

ARTICLE 31

AMENDMENTS

§31.05 - INTENT & PURPOSE

The intent and purpose of this Article is to:

- (A) Establish the process to amend this Ordinance;
- (B) Establish decision criteria to be used when reviewing zoning map amendments, conditional zoning map amendments, and zoning text amendments to this Ordinance;
- (C) Ensure this Ordinance is amended to address changed or changing conditions in the Township; and
- (D) Ensure this Ordinance is amended in order to conform with changes to the Master Plan, other Township ordinances, county, state, and federal laws, and court decisions.

§31.10 - GENERAL AMENDMENT PROCESS

Zoning map and text amendments to this Ordinance shall be reviewed as described below and in this Article.

- (A) **Initiation:** Amendments to this Ordinance shall be initiated by the Township Board, Planning Commission, Zoning Board of Appeals, Director of Planning and Zoning, or one (1) or more owner(s) of property within the Township's zoning jurisdiction that is affected by the proposed amendment.
- (B) **Application:** The applicant shall submit a complete application form. The application shall include all relevant materials. Submission of an application constitutes a representation that all the information is complete and accurate.
- (C) **Fee:** A fee, as established by the Township Board, shall be submitted at the time of application.
- (D) **Review of Completeness:** An application for an amendment of this Ordinance shall be reviewed by the Director of Planning and Zoning for completeness, as outlined in §24.10(C) of this Ordinance.
- (E) **Scheduling:** Upon declaration of an administratively 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) **Notice of Hearing:** The Township shall give public notice as outlined in §24.35 of this Ordinance.
- (G) **Planning Commission Review:** The Planning Commission, following at least one (1) public hearing, shall forward an amendment to this Ordinance to the Township Board with a favorable or unfavorable recommendation, as outlined in §15 of this Article for zoning map amendments, §20 of this Article for conditional zoning map amendments, or §25 of this Article for zoning text amendments.

- (H) **Township Board Review:** The Township Board, following review at a regular meeting or a special meeting called for that purpose, shall adopt, not adopt, or return an amendment to this Ordinance, as outlined in §31.15 of this Article for zoning map amendments, §31.20 of this Article for conditional zoning map amendments, or §31.25 of this Article for zoning text amendments.
- (I) **Reapplication:** An application for an amendment to this Ordinance that has been denied shall not be resubmitted for reconsideration, except as permitted in §24.60 of this Ordinance.
- (J) **Publication of Notice of Adoption:** At least one (1) notice of adoption shall be published in a newspaper of record within fifteen (15) days of adoption following adoption of an amendment to 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 & Place:** The time and place where a copy of the amended Ordinance may be inspected or purchased.
- (K) **Effective Date:** An amendment to this Ordinance shall be effective at 12:01 am, seven (7) days after publication.

§31.15 - ZONING MAP AMENDMENT

Zoning map amendments shall be reviewed as outlined below.

- (A) **Application Materials:** An application for a zoning map amendment 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) **Survey:** The applicant shall submit at least one (1) hard copy and a digital copy, in a format acceptable to the Township, of the survey with the application and shall submit at least fifteen (15) hard 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 an application for a zoning map amendment shall constitute permission for the Township to access the property to complete onsite investigations for the purpose of administering this Article.
- (C) **Applicant's Responsibilities:** The applicant for a zoning map amendment shall post a public notice sign or signs, provided by the Township, 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 the Township is replacing the Official Zoning Map. The public notice sign(s) and marking shall be maintained in good condition until a final decision is made by the Township Board.

- (D) **Decision Criteria:** The Planning Commission and Township Board shall consider the following in making a recommendation or a decision when reviewing a zoning map amendment:
- (1) **Master Plan:** The zoning map amendment shall be compatible with the goals, policies, and future land use map of the Master Plan;
 - (2) **Compatibility with Property:** The possible uses allowed in the proposed zoning district shall be compatible with the property's physical, geological, hydrological, and other environmental characteristics;
 - (3) **Compatibility with Area:** The possible uses allowed in the proposed zoning district 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; and
 - (4) **Infrastructure & Services:** There shall be adequate capacity in the Township to provide sufficient infrastructure and services for possible uses allowed in the proposed zoning district without compromising the general public health, safety, and welfare.
- (E) **Planning Commission Review:** The Planning Commission, following a public hearing, shall forward a zoning map amendment with a favorable or unfavorable recommendation to the Township Board or postpone action.
- (1) **Favorable Recommendation:** If a zoning map amendment 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 a zoning map amendment receives an unfavorable recommendation, the Planning Commission shall cite its reasons.
 - (3) **Postpone:** If the Planning Commission determines that a zoning map amendment application 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 make a recommendation on a zoning map amendment within sixty (60) days of the date it was administratively complete, unless a delay is agreed to by the Planning Commission and the applicant.
 - (5) **Forward to Township Board:** The Planning Commission's recommendation, along with any comments received at any public hearing(s), shall be forwarded to the Township Board within sixty (60) days of making its recommendation.
- (F) **Township Board Review:** The Township Board may adopt, not adopt, or return a zoning map amendment to the Planning Commission.
- (1) **Actions:** The Township Board shall adopt a zoning map amendment as forwarded by the Planning Commission or shall return it to the Planning Commission for further attention, including a list of specific objections. The Township Board may make minor grammatical corrections that do not change the meaning of the zoning map amendment.
 - (2) **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.

§31.20 - CONDITIONAL ZONING MAP AMENDMENT

As an alternative to 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 below.

- (A) **Preapplication Meeting:** The applicant shall meet with Township Officials, other agencies, and other interested parties before submission of a conditional zoning map amendment, as outlined in §24.20 of this Ordinance.
- (B) **Application Materials:** An application for a conditional zoning map amendment shall include the following:
- (1) *Application Form:* A signed and completed application form;
 - (2) *Fee:* A conditional zoning map amendment application fee, as outlined in the Fee Schedule;
 - (3) *Survey:* The applicant shall submit at least one (1) hard copy and a digital copy, in a format acceptable to the Township, of the survey with the application and shall submit at least fifteen (15) hard 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.
- (C) **Right to Enter Property:** Submission of an application for a zoning map amendment shall constitute permission for the Township to access the property to complete onsite investigations for the purpose of administering this Article.
- (D) **Applicant's Responsibilities:** The applicant for a conditional zoning map amendment shall post a public notice sign or signs, provided by the Township, 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. The public notice sign(s) and marking shall be maintained in good condition until a final decision is made by the Township Board.
- (E) **Decision Criteria:** The Planning Commission and Township Board shall consider the following in making a recommendation or a decision when reviewing a conditional zoning map amendment:
- (1) *Master Plan:* The conditional zoning map amendment shall be compatible with the goals, policies, and future land use map of the Master Plan. If conditions have changed significantly since the Master Plan, the 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 zoning district shall be compatible with the property's physical, geological, hydrological, and other environmental characteristics;
 - (3) *Compatibility with Area:* The possible uses allowed in the proposed zoning 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;

- (4) *Infrastructure & 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; and
- (5) *Conditions:* The 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.
- (F) ***Planning Commission Review:*** The Planning Commission, following a public hearing, shall forward the conditional zoning map amendment with a favorable or unfavorable recommendation to the Township Board or postpone action.
- (1) *Favorable Recommendation:* If a conditional zoning map amendment 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 a conditional zoning map amendment receives an unfavorable recommendation, the Planning Commission shall cite its reasons.
- (3) *Postpone:* If the Planning Commission determines that a conditional zoning map amendment application 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 make a recommendation on a conditional zoning map amendment within sixty (60) days of the date it was administratively complete, unless a delay is agreed to by the Planning Commission and the applicant.
- (5) *Forward to Township Board:* The Planning Commission's recommendation, along with any comments received at any public hearing(s), shall be forwarded to the Township Board within sixty (60) days of making its recommendation.
- (G) ***Township Board Review:*** The Township Board may adopt, not adopt, or return a conditional zoning map amendment to the Planning Commission. Review shall be conducted at a regular or special meeting called for that purpose.
- (1) *Actions:* The Township Board shall adopt a conditional zoning map amendment as forwarded by the Planning Commission or shall return it to the Planning Commission for further attention, including a list of specific objections. The Township Board may make minor grammatical corrections that do not change the meaning of the zoning map amendment.
- (2) *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.
- (H) ***Zoning Agreement:*** 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 proposed zoning district.
- (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 has been recorded with the Register of Deeds and a copy has been submitted to the Township. Costs for recording shall be borne by the applicant.
- (3) *Uses & 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 those of the zoning district.

- (4) *Purpose:* Conditions included in the zoning agreement may be related to the use and development of the property that are necessary for the following:
- a. *Infrastructure & Services:* 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. *Impact:* Minimizing the impact of development on surrounding properties; or
 - c. *Preservation:* 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. *Voluntarily & Necessary:* 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. *Authorized by Law:* An acknowledgement that the zoning agreement and its terms and conditions are authorized by all applicable state and federal law and constitutions;
 - c. *Development & Use:* An agreement and understanding that the property shall only be developed and used in a manner consistent with the zoning agreement;
 - d. *Site Plan Required:* An agreement and understanding that the conditional zoning map amendment is conditioned upon obtaining site plan approval, etcetera;
 - e. *Uses:* 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. *Binding:* 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. *Reversion:* 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. *Legal Description:* A legal description of the property affected by the zoning agreement; and
 - i. *Other:* 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 for all or a portion of land that is subject to a zoning agreement.
- (7) *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.
- (I) *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.

- (J) **Failure to Comply:** Failure to comply with the zoning agreement at any time after approval shall constitute a breach of the zoning agreement and a violation of this Ordinance and shall be deemed a nuisance per se.
- (K) **Reversion:** The conditional zoning map amendment shall be revoked following a public hearing 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.

§31.25 - ZONING TEXT AMENDMENT

Zoning text amendments shall be reviewed as outlined below.

- (A) **Application Materials:** An application for a zoning text amendment shall include the following:
- (1) **Application Form:** A signed and completed application form, provided by the Township;
 - (2) **Fee:** A zoning text amendment application fee, as outlined in the adopted fee schedule;
 - (3) **Text:** The applicant shall submit at least one (1) hard copy and a digital copy, in a format acceptable to the Township, 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 with the application and shall submit at least fifteen (15) hard copies following the review of completeness; and
 - (4) **Additional Materials:** Any additional information determined necessary by the Director of Planning and Zoning.
- (B) **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 compatible with the goals, policies, and future land use map of the Master Plan; and
 - (2) **State & Federal Law:** The zoning text amendment shall be consistent with state and federal law.
- (C) **Planning Commission Review:** The Planning Commission, following a public hearing, shall forward a zoning text amendment with a favorable or unfavorable recommendation to the Township Board or postpone action.
- (1) **Favorable Recommendation:** If a zoning text amendment 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 a zoning text amendment receives an unfavorable recommendation, the Planning Commission shall cite its reasons.
 - (3) **Postpone:** If the Planning Commission determines that a zoning text amendment application 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 make a recommendation on a zoning text amendment within sixty (60) days of the date it was administratively complete, unless a delay is agreed to by the Planning Commission and the applicant.
- (5) *Forward to Township Board:* The Planning Commission's recommendation, along with any comments received at any public hearing(s), shall be forwarded to the Township Board within sixty (60) days of making its recommendation.
- (D) Township Board Review:** The Township Board may adopt, not adopt, or return a zoning text amendment to the Planning Commission.
- (1) *Initial Review:* The Township Board shall adopt a zoning text amendment as forwarded by the Planning Commission or shall return it to the Planning Commission for further attention, including a list of specific objections. The Township Board may make minor grammatical corrections that do not change the meaning of the zoning text amendment without returning it to the Planning Commission.
- (2) *Additional Reviews:* After a zoning text amendment to this Ordinance has been referred to and returned from the Planning Commission, the Township Board shall adopt the zoning text amendment as forwarded by the Planning Commission or with changes or shall return it to the Planning Commission for further attention, including a list of specific objections.
- (3) *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.

§31.30 - AMENDMENT REQUIRED BY COURT DECREE

An amendment to 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, as outlined in MCL 125.3202(5) (Public Act 110 of 2006).

§31.35 - PETITION FOR REFERENDUM

Registered electors may file a notice of intent to file a petition for referendum within seven (7) days of the publication of an amendment to this Ordinance, as outlined in MCL 125.3402 (Public Act 110 of 2006).

End of Article 31.

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