

CHARTER TOWNSHIP OF YPSILANTI

PROPOSED ORDINANCE 2019-486

AN ORDINANCE AMENDING ARTICLE XXVII OF THE ZONING ORDINANCE TO ADD THE CONDITIONAL REZONING TEXT AMENDMENTS

The Charter Township of Ypsilanti hereby ordains that the Ypsilanti Township Zoning Code, adopted May 18, 1994, shall be amended as follows:

SECTION 1. AMENDMENT TO TOWNSHIP ZONING ORDINANCE ARTICLE XXVII:

Township Zoning Ordinance Article XXVII, "Changes and Amendments" by amending Section 2701 "Initiation of amendments", and adding Section 2705 "Conditional amendment of the official zoning map", as follows:

Sec. 2701. - Sec. 2701. - 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 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 pursuant to the authority and procedure established in Act. No. 184 of the Public Acts of Michigan of 1943 (MCL 125.271 et seq.) Act No. 110 of the Public Acts of Michigan of 2006 (MCL 125.3101 et seq.), as amended.

Sec. 2705. – Conditional amendment of the official zoning map:

The Township Board shall have the authority to place conditions on an amendment to the official zoning map, commonly referred to as a conditional 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.
 - (1) The owner's offer of conditions may not authorize uses or developments not permitted in the requested 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.
 - (2) A conditional rezoning that would also require approval of a conditional use, variance or site plan under the terms of this ordinance shall not be effective until approval for a conditional use, variance or site plan is ultimately granted in accordance with the provisions of this ordinance.
- (b) The offer of conditions may be amended during the 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 on 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.

- (c) The procedure for consideration of Conditional Rezoning request by the Planning Commission and Township Board shall be the same as provided in Section 2702 for all other requests for amendments to the official zoning map. The following additional information shall also be required:
 - (1) A Conditional Rezoning request shall be initiated by the submission of a proposed Conditional Rezoning Agreement. A Conditional Rezoning Agreement shall include the following:
 - a. A written statement prepared by the applicant that confirms the Conditional Rezoning Agreement was proposed by the applicant and entered into voluntarily.
 - b. 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.
 - c. A list of conditions proposed by the applicant.
 - d. A time frame for completing the proposed improvements.
 - e. A legal description of the land.
 - f. A Sketch Plan in sufficient detail to illustrate any specific conditions proposed by the applicant.
 - (2) 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.
 - (3) A Conditional Rezoning may be approved upon the criteria set forth in Sec. 2704 and a finding and determination that all of the following are satisfied:
 - a. The conditions, proposed development, and/or proposed use of the land are designed or proposed for public health, safety, and welfare purposes.
 - b. 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:
 - i. A change in Township policy since the Master Plan was adopted.
 - ii. A change in conditions since the Master Plan was adopted.
 - iii. An error in the Master Plan.
 - c. 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.
 - d. The conditions, proposed development and/or proposed use shall insure compatibility with adjacent uses of land.
- (d) 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.

- (e) A Conditional Rezoning Approval shall expire following a period of time from the effective date of the rezoning established by the Township Board, unless progress has been diligently pursued and substantial completion has occurred in accordance with permits issued by the Township.
 - (1) In the event the conditional rezoning expires, the rezoning and the Conditional Rezoning Agreement shall be void and of no effect.
 - (2) 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 or both of the following actions that may be taken:
 - a. The property owner seeks a new rezoning classification for the property; and/or
 - b. The Township initiates a new rezoning request for the property to a reasonable district classification, in accordance with the conventional rezoning procedure.
- (f) 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.
- (g) 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.

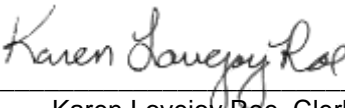
SECTION 3. SEVERABILITY. In the event that any one or more sections, provisions, phrases or words of this ordinance shall be found to be invalid by a Court of competent jurisdiction, such holding shall not affect the validity nor the enforceability of the remaining sections, provisions, phrases or words of this Ordinance unless expressly so determined by a Court of competent jurisdiction.

SECTION 4. PUBLICATION. This ordinance shall be published in a newspaper of general circulation as required by law.

SECTION 5. EFFECTIVE DATE: This ordinance shall become effective upon publication in a newspaper of general circulation as required by law.

SECTION 6. REPEAL: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

I, Karen Lovejoy Roe, Clerk of the Charter Township of Ypsilanti, County of Washtenaw, State of Michigan hereby certify approval of the first reading of Proposed Ordinance No. 2019-486 by the Charter Township of Ypsilanti Board of Trustees assembled at a regular meeting held on May 7, 2019. The second reading is scheduled to be heard on June 18, 2019.



Karen Lovejoy Roe, Clerk
Charter Township of Ypsilanti