



# CITY OF BRIDGMAN REZONING APPLICATION

9765 Maple St, Bridgman, MI 49106

(269) 465 - 5144 ext. 107

APPLICATION FEE (PAYABLE TO CITY OF BRIDGMAN): \$500.00

## FOR OFFICIAL USE ONLY: PAYMENT RECEIVED

TYPE: Cash    Check    Money Order    Credit Card

DATE: \_\_\_\_\_

AMOUNT: \_\_\_\_\_

\_\_\_\_\_ **Straight Rezoning**  
(to new zoning district)

\_\_\_\_\_ **Conditional Rezoning**  
(to allow specific use/development)

Property Tax ID of Affected Parcel(s) \_\_\_\_\_

### APPLICANT

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_ FAX: \_\_\_\_\_

EMAIL: \_\_\_\_\_

### OWNER (if different from applicant)

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ CITY/STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

PHONE: \_\_\_\_\_ FAX: \_\_\_\_\_

EMAIL: \_\_\_\_\_

**\*\*If the applicant is not the property owner, a letter signed by the owner agreeing to the Rezoning must be included with the application.**

### EXISTING CONDITIONS

Address(es) of property for which the request is being sought: \_\_\_\_\_

Current use of the property: \_\_\_\_\_

List existing structures on the property, size, and the approximate age of each. \_\_\_\_\_

Has property involved ever been the subject of a previous application? If yes, please list each one and the date the request came before the Planning Commission. \_\_\_\_\_

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**FOR STRAIGHT REZONING REQUESTS ONLY:**

Current Zoning of Property: \_\_\_\_\_

Requested Zoning District: \_\_\_\_\_

Describe land uses surrounding the subject property and those in the vicinity: \_\_\_\_\_

Would the rezoning place excess demands on public resources including roads, utilities, public safety, etc.?

Explain: \_\_\_\_\_

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**FOR CONDITIONAL REZONING REQUESTS ONLY (please attach extra pages if necessary):**

What is the proposed use of the property that warrants the request? Provide specific details as to the use including square footage of each uses proposed for the property: \_\_\_\_\_

Please list all activities that will take place on the property if the request were approved?

How many employees currently work on the property? How many will be added if the request is approved, and what days/times will they be onsite? \_\_\_\_\_

Will the approval of the proposed use necessitate changes to the property, i.e. building construction, additional parking, landscaping, driveways, fencing? If yes, please provide a list of property improvements that will be associated with the development and attach a site plan/building elevations showing existing and proposed improvements. What is the cost of investment proposed if the development were approved?

What are the proposed hours of operation? Please indicate if the proposed use will be temporary, seasonal, or long term in nature, providing dates and timeframes if applicable: \_\_\_\_\_

Explain the basis for which you feel this application should be approved. \_\_\_\_\_

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**SUBMITTAL REQUIREMENTS**

Each request requires the following items to be submitted along with the completed application; incomplete applications will not be forwarded to the Planning Commission.

1. **Payment of an initial deposit of \$500.00, made payable to the City of Bridgman.**
2. **An affidavit authorizing an applicant to act on behalf of the owner if the petitioner is not the owner.**
3. **Legal description of subject property and a list of all deed restrictions.**
4. **Property Site Plan, if site changes are proposed.**
5. **Building Elevations, if building elevation improvements are proposed.**

**APPLICANT SIGNATURE**

By signing this application, the applicant hereby declares that all answers given herein are true to the best of their knowledge, and confirms that all information required for submission of a rezoning application have been submitted. Furthermore, the applicant understands that all any approval is based upon the contents of the submitted application and any future proposed change must be reviewed with the Zoning Administrator and may be subject to approval of a revision of the rezoning by the Planning Commission and City Council.

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**(Signature) Name**

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**(Print Name)**

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**Date**

Review Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Forwarded to the Planning Commission: Yes    No

Proposed Meeting Date: \_\_\_\_\_

Reviewed by: \_\_\_\_\_

Zoning Administrator

Scheduled by: \_\_\_\_\_

City Clerk

## 8.02 PERMITS

No building, structure (including fences), nor other improvement shall hereafter be moved, relocated, constructed, remodeled or altered, nor shall any use be made of any parcel of land or building in the City of Bridgman until a permit therefore shall have been issued by the Building Inspector and/or Zoning Administrator. After the issuance of such a permit, no building, structure, improvement or land use may be occupied, begun or benefit received therefrom until the Building Inspector and/or Zoning Administrator shall have made a full inspection thereof and issued a certificate of occupancy and compliance, showing that the proposed use of the building or premises complies with all ordinance of the City of Bridgman, and of the County of Berrien, and statutes of the State of Michigan. Applicable fees and application requirements shall be as stipulated in this Zoning Ordinance.

## 8.03 PROPERTY DIVISION REQUIREMENTS

No lot, out lot or other parcel of land located in the City of Bridgman shall be further partitioned or divided unless such partition or division is first approved, according to the following procedures:

- A. Any proprietor who desires to partition or divide a lot, outlot or other parcel of land located in the City of Bridgman shall first make application to the City in writing or such form or forms as shall be provided by the City. Such application shall be filed with the Zoning Administrator and shall include a detailed statement of the reasons for the requested partition or division, a sketch map or maps prepared in scale showing the proposed division or partition and all adjoining lots, streets and parcels of land and a statement that the effect of the proposed division or partition will not violate any provisions of this ordinance, the Land Division Ordinance or adversely affect health, safety or welfare.
- B. No building permit shall be issued to any proprietor or his agent or any other person, firm, association, or corporation with reference to the lot, outlot, or parcel of land which is to be divided unless the partition or division shall first have been approved by the City pursuant to the City Land Division Ordinance.

## SECTION 8.04 AMENDMENTS

Amendments to this Ordinance may be initiated by the City Council by resolution or by any interested person or person by petition to the City Council.

- A. Amendment Petition Procedure. All petitions for amendment to this Ordinance shall be in writing signed, and filed with the Zoning Administrator. Such petitions shall include the following:
  1. The petitioner's name, address, and interest in the petition as well as the name, address, and interest of every person having a legal or equitable interest in any land which is to be rezoned;
  2. The nature and effect of the proposed amendment;
  3. If the proposed amendment would require a change in the Zoning Map, a fully dimensioned

map showing the land which would be affected by the proposed amendment, a legal description of such land, the present zoning district of the land, the zoning district of all abutting lands, and all public and private right-of-way and easements bounding and intersecting the land to be rezoned;

4. The alleged error in the ordinance which would be corrected by the proposed amendment, with a detailed explanation of such alleged error and detailed reason why the proposed amendment will correct the same.
5. The change or changing conditions in the area or the City that make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare;
6. All other circumstances, factors, and reasons which the petitioner offers in support of the proposed amendment.

B. Applicable Factors. When reviewing an amendment request, the City may consider, but shall not be limited to the following:

1. Whether the proposed change is in accordance with the City's Master Plan.
2. Whether the proposed change represents a form of spot zoning.
3. Whether the proposed use would be incompatible with existing (and/or future) uses in the area.
4. Whether the proposed change would negatively affect the City's ability to implement or follow the Master Plan for the area.
5. Whether the proposed use would add more acreage than can be justified, thereby detracting from the City's ability to develop according to the Master Plan.
6. Other factors set forth in the Zoning Enabling Act, Act 110 of 2006, as amended.

C. Amendment Procedure.

1. After initiation, amendments to this Ordinance shall be considered as provided in the Zoning Enabling Act, Act 110 of 2006, as amended.

## 8.05 CONDITIONAL REZONING

It is recognized that there are certain instances where it would be in the best interest of the City, as well as advantageous to property owners seeking an amendment to zoning boundaries, if certain conditions could be proposed by property owners as part of a request for rezoning. It is the intent of this section to provide a process consistent with PA 110 of 2006, as amended by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.

- A. Any interested property owner may voluntarily offer in writing, and the City may approve, certain uses and/or development of the land or other activities as a condition to a rezoning of the land, as set forth herein.

B. Application Procedure. If the applicant wishes to submit an offer of conditions or restrictions along with a petition to rezone land, the applicant shall do so in writing. The offer of conditions or restrictions shall be received with the application to rezone the land.

1. The applicant may request a per-application meeting, in which the Zoning Administrator and other City officials may identify concerns reasonably related to the rezoning request. The City shall not require the applicant to offer conditions or restrictions as a prerequisite for rezoning nor shall the presentation of an offer of conditions or restrictions create any obligation on the part of the City to rezone any land.
2. The City shall not add to, alter, or augment the offer of conditions or restrictions.
3. If an offer of conditions is proposed at a Planning Commission public hearing on the rezoning request, the public hearing may be adjourned or recessed to provide the City time to consider the offer; and if an offer of conditions is proposed at a City Council meeting, the rezoning request and such conditions shall be remanded back to the Planning Commission for consideration.
4. The Planning Commission or City Council may table a request to give residents of the City more time to fully understand the offer of conditions.
5. The offer of conditions may not purport to authorize uses or developments not permitted in the requested zoning district.
6. The applicant's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
7. Any use or development proposed as part of an offer of conditions that requires a special use permit, variance, and/or site plan approval under the terms of this Ordinance shall also comply with such other applicable provisions or regulations.

C. Standards of Approval for Conditional Rezoning.

1. When reviewing a rezoning request and an offer of conditions, the City may consider, but shall not be limited to; future land use recommendations in the Master Plan, as amended; goals and objectives in the Master Plan, as amended; the availability and capacity of utilities; potential impact on neighboring land uses and the natural environment; and other concerns related to the general welfare, safety and health of area residents,
2. Offers of conditions shall not be approved if such conditions violate or cause a violation of this Ordinance or other regulations or ordinances promulgated by, or applicable in, the City of Bridgman.

3. When considering an offer of conditions, the City Council may determine whether the conditions offered would address or mitigate impacts that might otherwise be reasonably expected to result from the rezoning request.

D. Expiration of Agreement, Reversion and Extensions.

1. In approving the conditions, the City Council may establish a time period during which the conditions apply to the land. Except for an extension under subparagraph 3 hereof, if the conditions are not satisfied within the time specified, the land shall revert back to its former zoning classification, as set forth in subparagraph 4 hereof.
2. Neither the applicant nor the City Council shall add to or alter the approved conditions during the time period specified in subparagraph 1.
3. The time period specified in subparagraph 1 may be extended upon the request of the applicant and with the approval of the City Council.

E. If the conditions are not satisfied or the restrictions are not established within the specified time period, the Zoning Administrator shall initiate the reversion process, in which the land reverts back to its former zoning classification, in accordance with this paragraph. At a public hearing, the Planning Commission shall determine whether the applicant has failed to satisfy the approved conditions, shall state what specific conditions were not met, shall note all comments and reports requested or the absence of such, and shall recommend to the City Council whether to rezone the land back to its former zoning classification. The City Council shall make a decision as to the rezoning of the property.

F. Coordination and Performance Bonds. Where proposed conditions involve public improvements, the applicant shall submit the following to the City Council prior to final approval of the rezoning and offer of conditions:

1. A construction schedule.
2. Costs and obligations.
3. Responsible parties for obtaining permits.
4. Proof, in writing, that applicable utility or regional agencies or reviewing bodies have reviewed and approved final design of said public improvements.
5. The City Council may require a performance bond or similar financial guarantee in a form approved by the City Attorney, as part of the agreement or approval.

G. Recording.

1. If the City Council finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal

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written Statement of Conditions acceptable to the owner and conforming to the provisions of this section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the City Council to accomplish the requested rezoning. The Statement of Conditions shall:

2. Be in a form acceptable to the City Attorney and recordable with the Register of Deeds of Berrien County in which the subject land is located.
  3. Contain a legal description of the land to which it pertains.
  4. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successive owners of the land.
  5. Incorporate, by attachment, any diagrams, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions.
  6. Contain the notarized signature of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.
  7. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions.
- H. Amendment of Conditions. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for in the original rezoning and statement of conditions.
- I. Failure to Offer Conditions. The City shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.

### 8.06 PUBLIC HEARING PROCESS

Where this Ordinance requires the City to provide notice of a public hearing for any decision or action permitted, authorized or required by this Ordinance or under Act 110 of the Public Acts of 2006 as amended, notice of the public hearing shall be given as follows:

- A. The notice shall be published once, at least 15 days prior to the date of the public hearing, in a newspaper of general circulation in the City. Publication on the City's website is also required.
- B. Except as provided in subsection 4 below, a notice of public hearing shall also be mailed or personally delivered to the following persons, at least 15 days prior to the date of the public hearing:
  1. The applicant;
  2. The owner or owners of the subject property;
  3. All persons to whom real property is assessed within 300 feet of the property that is the subject to the application or request, even if the 300 feet extends outside of the City's boundaries; and
  4. The occupants of all structures within 300 feet of the property that is the subject of the application or request, even if the 300 feet extends outside of the City's boundaries. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.

- C. The notice of public hearing shall include the following information:
  1. A description of the nature of the proposed amendment, application or request.
  2. An identification of the property that is the subject of the application or request, if applicable. Except as provided in subsection 4 below, the notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property and another means of identification of the property shall be used.
  3. State when and where the application or request will be considered.
  4. Identify when and where written comments will be received concerning the application or request.
  5. In the case of an amendment to the Ordinance or to the Zoning Map, the notice shall indicate the place where and the times when the proposed text or map amendment may be examined.
- D. When a proposed rezoning involves the text of the Zoning Ordinance or 11 or more adjacent properties, or when a petition to the Zoning Board of Appeals involves an interpretation of the Zoning Ordinance or an appeal of an administrative decision that does not involve a specific parcel, the mailing or delivery requirements shall be as per the requirements outlined in Act 110 of the Public Acts of 2006, being the Michigan Zoning Enabling Act, as amended.
- E. For a zoning ordinance amendment, including rezoning of property, the notice shall be given by first-class mail to each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the City for the purpose of receiving the notice of public hearing.
- F. After providing the notice required under this section and without further notice, except that as required



under the Open Meetings Act, the body holding the public hearing may adjourn from time to time a duly called public hearing by passing a motion specifying the time, date, and place of the continued public hearing.

### 8.07 REHEARING

No application for a Special Land Use, Site Plan Review, Conditional Rezoning, or Variance which has been denied, in whole or in part, by either the Planning Commission or the Zoning Board of Appeals may be resubmitted for a period of twelve (12) months from the date of the denial, except on the grounds of newly discovered evidence, or unless the site plan is substantially changed in the opinion of the Zoning Administrator.

### 8.08 ZONING BOARD OF APPEALS

There is hereby established a Zoning Board of Appeals in accordance with the Michigan Zoning Enabling Act (being Act 110 of the Public Acts of 2006). The Zoning Board of Appeals shall perform its duties and exercise its powers as provided by said Act and in accordance with the provisions of this Article and in such a way that the objectives of this Ordinance may be equitably achieved; that there shall be provided a means for competent interpretation and controlled flexibility in the application of this Ordinance; that the health, safety, and welfare of the public be secured; and that substantial justice be secured. Membership, terms, alternates and rules of procedure shall be as outlined in the Zoning Board of Appeals Bylaws.

- A. The Zoning Board of Appeals shall act upon all questions as they may arise in the administration of this Ordinance, including the interpretation of the zoning maps, and may fix rules and regulations to govern its procedures. It shall also hear and decide appeals from and review any order, requirements, decision or determination made by the administrative official charged with enforcement of this Ordinance. It shall also hear and decide all matters referred to it or upon which it is required to pass under this Ordinance. Such appeal may be taken by any person aggrieved or by any officer, department, board or bureau of the City, County, or State.
  - 1. On matters involving an appeal of a decision or interpretation by the Zoning Administrator, the Zoning Board of Appeals shall review the record and any relevant materials submitted by the Zoning Administrator and appellant, and render a decision to affirm or reverse the decision or interpretation of the Zoning Administrator.
  - 2. On matters involving an appeal of a decision by the Planning Commission, the Zoning Board of Appeals shall review the record to determine whether the Planning Commission followed required procedures and took into account all relevant facts in reaching its decision. If the Zoning Board of Appeals determines that the Planning Commission failed to follow required procedures or to consider all relevant

facts, it shall take be empowered to act in place of the Planning Commission on the matter under appeal. In so doing, it may affirm or reverse, or alter in any manner, the decision of the Planning Commission based on its review of the record.

- 3. The Zoning Board of Appeals shall not be empowered to hear appeals of decisions on Special Land Uses, to alter or change the zoning district classification of any property, or to make any change in the terms or intent of this Ordinance, or to grant any variances which would allow any land use otherwise not permitted in the zoning district.
- 4. In all cases, the grounds of every determination shall be stated.

B. Variances. The Zoning Board of Appeals shall have the power to authorize, upon an appeal, specific variances from such requirements as lot area and width regulations, building height regulations, yard and depth regulations, and off-street parking and loading space requirements provided it finds, based on competent material and substantial evidence, that all of the following standards are met:

- 1. That the variance is necessitated by unique or unusual circumstances or physical conditions of the property involved, such as narrowness, shallowness, shape, topography, surface water or other extraordinary conditions not typically found on similar properties.
- 2. That the need for the variance is not based on the applicants' personal circumstances or economic hardship.
- 3. That the variance is not necessitated by, nor the result of, actions or negligence of the applicant or current or previous property owners.
- 4. That the requested variance shall not be contrary to the public interest or to the intent and purpose of this Ordinance.
- 5. That the requested variance shall not permit the establishment within a district of any use which is not permitted by right within that zone district, or any use for which a special land use permit is required.
- 6. That the requested variance shall not cause a substantial adverse effect upon properties in the immediate vicinity or in the district in which the property of the applicant is located.
- 7. That the conditions or situations which necessitate the requested variance is not so general or of such recurrent nature as to make the formulation of a general regulation for such conditions reasonably practical.
- 8. That the requested variance shall relate only to property that is under control of the applicant.
- 9. That there is no reasonable alternative loca-

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