

DIVISION 3.ZONING MAP AMENDMENTS (REZONINGS)

Sec. 61-3-71. Purpose.

Wherever it is deemed desirable in order to meet the public need, promote the general welfare, conform with good zoning practice and adhere to the guiding principles and intent of the Master Plan and this zoning ordinance, after a report thereon by the City Planning Commission and subject to the procedures set forth in this division, the City Council may amend, repeal, or add by passage of an ordinance, the district boundaries or classification of property that is established by this zoning ordinance.

(Ord. No. 11-05, §1, 5-28-05)

Sec. 61-3-72. Procedures; pre-application meeting.

Applicants are encouraged to attend a pre-application meeting with the City Planning Commission and Planning and Development Department before filing a petition for amendment of a zoning map in ARTICLE XVII of this Chapter. (See Figure 61-3-72.)

(Ord. No. 11-05, §1, 5-28-05)

Sec. 61-3-73. Procedures; petition for amendment.

The City Council, the City Planning Commission, other City agencies, the property owner, or any person, firm, organization, or corporation with an interest in a property may initiate a zoning map amendment for the property. Petition for amendments of a zoning map in ARTICLE XVII of this Chapter, by parties other than City agencies, shall be filed with the City Clerk on a form that is provided by the City Planning Commission and accompanied by such information that is required by this zoning ordinance. The Clerk shall forward all petitions to the City Planning Commission and the Planning and Development Department. Community organizations that are registered with the Buildings and Safety Engineering Department and Citizens' District Councils are authorized to petition the rezoning of any land within their boundaries.

(Ord. No. 11-05, §1, 5-28-05)

Sec. 61-3-74. Procedures; staff review and report.

The City Planning Commission staff shall review each proposed amendment of a zoning map in ARTICLE XVII of this Chapter in light of the approval criteria in Sec. 61-3-80 of this Code and, as deemed necessary, distribute the application to other reviewers. Based on the results of those reviews, the City Planning Commission staff shall provide a report to the City Planning Commission.

(Ord. No. 11-05, §1, 5-28-05)

Sec. 61-3-75. Procedures; public hearings required.

No amendment of a zoning map in ARTICLE XVII of this Chapter shall become effective until approved as to form by the Law Department or such approval is waived by

the Rules and Procedures of the City Council, and the City Planning Commission and the City Council have each held a public hearing at a time and place to be determined by the respective bodies, and the ordinance is published in accordance with the 1997 Detroit City Charter and the provisions of MCL 125.3401(6). The hearings shall be conducted and a record of the proceedings shall be preserved in such manner and according to such procedures as the respective bodies shall prescribe by rule.

(Ord. No. 11-05, §1, 5-28-05; Ord. No. 24-08, §1, 11-01-08)

Sec. 61-3-76. Procedures; notice of public hearings.

Notice of a public hearing on an amendment of a zoning map in ARTICLE XVII of this Chapter shall be published, mailed, and posted in accordance with Sec. 61-3-7 through Sec. 61-3-12 of this Code. As deemed appropriate, the City Planning Commission or the City Clerk may give additional notice of the hearing.

(Ord. No. 11-05, §1, 5-28-05)

Sec. 61-3-77. Procedures; City Planning Commission review and recommendation.

After holding a public hearing on the proposed amendment of a zoning map in ARTICLE XVII of this Chapter, the City Planning Commission shall review each petition for the amendment in light of the approval criteria in Sec. 61-3-80 of this Code and shall recommend that the City Council approve or deny the petition.

(Ord. No. 11-05, §1, 5-28-05)

Sec. 61-3-78. Procedures; Planning and Development Department review and recommendation.

The Planning and Development Department is authorized to review a petition for an amendment of a zoning map in ARTICLE XVII of this Chapter, and to comment on such petitions to the City Planning Commission and the City Council, with particular focus upon the consistency of the petitions with the Master Plan.

(Ord. No. 11-05, §1, 5-28-05)

Sec. 61-3-79. Procedures; City Council review and decision.

After holding a public hearing on a proposed amendment of a zoning map in ARTICLE XVII of this Chapter, the City Council shall act to approve or deny the proposed amendment, based on the approval criteria of Sec. 61-3-80 of this Code. No proposed amendment shall be passed except by a majority vote of the City Council or a three-fourths (3/4) vote of the City Council where a valid protest petition has been filed (See Sec. 61-3-81). Where a petition for a proposed amendment of a zoning map in ARTICLE XVII of this Chapter is not acted upon by the City Council within one hundred twenty (120) days of the date of receipt of the City Planning Commission's report, it shall be deemed to have been denied, unless extended by the City Council.

(Ord. No. 11-05, §1, 5-28-05)

Sec. 61-3-80. Approval criteria.

Recommendations and decisions on an amendment of a zoning map in ARTICLE XVII of this Chapter shall be based on consideration of all of the following criteria:

- (1) Whether the proposed amendment corrects an error or meets the challenge of some changing condition, trend or fact;
- (2) Whether the proposed amendment is consistent with the Master Plan and the stated purposes of this Zoning Ordinance;
- (3) Whether the proposed amendment will protect the health, safety, and general welfare of the public;
- (4) Whether the City and other service providers will be able to provide adequate public facilities and services to the subject property, while maintaining adequate levels of service to existing development;
- (5) Whether the proposed rezoning will have significant adverse impacts on the natural environment, including air, water, soil, wildlife, and vegetation and with respect to anticipated changes in noise and regarding stormwater management;
- (6) Whether the proposed amendment will have significant adverse impacts on other property that is in the vicinity of the subject tract;
- (7) The suitability of the subject property for the existing zoning classification and proposed zoning classification; and
- (8) Whether the proposed rezoning will create an illegal "spot zone."

(Ord. No. 11-05, §1, 5-28-05)

Sec. 61-3-81. Protest petitions.

In the event a written protest against a proposed amendment of a zoning map in ARTICLE XVII of this Chapter is duly signed: 1) by either the owners of at least twenty percent (20%) of the area of land included in the proposed change, excluding public land, or 2) the owners of at least twenty percent (20%) 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, excluding public land, and is presented to the City Council, through the City Clerk, before the final legislative action on the amendment, then such amendment shall not be passed except by a three-fourths (3/4) vote of the City Council.

(Ord. No. 11-05, §1, 5-28-05)

Sec. 61-3-82.

(Repealed.)

(Ord. No. 44-06, §1, 12-21-06; Ord. No. 13-11, §1, 8-23-11)

Secs. 61-3-82–61-3-90. Reserved.