

ARTICLE 3

ADMINISTRATION AND ENFORCEMENT

Section 3.1 Zoning Administration.

This Zoning Ordinance shall be administered and enforced by the Zoning Administrator or by such deputies as the Administrator may delegate to enforce this Zoning Ordinance.

Section 3.2 Duties.

The Zoning Administrator shall:

- (a) Receive and review for completeness all applications for site plan review and special land uses which the Planning Commission is required to decide under this Ordinance and refer such applications to the Planning Commission for determination.
- (b) Receive and review for completeness all applications for appeals, variances, or other matters which the Zoning Board of Appeals is required to decide under this Ordinance and refer such applications to the Zoning Board of Appeals for determination.
- (c) Receive and review for completeness all applications for amendments to this Ordinance and refer such applications to the Planning Commission and Township Board for determination.
- (d) Make periodic site inspections to determine Ordinance compliance, and answer complaints on Zoning Ordinance violations.
- (e) Implement the decisions of the Planning Commission and Township Board.

Section 3.3 Certificate of Zoning Compliance

- (a) Certificates of Zoning Compliance are required of all structures, uses, or lots, erected, used, or created after the effective date of this Ordinance.
- (b) Applications for Certificates of Zoning Compliance shall be made to the Zoning Administrator. Each application shall include a site plan as required in Section 3.3(1), herein, and all information necessary to determine zoning compliance.
- (c) All plans submitted to the Sanilac County Building Department for a Building Permit shall first be submitted for review and approval by the Zoning Administrator with respect to the

requirements of the Zoning Ordinance. No Building Permit shall be issued unless a Certificate of Zoning Compliance has been issued by the Zoning Administrator for the same, and is in effect.

(d) In all cases in which a Certificate of Occupancy is required, but a Building Permit is not required, the Certificate of Occupancy shall not be issued unless a Certificate of Zoning Compliance has been issued by the Township Zoning Administrator and is in effect.

(e) A Certificate of Zoning Compliance shall not be issued for any use or structure, unless said use or structure and the lot upon which it is situated meets all the requirements of this Ordinance. A Certificate of Zoning Compliance may be issued for a legally existing non-conforming use, structure, or lot. In such case, the Certificate of Zoning Compliance shall clearly list each and every legal non-conformity. A Certificate of Zoning Compliance shall not be issued for any use, structure, or lot if any illegal non-conformity exists thereon.

(f) The owner or lessee of the structure or lot, or agent of either, may make application for a Certificate of Zoning Compliance by the licensed engineer or architect employed in connection with the proposed work or operation. If the application is made by a person other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner or the qualified person making the application that the proposed work or operation is authorized by the owner in fee and that the applicant is authorized to make such application. The full names and addresses of the owner, lessee, applicant, and of the responsible officers, if the owner or lessee is a corporate body, shall be stated in the application.

(g) Subject to the limitations of Section 3.6, herein, amendments to a plan, application or other records accompanying the same may be filed at any time before completion of the work for which the certificate was approved and before a Certificate of Occupancy is issued. Such amendments shall be deemed part of the original application and shall be filed therewith.

(h) The Zoning Administrator shall examine or cause to be examined all applications for a Certificate of Zoning Compliance and amendments thereto within a reasonable time after filing. If the application or the plans do not conform to all requirements of this Ordinance, the Zoning Administrator shall reject such application in writing, stating the reasons therefore. If the application or plans do so conform, the Zoning Administrator shall issue a Certificate of Zoning Compliance as soon as practical.

The signature of the Zoning Administrator shall be attached to every certificate, or a subordinate may be authorized to affix such signature thereto. The Zoning Administrator shall stamp or endorse all sets of corrected and approved plans submitted with such application as "Approved."

(i) An application for a Certificate of Zoning Compliance shall be deemed to have been abandoned six (6) months after the date of filing unless such application has been diligently pursued or a Building Permit shall have been issued by the County, or a Certificate of Occupancy shall have been issued for a use not requiring a building permit. The Zoning Administrator may, for reasonable cause grant not more than two (2) extensions of time, for periods not exceeding ninety (90) days each. Any certificate issued shall become invalid if the

authorized work is suspended or abandoned for a period of six (6) months after time of commencing the work.

(j) In the case of any false statement or misrepresentation of fact in the application or on the plans on which the certificate was based, any Zoning Compliance Certificate shall be deemed null and void at the discretion of the Zoning Administrator.

(k) Issuance of a Certificate of Zoning Compliance shall be subject to the following conditions:

- A. No certificate shall be issued until the required fees have been paid.
- B. All work or use shall conform to the approved application and plans for which the certificate has been issued and any approved amendments thereof.
- C. All work or use shall conform to the approved final site plan, if required.

(l) An application for a Certificate of Zoning Compliance shall be accompanied by a site plan as required in this Section, unless a site plan is required under Section 3.6, Site Plan Review, in which case the provisions of this Section shall not apply. Such site plan shall be drawn to a measurable scale, submitted in three (3) copies, and shall provide the following information:

- A. Scale, date, and north arrow.
- B. Location, shape, dimensions of the lot, and rights-of-way.
- C. Dimensioned location, outline, and dimensions of all existing and proposed structures and the location and extent of all uses not involving structures.
- D. A clear description of existing and intended uses of all structures.

Section 3.4 Issuance of a Citation

(a) The Zoning Administrator may issue and serve citations for non-compliance as provided in this section.

(b) Prior to issuance of a citation the Zoning Administrator shall:

- A. Notify the property owner of the violation either orally or in writing and allow thirty (30) days following notification to become compliant.

- B. If the property owner is not in compliance within thirty (30) days of the first notification stated in (A), a second notification will be sent in the form of a certified letter. This letter will inform the property owner of an additional thirty (30) days until a citation will be issued.
- C. If a property owner does not comply with (A) and (B) stated above, a civil infraction to the property owner will be issued by a constable or Zoning Administrator.

Section 3.5 Special Land Uses

(a) Applications for a special land use authorized in this Zoning Ordinance shall be submitted to the Planning Commission by filling in the official special use permit application form. Such application shall be accompanied by a fee as determined by the Township Board; provided however, that no fee shall be required of any governmental body or agency. The fee shall be charged to the applicant to defray the cost of the notification requirements of this Zoning Ordinance associated with the proceedings required on the application. No part of such fee shall be returnable to the applicant. Approvals of special land use requests will be at the discretion of the Planning Commission.

(b) An application for a special land use shall contain the following information:

- (1) The applicant's name, address, and telephone number.
- (2) The names and addresses of all owners of record and proof of ownership.
- (3) The applicant's interest in the property, and if not the fee simple owner, a signed authorization from the owner(s) for the application.
- (4) Legal description, address, and tax parcel identification number of the property.
- (5) A scaled and accurate survey drawing, correlated with the legal description, and showing all existing buildings, drives and other improvements.
- (6) A detailed description of the proposed use.
- (7) A conceptual site plan which includes adequate information to evaluate the functionality of the site.

(c) When the Planning Commission receives an application for a special land use, the following procedure shall be followed:

- (1) One (1) notice indicating that a request for a special land use has been received shall be published in a newspaper of general circulation within the Township.

Notices shall also be sent by mail or personal delivery to the owners of property for which approval is being considered (2) Notices indicating that such a request has been received will also be sent by mail or personal delivery to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property for which a special land use has been requested. Notices will also be sent by mail or personal delivery to the owners of property, to persons to whom real property is assessed, and the occupants of all structures located within three hundred (300) feet of the property in question whether the property or occupant is located in the zoning jurisdiction. If the name of an occupant is not known, the term "Occupant" may be used in making notification. Notices shall be given not less than fifteen (15) days before either the date of the public hearing or the date the special land use application will be considered by the Planning Commission.

- (3) The notice shall include the following:
- A. Describe the nature of the special land use request;
 - B. Indicate the property that is the subject of the special land use request, including a listing of all existing street addresses within the property, if applicable;
 - C. State when and where the special land use request and/or public hearing will be held; and
 - D. Indicate when and where written comments will be received concerning the request.
 - E. The notice of receipt of a special land use application shall indicate that a public hearing on the special land use application may be requested by any property owner or the occupant of any structure located within 300 feet of the property being considered for a special land use regardless of whether the property or occupant is located in the Township.

(d) A public hearing on a special land use application may be requested by the Planning Commission, the applicant, a real property owner whose real property is assessed within 300 feet of the property, or the occupant of a structure located within 300 feet of the property. Notification as required in Section 3.5 (c) hereof, shall be provided before a decision is made on the special land use request.

(e) Following the public hearing, if requested, the Planning Commission may deny, approve, or approve with conditions, requests for special land use. The decision on a special land use shall be incorporated in a statement of findings and conclusions relative to the special land use under consideration. The decision shall specify the basis for the decision and any conditions imposed.

(f) The Planning Commission shall review the proposed special land use in terms of the following standards:

- (1) Will be harmonious and in accordance with the general objectives or any specific objectives of the Master Plan;
- (2) Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area;
- (3) Will not be hazardous or disturbing to existing or future nearby uses;
- (4) Will be an improvement in relation to property in the immediate vicinity and to the community as a whole;
- (5) Will be served adequately by essential public services and facilities or that the persons responsible for the establishment of the proposed use will provide adequately any such service or facility;
- (6) Will not create excessive additional public costs and will not be detrimental to the economic welfare of the community; and
- (7) Will be consistent with the intent and purposes of this Zoning Ordinance.

(g) The Planning Commission may impose conditions and safeguards deemed necessary for ensuring that the purposes of this Zoning Ordinance are met. Conditions imposed shall meet all of the following requirements:

- (1) Be designed to protect natural resources, the health, safety, and welfare, as well as the social economic wellbeing, of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole;
- (2) Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity; and
- (3) Be necessary to meet the intent of the purpose of the zoning requirements, be related to the standards established in the zoning ordinance for the land use or activity under consideration, and be necessary to insure compliance with those standards.

(h) Any special land use approval given by the Commission, shall become null and void unless construction and/or use are commenced within one (1) year from the date of approval. Any special land use that has been commenced but abandoned for a period of one (1) year, shall lapse and cease to be in effect unless the Planning Commission approves a one (1) year

extension of the special land use approval. Only one (1) extension may be granted per application.

Section 3.6 Site Plan Review.

Site plan review and approval of all development proposals within specific zoning districts shall be required as provided in this Section. The intent of this Section is to provide for consultation and cooperation between the developer and the Planning Commission so that both parties might realize maximum utilization of land and minimum adverse effect upon the surrounding land uses. Through the application of the following provisions, the attainment of the Master Plan will be assured and the Township will develop in an orderly fashion.

(a) Site Plan Review Required. A site plan shall be submitted to the Commission for review and approval for the following:

- (1) Any permitted use or special land use within the Township, except one-family detached and two-family dwellings and their accessory buildings and uses; (Site Plan review is NOT required for single or two family dwellings; unless it was part of a larger scale residential development. A building plan review would be done by county building department.)
- (2) Any use or development for which the submission of a site plan is required by any provision of the Township's Ordinances;
- (3) Any change and/or conversion of use as permitted and regulated by this Ordinance that may result in a modification to off-street parking, traffic circulation, services, facilities or other physical conditions on the site;
- (4) Any use or development subject to the Michigan Condominium Act, Act 59 of the Public Acts of 1978, as amended; and
- (5) Any addition to an existing principal or accessory building within the Township, except one-family detached and two-family dwellings, and their accessory buildings and uses.

(b) Site Plan Review Standards. The site plan shall be reviewed in accordance with the following standards:

- (1) The proposed design will not be injurious to the surrounding neighborhood or impede the normal and orderly development of surrounding property for uses permitted by the Township's Ordinances.

- (2) The location, design and construction materials of all buildings and structures will be compatible with the topography, size and configuration of the site, and the character of the surrounding areas.
- (3) There will be a proper relationship between streets, sidewalks, service drives, driveways, and parking areas protecting the safety of pedestrians and motorists.
- (4) The location of buildings, outside storage receptacles, parking areas, screen walls, and utility areas is such that the adverse effects of such uses will be minimized for the occupants of that use and the occupants of surrounding areas.
- (5) County requirements and standards for streets, lighting, driveway approaches, grading, surface drainage, storm sewers, storm water retention facilities, water mains, sanitary sewers, and necessary easements will be met.
- (6) All buildings or groups of buildings will be so arranged as to permit emergency vehicle access by some practical means to all sides.
- (7) Appropriate site design measures have been taken which will preserve and protect the landscape, existing topography, natural resources, and natural features including, but not limited to lakes, ponds, streams, wetlands, steep slopes, groundwater recharge areas, and woodlands.
- (8) Sites which include storage of hazardous materials or waste, fuels, salt, or chemicals will be designed to prevent spills and discharges of polluting materials to the surface of the ground, ground water or nearby water bodies.
- (9) Landscaping, including greenbelts, trees, shrubs, and other vegetative materials, is provided to maintain and improve the aesthetic quality of the site and the area.
- (10) The proposed use is in compliance with the Township's Ordinances and any other applicable standards and laws.

(c) Information Required on Site Plan. A site plan submitted for review shall contain all of the following data prior to its submission to the Commission for review and approval:

- (1) General Information.
 - A. Plans drawn to a scale of not less than one (1) inch equals fifty (50) feet for property less than three (3) acres or not less than one (1) inch equals one hundred (100) feet for property three (3) acres or more;
 - B. The proprietors', applicants' and owners' names, addresses and telephone numbers;

- C. The date (month, day, year), title block, scale and north arrow;
- D. The signed professional seal, name and address of the architect, engineer, surveyor, landscape architect or planner responsible for the preparation of the plan;
- E. The zoning district classification of the petitioner's parcel and all abutting parcels;
- F. Pertinent area, height, lot coverage and setback requirements of the zoning district in which the parcel is located; and
- G. A legal description, including a gross acreage figure.

(2) Physical Features.

- A. Existing and proposed lot lines, building lines, structures and parking areas on the parcel and within one hundred (100) feet of the site;
- B. The location of existing and proposed traffic and pedestrian circulation facilities, including:
 - i. Centerline and existing and proposed right-of-way lines of abutting streets;
 - ii. Access drives;
 - iii. Service drives;
 - iv. Fire lanes;
 - v. Street intersections;
 - vi. Acceleration, deceleration and passing lanes and approaches;
 - vii. Sidewalks and pedestrian paths; and
 - viii. Curbing.
- C. The location of existing and proposed service facilities above and below ground, including:
 - i. Chemical and fuel storage tanks and containers;
 - ii. Storage, loading and disposal areas of chemicals, hazardous substances, salt and fuels;
 - iii. Water mains, hydrants, pump houses, standpipes and building services and sizes;
 - iv. Sanitary sewers and pumping stations;
 - v. Stormwater control facilities and structures, including storm sewers, swales, retention/detention basins, drainage ways and other facilities, including calculations for sizes;
 - vi. Existing and proposed easements; and

vii. Public utility distribution systems.

- D. Dimensioned floor plans, finished floor elevations, typical elevation views and specifications of building materials of all buildings;
- E. Dimensioned parking spaces and calculations, drives and type of surfacing;
- F. Exterior lighting locations, type of light and illumination patterns;
- G. The location and description of all existing and proposed landscaping, berms, fencing and walls;
- H. The trash receptacle pad location and the method of screening;
- I. Sign locations, height and size; and
- J. Any other pertinent physical features.
- K. Compliance with Sanilac County engineering standards.

(3) Natural Features.

- A. For parcels of more than one (1) acre, existing and proposed topography with a maximum contour interval of two (2) feet on the site and beyond the site for a distance of one hundred (100) feet in all directions. Spot elevations shall be required for parcels of less than one (1) acre in size;
- B. The location of existing drainage courses and associated bodies of water, on and off site, and their elevations; and
- C. The location of natural resource features, including wetlands and woodlands.

(4) Additional Requirements for Multiple Family Developments.

- A. Density calculations by type of unit;
- B. Designation of units by type and number of units in each building;
- C. Carport locations and details where proposed; and
- D. Details of community building and recreational facilities.
- E. Master Deed, Bylaws, and Exhibit B for all condominium developments.

(5) Additional Requirements for Non-Residential Districts.

- A. Loading/unloading areas;
- B. Total and usable floor area; and
- C. Number of employees, customers, clients or patients in peak usage.
- D. Master Deed, Bylaws, and Exhibit B for all condominium developments.

(d) Application Procedure. An application for site plan review shall be processed in the following manner:

- (1) All site plans shall be submitted to the Township with the completed application form and payment of a fee established by resolution of the Township Board by the second Tuesday of each month and must contain the following to be accepted:
 - A. A completed application signed by the owner. If the owner is not the applicant, the signature of the owner required on the application shall constitute authorization for representation by the applicant. If the owner is a corporation, the application must be signed by a corporate officer. If the owner is a partnership, the application must be signed by a general partner. If the owner is an individual, each individual owner must sign the application.
 - B. The applicant shall file at least ten (10) copies of the site plan as well as all of the required fees.
 - C. All items required by Section 3.6 hereof.
- (2) Upon receipt of the site plan, the following shall apply:
 - A. The Township shall forward a copy of the site plan and application to the appropriate Township departments and consultants.
 - B. Prior to submission to the Commission, the Township may schedule a meeting with the applicant and applicable staff to determine informational completeness and general compliance with the Ordinance.
 - C. If applicable, the applicant shall submit revised plans based upon the comments from the pre-Planning Commission meeting with staff and consultants.

D. The Township shall place review of the site plan on the next available Planning Commission agenda.

(e) Planning Commission Review. The Commission shall consider the application for approval, conditional approval, or denial at the scheduled meeting.

(1) Upon a determination by the Commission that a site plan is in compliance with the Township's Ordinances, Planning Commission shall grant approval. In this case, the basis for the decision shall be indicated in the official minutes from the proceedings.

(2) Upon a determination by the Commission that a site plan is in compliance, except with minor revisions, the Commission may grant conditional approval. In this case, the basis for the decision shall be indicated in the official minutes from the proceedings.

(3) If the site plan does not comply with the provisions of the Township's Ordinances, it shall be denied. In this case, the basis for the action shall be indicated in the official minutes from the proceedings.

(f) Effect of Approval. When an applicant receives final site plan approval, he or she must develop the site in complete conformity with the approved site plan. If the applicant has not obtained a building permit and commenced construction within one (1) year of site plan approval, the site plan approval becomes null and void and the developer shall make a new application for approval.

(g) Certificate of Zoning Compliance. Within thirty (30) days of Planning Commission approval, but prior to receiving a certificate of occupancy, the applicant shall submit a revised set of plans which address all of the conditions of site plan approval. Upon verification of compliance with the conditions of Planning Commission approval, the Zoning Administrator may sign the plans and submit a letter to the applicant indicating compliance with all applicable zoning provisions. The signed plans and associated letter shall become part of the official record which shall be retained by the Township.

(h) Amendment of a Site Plan. If an applicant seeks an amendment to an approved site plan or seeks an extension of time in which to commence building from an approved site plan, the approved site plan shall be amended or the time extension granted only upon the mutual agreement of the Planning Commission and the applicant.

(i) Administrative Review. In the following cases, the Zoning Administrator shall have the authority to approve a site plan without submission to the Planning Commission, but subject to all the criteria set forth in Sections 3.6 (a) to (c) hereof.

(1) Where Applicable.

- A. Accessory uses incidental to a conforming existing use where said use does not require any variance or further site modifications;
 - B. The conversion of an existing building from one permitted use to another permitted use within the same district, provided there is no substantial modification necessary to the building or the site;
 - C. Expansion and/or addition of five hundred (500) square feet or less to an existing conforming structure or use; and
 - D. Provision for additional loading/unloading spaces and landscape improvements as required by this section.
- (2) Information Required. The Zoning Administrator shall require all applicable criteria set forth in Sections 3.6 (a) to (c) hereof to be met and shall have the authority to waive information required in Section 3.6 (c) hereof which is not necessary to determine whether site plan review requirements have been met. The Zoning Administrator shall also have the authority to refer any site plan eligible for administrative review under Section 3.6 hereof to the Planning Commission and/or any consultants employed by the Township for the purposes of site plan review

Section 3.7 Condominium and Site Condominium Project Regulations.

- (a) Intent. Pursuant to the authority conferred by Section 141 of the Condominium Act, preliminary and final site plans shall be regulated by the provisions of Sanilac County.

Section 3.8 Use of Consultants.

From time to time, at the cost of the applicant, the Township may employ planning, engineering, legal, traffic, or other special consultants to assist in the review of special use permits, site plans, rezonings, or other matters related to the planning and development of the Township.

Section 3.9 Fees.

The Township Board shall establish a schedule of fees, charges, and expenses, and a collection procedure, for all zoning permits, appeals, and other matters pertaining to the Zoning Ordinance. The Township shall have the authority to include fees for the use of engineering, planning, legal or other special consultants. The schedule of fees shall be posted in the Township Offices, and may be altered or amended only by the Township Board. No permit, certificate, special use approval, or variance shall be issued unless or until such costs, charges, fees, or expenses have

been paid in full, nor shall any action be taken on proceedings before the Board of Appeals, unless or until preliminary charges and fees have been paid in full.

Section 3.10 Violations and Penalties.

Unless otherwise expressly provided, whoever (including, but not limited to owner, tenant, occupant, or person) violates any of the provisions of this Zoning Ordinance is guilty of a misdemeanor and upon conviction thereof, shall be punished by imprisonment in the County Jail for a period not to exceed ninety (90) days for each offence, or by both such fine and imprisonment in the discretion of the court, together with the cost of such prosecution. In addition to all other remedies, including the penalties provided in this Section of the Ordinance, the Township may commence and prosecute appropriate actions or proceedings in a court of competent jurisdiction, to restrain or prevent any noncompliance with or violation of any of the provisions of this Ordinance, or to correct, remedy or abate such noncompliance or violation. Buildings erected, altered, razed or converted, or uses carried on in violation of any provision of this Ordinance or in violation of any regulations made under the authority of Act 184 of the Michigan Public Acts of 1943, as amended, are hereby declared to be a nuisance per se, and the court shall order such nuisance abated.

Section 3.11 Amendments.

An amendment to the zoning district boundaries contained on the official zoning map (rezoning) and to the text of this ordinance may be initiated by the Township Board or the Planning Commission. An amendment to the zoning district boundaries may also be initiated by the owner or owners of property that is the subject of the proposed rezoning. An amendment to the text of this ordinance may also be initiated by petition of one (1) or more residents or property owners of the Township.

(a) Rezoning and Zoning Ordinance Text Amendment Procedure.

- (1) Information for Amendments. An amendment to the official zoning map or this ordinance, except those initiated by the Township Board, shall be initiated by submission of a letter to the Township, including an application fee, which shall be established from time to time by resolution of the Township Board. Said letter request explicitly describe the proposed amendment and shall be signed by the applicant.
- (2) Letter Request for Zoning Map Amendment. In the case of an amendment to the official zoning map (rezoning), the following information shall accompany the application.
 - A. Information to indicate the dimensions, location and size of the subject property including, but not limited to a sketch plan, property identification number, a legal description, street address of the subject property, a map

identifying the subject property in relation to surrounding properties, or other method required by the Planning Commission.

- B. The name, signature and address of the owner of the subject property, a statement of the applicant's interest in the subject property if not the owner in fee simple title, or proof of consent from the property owner.
- C. The existing and proposed zoning district designation of the subject property.
- D. A written description of how the requested rezoning meets Section 3.11(c) Criteria for Amendment of the Official Zoning Map (Rezoning).
- E. At the Planning Commission's discretion additional information may be required.

(b) Rezoning and Zoning Ordinance Amendment Process.

- (1) Public Hearing. Upon initiation of a rezoning or zoning ordinance text amendment, a public hearing on the proposed amendment shall be scheduled before the Planning Commission. Notice of the hearing shall be given by one (1) publication in a newspaper of general circulation in the Township, not less than fifteen (15) days before the date of the hearing, and in accordance with the provisions of the Michigan Zoning Enabling Act, PA 110 of 2006, as amended.
- (2) Planning Commission Review and Recommendation. Following the public hearing, the Planning Commission shall identify and evaluate all factors relevant to the petition and shall report its findings and recommendation to the Township Board. In the case of an amendment to the official zoning map (rezoning), the Planning Commission shall consider the criteria contained in Section 3.11 (c) criteria for Amendment of the Official Zoning Map (Rezoning), above, in making its finding and recommendation.
- (3) Township Board Review and Action. Following receipt of the findings and recommendation of the Planning Commission, the Township Board shall consider the proposed ordinance map or text amendment. In the case of an amendment to the text of this zoning ordinance, the Township Board may modify or revise the proposed amendment as recommended by the Planning Commission, prior to enactment. In the case of an amendment to the official zoning map (rezoning), the Township Board shall approve or deny the amendment, which may be based on consideration of the criteria contained in Section 3.11(c) Criteria for Amendment of the Official Zoning Map (Rezoning).

- (4) Notice of Adoption. Following adoption of a zoning text or map amendment the Township Board, a notice will be published in accordance with the Michigan Zoning Enabling Act, PA 110 of 2006, as amended.
- (5) Resubmittal. No petition for rezoning or zoning ordinance text amendment that has been denied by the Township Board shall be resubmitted for a period of one (1) year from the date of denial except on the grounds of new evidence or proof of changed conditions relating to all of the reasons noted for the denial found to be valid by the Planning Commission.

(c) Criteria for Amendment of the Official Zoning Map (Rezoning). In considering any petition for an amendment to the official zoning map (rezoning), the Planning Commission and the Township Board shall consider the following criteria in making its findings, recommendations and decision.

- (1) Consistency with the goals, policies and Land Use Plan Map of the Sanilac Township Master Plan. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area.
- (2) Compatibility of the site's physical, geological, hydrological, and other environmental features with the potential uses allowed in the proposed zoning district.
- (3) Evidence the applicant cannot receive a reasonable return on investment through developing the property with one (1) of the uses permitted under the current zoning.
- (4) The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.
- (5) The capacity of Township infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety and welfare" of the Township;
- (6) The apparent demand for the types of uses permitted in the requested zoning district in the Township in relation to the amount of land in the Township currently zoned to accommodate the demand.
- (7) Where a rezoning is reasonable given the above criteria, a determination shall be made that the requested zoning district is more appropriate than another district or amending the list of permitted or special land uses within a district.

(d) Criteria for Amendment of the Official Zoning Ordinance Text. The Planning Commission and Township Board shall, at minimum, consider the following before taking action on any proposed amendment.

- (1) Compatibility with the basic intent and purpose of the Zoning Ordinance.
- (2) Consistency with the goals and objectives and future land use map of the Sanilac Township Master Plan.
- (3) The requested amendment will correct an error in current appropriate documentation.
- (4) The requested amendment will resolve an inequitable situation created by the Zoning Ordinance and does not grant special privileges.
- (5) The requested amendment will not result in unlawful exclusionary zoning.
- (6) There is documentation from Township staff or the Zoning Board of Appeals indicating problems and conflicts in implementation or interpretation of specific sections of the Ordinance.
- (7) The requested amendment will address changes in state legislation, other Township ordinances, or federal regulations.
- (8) The requested amendment will resolve potential legal issues or administrative problems with the Zoning Ordinance based on recent case law or opinions rendered by the Attorney General of the State of Michigan.

(e) Conditional Rezoning of Land. As an alternative to a rezoning amendment as described in Section 3.11 (b) of this Ordinance, the Township may allow conditional rezoning to help ensure the proper use of land and natural resources and to allow for a more flexible approach to the rezoning process in accordance with Michigan Zoning Enabling Act, PA 110 of 2006, as amended. It is recognized that, in certain instances, it would be an advantage to both the Township and petitioners seeking rezoning of land if a site plan, along with conditions and limitations that may be relied upon by the Township, could be proposed as part of a petition for rezoning. Conditional rezoning of land must follow the standards and procedures as noted below.

- (1) The amendment procedure for a conditional rezoning shall follow the same procedure as a traditional rezoning amendment pursuant to Section 3.11(a).
- (2) In addition to the procedures as noted in Section 3.11(a), the following specific procedures, standards, and requirements apply to all proposed conditional rezoning requests.

- A. A conditional rezoning request must be voluntarily offered by an owner of land within the Township. All offers must be made in writing and must provide the specific conditions to be considered by the Township as a part of the rezoning request. All offers shall be in the form of a written agreement approvable by the Township and property owner, incorporating the conditional rezoning site plan and setting forth any conditions and terms mutually agreed upon by the parties relative to the land for which the conditional rezoning is sought.
- B. Conditional rezoning shall not allow a use or activity that would not otherwise be allowed in the proposed zoning district.
- C. Conditional rezoning shall not alter any of the various zoning requirements for the use(s) in question, i.e. parking, landscaping, lot area, lot width, building height, setbacks, lot area coverage, etc. Conditional rezonings shall not grant zoning variances of any kind. Any zoning variance must follow the provisions of Article 12 of this Ordinance.
- D. Conditional rezoning shall not grant special land use approval. The process for review and approval of special land uses must follow the provisions of Section 3.5 of this Ordinance.
- E. All conditions offered by a land owner in relation to a rezoning request must have a direct relationship to the rezoning itself. The provisions to allow conditional rezoning shall not be construed to allow rezoning by exaction.

In addition to the informational requirements provided for in Section 3.11(a) (2) of this Ordinance the applicant must provide a conditional rezoning site plan prepared by a licensed professional allowed to prepare such plans under this Ordinance, that may show the location, size, height or other measures for and/or of buildings, structures, improvements and features on, and in some cases adjacent to, the property that is the subject of the conditional rezoning of land. The details to be offered for inclusion in the conditional rezoning site plan shall be determined by the applicant, subject to approval of the Township. A conditional rezoning site plan shall not replace the requirement under this Ordinance for site plan review and approval, or subdivision or site condominium approval, as the case may be.

(3) Time Limits and Reversion of Land to Previous District.

- A. If the proposed conditions of rezoning are acceptable to the Township, the Township may establish a time period during which the conditions apply to the property and must be met. If the conditions are not satisfied within the time specified under this section, the property shall revert to its former zoning classification unless an extension is granted as noted below. Reversion of a property back to its former classification must follow the rezoning amendment provisions as provided in Section 3.11(b) of the

Zoning Ordinance.

- B. Unless a reversion of the zoning takes place as described in the section above, the approved conditional rezoning shall be binding upon the subject property owner, their heirs, successors, assignees, and transferees.
 - C. Upon approval of a conditional zoning, a copy of the written agreement between the property owner and Township shall be filed with the Sanilac County Register of Deeds, which shall act to provide notice to all subsequent owners of the property of the conditions approved and agreed to by the Township.
 - D. The Township may not add to or alter any conditions approved as a part of a rezoning during the time period specified above.
 - E. The time limits specified and approved by the Township may be extended upon the application of the landowner and approval of the Township.
- (4) Review Procedures. The factors found in Section 3.11(c) of this Ordinance must be considered in any conditional rezoning request.
- (f) Amendments Required to Conform to Court Decree. Any amendment for the purpose of conforming to a decree of a court of competent jurisdiction shall be adopted by the Township Board and published, without necessity of a public hearing.