

ARTICLE XVIII. - CHANGES AND AMENDMENTS⁽¹⁰⁾

Sec. 1801. - Initiation of amendments:

The Township Board may from time to time, on recommendation from the Planning Commission, amend, supplement, or change the district boundaries or the regulations herein, or subsequently established herein. Amendments to the provisions of this Ordinance (i.e., Ordinance text amendment) may be initiated by the Township Board , the Planning Commission or by petition from one (1) or more residents or property owners of the Township. An amendment to the Official Zoning Map (i.e., rezoning) may be initiated by the Township Board, the Planning Commission or by the owner or owners of the property that is the subject of the proposed amendment. All proposed amendments to the provisions of this Ordinance or the Official Zoning Map shall be referred to the Planning Commission for public hearing and recommendation to the Township Board , prior to consideration thereof by the Township Board.

Sec. 1802. - Application procedure:

An amendment to this Ordinance text or the Official Zoning Map shall be initiated by submission of a completed application on a form supplied by the Zoning Administrator, including an application fee, which shall be established by resolution of the Township Board. Amendments initiated by the Township Board or Planning Commission do not require an application or fee.

1. In the case of an amendment to the Official Zoning Map, the application shall be accompanied by the following, at a minimum:
 - A. The name and address of the owner of the subject property and a statement of the applicant's interest in the subject property, if not the owner in fee simple title;
 - B. A legal description and street address of the subject property;
 - C. A written description of how the requested rezoning satisfies the requirements identified in Section 1804;
 - D. A site analysis plan, the scale of which shall be no less than one (1) inch = two hundred (200) feet and includes the following information:
 - (1) A title indicating the nature of the rezoning request, the applicant's name and the site address or general location;
 - (2) A legend indicating the owner of record, the engineer, surveyor, or drafter, as applicable, the date of submission, scale, and north arrow;
 - (3) A boundary survey of the subject property;
 - (4) The location of existing site boundary lines, buildings, structures or other improvements, parking areas, driveways, points of ingress and egress for the site and adjacent parcels;
 - (5) The location, width, and names of existing streets and public or private easements adjacent to the site;
 - (6) The location of existing and proposed man-made features, including but not limited to drainage or utility structures or improvements;

- (7) The location of existing natural features, including but not limited to the location of existing drainage courses, regulated floodplains or wetlands and other relevant information the Planning Commission has determined to be necessary and essential to making an informed recommendation to the Township Board; and
- (8) Existing and proposed zoning classification(s) of the site and adjacent parcels.

Sec. 1803. - Amendment procedure—Public hearing and notice:

1. Upon certification by the Zoning Administrator that the application for amendment is complete, the item shall be forwarded to the Planning Commission.
2. In all cases of a text amendment or rezoning of individual or multiple properties, the Planning Commission shall conduct a public hearing to present the request and to receive comments. Notice of the hearing shall be given in accordance with the requirements of Section 103 of the Michigan Zoning Enabling Act, Act 110 of 2006, as amended. An affidavit of mailing shall be maintained.
3. If an individual property or several adjacent properties are proposed for rezoning, the Township shall give separate notice for each property for which approval is being considered. Such notice shall be consistent with the notice required by subsection 2 above.
4. A sign shall be placed on the subject property to inform the public that a request for rezoning has been filed, and to indicate where additional information may be obtained. The sign shall be placed in a conspicuous location where it is readable from the public road, not less than fifteen (15) days prior to the date the application will be considered for approval. The sign shall meet the following requirements:
 - A. The sign shall be a minimum of three (3) feet by three (3) feet in area, with a white background and black lettering.
 - B. The sign shall state "This property is petitioned for rezoning. If you have any questions call the Charter Township of Ypsilanti Planning Department" with the most current telephone number entirely in four (4) inch tall block letters.
5. Following the public hearing, the Planning Commission shall identify and evaluate factors relevant to the petition and the criteria in this Article and shall make its recommendation to the Township Board.
6. The Zoning Administrator shall forward a copy of the application, Planning Commission recommendation and minutes of the public hearing to the Township Board and request the Township Clerk place the application on the agenda of a regularly scheduled meeting of the Township Board.
7. Following receipt of the findings and recommendation of the Planning Commission, the Township Board shall consider the proposed amendment. The Township Board shall conduct two (2) readings on the proposed amendment. The Township Board then shall approve or deny the amendment, based on the criteria contained in this Article.

Sec. 1804. - Criteria for amendment of the Official Zoning Map:

In considering any petition for an amendment to the Official Zoning Map, the Planning Commission and Township Board shall consider the following criteria in making its findings, recommendations, and decision:

1. Consistency with the goals, policies, and future land use map of the Charter Township of Ypsilanti Master Plan, including any sub-area or corridor plans. If conditions have changed since the master plan was adopted, the rezoning may be found to be consistent with recent development trends in the area.
2. Compatibility of the site's physical, geological, hydrological, and other environmental features with all uses permitted in the proposed zoning district compared to uses permitted under current zoning.
3. The compatibility of all uses permitted 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 compared to uses permitted under current zoning.
4. The capacity of Township utilities and services sufficient to accommodate all the uses permitted in the requested district without compromising the health, safety, and welfare of the Township.
5. The capacity of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.
6. The apparent demand for the types of uses permitted in the requested zoning district in the Township, and surrounding area, in relation to the amount of land in the Township, and surrounding area, currently zoned and available to accommodate the demand.
7. The boundaries of the requested zoning district are sufficient to meet the dimensional regulations for the zoning district listed in Article IV, schedule of regulations.
8. The requested zoning district shall be more appropriate from the Township's perspective than another zoning district.
9. The requested rezoning will not create an isolated and unplanned spot zone.
10. The request has not previously been submitted within the past one (1) year, unless conditions have changed, or new information has been provided.
11. Other criteria as determined by the Planning Commission or Township Board which would protect the health and safety of the public, protect public and private investment in the Township, and enhance the overall quality of life in Charter Township of Ypsilanti.

Sec. 1805. – Conditional Rezoning Procedures

1. *Authorization and limitations.* The Township Board shall have the authority to place conditions on a rezoning, provided the conditions have been voluntarily offered in writing by the applicant and are acceptable to the Township Board. In exercising its authority to consider a conditional rezoning, the Township is also authorized to impose the following limitations:
 - A. An owner of land may voluntarily offer written conditions relating to the use and/or development of land for which a conditional rezoning is requested. This offer may be made

either at the time the application for conditional rezoning is filed, or additional conditions may be offered at a later time during the conditional rezoning process as set forth below.

- B. The owner’s offer of conditions may not authorize uses or developments not permitted in the requested new zoning district. The owner’s offer of conditions shall bear a reasonable and rational relationship to the property for which the conditional rezoning is requested.
 - C. Any use or development proposed as part of an offer of conditions that would require special use approval under the terms of this Ordinance may only be commenced if special use approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
 - D. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this Ordinance.
 - E. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the terms of this Ordinance.
2. *Amendment of conditions.* The offer of conditions may be amended during process of conditional rezoning consideration, provided that any amended or additional conditions are entered voluntarily by the owner and confirmed in writing. An owner may withdraw in writing all or part of its offer of conditions any time prior to final rezoning action of the Township Board, provided that, if such withdrawal occurs subsequent to the Planning Commission’s public hearing and recommendation of the original rezoning request, then the rezoning application shall be referred back to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.
3. *Procedure.* The procedure for consideration of Conditional Rezoning request shall be the same as provided in Section 1804 for other rezoning requests and the requirements of said Sections shall be applicable to Conditional Rezoning Agreement shall include the following:
- A. A Conditional Rezoning request shall be initiated by the submission by the applicant of a proposed Conditional Rezoning Agreement. A Conditional Rezoning Agreement shall include the following:
 - (1) A written statement prepared by the applicant that confirms the Conditional Rezoning Agreement was proposed by the applicant and entered into voluntarily.
 - (2) A written statement prepared by the applicant that confirms that the property shall not be used or developed in a manner that is inconsistent with conditions placed on the rezoning.
 - (3) A list of conditions proposed by the applicant.
 - (4) A time frame for completing the proposed improvements.
 - (5) A legal description of the land.
 - (6) A Sketch Plan in sufficient detail to illustrate any specific conditions proposed by the applicant.

- B. The Notice of Public Hearing on a Conditional Rezoning request shall include a general description of the proposed agreement being considered. A review of the proposed agreement shall be conducted at the public hearing.
- C. A Conditional Rezoning may only be approved upon a finding and determination that all of the following are satisfied:
 - (1) The conditions, proposed development, and/or proposed use of the land promote public health, safety, and welfare.
 - (2) The conditions, proposed development, and/or proposed use are not in material conflict with the Master Plan, or, if there is material conflict with the Master Plan, such conflict is due to one of the following:
 - a. A change in Township policy since the Master Plan was adopted.
 - b. A change in conditions since the Master Plan was adopted.
 - c. An error in the Master Plan.
 - (3) The conditions proposed development and/or proposed use are in accordance with all terms and provisions of the zoning district to which the land is to be rezoned, except as otherwise allowed in the Conditional Rezoning Agreement.
 - (4) Public services or facilities affected by a proposed development will be capable of accommodating service and facility loads caused by use of the development.
 - (5) The conditions proposed development and/or proposed use shall insure compatibility with adjacent uses of land.
- 4. *Amendment to zoning map.* Upon approval by the Township Board of a Conditional Rezoning request and a Conditional Rezoning Agreement, as provided by this Section, the Zoning Map shall be amended to reflect a new zoning classification along with a relevant designation that will provide reasonable notice of the Conditional Rezoning Agreement.
- 5. *Expiration.* A Conditional Rezoning Approval shall expire following a period of two (2) years from the effective date of the rezoning unless progress has been diligently pursued and substantial completion has occurred in accordance with permits issued by the Township.
 - A. In the event the conditional rezoning expires, the rezoning and the Conditional Rezoning Agreement shall be void and of no effect.
 - B. If the Conditional Rezoning becomes void, no development shall be undertaken and no permits for development shall be issued until such time as a new zoning district classification of the property has become effective as a result of one (1) or both of the following actions that may be taken:
 - (1) The property owner seeks a new rezoning classification for the property; and/or
 - (2) The Township initiates a new rezoning request for the property to a reasonable district classification, in accordance with the conventional rezoning procedure.
- 6. *Recording.* A Conditional Rezoning Approval shall not become effective until the Conditional Rezoning Agreement is recorded with the Washtenaw County Register of Deeds and a certified copy of the Agreement is filed with the Township Clerk.

7. *Violation of conditional rezoning agreement.* If development and/or actions are undertaken on or with respect to the property in violation of the Conditional Rezoning Agreement, such development and/or actions shall constitute a violation of this Ordinance and deemed a nuisance per se. In such case, the Township may issue a stop work order relative to the property and seek any other lawful remedies. Until curative action is taken to bring the property into compliance with the Conditional Rezoning Agreement, the Township may withhold, or, following notice and an opportunity to be heard, revoke permits and certificates, in addition to or in lieu of such other lawful action to achieve compliance.