

ORDER No. 2014-038

ORDER OF THE EMERGENCY MANAGER OF THE CITY OF ALLEN PARK, COUNTY OF WAYNE, STATE OF MICHIGAN TO ADOPT ORDINANCE 04-2014 AND MAP AMENDMENTS TO CHAPTER 52 OF THE ALLEN PARK CODE OF ORDINANCES, REVISING ARTICLE III (DISTRICT REGULATIONS) AND ARTICLE IV (SUPPLEMENTAL REGULATIONS) TO CREATE A NEW C-6C SOUTHFIELD ROAD MIXED USE DEVELOPMENT DISTRICT AND ESTABLISH REGULATIONS FOR THE DISTRICT.

WHEREAS, under Local Government Fiscal Responsibility Act, Act 72, Public Acts of Michigan, 1990, as amended ("Act 72") and as superseded by the Local Financial Stability and Choice Act, Act 436, Public Acts of Michigan, 2012 ("Act 436"), as well as any successor Acts, and a Contract (the "Contract") dated October 25, 2012 between the State of Michigan and Joyce A. Parker, Joyce A. Parker has been appointed as the Emergency Manager (the "EM") of the City of Allen Park, County of Wayne, Michigan (the "City") and is thereby charged with the power and authority to take all actions necessary to develop and implement financial and operational plans, to regulate expenditures, investments, ensure compliance with federal, state and local laws, regulations, rules, local laws and make provisions for services essential to the public health, safety, and welfare of the City of Allen Park, including the power to exercise the authority and responsibilities of the Mayor, the Chief Administrative Officer of the City, and of the City Council, as the governing body of the City, concerning the adoption and enforcement of ordinances and resolutions affecting the financial condition of the City as provided in the Home Rule City Act, Act 279, Public Acts of Michigan, 1909, as amended ("Act 279"); and

WHEREAS, pursuant to Act 436 and specifically MCL 141.1552(1)(dd) an emergency manager is authorized and empowered to exercise solely, for and on behalf of the local government, all other authority and responsibilities of the chief administrative officer and governing body concerning the adoption, amendment, and enforcement of ordinances or resolutions of the local government as provided in enumerated acts under the law, including, but not limited to the home rule city act, 1909 PA 279, MCL 117.1 to 117.38 and take any other action or exercise any power or authority of any officer, employee, board, and commission, recognizing that the power of the emergency manager shall be superior to and supersede the power of any of the aforementioned officers or entities;

WHEREAS, the City wishes to make the parcel upon which Allen Park City Hall presently sits and the adjacent 104 acres of land often referred to as 'the Southfield Lease properties' more attractive to interested buyers by expanding the type and kind of land uses that would be permissible and establishing a new zoning district, referenced as C-6C Southfield Road Mixed Use Development District, within which to set forth parameters of this new district.

WHEREAS, the proposed text of the C-6C Southfield Road Mixed Use Development District and map amendment to Chapter 52 (Zoning) of the Allen Park Code of Ordinances is attached to this ORDER. The proposed text amendment will revise Article III (District Regulations) and Article IV (Supplemental Regulations) to create a new C-6C Southfield Road Mixed Use Development District and establish regulations for the district pertaining to permitted uses, accessory uses, regulated uses, use restrictions, area, height, bulk and placement requirements, and protective screening. The proposed amendment to the Official Zoning Map will rezone the following properties from the RD, Research and Development District to the proposed C-6C, Southfield Road Mixed Use Development District: Property ID# 30-001-01-0002-005, commonly known as 16850 Southfield; Property ID# 30-001-01-0002-006, commonly known as 17000 Southfield; Property ID# 30-001-01-0003-007, commonly known as 16630 Southfield, Property ID# 30-001-01-0003-008, commonly known as 16650 Southfield; Property ID# 30-005-99-0001-001, commonly known as 17200 Southfield; Property ID# 30-005-99-0002-001, commonly known as 17100 Southfield; Property ID# 30-008-99-0001-701, commonly known as 8310 Enterprise; and, Property ID# 30-008-99-0001-702, commonly known as 8000 Enterprise.

WHEREAS, on Wednesday, July 16, 2014 the Planning Commission, at a properly scheduled and noticed meeting and following a 15 day notice period regarding the proposed changes to the Zoning Ordinance, received a detailed presentation on the proposed changes and held a public hearing to allow the community to comment and ask questions on the proposed new and amended City Ordinances. The public hearing was appropriately publicized in the News Herald according to the provisions and requirements of the Allen Park Charter Following said public hearing, the Planning Commission voted to recommend to the Emergency Manager the adoption of the proposed text and map amendments to the Zoning Ordinance.

WHEREAS, in furtherance of the enactment of the afore referenced City Ordinance amendments and additions, the Emergency Manager requested the Allen Park City Council to review and recommend for adoption said Ordinance amendments, additions, concurring with the recommendation voted upon by the Planning Commission. At a regularly scheduled meeting of the City Council held Tuesday, July 22, 2014, the Allen Park City Council voted unanimously to approve and recommend to the Emergency Manager the adoption of the subject Ordinance Amendments and additions, as attached.

WHEREAS, this **ORDER** is necessary in order to carry out the duties and responsibilities required of the Emergency Manager as set forth in Public Act 436, the Contract and the emergency financial plan;

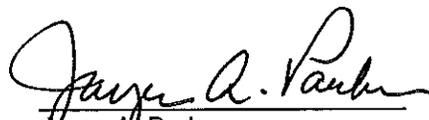
RESOLVED, NOW THEREFORE, IT IS HEREBY ORDERED BY THE EMERGENCY MANAGER OF THE CITY OF ALLEN PARK, PURSUANT TO PUBLIC ACT 436 of 2013, THE CONTRACT, AND ALL OTHER RELEVANT LEGAL MANDATES THAT:

1. The new and amended Ordinance provisions, which are attached to this **ORDER** in their entirety, are hereby adopted and enacted into law pursuant to the Allen Park City Charter and Michigan's Zoning Enabling Act, said Ordinance Amendments summarized as follows :

The text amendment will revise Article III (District Regulations) and Article IV (Supplemental Regulations) to create a new C-6C Southfield Road Mixed Use Development District and establish regulations for the district pertaining to permitted uses, accessory uses, regulated uses, use restrictions, area, height, bulk and placement requirements, and protective screening. The proposed amendment to the Official Zoning Map will rezone the following properties from the RD, Research and Development District to the proposed C-6C, Southfield Road Mixed Use Development District: Property ID# 30-001-01-0002-005, commonly known as 16850 Southfield; Property ID# 30-001-01-0002-006, commonly known as 17000 Southfield; Property ID# 30-001-01-0003-007, commonly known as 16630 Southfield, Property ID# 30-001-01-0003-008, commonly known as 16650 Southfield; Property ID# 30-005-99-0001-001, commonly known as 17200 Southfield; Property ID# 30-005-99-0002-001, commonly known as 17100 Southfield; Property ID# 30-008-99-0001-701, commonly known as 8310 Enterprise; and, Property ID# 30-008-99-0001-702, commonly known as 8000 Enterprise.

2. The summary of the adopted and enacted ordinance changes and additions shall be publicized, in accordance with City Charter provisions pursuant to Article XIII, Section 13, in the News Harold newspaper publications, to appear within ten (10) days of the execution of this **ORDER** adopting and enacting the ordinance amendments and additions as stated herein, with the full text and map of the enacted ordinances available to the public in the Office of the City Clerk.
3. The Emergency Manager finds that emergency conditions exist both financially and in the marketability of the subject properties, therefore, pursuant to the City Charter, these ordinance amendments and additions are, on this date, adopted and enacted and shall take immediate effect upon publication, said emergency enactment is necessary for the immediate preservation of the public peace, property, health, safety and the financial stability of the City.
4. Repeal. All orders of the EFM, resolutions of the City Council of the City and parts of resolutions or orders in conflict with this Order are hereby repealed to the extent of such conflict.

IT IS SO ORDERED this 5th day of August, 2014.


Joyce A. Parker
Emergency Manager
City of Allen Park