

Fee = \$275

APPLICATION FOR REZONING

NO. _____

To the Township Zoning Board and the Township Board of the Township of

I (we) the undersigned, do hereby, respectfully make application to and petition the Township Board to amend the township zoning ordinance and change the zoning map of the township of _____ as hereinafter requested, and in support of this application, the following facts are shown:

1. The property sought to be rezoned is located and described as follows:

2. The property sought to be rezoned is owned by: _____

3. It is desired and requested that the foregoing property be rezoned from _____

district to _____ district.

4. It is proposed that the property will be put to the following use: _____

5. It is proposed that the following buildings will be constructed: _____

Date

Fee

Signature of Applicant

Address of Applicant

**ARTICLE XXVIII
AMENDING THE ZONING ORDINANCE**

Section 28.01 - Changes and Amendments

Only the Township Board may amend this Ordinance. Proposals for amendments or changes may be initiated by the Township Board on its own motion, by the Planning Commission, or by petition of one (1) or more owners of property to be affected by the proposed amendment.

Section 28.02 - Procedures

The procedure for making amendments to this Ordinance shall be in accordance with the Michigan Zoning Enabling Act, P. A. 110 of 2006, as amended.

A petition prepared and submitted by any qualified applicant, the Township Board or the Township Planning Commission, together with a completed and signed application and any required fees (if applicable), shall be filed with the Township Zoning Administrator. The petition shall be filed by the petitioner not less than 20) days prior to regular monthly meeting of the Planning Commission. The Zoning Administrator shall review the application as to form and, when it is approved, transmit same to the Township Planning Commission for review and report. The Zoning Administrator shall, at the same time, establish a date for a public hearing on the petition for the Planning Commission and shall give proper notice of the hearing as provided in Public Act 110 of 2006, the Michigan Zoning Enabling Act, as amended.

Section 28.03 - Notice of Public Hearing and Content of Notice

The Zoning Administrator shall give Notice of Public Hearing in the following manner:

- A A public hearing notice on the proposed Ordinance amendment (including amendments to the zoning map) shall be published in a newspaper of general circulation in the Township not less than 15 days before the date of the hearing.
 - 1. If an individual property, or 10 or fewer adjacent properties, is included in the proposal for rezoning, a notice must be published as required above, and a notice shall also be sent by mail or personal delivery to the owners of property that is the subject of the request. Written notice shall be sent to all persons to whom real property is assessed within 300 feet of the property that is the subject of the request, and to the occupants of all structures within 300 feet of the subject property regardless of whether the property or structure is located in Almena Township. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different persons, one (1) occupant of each unit or spatial area shall be given notice. If a single structure contains more than four (4) dwelling units or other distinct spatial areas owned or leased by different persons, notice may be given to the manager or owner of the structure, who shall be requested to post the notice at the primary entrance to the structure. The notice is considered to be given when personally delivered or when

deposited during normal business hours for delivery with the United States Postal Service or other public or private delivery service. The notice shall be given not less than 15 days before the date the request will be considered. If the name of the occupant is not known, the term “occupant” may be used for the intended recipient of the notice.

The notice shall do all of the following:

- a. Describe the nature of the request.
 - b. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 - c. State when and where the request will be considered.
 - d. Indicate when and where written comments will be received concerning the request.
2. If 11 or more adjacent properties are included in the proposal, a notice must be published in the newspaper as required above but need not be distributed to adjacent properties as provided in paragraph (1).

The notice shall do all of the following:

- a. Describe the nature of the request.
 - b. Indicate the property that is the subject of the request.
 - c. State when and where the request will be considered.
 - d. Indicate when and where written comments will be received concerning the request.
- B. In addition to the required public hearing before the Planning Commission, the Township Board shall grant a public hearing on the proposed Ordinance amendment to an interested property owner who requests a hearing by certified mail, addressed to the Township Clerk. Written notice of the public hearing shall be given to the interested property owner. The notice is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States postal service or other public or private delivery service. The notice shall be given not less than 15 days before the date the request

will be considered. If the name of the occupant is not known, the term “occupant” may be used for the intended recipient of the notice.

The notice shall do all of the following:

1. Describe the nature of the request.
2. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
3. State when and where the request will be considered.
4. Indicate when and where written comments will be received concerning the request.

Section 28.04 - Information Required

The applicant shall submit a detailed description of and the reasons for the requested zoning change to the Township Zoning Administrator. When the application involves a change in the Zoning District Map, the applicant shall submit the following information:

- A. The legal description of the property.
- B. A scaled map or plot of survey of the property, which correlates with the legal description, and an area map clearly showing the property’s location with the certified signature of the owner affixed to the application for rezoning.
- C. The name and address of the petitioner.
- D. The applicant’s interest in the property, and if the applicant is not the owner, the name and address of the owner with the signatures of all of the owners affixed to the petition requesting the zoning change.
- E. Date of filing with the Township.
- F. Signature(s) of the applicant(s) and all of the owner(s) certifying the accuracy of the information contained in the application.
- G. A complete description of the requested change and the reasons for wanting the change in zoning from that which the Zoning Ordinance text or Zoning District Map already provides.

Section 28.05 - Steps in Making a Change

- A. The petitioner submits application and fee to the Township Zoning Administrator.
- B. Zoning Administrator transmits application to Planning Commission, sets hearing date, and publishes notices of hearing.
- C. Planning Commission holds hearing, makes its decision stating its reasons in the official written record, and transmits the record of its decision as its recommendation to the County Planning Commission and to the Township Board.
- D. Township Board reviews Township Planning Commission's recommendation and those of the County Planning Commission and either enacts, rejects or enacts with changes the proposed change as an Ordinance amendment, and, if approved, publishes notice of the change in a newspaper of general circulation in the Township as required by the Michigan Zoning Enabling Act, P.A. 110, of 2000, as amended.

Section 28.06 - Findings of Facts Required

In reviewing an application for a zoning change, the Planning Commission shall identify and evaluate all factors relevant to the requested change, and shall report its findings in full, along with its recommendations for disposition of the requested change, to the Township Board within 60 days of the filing date of the application. The facts to be considered by the Planning Commission shall include, but not be limited to, the following:

- A. Whether the requested zoning change is justified because of a change in conditions since the original ordinance was adopted or because of an error in the original ordinance.
- B. The precedents, and the possible effects of such precedents, which might likely result from approval or denial of the application.
- C. The compatibility of the requested amendment with the Township or other government agencies which provide any services, facilities, and/or programs that might be required if the application were approved.
- D. Effect of approval of the application on adopted development, policies of the Township and other government units.
- E. All findings of fact, conclusions and reasons for approval or denial shall be made a part of the official published public records of the meetings of the Planning Commission and Township Board. A zoning amendment shall not be approved, unless all identified facts are affirmatively resolved that they are needed to preserve and protect the general health, safety, welfare, comfort and convenience of the citizens of the Township, or of other civil divisions, if applicable.