

VILLAGE OF ALMONT
ZONING ORDINANCE AMENDMENT
VOLUNTARY REZONING AGREEMENTS

Ordinance Number 159.19

An ordinance to amend Article 20 of the Almont Village Zoning Ordinance, to implement the statutory authority to provide for voluntary rezoning agreements.

THE VILLAGE OF ALMONT ORDAINS:

The following section is hereby added to Article 20 of the Almont Village Zoning Ordinance:

Section 20.08. Voluntary Rezoning Agreements

A. **AUTHORITY.** The Village Council may, after a public hearing by the Village Planning Commission, enter into an agreement with a property owner to rezone property pursuant to the authority contained in Michigan Compiled Law Section 125.3405, being part of the Michigan Zoning Enabling Act.

B. **APPLICATION.** Any offer to enter into a rezoning agreement shall be submitted to the Village Clerk along with a rezoning agreement fee, in an amount established by the Village Council. Whenever a petitioner offers to enter into a rezoning agreement, the person shall be the fee owner of the premises concerned or else have the fee owner subscribe to the offer. Proposed rezoning agreements may only be initiated by a property owner/applicant and not by the Village.

C. **PRE-HEARING MEETING.** Whenever an application for a voluntary rezoning agreement is submitted, a pre-hearing meeting shall be scheduled between the applicant and the Planning Commission. At the pre-hearing meeting, the applicant shall fully explain the agreement being proposed. The Planning Commission and the applicant shall discuss the proposed agreement and then put it into appropriate form for a public hearing.

D. **PUBLIC HEARING AND RECOMMENDATION.** After due notice, a public hearing in compliance with all regular procedural rezoning requirements shall be conducted by the Planning Commission as to the proposed rezoning agreement. The Commission shall subsequently adopt recommendations as to the approval, approval with revisions, or denial of the proposed rezoning agreement.

E. **VILLAGE COUNCIL.** Upon receipt of the recommendations of the Village Planning Commission, the Village Council shall undertake consideration of the proposed rezoning agreement. Any decision by the Village Council which results in a rezoning agreement shall be incorporated in a written document duly executed by the Village Council and the property

owner. The proposed agreement shall be reviewed for legal sufficiency by the Village Attorney prior to final approval. Any such agreement shall be recorded with the Register of Deeds and shall run with the land. The Village shall either record the agreement or shall receive verification that the applicant has recorded the agreement.

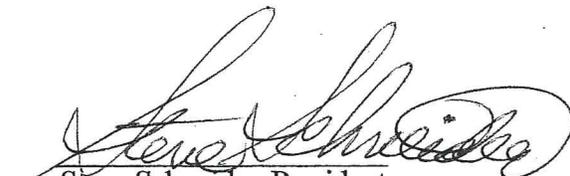
F. STANDARDS FOR DECISION. In deciding whether or not to approve a proposed rezoning agreement, the Planning Commission and the Village Council shall base their decisions on the following factors:

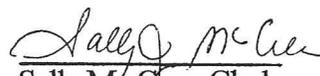
1. The terms of the offer must be reasonably related to the property covered in the agreement.
2. The proposed land use must be designed in such a way as to be compatible with surrounding land uses.
3. The proposed land use must be consistent with the goals and policies of the Village, including the Village Master Plan.

G. LIMITATIONS ON AGREEMENTS. A rezoning agreement shall not be used to allow any land uses which would not otherwise be permitted in the proposed new zoning district. Any agreement shall include a specific time period during which the terms of the agreement must be completed.

H. ZONING REVERSION. In the event that the terms of a zoning agreement are not fulfilled within the time specified in the agreement, the Village Council shall initiate a proposed rezoning to revert the property back to the original classification.

The undersigned President and Clerk of the Village of Almont hereby certify that this Ordinance Amendment was duly adopted by the Village Council at a meeting held on the 19th day of June 2007, and was published in the Tri-City Times on the 27th day of June, 2007. This Ordinance Amendment shall take effect seven (7) days after said date of publication.


Steve Schneider, President


Sally McCre, Clerk