

Application Packet Conditional Rezoning

COMMUNITY DEVELOPMENT DEPARTMENT
CITY OF RIVER ROUGE, MICHIGAN

River Rouge City Hall
10600 West Jefferson Avenue
River Rouge, MI 48218
(313) 842-4203
www.cityofriverrouge.com



This packet contains the following:

- General overview of the application process
- The purpose of municipal review
- The process and procedures of submitting an application
- The eligibility criteria for applications
- The evaluation criteria for applications
- The Application Form
- The Application Completion Checklist

The following other elements may be obtained at the Community Development offices on the 2nd Floor of City Hall, or via email to the Community Development Director (klaub@cityofriverrouge.org):

- The current fee schedule
- The Zoning Ordinance and Map
- Other Applications and Forms
- The City Meeting Schedule (for [Planning Commission](#) and [City Council](#))



GENERAL OVERVIEW

Please follow these general steps to complete your CONDITIONAL REZONING application with the City of River Rouge:

- 1) **Read this packet** *before* completing any forms or paying any fees. Make sure that your project meets the circumstances that require a REZONING review and meets the eligibility criteria for a review. These criteria are included later in this packet.
- 2) Complete and sign the **Application Form and Application Completion Checklist**, which are included later in this packet.
- 3) Determine your **application fee** – contact the Community Development office at City Hall to obtain a copy of the current fee schedule. Review the fee schedule and determine how much your application fee will be, or ask a City staff member to help you calculate your fee.
- 4) **Submit** the following items to the City:
 - a. The completed Application Form and Application Completion Checklist
 - b. All the submission items and materials that will be reviewed, as required in the Application Completion Checklist
 - c. The application fee in the form of a check, payable to the City of River Rouge. If mailing the check, please send it to:

Community Development Department
10600 West Jefferson Avenue
River Rouge, MI 48218
(313) 842-4203

If you are not sure what type of review you need for your project, do not know if your project will require appearing before a Board or Commission, or need help with any other piece of information, please contact the City or contact a specific staff member using [City Website](#), which offers a menu of all City Departments.

Phone: (313) 842-4203

Fax: (313) 842-4711



PURPOSE

The City Zoning Ordinance provides standards and requirements for CONDITIONAL REZONING. The City Council may, after recommendation from the Planning Commission, amend, supplement, or change the provisions of the Official Zoning Map. Such actions shall be consistent with the Michigan Zoning Enabling Act, P.A. 110 of 2008, as amended.

The purpose of a CONDITIONAL REZONING is to advance the general mission of the Zoning Ordinance, which is to promote the public health, safety, and general welfare of the residents of the City of River Rouge, as well as serve the general good of the community in accordance with the adopted City of River Rouge Master Plan.

It is recognized that there are certain instances where it would be in the best interests of the City, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for an amendment to the Official Zoning Map (aka a CONDITIONAL REZONING).



PROCESS AND PROCEDURES

The process for a **CONDITIONAL REZONING** is very similar to the process for a normal **REZONING**. However, there are some fundamental differences in timeframe, legal document records, and other features.

Zoning Ordinance Section 13.2

A. Application (and the Offering of Conditions)

A **CONDITIONAL REZONING** (aka a zoning amendment) may only be initiated by a property owner, who may voluntarily offer, in writing, conditions relating to the use and/or development of land for which a rezoning is requested. The property owner may make this offer when the application for rezoning is filed or later during the rezoning process.

B. Internal Review

1. Completeness Review

Upon receipt of an application to amend this Ordinance, the Zoning Administrator shall review the application to confirm all required material has been submitted. The Zoning Administrator shall notify the applicant of any outstanding items.

2. Technical Review

Prior to Planning Commission consideration, the proposed amendment and application materials shall be distributed to appropriate City officials for review and comment. The Zoning Administrator may also submit the application materials to designated City consultants for review.

3. Public Hearing

A public hearing shall be scheduled and held for all proposed amendments in accordance with the procedures in Article 12 of the Zoning Ordinance.

C. Planning Commission Review

Subsequent to the hearing, the Planning Commission shall review the proposed amendment, together with any reports and recommendations from staff, consultants, other reviewing agencies, and any public comments. The Planning Commission shall identify and evaluate all relevant factors and shall report its findings and recommendation to the City Council. However, any recommended changes to the offer of conditions must be acceptable to, and subsequently offered by, the property owner.

D. City Council Review

The City Clerk shall forward a copy of the proposed amendment, staff reports, and recommendation from the Planning Commission to the City Council for consideration and final action.



1. Approval, Rejection, or Referral

The City Council may approve or reject the proposed amendment, or may refer the item back to the Planning Commission for revision or further consideration. Should the City Council consider changes to the proposed CONDITIONAL REZONING, and if such contemplated changes to the offer of conditions are acceptable to and then offered by the property owner, then the City Council may refer such changes to the Planning Commission. The City Council will request a report from the Planning Commission within a time specified by the City Council. City Council may then proceed to deny or approve the conditional rezoning with or without changes.

Approval

If the City Council finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the property owner. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the rezoning ordinance adopted by the City Council to accomplish the requested rezoning, and shall be filed and recorded according to the requirements in the Zoning Ordinance,

Once the rezoning takes effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the property was rezoned with a Statement of Conditions. The City Clerk shall maintain a listing of all properties rezoned with a Statement of Conditions. Once the rezoning takes effect, the property shall conform to all requirements regulating use and development within the new zoning district, as modified by any more restrictive provisions contained in the Statement of Conditions.

Rejection

Whenever an application for an amendment to this Ordinance has been rejected by the City Council, a new application for the same amendment shall not be accepted by the City for a period of one (1) year unless the Zoning Administrator or Building Official determines that one or more of the following conditions has been met:

- A. There is a substantial change in circumstances relevant to the issues or facts considered during review of the application.
- B. New or additional information is available that was not available at the time of the review.
- C. The new application is materially different from the prior application.

2. Additional Hearings

The City Council may, at its discretion, hold additional public hearings on the proposed amendment following the procedures in Article 12 of the Zoning Ordinance.

E. Effective Date and Records

The City shall keep a record of decisions on REZONINGS on file in the Clerk's Office. A notice of adoption of an approved amendment shall be published in a newspaper of



general circulation in the City within fifteen (15) days of adoption. The amendment shall become effective eight (8) days after being published.

F. Compliance With Conditions

Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Zoning Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.

G. Time Period for Establishing Development or Use

Unless another time period is specified in the ordinance rezoning the subject property, the property owner shall commence the approved development and/or use of the property within 18 months of the rezoning taking effect and subsequently proceed diligently to completion. If the approved development and/or use of the rezoned property does not occur within the time frame specified, then the property shall automatically revert to its former zoning classification. The City Council may extend this time limitation, upon written request, under the following circumstances:

1. The property owner demonstrates, to the City Council's reasonable satisfaction, that there is a strong likelihood that the development and/or use will commence within the period of extension and will subsequently proceed diligently to completion; AND
2. The City Council finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area, or otherwise inconsistent with sound zoning policy.

H. Subsequent Rezoning

If the subject property is later rezoned to another classification with no Statement of Conditions, the former conditions shall cease to be in effect. The City retains the right to rezone all or any portion of land that is subject to a Statement of Conditions to another zoning classification.

Amendments or Withdrawal of Voluntary Conditions

The offer of conditions may be amended during the rezoning consideration process, provided that the property owner voluntarily enters into any amended or additional conditions. A property owner may withdraw all or part of his/her offer of conditions any time prior to final rezoning action of the City Council provided that, if such withdrawal occurs after the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.



ELIGIBILITY CRITERIA

The eligibility criteria for a REZONING are as follows:

1. The subject property has not received a rezoning application denial in the last one (1) year for a rezoning to the same proposed district as the current application.
- OR
2. The subject property has received a rezoning application denial in the last one (1) year for a rezoning to the same proposed district as the current application but the Zoning Administrator or Building Official has determined that it meets one (1) or more of the criteria for reapplication under Section 13.1.5. These criteria are as follows:
 - a. There is a substantial change in circumstances relevant to the issues or facts considered during review of the application.
 - b. New or additional information is available that was not available at the time of the review.
 - c. The new application is materially different from the prior application.

CONDITIONAL REZONING SPECIAL REQUIREMENTS

The following items must be complied when offering conditions:

1. The property owner's offer of conditions may not authorize uses or developments not permitted in the requested new zoning district.
2. The property owner's offer of conditions shall bear a reasonable and rational relationship to the property for which the rezoning is requested.
3. Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this Ordinance may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
4. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this Ordinance.
5. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.



EVALUATION CRITERIA

The following criteria shall be used as a basis upon which REZONINGS will be reviewed and approved.

Zoning Ordinance Section 13.1.3 (D)

In considering an amendment to the Official Zoning Map (rezoning), the Planning Commission shall consider the following factors in making its findings and recommendations:

1. Consistency with the Master Plan's goals, policies, and future land use map, including planned timing or sequence of development. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area shall be considered.
2. Compatibility of all the potential uses allowed in the proposed zoning district(s) with the site's physical, geological, hydrological, and other environmental features.
3. Compatibility of all the potential uses allowed in the proposed district(s) with surrounding uses and zoning in terms of suitability, intensity, traffic impacts, aesthetics, infrastructure, and potential influence on property values.
4. Capacity of available utilities and public services to accommodate the uses permitted in the district(s) without compromising the health, safety, and welfare of City residents or burdening the City or Wayne County with unplanned capital improvement costs or other unplanned public expenses.
5. Capability of the road system to safely and efficiently accommodate the expected traffic generated by uses permitted in the zoning district(s).
6. The apparent demand for the types of uses permitted in the district(s) in relation to the amount of land currently zoned and available in the City and surrounding communities to accommodate the demand.
7. The boundaries of the proposed district(s) in relationship to the surrounding area and the scale of future development on the site.
8. The requested rezoning will not create an isolated or incompatible zone in the neighborhood.
9. Other factors deemed appropriate by the Planning Commission and City Council.



GENERAL APPLICATION FORM

NOTICE TO APPLICANT: Applications must be submitted to the City *in substantially complete form*. The application must be accompanied by the data specified in the Zoning Ordinance and Application Completion Checklist, plus the required review fees.

DATE:		PROJECT ADDRESS/NAME:	
APPLICATION TYPE			
Please check the box or boxes for the type of application you are submitting.			
<input type="checkbox"/> Site Plan <input type="checkbox"/> Rezoning <input type="checkbox"/> Special Land Use <input type="checkbox"/> Planned Unit Development (PUD) <input type="checkbox"/> Condominium Development <input type="checkbox"/> Manufactured Home Development <input type="checkbox"/> Plat Review <input type="checkbox"/> Landscape Plan Review		<input type="checkbox"/> Non-use (Dimensional Variance) <input type="checkbox"/> Use Variance <input type="checkbox"/> Land Division (Lot Split) <input type="checkbox"/> Land Combination (Lot Combination) <input type="checkbox"/> Master Deed or Similar Document Review <input type="checkbox"/> Zoning Verification Letter <input type="checkbox"/> Other _____	
APPLICANT		TITLEHOLDER OF PROPERTY (if different than Applicant)	
LEGAL NAME:		LEGAL NAME:	
COMPANY:		COMPANY:	
MAILING ADDRESS:		MAILING ADDRESS:	
CITY, STATE, ZIP:		CITY, STATE, ZIP:	
PHONE:		PHONE:	
EMAIL:		EMAIL:	
SIGNATURE:	DATE:	SIGNATURE:	DATE:
<i>By signing above, it is agreed that: I hereby certify that the information given herein, and that all information and data furnished in connection with this application, is true and correct. I acknowledge that I am solely responsible for any and all errors and omissions.</i>			

**Community Development Department
City of River Rouge, Michigan**



PARCEL ID (PROPERTY TAX ID) NUMBERS	ACREAGE
PROPERTY TAX ID NUMBER(S): # # # #	TOTAL ACREAGE IMPACTED BY DEVELOPMENT: Gross: Net:
ZONING DISTRICT	LAND USE
CURRENT ZONING:	CURRENT LAND USE:
PROPOSED ZONING:	PROPOSED LAND USE:

PROPERTY LEGAL DESCRIPTION
PROPERTY DESCRIPTION: If part of a recorded plat, provide lot numbers and subdivision name. If not part of a recorded plat (i.e., Acreage parcel), provide metes and bounds description. Attach separate sheets if necessary.

ENVIRONMENTAL INFORMATION	
Please check all items that are relevant for your project. The Community Development Department will notify you if you are required to appear before the Environmental Protection Board for any items.	
<input type="checkbox"/> Storage of hazardous materials <input type="checkbox"/> Storage of waste <input type="checkbox"/> Treatment of hazardous materials <input type="checkbox"/> Treatment of waste <input type="checkbox"/> Disposal of hazardous materials <input type="checkbox"/> Disposal of waste <input type="checkbox"/> Use of underground storage tanks <input type="checkbox"/> Use of above ground storage tanks	<input type="checkbox"/> State or County permits for environmental activity <input type="checkbox"/> State or Federal permits for air or water discharges <input type="checkbox"/> Federal RCRA or other environmental permits <input type="checkbox"/> Use of hazardous chemicals

**Community Development Department
City of River Rouge, Michigan**



PROFESSIONALS WHO PREPARED PLANS		
ENGINEERING	ARCHITECTURE	OTHER _____
NAME:	NAME:	NAME:
COMPANY:	COMPANY:	COMPANY:
MAILING ADDRESS:	MAILING ADDRESS:	MAILING ADDRESS:
CITY, STATE, ZIP:	CITY, STATE, ZIP:	CITY, STATE, ZIP:
PHONE:	PHONE:	PHONE:
EMAIL:	EMAIL:	EMAIL:
OTHER ESSENTIAL INFORMATION		
<p>If you would like to mention any other essential information, such as your future plans to apply for another type of review for this property, please write about it here.</p>		
FOR CITY USE ONLY		
PROJECT NAME:		
APPLICATION NUMBER:		
FEE PAID Yes/No: Date Paid: Check #: Check Amount (\$):		
ANTICIPATED FEE BREAKDOWN Planning: Engineering: Building/City: TOTAL ANTICIPATED FEE:		
OTHER NOTES:		



APPLICATION COMPLETION CHECKLIST

Type: Rezoning (or Conditional Rezoning)

Complete all pages of this checklist as a component of your application.

Per Zoning Ordinance Article 13, the general required items of an application for a rezoning (also known as a zoning map amendment) are listed below. Additional detail on exact submission requirements is found on the following pages.

Submission Item	Included in Submission?
1. A completed Application on the City form.	
2. Payment of all required fees and escrows.	
3. 12 copies of the Site Plan, drawn to an appropriate scale and presented on 11" by 17" paper as well as provided in PDF form via email or USB.	
4. A written description of the proposed amendment (the "narrative").	
5. Any additional information required by guidelines adopted by the City Planning Commission must also be supplied. Other data may be required if deemed necessary by the Planning Commission or City staff to determine compliance with provisions in these regulations. Such information may include traffic studies, market analysis, environmental assessment, and evaluation of the demand on public facilities and services.	

Please check the box below if you are applying for a *conditional* rezoning.

A conditional rezoning is when a property owner voluntarily offers, in writing, to establish conditions on their property that restrict the use and/or development of land for which a rezoning is requested. The property owner may make this offer when the application for rezoning is filed or later during the rezoning process. More information on conditional rezoning can be found in Section 13.2 of the Zoning Ordinance.

YES, I am applying for a conditional rezoning, and I voluntarily propose the following conditions:



ITEMS THAT MUST BE INCLUDED ARE SHADED IN WHITE.

ITEMS NOT APPLICABLE TO THE SITE PLAN OR WRITTEN NARRATIVE ARE SHADED GREY.

If an **item that is NOT ALREADY SHADED GREY is not applicable to your site** or does not exist on your site (e.g., there are no wetlands on the site, so a wetland review is not necessary), **then please INDICATE THAT IN THE THIRD COLUMN and include and explanation either on the site plan or in the written narrative.**

Submission Item	Shown on Site Plan	Included in Written Narrative Submission or Appended	Not Applicable (N/A)
1. A legal description and street address of the subject property, together with a survey and location map identifying the subject property in relation to surrounding properties			
2. The name and address of the owner of the subject property, and a statement of the applicant's interest in the subject property, if not the owner in fee simple title.			
3. The existing and proposed zoning district designation of the subject property and surrounding properties			
4. A written description of how the requested amendment meets the criteria stated in this Section.			