

08/09/2005

ORDINANCE NO. ____

AN ORDINANCE TO AMEND SECTION 138-7 OF CHAPTER 138, ZONING, OF THE CODE OF ORDINANCES OF THE CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, TO PRESCRIBE A PROCEDURE FOR CONSIDERING CONDITIONAL REZONING REQUESTS, TO REPEAL CONFLICTING ORDINANCES AND TO PRESCRIBE A PENALTY FOR VIOLATIONS.

THE CITY OF ROCHESTER HILLS ORDAINS:

Section 1. Section 138-7 of Chapter 138 of the Code of Ordinances shall be amended, as follows:

Sec. 138-7. Changes and amendments.

(a) The city council may, from time to time, on recommendation from the city planning commission or on its own motion or on petition, amend, supplement, modify or change this chapter in accordance with the authority of Public Act No. 207 of 1921 (MCL 125.581 et seq., ~~MSA 5.2931 et seq.~~). Upon presentation to the city of a petition for amendment of such ordinance by an owner of real estate to be affected, such petition shall be accompanied by a fee as provided in section 110-438. The amount of such fee shall be set by resolution of the city council and shall be used to defray the expense of publishing the required notices and the expense of such planning commission.

(b) In addition to the requirements of subsection (a), above, upon presentation to the city of a petition requesting conditional rezoning of land pursuant to Public Act 579 of the Public Acts of 2004 (MCL 125.584g), the landowner shall offer, in writing, the landowner's proposed conditions concerning use and development of the land as a condition of the proposed rezoning. Prior to scheduling the conditional rezoning request for public hearing, the planning commission shall, unless deemed unnecessary by the Planning Commission or Planning Department Director, meet with the landowner to discuss the rezoning request and the proposed conditions and to determine whether additional or different information is needed in order to further process the conditional rezoning request.

Section 2. Severability. This ordinance and each article, section, subsection, paragraph, subparagraph, part, provision, sentence, word and portion thereof are hereby declared to be severable, and if they or any of them are declared to be invalid or unenforceable for any reason by a court of competent jurisdiction, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

Section 3. Penalty. All violations of this ordinance shall be municipal civil infractions and upon a determination of responsibility therefor shall be punishable by a civil fine of not more than \$500.

Section 4. Repeal, Effective Date, Adoption.

(1) Repeal. All regulatory provisions contained in other City ordinances, which are inconsistent with the provisions of this ordinance, are hereby repealed.

(2) Effective Date. This ordinance shall become effective on _____, following its publication in the *Rochester Eccentric* on _____.

(3) Adoption. This ordinance was adopted by the City Council of the City of Rochester Hills at a meeting thereof held on Wednesday, _____.

Pat Somerville, Mayor
City of Rochester Hills

CERTIFICATE

I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Rochester Hills at a meeting thereof on Wednesday,

_____.

Jane Leslie, Clerk
City of Rochester Hills