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**SECTION 11.01 AMENDMENT OF THIS ORDINANCE**

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- A. The Village Council is authorized and empowered to cause this Zoning Ordinance to be amended, supplemented, or changed, pursuant to the authority and according to the procedures set forth in the Michigan Zoning Enabling Act, Act 110 of Public Acts 2006, as amended.
1. The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the Village of Bellaire Zoning Map may be amended, supplemented or changed by action of the Village Council following a recommendation from the Village Planning Commission.
  2. Proposals for amendments, supplements or changes may be initiated by the Village Council on its own motion, by the Village Planning Commission or by petition of one (1) or more owners of property to be affected by the proposed amendment.
  3. The procedure to be followed for initiating and processing an amendment shall be as follows:
    - a. Each petition by one (1) or more persons for an amendment shall be submitted by application to the Zoning Administrator on a standard form provided and shall be accompanied by the fee as prescribed by the Village Council. No part of such fee shall be returnable to a petitioner if the public hearing is held.
    - b. The Zoning Administrator shall notify, in writing, the Village Clerk and Chair of the Planning Commission at or before the time s/he transmits the amendment request to the Planning Commission.
    - c. The Planning Commission shall consider each proposal for amendment on particular factors related to the individual proposal and in terms of the likely effect on the community's physical development. The Planning Commission may recommend any additions or modifications to the original proposal.
    - d. Before ruling on any proposal the Planning Commission shall conduct at least one (1) public hearing, notice of the time and place of which shall be given by publication in a newspaper of general circulation in the Village, not less than fifteen (15) days before the date of such hearing. Not less than 15 days notice of the time and place of such hearing shall also be given by mail to each public utility company, railroad, and airport manager within the zone affected who have registered to receive such notices. The notices shall include the places and times at which the tentative text and any map of the Zoning Ordinance may be examined and shall be verified by an affidavit of mailing or personal service.

If an individual or several properties (10 or fewer adjacent properties) are proposed for re-zoning, owners of the property (or properties) shall be given notice of the proposed re-zoning not less than 15 days prior to the hearing. Notice shall also be sent to all persons who own property within 300 feet of the subject property (or properties) and to occupants of all structures within 300 feet of the property (or properties).

If eleven or greater properties are proposed for re-zoning, a general notice of the public hearing on the matter shall be provided. Notice of the time and place of the public hearing, shall be given by publication in a newspaper of general circulation in the Village, not less than fifteen (15) days before the date of such hearing.

- e. The Planning Commission shall review and apply the following standards and factors in the consideration of any re-zoning request.
- 1) Is the proposed rezoning consistent with the Village of Bellaire Master Plan?
  - 2) Is the proposed rezoning reasonably consistent with surrounding uses?
  - 3) Will there be an adverse physical impact on surrounding properties?
  - 4) Will there be an adverse effect on property values in the adjacent area?
  - 5) Have there been changes in land use or other conditions in the immediate area or in the community in general which justify rezoning?
  - 6) Will rezoning create a deterrent to the improvement or development of adjacent property in accord with existing regulations?
  - 7) Will rezoning grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e. will rezoning result in spot zoning)?
  - 8) Are there substantial reasons why the property cannot be used in accordance with its present zoning classifications?
  - 9) Is the rezoning in conflict with the planned use for the property as reflected in the master plan?
  - 10) Is the site served by adequate public facilities or is the petitioner able to provide them?
  - 11) Are there sites nearby already properly zoned that can be used for the intended purposes?
  - 12) The community should evaluate whether other local remedies are available.
- f. The Planning Commission shall submit a final report/recommendation to the Village Council along with a summary of the comments received at the public hearing.
- g. The Village Council may hold additional public hearings if it considers it necessary or otherwise required. Notice of the hearing to be held by the Village Council shall be given in the same manner as required under **Section 11.01A.3.d**, above. The Village Council shall grant a hearing on a proposed ordinance provision to a property owner who requests a hearing by certified mail, addressed to the Village Clerk. The Village Council may adopt any proposed amendment, or refer back to the

Planning Commission for a further report as prescribed by Section 401 of Public Act No 110 of 2006, as amended.

- h. Once adopted by the Village Council, amendments to this Ordinance shall be filed with the Village Clerk, and one (1) notice of adoption shall be published in a newspaper of general circulation in the Village within fifteen (15) days after adoption.
- i. No application for a rezoning which has been denied by the Village 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 found upon inspection by the Village Planning Commission to be valid.

**SECTION 11.02 ENACTMENT AND EFFECTIVE DATE**

- A. This Ordinance was adopted on June 1, 2016 by the Village of Bellaire Council and will be effective June 17, 2016. The foregoing Zoning Ordinance and Zoning Map were presented at official public hearings before the Planning Commission on May 3, 2016 and May 24, 2016.
- B. Amendments or revision to this Ordinance or Map of Zoning Districts shall become effective on the eighth day after publication unless a later date is specified.