

# City of Boyne City Conditional Rezoning Presentation

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For Redevelopment Ready Communities  
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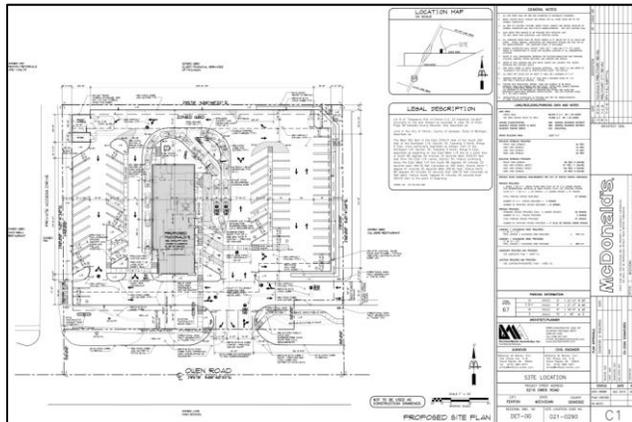
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# Traditional Rezoning Request

Any of the uses allowed in the requested zoning District can be established, regardless of representations by the applicant



- Single-family detached dwellings
- Public, parochial, and private schools
- Family day care homes
- Hospitals, convalescent and nursing homes, and funeral homes
- Tourist homes, boardinghouses, roominghouses

# Why is this Important?

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- Some proposed uses may be acceptable in requested zoning district but not others
- The submitted concept plan is not binding
- Conditions to ensure compatibility with surrounding uses may not be available
- If all ordinance conditions have been met, the development request must be approved

# Conditional Rezoning Request

Provides flexibility to both property owners/developers and City

*Conditions are attached to the rezoning request including items such as use, site layout, type of building, landscaping, etc.*

# Michigan Zoning Enabling Act (MZEA) Conditional Rezoning Requirements

1. *A conditional rezoning request must be voluntarily offered by the applicant*

# Michigan Zoning Enabling Act (MZEA) Conditional Rezoning Requirements

- 2. The City can establish a time period for satisfaction of conditions*

# Michigan Zoning Enabling Act (MZEA) Conditional Rezoning Requirements

3. *The City cannot add to or amend conditions*

# Michigan Zoning Enabling Act (MZEA) Conditional Rezoning Requirements

- 4. The applicant may apply for, and the City can approve, a time extension for completion of the conditions*

# Michigan Zoning Enabling Act (MZEA) Conditional Rezoning Requirements

- 5. The City cannot require the applicant to offer conditions as a requirement for a rezoning*

# Challenges with Conditional Rezoning

- All conditions must be offered by the applicant.
  - Conditions cannot be requested or required by the Planning Commission or City Commission.
  - Applicant has to “guess” about what the required conditions might be.
  - A significant investment must be made by applicant to provide detailed conditions without knowing if they are acceptable.
  - A potentially acceptable request might be denied due to the lack of information provided.
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# Conditional Rezoning Dilemma

## *Applicant Uncertainty vs City Need for Information*

Both have valid concerns but how can they be addressed through a conditional rezoning request, given Act requirements?

# Possible Solutions for Conditional Rezoning Requests

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Recommend that the applicant meet with neighbors and abutting property owners before submitting a request.

- Informal feedback to applicant.
- Will focus applicant and consultants on key questions that need to be answered.
- Helps identify possible conditions that are needed.

# Possible Solutions for Conditional Rezoning Requests

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Have the applicant work with City staff and consultants to identify issues and possible solutions prior to submission of request.

- Possible conditions can be discussed with staff prior to submission.
- If additional studies are needed by the applicant, they can be discussed & reviewed by staff.

# Possible Solutions for Conditional Rezoning Requests

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Make sure that applicant provides sufficient information for City to make a determination.

- A bare bones request that does not address key issues is likely to be denied.
- Staff/consultant reports can provide background on preliminary discussions.
- Conditions offered should address key concerns identified during preliminary investigation.

# Possible Solutions for Conditional Rezoning Requests

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The applicant can provide enough information for approval and voluntarily include as a condition that site plan approval will be obtained.

- Lengthens the process but focuses the request on key issues and not site details.
- Reduces the number of rezoning conditions.
- Gives applicant assurance that only minor items are left for site plan review.

# QUESTIONS OR COMMENTS

