

ZONING PROCEDURE

INTRODUCTION

The State of Michigan's Zoning Enabling Act #110 of the Public Acts of 2006 provides cities with the right to zone land within their boundary limits. The Act states that the legislative body of a city may establish districts or zones within which the use of land and structures may be restricted and regulated. These regulations may be imposed for the purpose of promoting the general public health, safety and welfare. This is accomplished through the use of a comprehensive plan designed to limit the overcrowding of land, prevent excess congestion of population, and promote the adequate provision of necessary public services in the area of transportation, sewage disposal, water, disposal, water, education, and recreation. This Act also provides for the amendment, supplement, or change of city zoning ordinances through due process.

Southfield is apportioned into various zoning classifications each allowing certain uses. This division is based upon the Future Land Use Plan for the City of Southfield adopted by the Southfield Planning Commission in 1967 and amended in 1968. In order to meet the constantly changing land use needs of Southfield, it sometimes becomes necessary to change zone boundaries. Changing life-styles might prompt the need for larger commercial areas or increased land for apartment developments. On a more personal level, when the owner of any property wishes to use it in a manner prohibited by the current zoning of the land, he may apply to have the zoning changed. This process of altering the present city zoning configuration is called REZONING.

REZONING PRINCIPLES

Rezoning land has many far reaching implications for the community. For this reason, changes to the Southfield zoning map are carefully considered. Before requesting a rezoning, close consideration should be given to the following questions:

- (1) Would the rezoning proposed be part of a consistent transition between zoning classifications?

The height and area of structures permitted by the proposed zoning classification should fit the trend of the area as stated in the city's zoning policy and as exhibited by the Planning Department's master plan. This consideration also applies to resulting population and traffic demands likely to occur.

- (2) Would the uses permitted in the zoning district proposed for the property be compatible with the land uses surrounding it? If not, what could you do to make your property more compatible with the surrounding area? Does the Zoning Ordinance require it to be landscaped or buffered in some manner so as to make it more compatible with the surrounding area?

- (3) How would the rezoning request make use of public roadways in the area? Would road capacities be sufficient to accept the additional traffic generated by the rezoning or will area roads require future expansions in order to adequately handle anticipated traffic flow?

- (4) If the rezoning request were approved, would the zoning classifications on both sides of the streets be compatible?

This is important because it promotes visual harmony and serves to protect property values.

- (5) Will the rezoning adversely affect the living conditions of the neighborhood? Would the uses permitted by the proposed rezoning result in excessive traffic congestion, air pollution, noise or odor?

- (6) Would the rezoning be contrary to an established land use pattern? Could the rezoning be considered "spot" zoning, small in size and completely different from development surrounding it?

Spot zoning is usually considered the granting of a special privilege to an individual at the expense of the general welfare of the public; accordingly, it is frowned upon.

- (7) Would the rezoning be considered "strip" zoning?

Strip zoning is commercial or business zoning, narrow in dimension and situated along a major roadway. This type of zoning causes excessive traffic congestion due to the

amount of entrance and exit drives needed along the roadway and the lack of continuity between developments. This type of zoning is generally not favored.

(8) Can reasonable use of the land be made under its present zoning classification? Are there any substantial reasons why the property cannot be utilized in an economically feasible manner in accordance with existing zoning?

(9) Is there an identifiable public and economic need for the rezoning?

As an example, if you wish to rezone a single family residential area to an apartment zoning, can you show a community need for apartments over single family units?

(10) If a public and economic need for the rezoning can be substantiated, are there adequate sites in the same general area which could satisfy these needs under their present zoning?

As an example, if you have established a need for an apartment district zoning, is there such a zoning district already in the area which might satisfy apartment needs?

Keep in mind that rezonings are considered on the merits of all uses permitted by the zoning classification in question. Specific uses will not be evaluated and, thus, have no influence in the decision process.

THE PARTICIPANTS IN THE REZONING PROCESS

There are five (5) major participants in the zoning process. These include: (1) Petitioner, (2) Planning Department, (3) Planning Commission, (4) City Council, and (5) Public.

Petitioner – the party seeking the rezoning could be either the property owner, a developer, or an architect, attorney or other representative of the developer or owner.

Planning Department – will review the application and formulate a recommendation based on its technical merits. They will also prepare presentations of the rezoning request for the Planning Commission and City Council.

Planning Commission – a seven (7) member advisory board will conduct a public hearing on the request and submit a recommendation to the City Council.

City Council – the seven (7) member elected body will conduct a public hearing on the request and render a final decision in reference to the request.

Public – without citizen participation, the Planning Commission and City Council must substitute their judgment for the feelings of the residents and property owners in the area of the request.

THE REZONING PROCESS

Step 1: Secure the rezoning application and prepare necessary data. Obtain the rezoning application from the Southfield Planning Department.

A Community Impact Statement will be required at the time of the submission of a rezoning request when the following conditions exist:

- (a) A request for rezoning is submitted for parcels having an area of ten (10) acres or greater, or
- (b) When three (3) or more points regarding physical characteristics of the site are accumulated out of a possible twelve (12) points in the table found in Section 5.51 of the Zoning Ordinance.

Step 2: File the rezoning application and pay fees. Return the completed application, filing fee, required number of plot plans, and the Community Impact Statement (if required) to the Southfield Planning Department.

Step 3: The application will be forwarded to the City Council. When the application is filed, a cover letter and location map (prepared by the Planning Department) will be forwarded to the City Council for their next available regular meeting. The City Council will refer the application request and accompanying materials to the Planning Commission and Planning Department for study and recommendations.

Step 4: The City Planner will study the request and prepare a recommendation. The Planning Department will review all pertinent materials and prepare a recommendation based on the technical merits of the request.

Step 5: The Planning Commission will study the request and schedule a public hearing. The Planning Commission will review both the application and the recommendation of the Planning Department. They will then schedule the request for a public hearing.

Regular meetings of the Planning Commission are held on the fourth Wednesday of each month at 6:30 p.m. By law, notification of the hearing is published in the City's official newspaper at least fifteen (15) days prior to its scheduled date. By policy, notification of the meeting is sent to the petitioner, the property owner, the owners of property within 350' of the requested rezoning, utility companies by certified mail, and to registered civic associations in the area of the rezoning request.

Step 6: The Planning Commission will conduct a public hearing and make a recommendation to the City Council. The City Planner will present the rezoning request using maps, drawings, photographs, and slides. At the conclusion of this presentation, the City Planner will present his recommendation.

The petitioner then has an opportunity to make a presentation to the Planning Commission following which the hearing will be opened to the public. The public may present their views in support of or against the petitioner and ask any questions regarding the application.

After the public has had a reasonable opportunity to be heard, the Chairperson will close the hearing to the public. The Commission may then have discussion after which they will make a recommendation on the request to approve, deny or table for further study.

Step 7: The Planning Commission's recommendation is forwarded to the City Council and a public hearing is scheduled. The Planning Commission's recommendation is forwarded to the City Council for their consideration. The Council will schedule a public hearing for one of their regular meetings. Notices will be sent to the petitioner, the property owner, utility companies, and owners of property within 300' of the requested rezoning regarding the time and date of the Council meeting.

In addition, a legal notice will be placed in the City's official newspaper at least fifteen (15) days prior to the hearing.

Regular meetings of the City Council are held on the second and fourth Monday of each month at 8:00 p.m.

Step 8: The City Council will conduct a public hearing and render a decision. The public hearing before the City Council will follow the same format as the Planning Commission hearing.

At the conclusion of the hearing, the City Council will vote and either approve, deny or table the requested rezoning.

Step 9: If the request is approved, an ordinance to amend the Zoning Ordinance must be introduced, enacted and published in a newspaper of local circulation before the change in zoning becomes law. Generally, the introduction of the ordinance takes place at the same meeting the council approves the rezoning request. Following the introduction of the ordinance, the Mayor has ten (10) days to veto the ordinance if he/she wishes. Should the Mayor not veto the ordinance, the City Council at their next regular meeting following the ten (10) day veto period enacts the ordinance. The Mayor again has ten (10) days to veto the ordinance. Should there be no veto within the ten (10) day period allowed, the City Clerk proceeds with publication of the ordinance. The ordinance becomes law upon publication.

PROTESTS AGAINST REZONING REQUESTS

The Zoning Enabling Act provides for the submission of a protest against a proposed zoning amendment. In the event a protest is presented the City Council at or before the public hearing, and the protest is duly signed by:

- (1) The owners of at least 20% of the area of land included in the proposed change, or
- (2) The owners of at least 20% of the area of land included within an area extending outward 100 feet from any point on the boundary of the land included in the proposed change excluding public right-of-way.

FEES

Title V, Zoning and Planning, Chapter 45, Zoning of the Code of the City of Southfield provides that:

5.144 Fees

The City Council may, from time to time, prescribe and amend by resolution a reasonable schedule of fees to be charged to petitioners for amendments to this Chapter and for the review of site plans in accordance with the provisions of this Chapter.

The following represents the fee required by the Planning Department of the City of Southfield during the rezoning process:

Application fee \$1000 + \$40 for each acre over one

HOW LONG DOES THE PROCESS TAKE?

Average Time:

	Step 1	Secure application.
	Step 2	Submission of application.
1 Week	Step 3	Referral to Planning Commission and Planning Department.
5 Weeks	Steps 4 & 5	Reviewed by Planning Commission and Planning Department.
8 Weeks	Step 6	Public hearing before Planning Commission and Recommendation.
9 Weeks	Step 7	Planning Commission's recommendation to City Council
14 Weeks	Step 8	Public hearing before City Council
16 Weeks	Step 9	Enactment and publication of the ordinance.

TOTAL OF APPROXIMATELY SIXTEEN WEEKS (FOUR MONTHS).