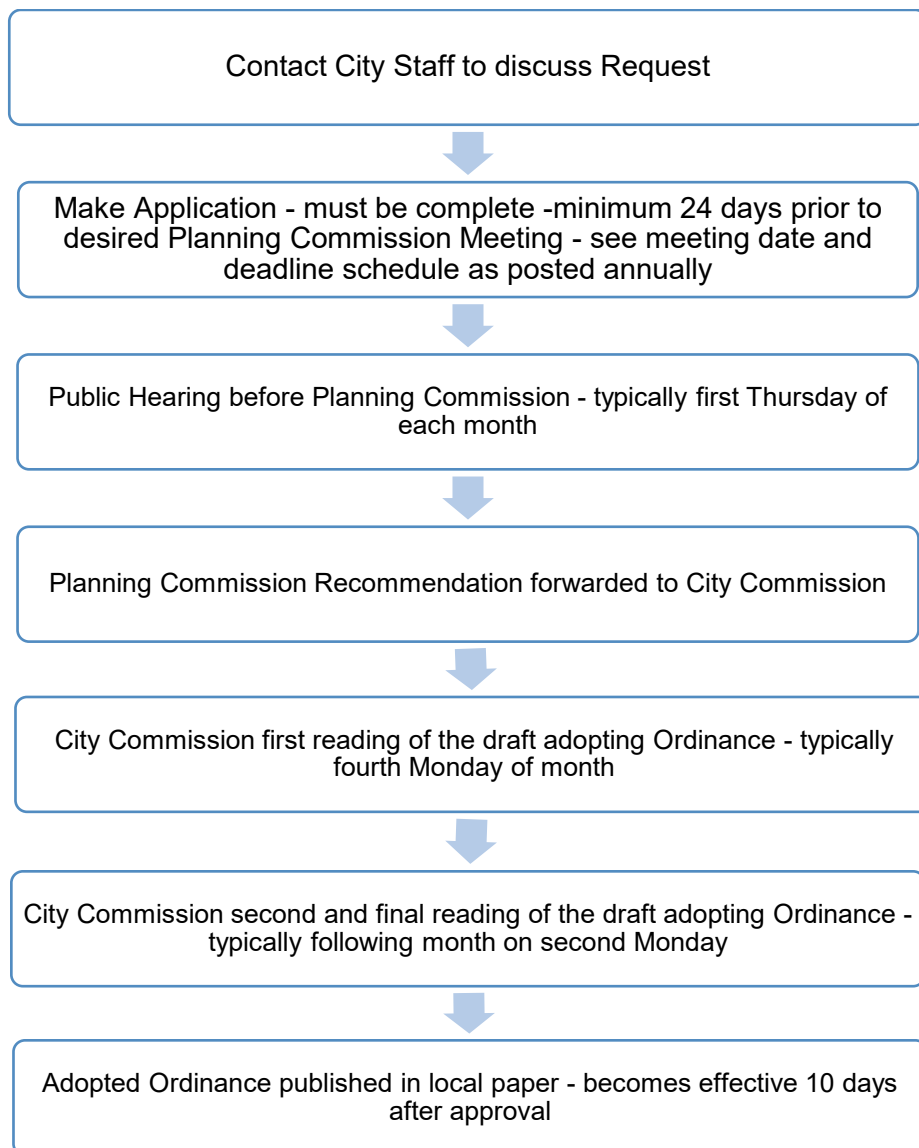




CITY OF ST. JOSEPH
PLANNING & ZONING DEPARTMENT
700 Broad Street
St. Joseph, MI 49085
Phone (269)983-1212
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www.sjcity.com

Text Amendment (Modifying Language in Zoning Ordinance)

Process, Instructions and Application*



*See attached detailed directions for all steps involved.

Jan 2024



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Text Amendment (Modifying Language in Zoning Ordinance)

Process, Instructions and Application

1. **Contact Community Development Director (staff) regarding proposed request.** Staff will review zoning ordinance regulations and recommend which process is appropriate for your proposed request. Application forms will be distributed and staff will determine if a pre-submittal meeting is necessary.
2. **Submission of Application.** Complete applications must be submitted no less than 24 calendar days prior to the next regularly scheduled Planning Commission (PC) meeting. The PC typically meets the first Thursday of each month, see meeting and deadline schedule at www.sjcity.com.
 - a. It is suggested that you make an appointment with staff to submit the application.
 - b. All required applications, supplemental information and fees must be submitted at one time.
 - c. You are encouraged to file before the deadline, as incomplete applications are not accepted and will delay the processing of your application.
3. **Acceptance of Application.** Staff reviews the application and supplemental information for completeness prior to formally accepting and scheduling the request before the PC.
4. **Application is Formally Accepted.**
 - a. Staff forwards the accepted application packet to the City Engineer, Director of Public Works, Director of Public Safety (Police/Fire) and Building Official for their review and comment.
 - b. Staff prepares the Legal Notice for the newspaper. The legal notice must appear in the local newspaper no less than fifteen (15) days before the scheduled public hearing.
5. **Staff Memorandum and Planning Commission Packet Creation.** Staff prepares a staff memorandum which includes information regarding the proposed request, staff department comments, supporting information and the completed applicant and supplemental information from the applicant. Any written comments received from the public are also included. In most cases the PC packet is completed and delivered the Friday before the scheduled PC meeting and is available to the general public on the Monday before the meeting.

6. **Planning Commission Public Hearing.** The Chair of the PC will open the public hearing and invite the applicant to present its case to the PC, an overview of the request and explanation of any drawings submitted should occur. The Planning Commissioners can ask questions of the applicant and staff prior to inviting the audience to speak. Once all public comments have been taken, the public hearing is closed. Contact staff prior to the meeting if you need any audiovisual equipment for your presentation.
7. **Planning Commission Deliberation.** The PC will begin to evaluate the request along with reviewing the applicable standards. In some cases the PC will ask for clarification from staff or the applicant.
 - a. The PC has four options:
 - i. Motion to recommend approval of the request as presented;
 - ii. Motion to recommend approval of the request with changes to the draft language;
 - iii. Motion to recommend denial of the request; or
 - iv. Motion to continue the item to a future meeting to obtain additional information.
8. **Staff Memorandum with PC Recommendation and CC Packet Creation- first reading of the adopting Ordinance.** Staff prepares a memorandum and includes the PC packet, draft meeting minutes, draft adopting ordinance and any new information received to the City Clerk. This meeting typically takes place on the fourth (4th) Monday of the month. The City Clerk completes the CC packet and posts the CC agenda packet on-line at www.sjcity.com.
9. **City Commission Meeting – first reading of the adopting Ordinance.** The Mayor will open the discussion and invite the applicant to present its case to the CC; an overview of the request and explanation of any drawings submitted should be presented by the applicant. The City Commissioners can ask questions of the applicant and staff prior to inviting the audience to speak. Contact staff prior to the meeting if you need any audiovisual equipment for your presentation.
10. **City Commission Deliberation.** The CC will begin their deliberation of the request and evaluate it along with the applicable standards. In some cases the CC will ask for clarification from staff or the applicant.
 - a. The CC has four options:
 - i. Motion to approve the first reading of the Ordinance as presented;
 - ii. Motion to approve the first reading of the Ordinance as modified;
 - iii. Motion to deny the request; or
 - iv. Motion to continue the item to a future meeting to obtain additional information.
11. **Staff Memorandum with PC Recommendation and CC Packet Creation- second and final reading of the adopting Ordinance.** Staff prepares a memorandum and includes the PC packet, draft meeting minutes, draft adopting ordinance and any new information received to the City Clerk. This meeting typically takes place the following month on the second (2nd) Monday of the month. The City Clerk completes the CC packet and posts the CC agenda packet on-line at www.sjcity.com.

12. **City Commission Meeting – second and final reading of the adopting Ordinance.** The Mayor will open the discussion and invite the applicant to present its case to the CC; an overview of the request and explanation of any drawings submitted should be presented by the applicant. The City Commissioners can ask questions of the applicant and staff prior to inviting the audience to speak. Contact staff prior to the meeting if you need any audiovisual equipment for your presentation.
13. **City Commission Deliberation.** The CC will begin their deliberation of the request and evaluate it along with the applicable standards. In some cases the CC will ask for clarification from staff or the applicant.
 - a. The CC has four options:
 - i. Motion to approve the second and final reading of the Ordinance as presented;
 - ii. Motion to approve the second and final reading of the Ordinance as modified;
 - iii. Motion to deny the request; or
 - iv. Motion to continue the item to a future meeting to obtain additional information.
14. **Publication of Adopted Ordinance.** The City Clerk will publish the adopted ordinance in the local newspaper within seven (7) days after adoption of an Ordinance amendment.
15. **Effective Date of Text Amendment.** The effective date of the text amendment (modifying language in Zoning Ordinance), shall be ten (10) days after the adoption of the Ordinance by the City Commission, unless otherwise specified in the adopting ordinance.
16. **Approval Packet.** Once all meetings minutes are approved, staff will create and provide a copy of the approval packet to the applicant for their records.



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TEXT AMENDMENT APPLICATION

Please print legibly. All portions must be completed. Do not leave any section blank, use N/A. Incomplete forms will be returned. All required materials must be received by the City and determined to be complete no less than 24 calendar days prior to the next Planning Commission meeting. If additional space is needed, please use additional sheets of paper.

Request Information

Applicable Section of Zoning Ordinance that amendment is requested: _____

Briefly Explain Request: _____

Are there other requests associated with this application?: If yes, explain: _____

Applicant Information

In case of trust, provide the name, address and telephone numbers of all trustees and beneficiaries of the trust. An LLC or corporation must provide a copy of Articles of Incorporation. In case the applicant is not the property owner, written permission from the property owner is required.

Name of Applicant: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone Number: _____ Emergency Number: _____

E-mail Address: _____

Attorney: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone Number: _____ E-mail Address: _____

Engineer and/or Architect: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone Number: _____ E-mail Address: _____

Proposed Language Change (please use additional paper if needed)

Existing section and language from Zoning Ordinance: _____

Proposed new language for the Zoning Ordinance: _____

Explain how the proposed new language supports the goals and objects of the adopted Master Plan: _____

Text Amendment Factors

If needed use additional sheets of paper to respond to Standards.

SECTION 22.3 FACTORS TO CONSIDER ON REZONINGS *(also used for text amendments to the Zoning Ordinance)*. In reviewing any application for an amendment, the Planning Commission shall evaluate all factors relevant to the application. The Planning Commission may solicit information from public agencies or from individuals or firms with relevant experience. The factors to be considered shall include, but are not limited to, the following:

- A. What conditions related to the application have changed since the Zoning Ordinance was adopted which justify the proposed amendment?

- B. What are the possible precedential effects which might result from the approval or denial of the application?

C. What is the potential impact of the proposal on the ability of the City and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future?

D. Does the proposed amendment adversely affect environmental conditions, the character of, or the likely value of property?

E. Does the proposed District change comply with the adopted City Comprehensive Plan? (If not, and if the proposed amendment is reasonable in light of all other relevant factors, then the Comprehensive Plan should be amended before the proposed zoning amendment is approved.)

F. If a specific property is involved, can the property in question be put to a reasonable economic Use in the zoning District in which it is presently located?

G. Is another procedure, such as a Variance, Special Use, Planned Unit Development, or hardship Planned Unit Development a more appropriate alternative than the proposed amendment?

**TEXT AMENDMENT (CHANGES TO ZONING ORDINANCE) APPLICATION
CERTIFICATION**

The Applicant certifies and acknowledges and agrees that:

- A. The statements contained in this application are true and correct to the best of the Applicant's knowledge and belief. The owner of the subject property, if different from the applicant, states that they consent to the filing of the application and that all information contained is true and correct to the best of their knowledge;
- B. The Applicant understands that an incomplete or nonconforming application will not be considered. In addition, the Applicant understands that the City may require additional information prior to the consideration of this application which may include, but is not limited to, a traffic study if required by the Planning Commission or City Commission;
- C. The Applicant shall make the property that is subject of this application available for inspection by the City at reasonable times;
- D. If any information provided in this application changes or becomes incomplete or inapplicable for any reason following submission of this application, the Applicant shall submit a supplemental application or other acceptable written statement containing the new or corrected information as soon as practicable but not less than ten (10) days following the change, and that failure to do so shall be grounds for denial of the application;
- E. The Applicant understands that if the application is approved with conditions, those conditions will need to be met as part of any permit issued; and
- F. The Applicant understands that they are responsible for all application fees. Fees are non-refundable and there is no guarantee the application will be approved or permits issued. There should be no outstanding monies owed to the City (i.e., water bill or taxes).

On the _____, day of _____, 20_____, I/We have read the above certification, understand it, and agree to abide by its conditions.

Signature of Applicant or Authorized Agent

Name of Applicant or Authorized Agent

SUBSCRIBED AND SWORN

To before me this _____ day of _____, 20_____

Notary Public

OFFICIAL CITY USE: Date Received: _____ Fee: _____
Completed: Special Use Application: _____ Site Plan Review Application: _____ Other: _____