

ARTICLE 18 AMENDMENTS

Section 18.01 Initiating Amendments.

The Township Board may amend, revise, or supplement district boundaries or the provisions and regulations of this Ordinance to provide for resource guardianship, public necessity, convenience, or safety, and the general welfare. Amendments may be initiated by the Township Board or Planning Commission. Amendments may also be initiated by petition of one (1) or more property owners or residents of the Township, or by one (1) or more persons acting on behalf of such property owners or residents. All proposed amendments shall be referred to the Planning Commission for review, public hearing, and recommendation before final action by the Township Board.

Section 18.02 Required Fees and Escrow Deposits.

The Township Board shall establish, by resolution or ordinance, fees and escrow deposits for review of zoning amendment petitions. 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 or escrow deposit shall be required for amendments proposed or requested by the Township. No action shall be taken on any petition or appeal for which required fees have not been paid in full.

Section 18.03 Pre-Application Meeting.

A property owner or their agent or designee shall meet with the Township Planner and designated Township consultants prior to submitting a formal application for an amendment under this Article. The purpose of the meeting is to discuss the amendment review process, information requirements, Growth Management Plan policies, and standards for approval.

1. The Township may require payment of a fee or escrow deposit to cover the costs of a pre-application meeting.
2. Comments or suggestions regarding a proposed amendment shall constitute neither approval nor a disapproval of the amendment, nor shall the Township be bound by such comments or suggestions during any subsequent review of an amendment application.

Section 18.04 Amendment Procedure.

The procedure for amending this Ordinance shall be in accordance with the Michigan Zoning Enabling Act and the following:

A. Filing of Petition.

A petition shall be filed with the Township Clerk. The Clerk shall transmit the petition to the Planning Commission for review and report to the Township Board.

B. Technical Review.

Prior to Planning Commission consideration, the proposed conditional rezoning amendment and application materials shall be distributed to designated Township officials and consultants for review and comment.

C. Public Hearing.

A public hearing shall be held for all proposed amendments in accordance with Section 1.14 (Public Hearing Procedures).

D. Planning Commission Recommendation.

Subsequent to 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 recommendation to the Township Board within 180 calendar days after receipt of a complete and accurate application. The report shall include a summary of comments received at the public hearing. This time limit may be extended by agreement between the petitioner and the Planning Commission.

E. Optional County Review.

Upon completion of the Planning Commission public hearing, the proposed amendment or supplement may be submitted to the Washtenaw County Planning Advisory Board for review and recommendation to the Township Board.

F. 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 1.14 (Public Hearing Procedures). 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.
3. If the Township Board shall deem advisable any changes, additions, or departures as to the proposed amendment, it shall refer same to the Planning

Commission for a report thereon within a time specified by the Board. Thereafter, the Board may act upon the petition.

G. Re-Application.

Whenever an application for an amendment to this Ordinance has been rejected by the Township Board, a new application for the same amendment shall not be accepted by the Township for a period of 365 calendar days unless the Township Board or Planning Commission determines that one 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 18.05 Information Required.

The following information shall be required with any petition for amendment to this Ordinance or Official Zoning Map submitted by one (1) or more property owners or residents of the Township, or by one (1) or more persons acting on behalf of such property owners or residents:

A. Zoning Map Amendment.

When the petition involves an amendment to the Official Zoning Map, the petitioner 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 petitioner.
4. The petitioner's interest in the property. If the petitioner is not the owner, the name and address of the owner(s), and the signed consent of the owner(s) to the petition. In the event a petition for zoning amendment is initiated by the Township Board or Planning Commission, the signed consent of the owner(s) to the petition shall not be required.
5. Signature(s) of the petitioner(s) and owner(s), certifying the accuracy of the information. In the event a petition for zoning amendment is initiated by the Township Board or Planning Commission, the certification by the owner(s) shall not be required.

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. In the event a petition for zoning amendment is initiated by the Township Board or Planning Commission, this general description shall not be required.
9. Reasons for the proposed amendment or zoning classification.

B. Zoning Ordinance Text Amendment.

When a petition involves a change in the text of the Zoning Ordinance, the petitioner shall submit the following information:

1. A detailed statement of the petition, 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 petitioner.
3. Reasons for the proposed amendment.

Section 18.06 Findings of Fact Required.

In reviewing any petition for a zoning amendment, the Planning Commission shall identify and evaluate all factors relevant to the petition. All findings of fact and conclusions shall be made a part of the public records of the meetings of the Planning Commission. The facts to be considered by the Planning Commission shall include, but shall not be limited to, the following:

1. Whether or not the requested zoning change is justified by a change in conditions since the original Ordinance was adopted, or by an error in the original Ordinance.
2. The precedents, and the possible effects of such precedents, that might result from approval or denial of the petition.
3. The capacity of Superior Township or other government agencies to provide any services, facilities, and/or programs that might be required if the petition were approved.
4. Effect of approval of the petition on the condition and/or value of property in Superior Township or in adjacent municipalities.

5. Relation of the petition to the Township's adopted Growth Management Plan, and of other government units where applicable.

A petition 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 Superior Township and of other civil divisions, where applicable.

Section 18.07 Notice of Adoption.

Following Township Board approval of a petition to amend the Zoning Ordinance, notice of the amendment shall be published within 15 calendar days of such approval in a newspaper of general circulation within Superior Township. The notice of adoption shall include the following information:

1. The Article and Section of the Ordinance amendment, in the case of a text amendment;
2. Either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment;
3. The effective date of the amendment; and
4. The place and time where a copy of the Ordinance may be inspected or purchased.

Section 18.08 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 a petition for referendum under this Section.

1. If a notice of intent is filed, then within 30 calendar days after publication of the notice of adoption for an amendment to the Zoning Ordinance or Official Zoning Map, a petition may be filed with the Township Clerk requesting therein for the submission of the amendment to the electors residing in the unincorporated portion of the Township for their approval. To qualify, the petition shall be signed by a number of qualified and registered voters residing in the unincorporated portion of the 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.
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 the amendment to the Zoning Ordinance or official zoning map, if the petition is not filed within that time period.
- b. The Township Clerk finds that the petition, if filed within 30 calendar days after publication of the notice of adoption for the amendment to the Zoning Ordinance or Official Zoning Map, is inadequate.
- c. If a petition is filed within 30 calendar days after publication of the notice of adoption for the amendment to the Zoning Ordinance or Official Zoning Map, the Township Clerk finds that the petition 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 18.09 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 specific Township lands may be adopted by the Township Board and the amendment published without referring same to any other commission or agency.

Section 18.10 Conditional Rezoning Prohibited.

Conditional rezoning, as authorized by Section 405 of the Michigan Zoning Enabling Act, shall be prohibited in Superior Charter Township. 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.