

ARTICLE 24.0 AMENDMENTS

Section 24.01 Initiating Amendments.

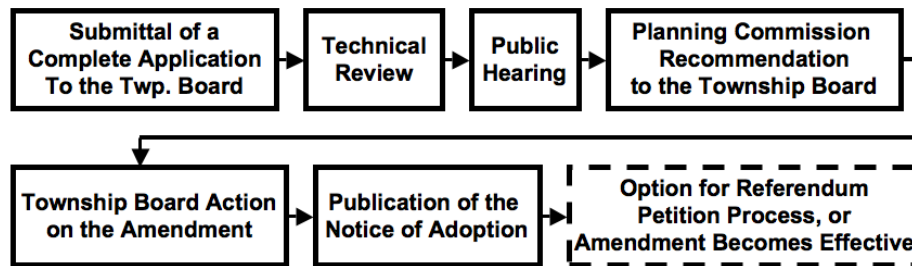
Amendments to the Official Zoning Map may be initiated by the Township Board or Planning Commission, or by application of one (1) or more Township property owners or persons acting on behalf of the property owner(s). All other amendments may be initiated by the Township Board or Planning Commission, or by application of one (1) or more Township property owners or residents.

Section 24.02 Fees.

The Township Board shall from time to time establish, by resolution, fees and escrow deposits for review of zoning amendment applications. Required fees and escrow deposits shall be paid to the Township Treasurer at the time of the filing of the application, and no part of a required fee shall be returnable to the applicant. No fee shall be charged for amendments initiated by the Township Board or Planning Commission. No action shall be taken on any application for which required fees have not been paid in full.

Section 24.03 Amendment Procedure.

The Township Board may, after recommendation from the Planning Commission, amend, supplement or revise this Ordinance or Official Zoning Map consistent with the Michigan Zoning Enabling Act and the following:



Amendment Review Process

A. Filing of Application.

An amendment to this Ordinance, except those initiated by the Township Board or Planning Commission, shall be made by filing at least ten (10) paper copies and at least one (1) digital copy of a complete and accurate application with the Township Clerk, along with the required review fee and escrow deposit.

B. Technical Review.

Prior to Planning Commission consideration, the proposed amendment and any application materials shall also be distributed to appropriate Township officials and the Township Planner for review and comment. The Planning Commission may also request comments from other designated Township consultants and outside agencies with jurisdiction.

C. Public Hearing.

A public hearing shall be held for all proposed amendments in accordance with Section 2.10 (Public Hearing Procedures).

D. Planning Commission Recommendation.

Following the hearing, the Planning Commission shall review the proposed amendment, together with any reports and recommendations from officials, consultants, other reviewing agencies, and any public comments. The Planning Commission shall identify and evaluate all relevant factors, and shall report its findings of fact, conclusions, and recommendations for disposition of the application to the Township Board. The report shall include a summary of comments received at the public hearing.

E. Township Board Action.

Following receipt of the report and recommendation from the Planning Commission, the Township Board shall consider and vote upon the adoption of the proposed amendment.

1. The Township Board may, at its discretion, refer the amendment back to the Planning Commission for further consideration or revision within a specified time limit.
2. The Township Board may hold additional public hearings on the proposed amendment in accordance with Section 2.10 (Public Hearing Procedures).
3. The Township Board shall hold a public hearing on a proposed Ordinance amendment upon written request by a property owner sent by certified mail to the Township Clerk.
4. Amendments shall be approved by a majority vote of the Township Board.

F. Re-Application.

Whenever the Township Board has rejected an application, the Township shall not accept a new application for the same amendment for a period of 365 calendar days unless the Township Board or Planning Commission determines that one (1) or more of the following conditions has been met:

1. There is a substantial change in circumstances relevant to the issues or facts considered during review of the application.
2. New or additional information is available that was not available at the time of the review.
3. The new application is materially different from the prior application.

Section 24.04 Information Required.

The following information shall be required with any application for amendment to this Ordinance or Official Zoning Map:

A. Zoning Map Amendment.

When the application involves an amendment to the Official Zoning Map, the applicant shall submit the following information:

1. A legal description of the property, including street address(es) and tax code number(s).
2. A scaled map of the property, correlated with the legal description, and clearly showing the property's location.
3. The name and address of the applicant.
4. The applicant's interest in the property. If the applicant is not the owner, the name and address of the owner(s), and the signed consent of the owner(s) to the application. This shall not apply in cases where the Township Board or Planning Commission initiates the zoning amendment process.
5. Signature(s) of the applicant(s) and owner(s), certifying the accuracy of the information. This shall not apply in cases where the Township Board or Planning Commission initiates the zoning amendment process.
6. Identification of zoning district requested and the existing zoning classification of subject property.
7. Vicinity map showing location of property, and adjacent land uses and zoning classifications.
8. General description of natural resources and features, including, but not limited to, wetlands, streams, and other water bodies, steep slopes, woodlands, and floodplains, to be depicted on scaled drawings. This shall not apply in cases where the Township Board or Planning Commission initiates the zoning amendment process.
9. Reasons for the proposed amendment or zoning classification.

B. Zoning Ordinance Text Amendment.

When an application involves a change in the text of the Zoning Ordinance, the applicant shall submit the following information:

1. A detailed statement of the application, clearly and completely setting forth all proposed provisions and regulations, including all changes in the Zoning Ordinance necessary to accommodate the proposed amendment.
2. Name and address of the applicant.
3. Reasons for the proposed amendment.

Section 24.05 Findings of Fact Required.

In reviewing any proposed zoning amendment, the Planning Commission shall identify and evaluate all relevant factors in preparing its report of findings of fact, conclusions, and

recommendation to the Township Board. The following factors shall apply to Township review of any proposed amendment to the Official Zoning Map:

A. Evaluation of Existing Zoning and Development Pattern.

Review the existing zoning and land uses permitted in the zoning district for compatibility with Master Plan policies, the surrounding development pattern, and site characteristics. Determine whether there are conditions or circumstances that warrant a change or reasonably prevent the site from being developed or used as zoned. Consider whether the boundaries and size of the proposed district are compatible with the surrounding area and the scale of future development on the site.

B. Apparent Demand.

Consider the apparent demand for the types of uses permitted in the existing and proposed zoning districts in relation to the amount of land currently zoned and available in the Township and surrounding communities to accommodate the demand.

1. Consider whether there is a demonstrated market demand for more land to be classified in the proposed district, and whether this is the appropriate location.
2. Consider the availability of land already planned and/or zoned for the types of land uses and intensity of development possible under the proposed zoning district classification.
3. Consider the amount of land in the Township or adjoining jurisdictions that is already prepared and/or ready for development consistent with the proposed zoning district's intent and list of permitted land uses.

C. Availability of Public Services and Infrastructure.

Rezoning of undeveloped land to a more intensive zoning district should only take place in conjunction with the availability of public services and infrastructure to serve all of the potential land uses in the proposed district. Factors to consider include:

1. Capacity of available utilities and public services to accommodate the uses permitted in the district without compromising the health, safety, and welfare of Township residents or burdening public entities or the Township with unplanned capital improvement or operational costs.
2. Capacity of the existing road system to safely and efficiently accommodate the expected traffic generated by uses permitted in the zoning district.
3. Capacity of existing police, fire, ambulance, schools, and other public services to serve all potential land uses on the site.

D. Compatibility.

Evaluate the existing zoning of land in the surrounding area on both sides of the road and all sides of the site in terms of all uses permitted and the district intent. Determine whether all permitted land uses and development that could occur on the subject site under the proposed zoning district(s) would be compatible with the surrounding character in terms of traffic, noise, scale, and types of uses.

E. Consistency with the Master Plan.

Determine whether the intent and all of the allowable uses within the requested zoning district are compatible with the goals, objectives, and policies of the Master Plan, including the future land use designation(s) for the site.

1. **Rezoning inconsistent with the Master Plan.** A rezoning inconsistent with the Master Plan should only be considered where specific findings are made that demonstrate conditions have changed significantly since the Plan was prepared, and/or new information supports a change. In such cases, the Township may first consider an amendment to the Plan.
2. **Phasing in of new development.** The future land use recommendations of the Master Plan are based upon a ten to twenty year timeframe. Consider whether the timing of the proposed rezoning is appropriate, given trends in the area, infrastructure capacity, and other factors.
3. **Consistency with the Township's policies on natural features.** Compatibility of all the potential uses allowed in the proposed zoning district(s) with the site's physical, geological, hydrological, and other environmental features. If the subject site possesses significant natural features, ensure that the types of uses and the intent of the district will enable proper preservation of these areas in accordance with Master Plan policies and Ordinance requirements.

F. Additional Factors.

Additional factors to be considered shall include, but shall not be limited to:

1. Whether or not the proposed zoning change is justified by a change in conditions since the original Ordinance was adopted, or by an error in the Ordinance.
2. The precedents, and the possible effects of such precedents, that might result from approval or denial of the proposed zoning change.
3. Effect of approval of the proposed zoning change on the condition and/or value of property in the Township and adjacent municipalities.

A proposed amendment to the Official Zoning Map shall not be approved unless these and other facts are affirmatively resolved in terms of resource guardianship, public necessity, convenience, and safety, and the general welfare of the Township and of other governmental agencies, where applicable.

Section 24.06 Notice of Adoption.

Following Township Board adoption of an amendment to the Zoning Ordinance or Official Zoning Map, notice of the amendment shall be published within 15 calendar days of such adoption in a newspaper of general circulation in the Township. The notice of adoption shall include the Article and Section of the Ordinance amendment, in the case of a text amendment; either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment; the effective date of the amendment; and the place and time where a copy of the Ordinance may be inspected or purchased.

Section 24.07 Referendum.

Within seven (7) calendar days after publication of the notice of adoption for an amendment to the Zoning Ordinance or Official Zoning Map, a registered elector residing in the unincorporated portion of the Township may file with the Township Clerk a notice of intent to file an application for referendum under this Section.

1. If a notice of intent is filed, then within 30 days following publication of an approved amendment, an application signed by a number of registered voters residing in the unincorporated portion of Frankenlust Township equal to not less than fifteen percent (15%) of the total votes cast in the Township for all candidates for Governor of the State of Michigan at the last preceding general election at which the Governor was elected may be filed with the Township Clerk requesting that the amendment be submitted to the electors residing in the unincorporated portion of Frankenlust Township for their approval.
2. Upon the filing of a notice of intent, the approved amendment shall not take effect until one (1) of the following occurs:
 - a. The expiration of 30 calendar days after publication of the notice of adoption for an approved amendment, if the application for referendum is not filed within that time period.
 - b. If an application is filed within 30 calendar days after publication of a notice of adoption, the Township Clerk determines that the application is inadequate.
 - c. If an application is filed within 30 calendar days after publication of a notice of adoption, the Township Clerk determines that the application is adequate, and the amendment is approved by a majority of the registered electors residing in the unincorporated portion of the Township. The referendum shall be held at the next regular election date that provides sufficient time for proper notices and printing of ballots, as determined by the Township Clerk. The Township Board shall provide the manner of submitting the amendment to the electors for their approval or rejection, and determining the result of the election.

Section 24.08 Conformance to Court Decree.

Any amendment for the purpose of conforming to a provision of a decree of a court of competent jurisdiction as to any specific lands may be adopted by the Township Board and the notice of adoption published without referral to any other commission or agency.

Section 24.09 Conditional Rezoning.

Conditional rezoning, as authorized by Section 405 of the Michigan Zoning Enabling Act, shall be prohibited in the Township as of the effective date of this Ordinance. Any application for a rezoning amendment to the Official Zoning Map that includes proposed conditions or voluntary use or development limitations shall be returned to the applicant without Township review or consideration. Conditional rezoning applications approved by the Township Board prior to the effective date of this Ordinance shall not be affected by this prohibition on new applications.