

## **REZONING PROCEDURE**

Application for rezoning approval shall be made by filing at least eleven (11) paper copies and two (2) digital copies (in .PDF format) of a complete and accurate application.

**NOTE: A refundable escrow deposit of \$750.00 shall be required at the time of application, in addition to the non-refundable \$375.00 application review fee.**

The Planning Commission will hold a public hearing on the application, and will make a recommendation to the Township Board of Trustees. The Board of Trustees will then consider the application and make a final decision. Please note that the Board of Trustees may choose to hold a second public hearing and may also choose to send the application back to the Planning Commission for further review or additional fact finding.

**You will be asked to make a presentation to the Planning Commission for the public hearing, and will also be asked to make a presentation later to the Board of Trustees.**

Professional inquiries will be made to our Township Planning Consultant and Township Attorney to get their opinions on the compatibility of your application to our zoning regulations and the Master Plan. The cost of these inquiries will be reimbursed to the Township as deductions from your refundable escrow deposit. **The Township may require the escrow deposit to be replenished if the funds become depleted prior to the completion of the review process.**

If you would like a copy of these reports please ASK. Sometimes these reports are not available until a day or two before the public meeting or hearing where your item will be on the agenda.

**Frankenlust Township  
REZONING APPLICATION  
\$375.00, plus the escrow deposit**

**RZ** \_\_\_\_\_

Dated Applied \_\_\_\_\_

**This Application will not be accepted if incomplete. Required materials should be submitted at least 30 calendar days prior to the next regular Planning Commission meeting date.**

**APPLICANT INFORMATION:**

(If different than owner)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

**LEGAL OWNER:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

**PROPERTY INFORMATION:**

Address or Location \_\_\_\_\_

Permanent Parcel # \_\_\_\_\_

Zone District (Current) \_\_\_\_\_

Property Size \_\_\_\_\_

Legal Description (Include on Reverse Side) \_\_\_\_\_

**REASONS FOR THE REQUEST:** Please attach a letter of explanation for the request and a summary of the facts and reasons why you believe it is consistent with the Township Master Plan and the rezoning review criteria found in Section 24.05 (Findings of Fact Required) of the Zoning Ordinance.

**\* I/WE HAVE BEEN GIVEN THE PROCEDURE COVER SHEET AND AGREE TO PAY FOR ALL ADDITIONAL FEES SHOULD THEY BE NECESSARY. I/WE ALSO HEREBY ATTEST THAT THE INFORMATION ON THIS APPLICATION FORM IS, TO THE BEST OF MY/OUR KNOWLEDGE, TRUE AND ACCURATE.**

\_\_\_\_\_  
(Applicant)

\_\_\_\_\_  
(Legal Owner)

\_\_\_\_\_  
(Applicant)

\_\_\_\_\_  
(Legal Owner)

Application Fee: \$ \_\_\_\_\_

\_\_\_\_\_  
DEBORAH FISHER, CLERK

Escrow Deposit: \$ \_\_\_\_\_

\_\_\_\_\_  
Date Received                      \_\_\_\_\_  
Cash or Check #

**\* Note:** The Township Board has established a fee schedule by resolution to defray fixed costs and expenses incurred by the Township to perform functions required under Zoning Ordinance No. 79. The provisions of Section 2.07 (Fees and Performance Guarantees) of the Zoning Ordinance shall apply to the use and disposition of non-refundable review fees and refundable escrow deposits required for this application. See Article 24.0 (Amendments) in the Zoning Ordinance for more details.

**Office Use Only**

Zoning Administrator Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Action: \_\_\_\_\_

Planning Consultant Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Action: \_\_\_\_\_

Planning Commission Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

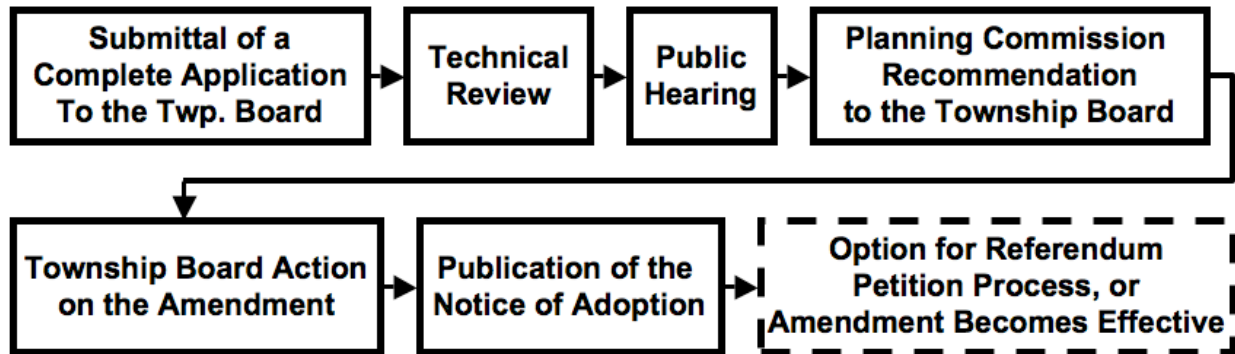
Action: \_\_\_\_\_

Board of Trustees Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Action: \_\_\_\_\_

## ARTICLE 24.0 AMENDMENTS

(excerpts)



### Amendment Review Process

#### 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.

## **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 24.07 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 24.09 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.