

**PROPOSED ORDINANCE TO AMEND
THE WASHINGTON TOWNSHIP ZONING ORDINANCE
ORDINANCE #**

AN ORDINANCE TO AMEND THE WASHINGTON TOWNSHIP ZONING ORDINANCE

THE TOWNSHIP OF WASHINGTON ORDAINS:

ARTICLE 1. Amend Subsection 3.17.C, item 5 to read as follows:

5. Phasing and site plans. Application for approval of each phase of the PUD shall be submitted and regulated under the standard site plan review process outlined in [Section 6.1.D](#) and/or [Section 6.2](#) as well as [criteria i. to iii. outlined above in subsection 3.](#) Each phase of the project shall be in compliance with the approved PUD and development agreement.

ARTICLE 2. Add new items 6 and 7 to Subsection 3.17.C, to read as follows:

6. Amendments. Proposed amendments or changes to an approved PUD plan shall be submitted to the planning commission. The planning commission shall determine whether the proposed modification is a minor or major amendment. If the planning commission determines the proposed amendment is minor, the Planning Commission shall approve or deny the amendment. If the Planning Commission determines the amendment is major, the amendment shall be reviewed by the planning commission and Township Board in accordance with the provisions and procedures of this section as they relate to final approval of the PUD, including all public hearing requirements. An amendment shall be deemed a major amendment if any of the following criteria are met:
 - i. The amendment requires an amendment to the written PUD agreement.
 - ii. The amendment changes the permitted uses within the PUD.
 - iii. The amendment changes the density or street layout within the PUD.
 - iv. The amendment results in an additional building or an addition to an approved building in excess of 200 square feet.
 - v. The addition results in a change to site access.
 - vi. The amendment would require relief from an ordinance standard.
 - vii. Other changes determined by the Planning Commission to result in a material change to the overall character of the PUD.
7. Appeals. Development within the PUD property shall not be permitted to appeal specific standards of the Zoning Ordinance to the ZBA unless otherwise stated in the development agreement.

ARTICLE 3. Repeal Subsection 7.10.E in its entirety and renumber subsequent sections accordingly.

ARTICLE 4. Add new Section 7.12 to read as follows:

Section 7.12 ORDINANCE AMENDMENTS, INCLUDING REZONING

- A. **Initiation of Amendments.** Amendments to the provisions of this Ordinance, including amendments to the zoning district boundaries shown on the Official Zoning Map (a “rezoning”) may from time to time be initiated by the Township or by petition from one or more residents or property owners of the Township. 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.

- B. **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:

1. Completed application form and fee to cover administrative cost and review by consultants.
2. A legal description and street address of the subject property, together with a map identifying the subject property in relation to surrounding properties.
3. 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.
4. The existing and proposed zoning district designation of the subject property.
5. A written narrative explaining the purpose of the proposed rezoning.
6. A written description of how the site's rezoning meets Section 7.12.E, Criteria for Amendment to the Official Zoning Map.
7. Conditional rezoning requests shall include the applicant's written 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. The Statement of Conditions shall:
 - a. Be in a form recordable with the Macomb County Register of Deeds and include a statement acknowledging that it will be recorded.
 - b. Contain a legal description of the land to which it pertains.
 - c. Acknowledge that upon the rezoning taking effect, the use of the land shall conform thereafter to all of the requirements regulating use and development within the new zoning district.
 - d. Contain a provision acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
 - e. 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 enforceable accordingly.
 - f. Contain the signatures of all the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the statement of conditions.

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

1. Upon initiation of an amendment, a 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. The notice shall be given not less than fifteen (15) days before the public hearing date, in accordance with the Michigan Zoning Enabling Act 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 whose 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 Washington Township. The notice shall indicate the property that is subject to the request including a listing of all existing street addresses within the subject property.

2. Following receipt of the findings and recommendation of the Planning Commission, the Township Board shall consider the proposed amendment. In considering the proposed amendment, the Township Board may modify or revise the proposed amendment prior to its enactment, or may remand the amendment back to the Planning Commission for its consideration and comment within a timeframe specified by the Township Board.
 3. In the case of a conditional rezoning petition, the applicant may voluntarily amend the conditions during the process of rezoning consideration. An applicant may withdraw all or part of its offer of conditions at any time prior to the planning commission's public hearing. The applicant may offer to add more restrictive conditions at the Township Board without requiring a new public hearing.
- D. **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.
- E. **Criteria for Amendment to the Official Zoning Map (Rezoning).** In considering any petition for an amendment to the Official Zoning Map, including a conditional rezoning, the Planning Commission and Township Board may consider the following criteria:
1. Consistency with the goals, policies and future land use map of the Washington Township Master Plan. If conditions have changed since the Master Plan was adopted, recent development trends in the area may be considered.
 2. Compatibility of the site's physical, geological, hydrological and other environmental features with the host of uses currently permitted in the proposed zoning district.
 3. 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.
 4. Evidence from the applicant that there are substantial reasons the property cannot be developed with the uses permitted under the current zoning or otherwise in accord with current zoning.
 5. The capacity of utilities and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety and welfare of the Township.
 6. The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.
 7. The apparent demand for the types of uses permitted in the requested zoning district relative to the amount of land in the Township currently zoned and available to

accommodate the demand.

8. Whether the boundaries of the requested zoning 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.
 9. 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?
 10. Whether the requested rezoning is a logical extension of an existing district in the area.
 11. That the requested rezoning will not create an isolated and unplanned spot zone or grant a special privilege to an individual property owner not available to other property owners or the general public.
 12. The request has not previously been submitted within the past one (1) year, unless conditions have changed or new information has been provided, as determined by the Planning & Zoning Department.
 13. 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.
 14. Other factors as appropriate.
- F. **Conditional Rezoning.** An applicant for rezoning may voluntarily offer written conditions on the rezoning request. The effect of conditional rezoning shall be as follows:
1. **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, the Statement of Conditions shall cease to be in effect.
 2. **Amendment of Conditions.** Amendment of conditions shall follow the process for rezoning outlined above.
 3. **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.
 4. **Reversion to Original Zoning Designation.** If development for the use or uses specified in the Statement of Conditions has not commenced within two (2) years of the approval of the conditional rezoning, the property shall revert to its original zoning designation unless an extension is granted by the Township Board.
- G. **Approval of Zoning Amendments.** Approved amendments shall require the following:
1. 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. 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 the place and time when a copy of the amendment may be purchased or inspected.
 2. 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.

ARTICLE 5. Amend Section 2.2 to add a new definition of “Pre-Planning Committee” to read as follows:

Pre-Planning Committee. An advisory committee comprising the Township Supervisor, Fire Marshal, Building Official, Assessor, Department of Public Works Director, Township Engineer, Township Planner, Director of Planning & Zoning, one Planning Commission member, and the Board liaison to the Planning Commission. The duties of this committee shall include holding pre-application meetings with potential applicants, reviewing plans that have been approved for compliance with the conditions of approval, and approving temporary uses under 1 acre in size.

ARTICLE 6. Amend Section 3.14 (O-1 General Office district), subsection C, to remove item 7 and renumber subsequent items accordingly.

ARTICLE 7. Amend Section 3.15 (IND Industrial district), , subsection C, to remove item 4 and renumber subsequent items accordingly.

ARTICLE 8. Amend Section 5.3.C to read as follows:

In all residential developments, so called entranceway structures and landscaping including, but not limited to, walls, columns and decorative security shelters marking entrances to residential developments shall be required and may be located in a required setback, provided that such entranceway structures shall comply with all codes and ordinances of the Township and be approved by the Planning Commission. Residential entranceway structures may exceed the maximum height requirements of a fence but shall not maintain an average height of greater than six (6) feet. All landscape designs shall be prepared and sealed by a registered landscape architect. Entryway features, signs, and landscaping shall comply with Section 5.14 Clear Vision. Subdivisions and site condominium subdivisions shall also meet the standards of Section 181.705 "Landscape Easement/Common Area" in the Land Division Ordinance.

ARTICLE 9. Repeal Subsection 5.12.C.2.b in its entirety.

ARTICLE 10. Add new Subsection 5.12.C.3 to read as follows:

3. An applicant may propose, and the Planning Commission may approve, the deferral of the construction of a portion of required parking spaces, provided that a land bank for those deferred spaces is provided on the site plan. The applicant shall provide, in writing, the rationale for the request to defer construction of spaces. Landbanked parking shall meet the following requirements:

- a. The number of off-street parking spaces required for the use or uses shall be more than ten (10).
- b. Area of sufficient size to meet the parking space requirements of this section shall be retained as open space. The site plan shall note the area where parking is being deferred, including dimensions and dotted parking lot layout.
- c. The applicant shall provide a written legal agreement, approved by the Township Attorney and recorded at Macomb County, to construct the deferred parking at the direction of the approving

body, based on observed usage, within six (6) months of being informed of such request in writing by the Community Development Department; the applicant may also inform the Township of the need to construct the parking, whereupon its construction may be approved administratively, subject to any necessary engineering approvals based on conditions at the time.

ARTICLE 11. Add new Subsection 7.9.B.3 to read as follows:

The zoning board of appeals shall hear and decide questions that arise in the administration of the zoning ordinance, including the interpretation of the zoning maps. It shall hear and decide appeals from and review any administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcement of the zoning ordinance.

ARTICLE 12. Repeal Subsection 6.1.C.2 in its entirety and renumber subsequent sections accordingly.

ARTICLE 13. REPEAL, EFFECTIVE DATE

1. All regulatory provisions contained in other Township Ordinances which are inconsistent with the provisions of this Ordinance are hereby repealed.
2. This ordinance shall become effective on _____, 2023, 7 days following publication of a Notice of Adoption.

CERTIFICATION OF TOWNSHIP CLERK

I, Stan Babinski, Washington Township Clerk, hereby certify that the foregoing is a true copy of an amendment to the Washington Township Zoning Ordinance adopted by the Township Board at a regular meeting held on _____, 2023 by the following vote:

Motion by _____, Supported by _____.

Ayes:

Nays:

Absent:

Motion: Carried

Stan Babinski
Washington Township Clerk

The Township Board ordered notice of adoption and summary to be published one time in _____ on _____, 2023. A true and complete copy of the above ordinance may be purchased or inspected at the offices of the Township Clerk, Mondays through Fridays, except holidays, during regular Township business hours.