

5. Rezoning Requests ([Section 15.07](#))
6. Site Condominiums ([Section 5.04](#))
7. Special Land Use Requests ([Section 15.05](#))
8. Other items forwarded onto the Technical Review Committee by the Planning and Zoning Administrator

## Section 14.03 City Council

1. City Council shall act as the final approving body for the following types of applications:
  - A. Ordinance Text Amendments ([Section 15.07](#))
  - B. PUDs ([Section 5.05](#))
  - C. Rezoning Requests ([Section 15.07](#))
  - D. Residential Cluster Subdivisions ([Section 5.02](#))
  - E. Special Land Use Requests ([Section 15.05](#))

## Section 14.04 Planning Commission

The Planning Commission is hereby designated as the Commission specified in the Michigan Planning Enabling Act, Act 33 of 2008, and shall perform the duties of said Commission as provided in the statute in connection with the amendments of this Ordinance. The Planning Commission is responsible for review and approval of certain Major Site Plans ([Section 15.04\(3\)\(D\)](#)) and Site Condominiums ([Section 5.04](#)) and certain Temporary Use permits (Section 7.0343) and Section 15.08). The Planning Commission acts in an advisory capacity for Special Land Uses ([Section 15.05](#)), Ordinance Text Amendments ([Section 15.07](#)), PUD's ([Section 5.05](#)), Residential Cluster Subdivisions ([Section 5.02](#)), and Rezoning Requests ([Section 15.07](#)).

## Section 14.05 Zoning Board of Appeals

1. **Creation and Membership.**
  - A. There shall be established and appointed by council of the City of Madison Heights, in accordance with the Michigan Zoning Enabling Act 110 of 2006, as amended, a Zoning Board of Appeals. The Zoning Board of Appeals shall consist of nine members, who shall be appointed by the council for terms of three years each.
  - B. City Council may also appoint, in accordance with the procedure specified in the Zoning Ordinance, not more than two alternate members for the same term as regular members of the Zoning Board of Appeals. The alternate members may be called on a rotating basis as specified in the Zoning Ordinance to sit as regular members of the Zoning Board of Appeals in the absence of a regular member. An alternate member may also be called to serve in place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.
  - C. The Zoning Board of Appeals has the following duties and responsibilities:
    - (1) Dimensional Variances, in accordance with [Section 15.06](#); Administrative Appeals, in accordance with [Section 15.06](#); Alteration of non-conformities, in accordance with [Section 13.01](#).
    - (2) **Interpretation of Zoning Ordinance Regulations:** The Zoning Board of Appeals has the power to make an interpretation of the regulations of this Zoning Ordinance where it is alleged that certain regulations are not clear or that they could have more than one meaning. In deciding upon the request, the Zoning Board of Appeals

Appeals shall ensure that its interpretation is consistent with the intent and purpose of this Ordinance and the article in which the language in question is contained.

D. In the first instance, three of said members shall be appointed for a one-year term, three of said members shall be appointed for a two-year term, and three of said members shall be appointed for a three-year term; except that the term of any elected officer who may be appointed to the board shall expire upon the expiration of his term in office, or the expiration of his term upon the Zoning Board of Appeals, whichever event is first. All members of the Zoning Board of Appeals appointed to said board prior to the enactment of this Ordinance shall continue in office for the remaining portion of their term. All of the members of the board shall be citizens of the United States and resident of the City of Madison Heights for a full two-year period prior to appointment. Members of the board may be removed only as provided in section 5.4 of the City Charter. Any vacancy in the board shall be filled by the council for the remainder of the unexpired term.

2. **Procedure of Zoning Board of Appeals.**

A. Meetings of the board shall be heard at the call of the chairperson and at such other times as the board may determine by rule. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses.

B. All meetings of the board shall be open to the public. The board shall adopt its own rules or procedures and shall maintain a record of its proceedings which shall be a public record. The fees to be charged for appeals shall be set by resolution of the city council.