



# Application for Change of Zoning

5371 S Saginaw St. Grand Blanc, MI 48507 810-424-2791

Website: [www.grandblancwpmi.gov](http://www.grandblancwpmi.gov) Email: [PZ@grandblancwpmi.gov](mailto:PZ@grandblancwpmi.gov)

Taxes must be paid in full before application is processed.

Standard Rezoning

Case: \_\_\_\_\_

Conditional Rezoning

Date: \_\_\_\_\_

Fee: \_\_\_\_\_

TO THE TOWNSHIP PLANNING COMMISSION AND TOWNSHIP BOARD OF GRAND BLANC TOWNSHIP:

## I. Property Information

A. The undersigned applicant does hereby petition to change the zoning on the following legally described property (use an attached sheet, if necessary).

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B. Situated at the following address: \_\_\_\_\_

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C. The applicant requests that the Zoning Ordinance be amended to reclassify this property from \_\_\_\_\_ to zone \_\_\_\_\_ to permit the erection of: \_\_\_\_\_

D. A plot plan of this property, showing both existing zone boundaries and those proposed, is hereto attached and made a part of this petition.

E. Said property has the following deed restrictions affecting the use thereof:

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Said deed restrictions will expire on \_\_\_\_\_

II. The Answers to the Following Must Be Made Complete and Full

A. Such Change is necessary for the preservation and enjoyment of a substantial property right because: (State in detail wherein the conditions applicable to this property establish the above statement).

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B. Such change will not be materially detrimental to the public welfare not the property of other persons, located in the vicinity thereof because: (State in detail where the conditions applicable to this property establish the above statement).

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C. Such change will be advantageous to the governmental unit where rezoning is requested because: (State in detail, with factual support, reasons for the above statement or why refusing the change would be to the Township's disadvantage):

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D. Such change is needed because zoned land is not presently available elsewhere in the community or adjacent communities to permit proper location of proposed use: (State in detail this determination).

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II. AFFIDAVIT

A. The undersigned says that he is the Attorney for owner (owner, lessee or other specified interest) involved in this petition and that the foregoing answers and statements herein contained, and the information herewith submitted are in all respects true and correct to the best of his/her knowledge and belief.

Signed: \_\_\_\_\_

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

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

Phone Number: (\_\_\_\_) \_\_\_\_\_

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

## 6. Repairs and Maintenance

- A. On any building devoted in whole or in part to any nonconforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding fifty (50) percent of the assessed value of the building, provided that the cubic content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased (see also Section 7.2.4, Nonconforming Building and Structures).
- B. A nonconforming structure or any structure containing a nonconforming use that has structurally deteriorated to an extent that it has been condemned by a duly authorized official, and the cost of repair to meet standards for occupancy exceeds fifty (50%) percent of the structure's replacement cost, shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.
- C. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

7. **Uses Under Exception Provision Not Nonconforming Uses.** Any use for which a special exception is permitted as provided in this Ordinance shall not be deemed a nonconforming use, but shall, without further action, be deemed a conforming use in such district.

8. **Change of Tenancy or Ownership.** There may be a change of tenancy, ownership, or management of any existing nonconforming uses of land, structures and land in combination.

## 7.3 ORDINANCE AMENDMENTS

1. **Initiation of Amendments.** The Township Board may, from time to time, amend, modify, supplement or revise the zoning district boundaries shown on the Official Zoning Map or the provisions of this Ordinance. Amendments to the provisions of this Ordinance may be initiated by the Township Board, the Planning Commission or by petition from one or more residents or property owners of the Township. An amendment to the zoning district boundaries contained on the Official Zoning Map may be initiated by the Township Board, the Planning Commission, or by the owner or owners of property which is the subject of the proposed amendment. An owner of land may voluntarily offer in writing and the Township may approve, certain use and development of land as a condition to the approval of a rezoning consistent with the provisions of Section 405 of the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, (M.C.L. 125.3101 et seq.) 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.

2. **Application Procedure.** An amendment to this Ordinance or the Official Zoning Map, except those initiated by the Township Board or Planning Commission, shall be initiated by submission of a completed application on a form supplied by the Township, including an application fee, which shall be established from time to time by resolution of the Township Board.

In the case of an amendment to this Ordinance, other than an amendment to the Official Zoning Map, a general description of the proposed amendment shall accompany the application form.

In the case of an amendment to the Official Zoning Map, the following information shall accompany the application form:

- A. Completed application form and fee to cover administrative cost and review by consultants.
- B. A legal description and street address of the subject property, together with a map identifying the subject property in relation to surrounding properties.
- C. 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.

- D. The existing and proposed zoning district designation of the subject property.
- E. A written description of how the requested rezoning meets Section 7.3.5, Criteria for Amendment of the Official Zoning Map.
- F. Conditional rezoning requests shall include the applicant's proposed offer of conditions. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
- G. A rezoning traffic study, as described in Section 6.6, Traffic Impact Study, if required based on Section 7.3.5.F, Criteria for Amendment to the Official Zoning Map.
- H. If requested by the Planning Commission or the Township Board, an impact statement in accordance with Section 6.5 shall be submitted.

3. **Amendment Procedure; Public Hearing and Notice.**

- A. A mandatory Pre-application conference with Township staff, consultants and Planning Commission officials is required prior to the formal submission of a request for a conditional rezoning. The conference provides an opportunity to informally discuss the rezoning and voluntary conditions proposed as well as other applicable Township development procedures such as site plan review, special land use review and variances. The pre-application conference will allow the applicant and the Township to identify key issues associated with the request at the earliest possible stage.
- B. Upon initiation of an amendment, a work session and public hearing to consider 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. Notice shall also be given by mail to each electric, gas, and pipeline public utility company, each telecommunication service provider, and each railroad operating within the district affected, that registers its name and mailing address with the Township Clerk for the purpose of receiving such public notice. The notice shall be given not less than fifteen (15) days before the public hearing date, in accordance with the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, (M.C.L. 125.3101 et seq.) and shall describe the nature of the proposed amendment, state the time and place of the public hearing, and indicate when and where written comments will be received. For rezoning requests of an individual property or of ten (10) or fewer adjacent properties, notice shall also be given by mail or personal delivery to the owners of property for which approval is being considered, to all persons whom real property is assessed within 300 feet of the subject property, and to the occupants of all structures within 300 feet of the subject property regardless of whether the property or occupant is located within Grand Blanc Township. The notice shall indicate the property that is subject of the request including a listing of all existing street addresses within the subject property.
- C. Whenever an application for rezoning is made, it shall be the responsibility of the applicant to prepare and erect a sign announcing the rezoning request. The sign shall comply with the following regulations:
  - i. One (1) sign shall be placed on the property proposed for rezoning and in full public view along all abutting street or road frontages. The sign(s) must be located along, not in, the right-of-way nearest to the midpoint of the property width, without obstructing the vision of motorists or pedestrians.
  - ii. If the property proposed for rezoning does not abut a street, the sign(s) shall be placed on any contiguous land owned by the petitioner(s) or owner(s) which does abut a street.
  - iii. If no contiguous property abutting a street is owned by the petitioner(s) or owner(s) of the property proposed for rezoning, the sign(s) shall be placed in such location(s) on the property that the Zoning Administrator deems will best inform the public of the proposed rezoning. If the Zoning Administrator determines that there is no location where a sign could be placed that would be visible to the public, the Zoning Administrator may waive the requirement of posting.

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- iv. The rezoning sign(s) shall be placed on the property proposed for rezoning at least fifteen (15) days, but not more than thirty (30) days, prior to the Planning Commission's public hearing on the rezoning request.
- v. It shall be the responsibility of the applicant to maintain the sign(s) and remove it within thirty (30) days of final action by the Township Board, or seven (7) days after withdrawing the rezoning application.
- vi. The rezoning sign(s) must comply with the specifications adopted by resolution of the Township Board.
- vii. Upon installation of the sign(s) and at least fifteen (15) days prior to the public hearing, the applicant must submit to the Planning Department a photograph of the erected sign(s) and a plot plan of the subject property that indicates the location of rezoning signs.
- viii. 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, the Planning Commission shall consider the criteria contained in Section 7.3.5 below, in making its finding and recommendation.

D. Following receipt of the findings and recommendation of the Planning Commission, the Township Board shall consider the proposed amendment. In the case of an amendment to the text of this Ordinance, the Township Board may modify or revise the proposed amendment prior to enactment. In the case of an amendment to the Official Zoning Map, the Township Board shall approve or deny the amendment, based on its consideration of the criteria contained in Section 7.3.5 below.

E. In the case of a conditional rezoning petition, the applicant may voluntarily amend the conditions during the process of rezoning consideration. An owner may withdraw all or part of its offer of conditions at anytime prior to final rezoning action of the Township Board provided that, if such

withdrawal occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation. The applicant may offer to add more restrictive conditions at the Township Board without requiring a new public hearing.

- 4. **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 or referral thereof to any other board or agency.
- 5. **Criteria for Amendment to 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. The decision on a proposed amendment shall include a statement of findings and conclusions which specifies the basis for the decision.
  - A. Consistency with the goals, policies and future land use map of the Grand Blanc Township Master Plan, including any subarea or corridor studies. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area.
  - B. Compatibility of the site's physical, geological, hydrological and other environmental features with the host of uses permitted in the proposed zoning district.
  - C. 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.
  - D. 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.
  - E. The capacity of Township utilities and services sufficient to accommodate the uses permitted in the requested district without compromising the "health, safety and welfare" of the Township.

F. The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district. A rezoning traffic study prepared in accordance with the requirements of Section 6.6 shall be required for any proposed change to the zoning that is either (1) inconsistent with the Township's Master Plan, or (2) involves a request other than residential down-zoning.

G. 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 and available to accommodate the demand.

H. The boundaries of the requested rezoning district are reasonable in relationship to surroundings and construction on the site will be able to meet the dimensional regulations for the zoning district listed in the Schedule of Regulations.

I. If a rezoning is appropriate, the requested zoning district considered to be more appropriate from the township's perspective than another zoning district.

J. If the request is for a specific use, is rezoning the land more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use?

K. The requested rezoning will not create an isolated and unplanned spot zone.

L. The request has not previously been submitted within the past one (1) year, unless conditions have changed or new information has been provided.

M. An offer of conditions submitted as part of a conditional rezoning request shall bear a reasonable and rational relationship to the property for which rezoning is requested.

N. Other factors deemed appropriate by the Planning Commission and Township Board.

6. **Criteria for Amendments to Zoning Ordinance Text.** The Planning Commission and Township Board shall consider the following criteria for initiating amendments to the zoning ordinance text or responding to a petitioner's request to amend the ordinance text. The decision on a proposed amendment shall

include a statement of findings and conclusions which specifies the basis for the decision.

- A. The proposed amendment would correct an error in the Ordinance.
- B. The proposed amendment would clarify the intent of the Ordinance.
- C. Documentation has been provided from Township Staff or the Zoning Board of Appeals indicating problems and conflicts in implementation or interpretation of specific Sections of the Ordinance.
- D. The proposed amendment would address changes to the state legislation.
- E. The proposed amendment would address 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.
- F. The proposed amendment would promote compliance with changes in other Township Ordinances and County State or federal regulations.
- G. The proposed amendment is supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements and similar technical items.
- H. 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, promote implementation of the goals and policies of the Master Plan and Sub-Area Plans, and enhance the overall quality of life in Grand Blanc Charter Township.

7. **Approval of Zoning Amendments.** Approved amendments shall require the following:

- A. Publication of a notice of adoption in a newspaper of general circulation in the Township within fifteen (15) days of adoption in accordance with the provisions of the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, (M.C.L. 125.3101 et seq.). The notice shall include either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment. The notice shall also include the effective date of the amendment and

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the place and time when a copy of the amendment may be purchased or inspected.

B. The Zoning Text and or Map shall be amended to reflect the new zoning classification or language. Map amendments for conditional rezonings should include a designation identifying that the property is subject to a Statement of Conditions.

C. Conditional rezonings shall require the submittal of a formal written Statement of Conditions which shall be incorporated by attachment as an inseparable part of the ordinance adopted by the Township Board. The Statement of Conditions shall:

- i. Be in a form recordable with the Genesee County Register of Deeds and include a statement acknowledging that it is recorded.
- ii. Contain a legal description of the land to which it pertains.
- iii. Acknowledge that upon the rezoning taking effect, the use and development of the land shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by the Statement of Conditions.
- iv. Contain a provision acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land. Any person who establishes a development or commences a use upon such land shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions.
- v. Incorporate by attachment or reference any diagram, plans or other documents submitted or approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.
- vi. Specify that failure to comply with any of the conditions set forth in the Statement of Conditions shall constitute a violation of this Zoning Ordinance and shall be punishable accordingly.

vii. Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the document.

D. The approved Statement of Conditions shall be filed by the Township Clerk with the Genesee County Register of Deeds. The Township Board shall have the ability to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would be of no material benefit to the Township or to any subsequent owner of the land.

8. **Effect of Conditional Rezoning.** The following provisions shall apply to approved conditional rezonings:

- A. **Time Period for Establishing Development or Use.** Unless another time period is specified in the Ordinance rezoning the subject land, the approved development and / or use of land pursuant to building and other required permits must be commenced upon the land within 18 months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended by the Township Board if (1) it is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and or use of will commence within the period of extension and proceed diligently thereafter to completion and (2) the Township Board finds that there has not been a change in circumstances that would render the current zoning with Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy.
- B. **Reversion of Zoning.** If approved development and / or use of the rezoned land does not occur within the time frame specified under Section 7.3.8.A above, then the land shall revert to its former zoning classification as set forth in Section 405(2) of the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended. The reversion process shall be initiated by the



Township Board requesting that the Planning Commission proceed with consideration of the rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other zoning requests.

- C. **Subsequent Rezoning of Land.** When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to Section 7.3.8.B above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the Township Clerk shall record with the Genesee County Register of Deeds a notice that the Statement of Conditions is no longer in effect.
- D. **Amendment of Conditions.**
  - i. During the time period for commencement of an approved development or use specified pursuant to Section 7.3.8.A above or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions.
  - ii. The Statement of Conditions may be amended thereafter in the same manner as set forth in Section 7.3.3.E of this Ordinance.
- E. **Township Right to Rezone.** Nothing in the Statement of Conditions nor in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this ordinance and the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, (M.C.L. 125.3101 et seq.).

#### 7.4 ZONING BOARD OF APPEALS

- 1. **Creation and Membership.** There is hereby established a Zoning Board of Appeals, hereinafter in this Section (7.4) called the "Board", which shall perform its duties and exercise its powers as provided in the Michigan Zoning Enabling Act, P.A. 110 of 2006, as amended, (M.C.L. 125.3101 et seq.), and in such a way that the objectives of this Ordinance shall be observed, public safety and welfare secured and substantial justice done. The Board shall be composed of five members as follows:
  - A. The first member shall be a member of the Township Planning Commission. If this member's participation on the Planning Commission ends, a new member from the Planning Commission shall be appointed by the Township Board.
  - B. The second member shall be a member of the Township Board appointed by the Township Board for a period of his or her office. This member shall serve only while serving as a member of the Township Board, and shall not serve as Chairperson of the Zoning Board of Appeals.
  - C. The remaining members shall be appointed by the Township Board from among the electors residing in the township. The initial term for the third member shall be three (3) years, the initial term for the fourth and fifth members shall be two (2) years. The terms of these members shall be for three (3) years upon reappointment. For members serving at the time this Ordinance was adopted in 1994, the terms of office established under the prior Zoning Ordinance shall remain valid. If a member's term expires, that member shall continue to serve, unless replaced by an alternate, until a new member is appointed by the Township Board. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. Vacancies for unexpired terms shall be filled for the remainder of the term.
  - D. The Township Board may appoint one (1) or two (2) alternates to the Zoning Board of Appeals to serve during the absence of a regular member; in the interim, if a member resigns; or when a regular member is excused from an item due to an announced "conflict of interest." The alternates shall serve for a three (3) year term.