explanation. If all requirements have been met, the Zoning Administrator shall issue a Zoning Permit. When failure to meet any standard prohibits issuance of a permit, the problem shall be identified and the applicant advised of his or her options. In all cases, a full review shall be conducted to identify all potential obstacles to issuance of a Zoning Permit.
- (4) **RECORD MAINTAINED.** The Zoning Administrator shall keep a record of each application for a Zoning Permit which has been submitted, including the disposition of each one. This record shall be a public record, open for inspection upon request.
- (5) **VALIDITY OF BUILDING PERMIT.** A Building Permit remains in effect for a period of one (1) year from the date it is issued. By that time, the activity authorized by the Zoning Permit must have begun. This means that any use of land or of an existing building must be underway, or a Building Permit for any new construction must have been issued and construction commenced. The validity of a Zoning Permit may be extended by the Zoning Administrator not more than one (1) time, for a period not to exceed one (1) additional year. Said extension must be requested in writing by the permit holder before the expiration of the initial permit period.
- (6) **VOIDING OF A BUILDING PERMIT.** If the permit holder fails to initiate the activity authorized by the Zoning Permit by the end of the one (1) year extension, the Zoning Permit is automatically null and void. Any additional rights associated with the Zoning Permit which have been granted by the Planning Committee/Village Council or the Zoning Board of Appeals, such as Special Use Permits or variances, expire together with the Zoning Permit.

Any performance guarantee shall be refunded to the permit holder unless the failure to initiate activity has resulted in costs to the Village which were to be covered by the guarantee. If any amount of the guarantee remains after said costs are satisfied, the balance of the guarantee shall be released and returned to the permit holder.

Reissuance of a Building Permit which has expired requires a new Building Application Form to be filed with the Zoning Administrator and processed without consideration of any previous action.

SECTION 903. ADMINISTRATIVE ACTIONS BY THE ZONING BOARD OF APPEALS.

- (1) **DUTIES OF THE BOARD OF APPEALS.** The Board of Appeals may only hear requests for a variance, administrative review or interpretation of the Ordinance or Zoning Map as defined in items (1) - (3) of this section. Circumstances resulting from an act of the applicant, after adoption of this ordinance, shall not be allowed to be heard by the Board of Appeals.
 - (a) **VARIANCE.** The Zoning Board of Appeals is empowered to grant variances to such requirements as lot area and width regulations, yard and depth regulations, and off-street parking and loading space requirements. Any requirement of this Ordinance which can be expressed in terms of numbers may be brought before the Zoning Board of Appeals to be considered for a variance.
 - (b) **ADMINISTRATIVE REVIEW.** The Zoning Board of Appeals is empowered to review and reverse or modify any order, decision or determination made by an administrative official charged with enforcing or administering this Ordinance. The Board is not empowered to overturn decisions of the Planning Committee/Village Council regarding Special Use Permits, including such permits for Planned Unit Developments. The Board may not overturn the denial of a site plan in connection with any Special Use Permit proceedings.
 - (1) **REQUESTS FOR ADMINISTRATIVE REVIEW.** An Administrative Review by the Zoning Board of Appeals may be requested by any person aggrieved, or by any officer, department, or board of the local government. Any such request must be made in writing not more than ten (10) days after the date of the Zoning Administrator's decision. The request shall be filed with the Zoning Administrator and shall specify the grounds for the review. The Zoning Administrator shall immediately transmit to the Chairperson of the Board of Appeals any papers constituting the record upon which the action being reviewed was taken.
 - (2) **STAY.** An administrative review shall stay all proceedings in furtherance of the action being reviewed, except as follows; if a Zoning Administrator certifies in writing to the Zoning Board of Appeals, after a request for an administrative review has been filed, that a stay would cause imminent peril to life or property, the proceedings shall not be stayed unless a restraining order is issued by the Zoning Board of Appeals or by court action.
 - (c) **INTERPRETATION.** The Zoning Board of Appeals may interpret provisions of this Ordinance as outlined below. Each such interpretation shall establish the precedent for future treatment of the issue being addressed. To achieve the objective of consistent enforcement of this Ordinance, whenever an interpretation question arises which has been addressed previously by the Zoning Board of

Appeals, the earlier interpretation shall apply without requiring further action by the Board. Interpretation issues do not include dimensional variance issues. The Zoning Administrator shall keep a concise record of all interpretations made by the Zoning Board of Appeals to facilitate such reference.

- (1) The Board may determine the precise location of the boundary lines between zoning districts.
 - (2) The Board may classify any activity which is not specifically mentioned in the Uses Table in Chapter 3 (District Regulations) for any Zoning District as a Use by Right or Special Use within at least one Zoning District, provided that said classification shall be consistent with the classification of similar uses and with the purpose and intent of each Zoning District.
 - (3) The Board may determine the off-street parking and loading space requirements of any use for which these requirements are not determinable using the information provided for this purpose.
 - (4) The Board may interpret any portion of this Ordinance when the Zoning Administrator is unable to clearly determine its intent or effect.
- (2) **CONDITIONS FOR GRANTING A VARIANCE.** A variance may be granted when any ONE (1) of the following special conditions can be demonstrated clearly:
- (a) There are **PRACTICAL DIFFICULTIES** or **UNNECESSARY HARDSHIPS** which prevent carrying out the strict letter of the Ordinance. These hardships or difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.
 - (b) There are exceptional **CIRCUMSTANCES** or **PHYSICAL CONDITIONS** such as narrowness, shallowness, shape, or topography of property involved. Or, due to the intended use of the property, that will not apply to other property or uses in the same zoning district. Circumstances resulting from an act of the applicant, after the adoption of this Ordinance, shall not be allowed a variance.
 - (c) Variation is necessary for the preservation of a **SUBSTANTIAL PROPERTY RIGHT** possessed by other properties in the same zoning district.
- (3) **FEES.** A fee as established by the Village Council shall be paid to the Village Treasurer at the time of filing application with the Board of Appeals. The purpose of such fee is to cover, in part, the necessary advertisements, investigations, and other expenses incurred by the Board of Appeals in connection with the appeal.
- (4) **RULES FOR ZONING BOARD OF APPEALS ACTIONS.**

- (a) A public hearing must be held by the Zoning Board of Appeals prior to making a decision on a variance, an administrative review or interpretation which relates to a specific parcel. Mailed notice shall be given not less than five (5) days nor more than fifteen (15) days before the date of the meeting at which the action will be considered. The contents and distribution of said notice shall be as specified by this chapter.
- (b) Any decision by the Zoning Board of Appeals must not be contrary to the public interest or to the intent and purpose of this Ordinance.
- (c) In no way may a variance, site plan approval, or finding of an administrative review be construed to allow the establishment within a Zoning District of any use which is not permitted by right or by Special Use Permit within that Zoning District. The Zoning Board of Appeals may only expand the list of permitted uses for any Zoning District as a result of an interpretation regarding a use that is not listed anywhere in the Uses Table in the District Regulations.
- (d) Prior to any decision by the Board of Appeals, the Planning Committee/Village Council may comment on the issue before the Board and provide a written recommendation of action.
- (e) In making any decision, the Zoning Board of Appeals must endeavor to avoid causing a substantial adverse effect upon property values in the immediate vicinity of the subject property, nor shall such actions have the effect of substantially impacting property values for land in the Zoning District in which the subject property is located.
- (f) Any action brought before the Zoning Board of Appeals may relate only to a single parcel which must be under control of the applicant. If the applicant is not the owner of the property, evidence must be provided that the owner concurs with the request for Zoning Board of Appeals action.
- (g) Approval by the Zoning Board of Appeals of any request may not be granted simply to prevent an economic loss. Improving an owner's chance to profit from sale of a parcel is NOT an objective of this Ordinance.
- (h) Any request which has been denied wholly or in part by the Zoning Board of Appeals may not be resubmitted for a period of one (1) year from the date of the last denial. However, if new evidence or changed conditions are found, the Board may elect to rehear a case, subject to all notice requirements defined by the ACTIONS Table.
- (i) The Board of Appeals may attach any reasonable conditions to the approval of any request to secure the objectives and purposes of this Ordinance. The breach of any such condition shall automatically invalidate any Zoning Permit granted

pursuant to the Zoning Board of Appeals action. When it attaches any conditions to the approval of a request, the Board of Appeals may require that a bond of ample sum be furnished to ensure compliance with the conditions imposed.

- (j) A variance must be necessary to overcome practical difficulties or unnecessary hardships which prevent carrying out the strict letter of this Ordinance. These hardships or difficulties are to be evaluated in terms of the applicant's ability to physically locate a permitted use on the particular parcel of land. Creation of a nonconforming lot is prohibited.
- (k) When a variance is being considered to overcome unique circumstances or physical conditions regarding the configuration of the property involved, these circumstances or conditions must not have resulted from any act of the applicant or property owner subsequent to the adoption of this Ordinance.
- (l) A variance granted under the provisions of this Ordinance becomes a condition of the Zoning Permit granted pursuant to the variance or approval. If a Zoning Permit issued pursuant to such action is allowed to expire under the provisions of this chapter, any rights granted by the action expire together with the Zoning Permit.
- (m) The minutes of the Zoning Board of Appeals meeting at which any decision was made regarding a variance, administrative review or interpretation shall include the grounds used by the Board in making said decision, and any conditions that may have been attached to authorization for issuance of a Zoning Permit.
- (n) If the specific conditions relating to a certain class of property are so general or recurrent in nature as to make similar variances a perennial issue for the Board of Appeals, the Board shall suggest a general regulation for such conditions for the Planning Committee/Village Council's consideration.

SECTION 904. ENFORCEMENT.

- (1) **RESPONSIBILITY.** The Ordinance Enforcer shall enforce the provisions of this Ordinance.
- (2) **VIOLATIONS AND PENALTIES.** Violations of any provisions of this Ordinance are declared to be a nuisance per se. Any and all building or land use activities which are considered to be possible violations of the provisions of this Ordinance, and which are observed by or communicated to a Village Official or employee, shall be reported to the Zoning Administrator.
 - (a) **INSPECTION OF VIOLATION.** The Ordinance Enforcer shall inspect each alleged violation he or she observes or is made aware of and shall order correction, in writing, of all conditions found to be in violation of this Ordinance.

- (b) **CORRECTION PERIOD.** All violations shall be corrected within a reasonable time period determined by the Ordinance Enforcer, but not to exceed thirty (30) days.
 - (c) **ACTION BY VILLAGE ATTORNEY.** A violation not corrected within this period shall be reported to the Village Attorney, who shall initiate procedures to eliminate such violation. Once a violation has been referred to the Village Attorney, any legal action which the Attorney deems necessary to restore compliance with all terms and conditions of this Ordinance is hereby authorized.
 - (d) **PENALTIES.** Every person, whether as principal agent, servant, employee, or otherwise, including the owners of any building, structure or premise or part thereof where any violation of this Ordinance shall exist or shall be created, who shall violate or refuse to comply with any of the provisions of this Ordinance, shall be guilty of maintaining a nuisance per se and upon conviction thereof shall be punished by a fine of five hundred (\$500.00) dollars and/or by imprisonment for a term not to exceed ninety (90) days, or by both such fine and imprisonment, within the discretion of the Court. For each and every day the violation continues beyond the correction, a separate offense shall be declared. Additionally, the proper court shall have power and authority to issue an injunctive order in connection with any violation of the provisions of this Ordinance.
 - (e) **CUMULATIVE RIGHTS AND REMEDIES.** The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.
- (3) **CONFLICTING REGULATIONS.** In the interpretation, application, and enforcement of the provisions of this Ordinance, whenever any of the provisions or limitations imposed or required by this Ordinance are more stringent than any other law or Ordinance, then the provisions of this Ordinance shall govern, PROVIDED also that whenever the provisions of any other law or Ordinance impose more stringent requirements than are imposed or required by this Ordinance, the provisions of such other law or Ordinance shall govern.

SECTION 905. AMENDMENT.

- (1) **VILLAGE COUNCIL MAY AMEND.** The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the Zoning District Map may be amended, supplemented, or changed by ordinance by the Village Council in accordance with the applicable enabling legislation of the State.
- (2) **INITIATION OF AMENDMENTS.** Proposals for amendments, supplements, or changes may be initiated by the Village Council of its own action, by the Planning Committee/Village Council, or by petition of one (1) or more persons having an interest,

by ownership or option to purchase, in property to be affected by the proposed amendment.

(3) AMENDMENT PROCEDURE.

- (a) PETITION TO VILLAGE CLERK AND PAYMENT OF FEE. Each petition by one (1) or more owners or their agents, for an amendment shall be submitted upon an application of standard form to the Village Clerk. A fee as established by the Village Council shall be paid at the time of application to cover costs of necessary advertising for public hearings and processing of the amendment request. The Village Clerk shall transmit the application to the Planning Committee/Village Council for recommended action.
- (b) RECOMMENDATION. The Planning Committee shall consider each proposed amendment in terms of the likely effect of such proposal upon the development plans for the community as well as in terms of the merits of the individual proposal. The Planning Committee/Village Council may recommend any additions or modifications to the original amendment petition.
- (c) PUBLIC HEARING. Before voting on any proposed amendment to this Ordinance, the Planning Committee/Village Council shall conduct a public hearing, with notice being given as specified by the following section.
- (d) NOTICE REQUIREMENTS FOR PUBLIC HEARING. Preparation, publication and distribution of notices for the public hearing shall be the responsibility of the Village Clerk.
 - (1) CONTENT. Every notice of said hearing shall contain all information required by Section 806.
 - (2) DISTRIBUTION.
 - (a) PUBLISHED. Notice shall be given by one (1) publication in a newspaper of general circulation in the community, printed not less than fifteen (15) days before the date of such hearing.
 - (b) CERTIFIED MAIL. Not less than twenty (20) days notice shall also be given by certified mail or certified mailing list to each public utility company servicing the community, at the mailing address identified by each company for the purpose of receiving such notice, if they request notification.
 - (c) OTHER MAILED NOTICE. In any instance involving the rezoning of one or more parcels, or when the owner or other party having an interest in any parcel has requested a text change, notice

of the proposed amendment shall be mailed to the owner of the property in question and to all persons residing, doing business, or owning property within three hundred (300') feet of the premise in question.

- (d) **AFFIDAVIT OF MAILING.** An affidavit of mailing, identifying all parties to whom notice has been sent, shall be prepared and filed with other material relating to the proposed amendment prior to the Planning Committee/Village Council meeting at which the hearing is to be conducted.
- (e) **MUSKEGON COUNTY PLANNING COMMITTEE/VILLAGE COUNCIL.** Following the conclusion of the Public Hearing and review by the Planning Commission, the proposed amendment and any applicable zoning district map **may** be submitted to the Muskegon County Planning Commission for their review. The approval of the County Planning Commission shall be presumed, conclusively, unless such Commission notifies the Village Council of its approval or disapproval within thirty (30) days of its receipt of the amendment.
- (f) **AMENDMENT TO CONFORM WITH COURT DECREE.** An amendment for the purpose of conforming a provision of the zoning ordinance to the decree of a court of competent jurisdiction as to any specific lands may be adopted by the Village Council and the notice of the adopted amendment published without referring the amendment to any other board or agency provided for in this Ordinance.
- (g) **VILLAGE COUNCIL CHANGE.** The Village Council may deny or adopt the amendment with or without changes, by a majority vote of its membership, following the Council's standard procedures for adoption of ordinances.
- (h) **RESUBMITTAL.** No application for a rezoning which has been denied by the Village Council 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 which, upon inspection by the Village Council, are found to be valid.

SECTION 906. NOTICE REQUIREMENTS FOR PUBLIC HEARINGS.

- (1) **CONTENT.** Each notice for any public hearing required by this Ordinance shall include the following information.

- (a) Identification of the applicant, if any.
 - (b) Identification of the property which is the subject of the request.
 - (c) Nature of the matter to be considered.
 - (d) Identification of the public body which will be conducting the public hearing and will decide upon the matter.
 - (e) Date, time and place of the public hearing.
 - (f) The places and times at which any proposed text and/or map amendment to the Zoning Ordinance may be examined.
 - (g) Statement of where and when written comments will be received concerning the request.
- (2) **NOTIFICATION OF RESIDENTS, BUSINESSES OR PROPERTY OWNERS WITHIN THREE HUNDRED (300') FEET.** Whenever provisions of this Ordinance require mailing of public hearing notices to persons who reside, do business, or own property within three hundred (300') feet of a certain parcel, the mailing list shall be compiled from the following sources.
- (a) The owner(s) of property for which approval is being considered.
 - (b) All persons to whom real property is assessed where any part of their parcel lies within three hundred (300') feet of the boundary of the property in question.
 - (c) Occupants of all structures where any part of the structure lies within three hundred (300') feet. Each dwelling unit or rental area within said structures shall receive one (1) notice. However, separate notice need not be sent for accessory structures where the primary structure also lies within the three hundred (300') foot distance. If the name of the occupant is not known, the term "occupant" may be used in making notification. In the case of a single structure containing more than four (4) dwelling units or other distinct areas, the notice may be mailed to the manager or owner of the structure who shall be requested to post the notice at the primary entrance of the structure.

PROCEDURAL REQUIREMENTS FOR SPECIAL ZONING DECISIONS

TYPE OF ACTION	PARTIES WHO MAY INITIATE ACTION	BODY MAKING DECISION	PUBLIC HEARING REQUIRED?	PUBLISHED NOTICE(S) - NUMBER OF DAYS BEFORE HEARING	MAILED NOTICE TO OWNERS AND OCCUPANTS WITHIN 300'	BODY TO WHICH APPLICANT MAY APPEAL A DENIAL
<i>ACTIONS BY THE ZONING BOARD OF APPEALS</i>						
VARIANCE	Applicant or Administrator	Zoning Board of Appeals	No. Meeting open to public	Reasonable Notice	Reasonable Notice	Circuit Court only
INTERPRETATION	Applicant or Administrator	Zoning Board of Appeals	No. Meeting open to Public	Reasonable Notice	Reasonable Notice	Circuit Court only
APPEAL OF ADMINISTRATIVE DECISION	Any aggrieved party or State, officer, board bureau or dept.	Zoning Board of Appeals	No. Meeting open to public	Reasonable Notice	Reasonable Notice	Circuit Court only
<i>ACTIONS BY THE PLANNING COMMITTEE/VILLAGE COUNCIL</i>						
SITE PLAN APPROVAL	Applicant or Administrator	P.C.	No	Not required.	Not required.	P. C. after 1 year, or Village Council
SPECIAL USE PERMIT	Applicant or Administrator	P.C.	If requested by property owner within 300 ft.	Once, between 5-15 days before date.	Once, between 5-15 days before date.	P. C. after 1 year, or Circuit Court
PLANNED UNIT DEVELOPMENT	Applicant or Administrator	P.C.	Yes	Once, between 5-15 days before date.	Once, between 5-15 days before date.	P. C. after 1 year, or Circuit Court.
REZONING	Applicant, P.C. or Village Council	P.C. recommends to	Yes	Once, not less than 15 days before date	Once, not less than 15 days before date	P.C. after 1 year.
		Village Council	If requested by any party	Once, between 5-15 days before date	Not required.	Circuit Court
ZONING ORDINANCE OR ZONING MAP TEXT CHANGE	Applicant, P.C. or Village Council	P.C. recommends to	Yes	Once, not less than 15 days before date	Once, not less than 15 days before date	P.C. after 1 year.
		Village Council	If requested by any party	Once, not less than 15 days before date	Not required.	Circuit Court
DEVELOPMENT PLAN OR MAP CHANGE	Applicant, P.C. or Village Council	P.C. recommends to Village Council	Yes	Once, not less than 15 days before date	Not required.	P. C. after 1 year or Circuit Court.
FEE WAIVER	Applicant	Village Council	No	Not required	Not Required	Circuit Court