

ARTICLE XX

AMENDMENTS

SECTION XX.05 - INTENT & PURPOSE

The intent and purpose of this ~~article~~-Article is to:

- (A) Establish the process to amend this Ordinance;
- (B) Establish decision criteria to be used when reviewing amendments to this Ordinance;
- (C) Ensure this Ordinance is amended to address changed or changing conditions in the Township;
- (D) Ensure this Ordinance is amended in order to conform with changes to the Master Plan, other Township ordinances, ~~other~~ state or federal laws, or court decisions; and
- (E) Allow this Ordinance to be amended to provide for new or additional land uses.

SECTION XX.10 - GENERAL AMENDMENT ~~PROVISIONS~~PROCESS

Amendments to this Ordinance shall be reviewed as described below and in this Article.

- (A) **Initiation:** Amendments to this Ordinance may be initiated by the Township Board, Planning Commission, or one (1) or more property owners affected by the proposed amendment.
- (B) **Application:** The applicant shall submit a complete and accurate application form provided by the Township for that purpose. The application shall include all relevant materials. Submission of an application constitutes a representation that all the information is complete and accurate. ~~This shall not apply to amendments initiated by the Township.~~
- (C) **Fee:** A fee, as established by the Township Board, shall be submitted at the time of application. No fee shall be required if the Township Board or Planning Commission is acting as the applicant on behalf of the Township.
- (D) **Director of Planning and Review:** An application for an amendment of this Ordinance shall be reviewed by the Director of Planning and Zoning for completeness.
 - (1) **Review Letter:** The Director of Planning and Zoning shall issue a review letter within ten (10) days of receiving the application stating whether the application is complete, or, if not, what additional materials or information is necessary for it to be considered complete. This period may be extended at the applicant's request in writing. If the review letter is not issued within the above period, the amendment application shall be placed on the next available Planning Commission agenda.
 - (2) **Filing Date:** The date on which the Director of Planning and Zoning declares an application complete or the expiration of the ten (10) days described above shall be considered the filing date for the application.
- (E) **Scheduling:** Upon declaration of a complete application by the Director of Planning and Zoning, the application shall be placed on the next available agenda for the Planning Commission. The applicant

may request it be placed on a later meeting agenda or may request a special meeting, with payment of an additional special meeting fee.

(F) Right to Enter Property: Submission of a zoning map amendment application shall constitute permission for the Township to access the property to complete onsite investigations for the purpose of administering this Article.

(G) Applicant's Responsibilities: The applicant for a zoning map amendment or conditional zoning map amendment shall post a public notice sign, clearly visible from each adjacent street, on the affected property or properties and shall mark the area in question, at least fifteen (15) days before the public hearing. This shall not apply when a zoning map amendment affects ~~ten-eleven (1011)~~ or more properties or when the Township is ~~the applicant for a zoning map amendment~~ replacing the Official Zoning Map. The signs and marking shall be maintained in good condition until a decision is made.

(H) Notice of Hearing: The Township shall give public notice as outlined in Section ~~xx~~ of this Ordinance and MCL...

(I) Planning Commission Actions Review: Following a public hearing, the Planning Commission shall forward an amendment to the Township Board with a favorable or unfavorable recommendation, ~~within sixty (60) days.~~ OR The Planning Commission, following at least one (1) public hearing, shall forward the amendment of this Ordinance to the Township Board with a favorable or unfavorable recommendation.

(1) Favorable Recommendation: If an amendment to this Ordinance receives a favorable recommendation, the Planning Commission shall cite its reasons. The affirmative vote of at least four (4) members of the Planning Commission shall be necessary to receive a favorable recommendation.

(2) Unfavorable Recommendation: If an amendment to this Ordinance receives an unfavorable recommendation, the Planning Commission shall cite its reasons.

(3) Postpone: If the Planning Commission determines that the amendment to this Ordinance does not contain enough information necessary to conduct a review, additional information is necessary, or significant changes are necessary to receive approval, it may postpone review until a later date and shall cite the reasons for postponement.

(4) Timely Review: The Planning Commission shall take action on amendments to this Ordinance within ninety (90) days of the filing date, unless a delay is agreed to by the Planning Commission and the applicant. The Planning Commission's action, along with any comments received at the public hearing, shall be forwarded to the Township Board within sixty (60) days of its final action.

(J) Township Board Actions: The Township Board may ~~enact~~ adopt, not ~~enact~~ adopt, or return an amendment of this Ordinance. Review shall be conducted at a regular or special meeting called for ~~the that~~ purpose.

(1) Ordinance Adoption: An amendment to this Ordinance shall be in the form of an ordinance and shall require the affirmative vote of at least four (4) members of the Township Board.

(2) First Review: The Township Board shall adopt an amendment to this Ordinance as forwarded by the Planning Commission during its first review, except for minor grammatical corrections, or shall return it to the Planning Commission for further attention. If returned to the Planning Commission, the Township Board shall share a specific list of objections. This shall apply to zoning map amendments, conditional zoning map amendments, and zoning text amendments.

~~(3) Additional Reviews: The Township Board may make any changes to a zoning map or zoning text amendment to this Ordinance once it has been returned from the Planning Commission or may return it to the Planning Commission for further attention.~~

~~(4) Conditional Zoning Map Amendments: The Township Board may only adopt conditional zoning map amendment as forwarded by the Planning Commission or may return it to the Planning Commission for further attention.~~

~~(2) Planning Commission Recommendation: The Township Board shall follow the Planning Commission's recommendation or return the amendment for changes with a specific list of objections at its first consideration of the amendment. If the ordinance amendment is returned, the Planning Commission shall review it at the next available meeting. Once the amendment has been returned to the Township Board, the Township Board shall take any action consistent with this Ordinance. This shall apply to zoning map amendments, conditional zoning map amendments, and zoning ordinance text amendments.~~

~~(K) Publication of Notice of Ordinance Amendments Adoption: Following adoption of an amendment to this Ordinance, At least one (1) notice of adoption shall be published in a newspaper of record within fifteen (15) days of adoption. The notice shall also be published and on the Township's website, if it regularly maintains a website, following adoption of an amendment of this Ordinance. The notice shall contain the following information:~~

- ~~(1) Summary or Text: Either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment;~~
- ~~(2) Effective Date: The effective date of the amendment; and~~
- ~~(3) Time and Place: The time and place where a copy of the amended Ordinance may be inspected or purchased.~~

~~(L) Effective Date: An amendment to this Ordinance shall be effective at 12:01 am seven (7) days after publication in a newspaper of record.~~

SECTION XX.15 - ZONING MAP AMENDMENT

Zoning map amendments, excluding conditional zoning map amendments, shall be reviewed as outlined in this Section.

(A) Application Materials: An application for a zoning map amendment, except those initiated by the Township, shall include the following:

- (1) Application Form:** A signed and completed application form;
- (2) Fee:** A zoning map amendment application fee, as outlined in the adopted fee schedule;
- (3) Site or Plot Plan:** At least fifteen (15) copies of site or plot plans. The applicant may submit one (1) copy with the application and submit the remaining copies following the review of completeness;
- (4) Legal Description:** A legal description of the area to be rezoned; and
- (5) Additional Materials:** Any additional information determined necessary by the Director of Planning and Zoning.

(B) Right to Enter Property: Submission of a zoning map amendment application shall constitute permission for the Township to access the property to complete onsite investigations for the purpose of administering this Article.

(C) Planning Commission Review: Zoning map amendments shall be reviewed by the Planning Commission at a public hearing.

(1) *Possible Action:* The Planning Commission shall forward the zoning map amendment ~~request~~ to the Township Board with a favorable, unfavorable, or no recommendation. The concurring vote of at least four (4) members of the Planning Commission shall be necessary for a favorable recommendation.

(2) *Timely Review:* The Planning Commission shall take action within ninety (90) days of the filing date, unless a delay is agreed to by the Planning Commission and the applicant. The Planning Commission's action, together with any public input, shall be forwarded to the Township Board within sixty (60) days of its final action.

(D) Township Board Review: The Township Board may adopt, not adopt, or return a zoning map amendment. Review shall be conducted at a regular or special meeting called for that purpose.

(1) *Adoption:* A zoning map amendment shall be in the form of an ordinance and shall require the affirmative vote of at least four (4) members of the Township Board.

(2) *First Review:* The Township Board shall adopt the zoning map amendment as forwarded by the Planning Commission during its first review or shall return it to the Planning Commission for further attention. If returned to the Planning Commission, the Township Board shall share a specific list of objections.

(3) *Additional Reviews:* The Township Board may make any changes to the zoning map amendment once it has been returned from the Planning Commission or may return it to the Planning Commission for further attention.

~~(D)~~ **(E) Decision Criteria:** ~~In reviewing zoning map amendments, the~~ The Planning Commission and Township Board shall consider the following in making a recommendation or a decision when reviewing zoning map amendments:

(1) *Master Plan:* The ~~proposed~~ zoning map amendment shall be consistent with the goals, policies, and future land use map of the Master Plan. If conditions have changed significantly since the Master Plan, the ~~proposed~~ zoning map amendment shall be consistent with the recent trends in the area;

(2) *Compatibility with Property:* The possible uses allowed in the proposed zoning ~~district~~ map amendment are compatible with the property's physical, geological, hydrological, and other environmental characteristics;

(3) *Reasonable Use:* It ~~is shall~~ not be possible to receive a reasonable return on investment through developing the property with at least one (1) of the uses permitted under its current zoning district;

(4) *Compatibility with Area:* The possible uses allowed in the proposed zoning ~~map amendment~~ district are shall be compatible with surrounding uses and zoning with respect to land suitability, impacts on the environment, density, nature of use, traffic, aesthetics, infrastructure, and potential influence on property values;

(5) *Infrastructure and Services:* There shall be adequate capacity in the Township to provide sufficient infrastructure and services for possible uses allowed in the zoning map amendment without compromising the general public health, safety, and welfare of the Township;

- (6) *Demonstrated Need:* There ~~is~~ shall be a demonstrated need for property of the proposed zoning district within the Township; and
- (7) *Other Factors:* Other factors deemed appropriate by the Planning Commission and Township Board.
- ~~(E)~~(F) *Reapplication:* A zoning map amendment application that has been denied shall not be resubmitted for a period of one (1) year from the date ~~of~~ the decision became final unless the applicant demonstrates that the conditions that contributed to the denial have substantially changed.

SECTION XX.20 - CONDITIONAL ZONING MAP AMENDMENT

As an alternative to ~~a~~ zoning map amendments, the Township may allow conditional zoning map amendments to help ensure the proper use of land and natural resources and to allow for a more flexible approach to the zoning map amendment process that may be advantageous to both the applicant and the Township. Conditional zoning map amendments shall be reviewed as outlined in this Section.

(A) *Application Materials:* An application for a conditional zoning map amendment, except those initiated by the Township, shall include the following:

- (1) *Application Form:* A signed and completed application form;
- (2) *Fee:* A zoning map amendment application fee, as outlined in the adopted fee schedule;
- (3) *Site or Plot Plan:* At least fifteen (15) copies of site or plot plans. The applicant may submit one (1) copy with the application and submit the remaining copies following the review of completeness;
- (4) *Legal Description:* A legal description of the area to be conditionally rezoned;
- (5) *Zoning Agreement:* A zoning agreement listing conditions proposed by the applicant; and
- (6) *Additional Materials:* Any additional information determined necessary by the Director of Planning and Zoning.

(B) *Right to Enter Property:* Submission of a zoning map amendment application shall constitute permission for the Township to access the property to complete onsite investigations for the purpose of administering this Section.

(C) *Planning Commission Review:* Conditional zoning map amendments shall be reviewed by the Planning Commission at a public hearing.

- (1) *Possible Action:* The Planning Commission shall forward the zoning map amendment request to the Township Board with a favorable or, unfavorable, ~~or no~~ recommendation. The concurring vote of at least four (4) members of the Planning Commission shall be necessary for a favorable recommendation.
- (2) *Timely Review:* The Planning Commission shall take action within ninety (90) days of the filing date, unless a delay is agreed to by the Planning Commission and the applicant. The Planning Commission's action, along with any comments received at the public hearing, shall be forwarded to the Township Board within sixty (60) days of its final action.

(D) *Township Board Review:* The Township Board may adopt, not adopt, or return a conditional zoning map amendment. Review shall be conducted at a regular or special meeting called for that purpose.

(1) Adoption: A conditional zoning map amendment shall be in the form of an ordinance and shall require the affirmative vote of at least four (4) members of the Township Board.

(2) Limitations: The Township Board shall adopt the conditional zoning map amendment as forwarded by the Planning Commission or shall return it to the Planning Commission for changes. If returned to the Planning Commission, the Township Board shall share a specific list of objections.

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~~(D)~~ (E) Decision Criteria: In reviewing conditional zoning map amendments, the The Planning Commission and Township Board shall consider the following in making a recommendation or a decision when reviewing conditional zoning map amendments:

- (1) *Master Plan:* The ~~proposed~~ conditional zoning map amendment shall be consistent with the goals, policies, and future land use map of the Master Plan. If conditions have changed significantly since the Master Plan, the ~~proposed conditional~~ zoning map amendment shall be consistent with the recent trends in the area;
- (2) *Compatibility with Property:* The possible uses allowed in the proposed ~~conditional zoning map amendment~~ district are shall be compatible with the property's physical, geological, hydrological, and other environmental characteristics;
- (3) *Reasonable Use:* It ~~is shall~~ not be possible to receive a reasonable return on investment through developing the property with at least one (1) of the uses permitted under its current zoning district;
- (4) *Compatibility with Area:* The possible uses allowed in the proposed ~~conditional zoning map amendment~~ district are compatible with surrounding uses and zoning with respect to land suitability, impacts on the environment, density, nature of use, traffic, aesthetics, infrastructure, and potential influence on property values;
- (5) *Infrastructure and Services:* There shall be adequate capacity in the Township to provide sufficient infrastructure and services for possible uses allowed in the conditional zoning map amendment without compromising the general public health, safety, and welfare of the Township;
- (6) *Demonstrated Need:* There ~~is shall be~~ a demonstrated need for property of the proposed zoning district within the Township
- (7) *Conditions:* The ~~proposed~~ conditions outlined in the zoning agreement are adequate to mitigate possible negative impacts of the conditional zoning map amendment on the surrounding area and the Township; and
- (8) *Other Factors:* Other factors deemed appropriate by the Planning Commission and Township Board.

~~(E)~~ (F) Reapplication: A conditional zoning map amendment application that has been denied shall not be resubmitted for a period of one (1) year from the date ~~of~~ the decision became final unless the applicant demonstrates that the conditions that contributed to the denial have substantially changed or the proposed conditions have changed in a manner that addresses the reason for denial.

~~(F)~~ (G) Zoning Agreements: ~~Applications for a conditional zoning map amendment shall include a zoning agreement outlining the conditions.~~ The conditions set forth in the zoning agreement shall be voluntary and be equally or more restrictive than the standards that would apply for the zoning district. The zoning agreement shall be reviewed by the Township Attorney prior to the Planning Commission public hearing.

- (1) *Form:* The zoning agreement shall be a written agreement that is approved by the applicant and the Township.
- (2) *Recording:* The conditional zoning map amendment shall not be effective until the zoning agreement shall be recorded with the County Register of Deeds and a copy has been submitted to the Township. Costs for recording shall be borne by the applicant.
- (3) *Uses and Standards:* The zoning agreement may include limitations on the uses or outline more restrictive standards for the property. The zoning agreement shall not authorize uses or less restrictive standards than the zoning district allows.
- (4) *Purpose:* Conditions included in the zoning agreement may be related to the use and development the property that are necessary for the following:
 - a. Serving the intended use of the property, such as improvements, extension, widening, or realignment of streets, utilities, storm drains, or other infrastructure serving the property;
 - b. Minimizing the impact of ~~the~~ development on surrounding properties, such as landscape screening greater than the minimum standards; or
 - c. Preservation of natural features, historic resources, or open space.
- (5) *Additional Information:* In addition to any limitations on the use or development of a property, the zoning agreement shall also include all of the following:
 - a. An acknowledgment that the zoning agreement was proposed voluntarily by the applicant, and the Township relied upon the conditions and may not grant the conditional zoning map amendment without the conditions offered in the zoning agreement;
 - b. An acknowledgement that the zoning agreement and its terms and conditions are authorized by all applicable state and federal law and constitutions and the agreement is valid and entered into on a voluntary basis by the applicant;
 - c. An agreement and understanding that the property shall only be developed and used in a manner consistent with the zoning agreement;
 - d. An agreement and understanding that the conditional zoning map amendment is conditioned upon obtaining site plan approval, etc.
 - e. An agreement and understanding that no part of the zoning agreement shall permit any activity, use, or condition that would otherwise not be permitted in the proposed zoning district;
 - f. An agreement and understanding that approval of the conditional zoning map amendment shall be binding upon and inure to the benefit of the property owner and the Township, their respective heirs, successors, assigns, receivers, or transferees;
 - g. An agreement and understanding that if conditional zoning map amendment becomes void, as outlined in this Section, no further development shall take place and the property shall revert back to its original zoning district;
 - h. A legal description of the property affected by the zoning agreement; and
 - i. Any other provisions agreed upon by the applicant and the Township.
- (6) *Future Zoning Map Amendment:* Nothing in the zoning agreement, nor any statement or provision, shall prohibit the Township from adopting a zoning map amendment of all or a portion of land that is subject to a zoning agreement.

- (7) ~~Failure to Comply: Failure to comply with the zoning agreement at any time after approval shall constitute a breach of the agreement and a violation of this Ordinance.~~ Amendment of Zoning Agreement: A zoning agreement shall only be amended by the mutual consent of the property owner, the Planning Commission, and the Township Board following at least one (1) public hearing.

(H) Time Limitation: The use or uses associated with a conditional zoning map amendment shall commence within two (2) years of the approval or the approval shall become null and void and the property shall revert back to its original zoning district.

(I) Failure to Comply: Failure to comply with the zoning agreement at any time after approval shall constitute a breach of the agreement and a violation of this Ordinance and shall be deemed a nuisance per se.

(G)(J) Reversion: The conditional zoning map amendment shall be revoked and the property shall revert back to its original zoning district if the Planning Commission determines the zoning agreement is void or the property owner has failed to comply with the conditions of the zoning agreement.

SECTION XX.25 - ZONING TEXT AMENDMENT

Zoning text amendments shall be reviewed as outlined in this Section.

(A) Application Materials: An application for a zoning text amendment, except those initiated by the Township, shall include the following:

- (1) Application Form: A signed and completed application form;
- (2) Fee: A zoning text amendment application fee, as outlined in the adopted fee schedule;
- (3) Text: At least fifteen (15) copies of the zoning text amendment, including a detailed statement clearly and completely setting forth all the proposed provisions and regulations with all of the necessary changes to this Ordinance, and indication of the purpose of the zoning text amendment. The applicant may submit one (1) copy with the application and submit the remaining copies following the review of completeness;
- (4) Additional Materials: Any additional information determined necessary by the Director of Planning and Zoning.

(B) Planning Commission Review: Zoning text amendments shall be reviewed by the Planning Commission at a public hearing.

- (1) Possible Action: The Planning Commission shall forward the zoning text amendment to the Township Board with a favorable or unfavorable recommendation. The concurring vote of at least four (4) members of the Planning Commission shall be necessary for a favorable recommendation.
- (2) Timely Review: The Planning Commission shall take action within ninety (90) days of the filing date, unless a delay is agreed to by the Planning Commission and the applicant. The Planning Commission's action, along with any comments received at the public hearing, shall be forwarded to the Township Board within sixty (60) days of its final action.

(B)(C) Township Board Review: The Township Board may adopt, not adopt, or return a zoning text amendment. Review shall be conducted at a regular or special meeting called for that purpose

- (1) Adoption: A zoning text amendment shall be in the form of an ordinance and shall require the affirmative vote of at least four (4) members of the Township Board.
- (2) First Review: The Township Board shall adopt the zoning text amendment as forwarded by the Planning Commission during its first review, except for minor grammatical corrections, or shall return it to the Planning Commission for further attention. If returned to the Planning Commission, the Township Board shall share a specific list of objections.
- ~~(1)~~(3) Additional Reviews: The Township Board may make any changes to the zoning text amendment once it has been returned from the Planning Commission or may return it to the Planning Commission for further attention.

~~(C)~~(D) Decision Criteria: The Planning Commission and Township Board shall consider the following in making a recommendation or a decision when reviewing zoning text amendments:

- (1) Master Plan: The zoning text amendment shall be consistent with the goals, policies, and future land use map of the Master Plan. If conditions have changed significantly since the Master Plan was adopted, the zoning text amendment shall be consistent with recent trends;
- (2) State and Federal Law: The zoning text amendment shall be consistent with state and federal law.

~~(1)~~(3) Item Three: here

~~(D)~~(E) Reapplication: A zoning text amendment that has been denied shall not be resubmitted for at least one (1) year from the date the decision became final unless the applicant demonstrates that the conditions that contributed to the denial have substantially changed.

SECTION XX.30 - REVIEW OF ORDINANCE

Township initiated review of this Ordinance shall be conducted as outlined below:

- (A) Regular Review:** This Ordinance shall be reviewed on a regular, yearly interval, ~~not to exceed two (2) years;~~
- (B) Master Plan:** This Ordinance shall be reviewed within one (1) year following adoption or amendment of the Master Plan to ensure consistency with the Master Plan; and
- (C) Changed Conditions:** This Ordinance shall be reviewed on an ad-hoc basis when necessary to respond to changed conditions.

SECTION XX.35 - AMENDMENT REQUIRED BY COURT DECREE

An amendment of this Ordinance for the purpose of complying with the decree of a court of competent jurisdiction as to any specific lands shall be adopted by the Township Board and published without requiring a public hearing or review by the Planning Commission.

SECTION XX.40 – PETITION

Registered electors may file a notice of intent to file a petition within seven (7) days of the publication of an amendment to this Ordinance as outlined in MCL 125.3402 (Public Act 111 of 2006).

End of Article xx.

V 03.17.2015