

Bainbridge Township Berrien County, Michigan



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Bill Hodge, Supervisor
Patty Hiler-Molter, Clerk
Nancy Weber, Treasurer

AMENDMENT TO ZONING ORDINANCE Article XV

An Application for an Amendment to the Zoning Ordinance shall be submitted to the Township Clerk for presentation to the Township Board, accompanied by a \$500.00 filing fee. *Check should be payable to “Bainbridge Township”.*

Include the following:

1. Application.
2. Site plan in conformance with Article XI (11).
 - A. Rezoning:
 1. Zoning classification of abutting properties.
 2. Show all public and private right of way and easements bounding and intersecting properties.
3. Copy of current paid tax bill, deed, or other proof of ownership, which includes a legal description of the property, property tax number and proof of taxes paid on said property.
4. Statement of Compliance.
5. Request for Public Hearing.
6. Statement of Conditions (Conditional Rezoning request).

The applicant should attend the Planning Commission Meeting and Public Hearing to answer any questions that may arise. If a special meeting of the Planning Commission is requested, a charge for \$500.00 is required to defray Township expenses.

APPLICATION TO AMEND THE ZONING ORDINANCE

Applicant Name: _____

(Address) (City) (State) (Zip)

Home Phone #: _____ Work/Mobile Phone #: _____

Tax Code Number: 11-01- _____ - _____ - _____ - _____ Zoned District: _____

Names and address of every person, firm or corporation having a legal or equitable interest in the property referenced above:

1. _____
2. _____
3. _____
4. _____
5. _____

1. Reason for petition requested: _____

2. Please describe below the nature and effect of the proposed amendment:

3. Please describe below the alleged error in this ordinance, which would be corrected by the proposed amendment:

4. Please describe below how the changed or changing conditions in the area or in the municipality which make the proposed amendment reasonably necessary to the promotion of the public health, safety and general welfare:

5. Please describe below any other circumstances, factors, or reasons, which the applicant offers in support of the proposed amendment:

Signed: _____ Date: _____

STATEMENT OF COMPLIANCE

1. I represent that the enclosed application will comply with the following General Standards:
 - a. The use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.
 - b. The use shall not inappropriately change the essential character of the surrounding area.
 - c. The use shall not interfere with the general enjoyment of adjacent property.
 - d. The use shall represent an improvement to the use or character of the property under consideration and the surrounding area in general, yet also be in keeping with the natural environment of the site.
 - e. The use shall not be hazardous to adjacent property, or involve uses, activities, materials or equipment which will be detrimental to the health, safety, or welfare of persons or property through the excessive production of traffic, noise, smoke, odor, fumes or glare.
 - f. The use shall be adequately served by essential public facilities and services, or it shall be demonstrated that the person responsible for the proposed special land use shall be able to continually provide adequately for the services and facilities deemed essential to the special use under consideration.
 - g. The use shall not place demands on public services and facilities in excess of available capacity.
 - h. The use shall be consistent with the intent and purpose of this Ordinance, and the objectives of any currently adopted Bainbridge Township Development Plan.

Signature of Applicant: _____ / Date: _____

PUBLIC HEARING REQUEST FOR REZONING

11-01- _____ - _____ - _____ - _____
Property Tax Code Number

I hereby request a public hearing for the purpose of amending the Zoning Ordinance and/or rezoning property described by the property tax code number shown above.

The address of this property is:

(Address) (City) (State) (Zip)

The requested change in zoning is:

From district: _____ to district: _____

For the purpose of _____

I enclose application, site plan, proof of ownership and legal description of the property, proof of paid taxes, a list of names and addresses of the owners of property within 300 feet of the property covered by this application, and a statement of compliance.

(Name of applicant)

(Street and Number)

(City) (State) (Zip)

(Signature) / _____
(Date)

ARTICLE XI

Site Plan and Scaled Drawing Requirements

Section 11.01 - Intent

- A. The intent of requiring site plan or scaled drawing submittal and review in certain instances specified herein is to facilitate determination of whether certain development proposals meet all applicable requirements and are in harmony with the purpose, intent and spirit of this Ordinance.
- B. It is further the intent to assist township officials in encouraging and assisting proposers of land development to design and implement land use proposals which foster orderly, efficient, compatible and aesthetic uses of land in Bainbridge Township.

Section 11.02 - When Required

- A. Variance or Special Land Use – Except for Single-Family, Two-Family: A site plan shall be prepared and submitted in accordance with Sections 11.03 A. and 11.04 with any application for:
 - 1. Variance or Special Land Use Permit, other than for a Special Land Use Permit for a Home Occupation;
 - 2. With any application for Rezoning, other than Rezoning for the sole purpose of constructing a single-family, two-family or agricultural permitted principal use;
 - 3. With any application for a Zoning Compliance Permit or Building Permit, other than for the sole purpose of constructing a single-family, two-family or agricultural permitted principal use or accessory use thereto; and
 - 4. With any application for a Planned Unit Development or Condominium.
- B. Rezoning – Single-Family, Two-Family: A scaled drawing shall be prepared for the sole purpose of constructing a single-family, two-family or agricultural permitted principal use or accessory use thereto and submitted in accordance with Sections 11.03 B. and 11.04 with any application for:
 - 1. Rezoning;
 - 2. Zoning Compliance Permit;
 - 3. Building Permit; or
 - 4. Variance.

Section 11.03 - Contents

- A. A required site plan shall be drawn at a scale of one (1) inch equals one hundred (100) feet and shall contain the following information:
1. The boundary lines of the area included in the site plan, including angles, dimensions and reference to a section corner, quarter corner or point on a recorded plat, an arrow pointing north, and the individual lot areas and dimensions of the land included in the site plan.
 2. Existing and proposed topography, drainage systems, and structures, with topographic contour intervals of not more than two (2) feet.
 3. The shape, size and location of all structures on the lot including yard dimensions, height, floor area and ground coverage ratios and the finished ground and basement floor grades.
 4. Natural features such as wood lots, trees of more than one (1) foot in diameter, streams and lakes or ponds, and man-made features such as existing roads and structures, with indication as to which features are to be retained and which removed or altered. Adjacent properties and their uses shall be identified.
 5. Proposed streets, driveways, parking spaces, curb cuts, loading spaces and sidewalks, with indication of direction of travel for one-way streets and drives and the inside radius of all curves. The width of streets, driveways and sidewalks, and the total number and layout of parking spaces shall be shown.
 6. The size and location of all existing and proposed public and private utilities and required landscaping.
 7. A vicinity sketch showing location of the site in relation to the surrounding street system.
 8. A legal description of the land and lots included in the site plan.
 9. Any other information necessary to establish compliance with this and any other ordinances.
 10. The availability of adequate utility capacity.
 11. The name, signature, title and mailing address of the person who prepared the site plan. A site plan for any development shall be prepared by a registered architect, engineer, professional community planner or land surveyor.
- B. A required scaled drawing shall be drawn at a scale appropriate to the dimensions of development and shall contain the following information:

1. A legal description of the land involved.
2. A vicinity sketch showing location of the site in relation to the surrounding street system.
3. The size and location of all structures proposed for and presently located on the site.
4. The boundary lines of the parcel of land involved including dimensions and an arrow pointing north.
5. Proposed streets and driveways. The width of streets and driveways shall be shown.
6. Any other information necessary to establish compliance with this and any other ordinances.
7. The name, signature and mailing address of the person who prepared the scaled drawing.

Section 11.04 - Review Process and Approval

- A. Any required site plan or scaled drawing shall be submitted, of original quality, to the Zoning Administrator along with a cover letter signed by the owner of the land and/or prospective developer providing a general explanation and background information on the proposed development.
- B. The Zoning Administrator shall examine the site plan or scaled drawing as to proper form and content and particularly as to compliance with all applicable requirements of this Ordinance.
- C. If the proposed development does not require the issuance of a Special Land Use Permit by the Planning Commission, Variance by the Board of Appeals or a Rezoning of land by the Township Board, within thirty (30) days after receipt the Zoning Administrator shall notify in writing the proposer of the development of the approval or disapproval of the site plan or scaled drawing. If the site plan or scaled drawing is disapproved, the reasons therefore shall be given. Such disapproval shall be limited to inadequacy or defect in form or content and/or noncompliance with identified applicable provisions of this Ordinance. The Zoning Administrator may, at his discretion, request consultation with the Planning Commission prior to his approval or disapproval of the site plan.
- D. If the proposed development requires issuance of a Special Land Use Permit, the Zoning Administrator shall transmit his findings as described in paragraph C. above, to the Planning Commission along with a copy of the site plan and covering letter. The proposer of the development shall be notified of the status of his requested site plan approval.

- E. If the proposed development requires a rezoning of land, the Zoning Administrator shall transmit his findings as described in paragraph C., above, to the Township Board which shall follow the amendment procedure as provided in Article XV (15). The site plan or scaled drawing and cover letter shall accompany the Zoning Administrator's findings. The proposer of the development shall be notified of the status of his requested site plan or scaled drawing for approval.
- F. If the proposed development requires a Variance, the Zoning Administrator shall transmit his findings as described in paragraph C., above, to the Board of Appeals which shall follow the Variance procedure as provided in Article XIII (13). The site plan or scaled drawing and cover letter shall accompany the Zoning Administrator's findings. The proposer of the development shall be notified of the status of his requested site plan or scaled drawing for approval.
- G. The decision rejecting, approving, or conditionally approving a site plan shall be based upon the requirements contained in Section 11.03, A. The decision rejecting, approving or conditionally approving a scaled drawing shall be based upon the requirements contained in Section 11.03, B.
- H. A site plan or scaled drawing shall be approved if it contains the information required by this Ordinance and is in compliance with this Ordinance and the conditions imposed thereunder, other applicable Township, County, State or Federal laws, rules or regulations.
- I. The site plan or scale drawing as approved shall become part of the record of approval, and subsequent actions relating to the activity authorized shall be consistent with the approved site plan or scaled drawing, unless a change conforming to this Ordinance receives the mutual agreement of the landowner and approving body.
- J. Upon approval of a site plan, the secretary of the approving body shall, within five (5) days, file with the Zoning Administrator a copy of the approved site plan or scaled drawing.

ARTICLE XV

Amendments

Section 15.01 - Intent

- A. Amendment to this Ordinance may be initiated by the Township Board on its own motion or, in the manner and pursuant to the procedure hereinafter set forth, may be initiated by any person, firm or corporation filing an application therefor with the Township Board. The Planning Commission may, at its discretion, also initiate amendments to this Ordinance and recommend the same to the Township Board for adoption.

Section 15.02 - Amendment Procedure

- A. Filing of Applications: All petitions for amendments to this Ordinance shall be in writing, signed and filed with the Township Clerk for presentation to the Township Board.
- Each application shall be accompanied by the payment of a fee in accordance with the schedule of fees adopted by the Township Board to cover the costs of processing the application. No part of any fee shall be refundable.
- B. Required Information: All petitions for amendments to this Ordinance, without limiting the right to file additional material, shall contain the following:
1. The petitioner's name, address and interest in the petition as well as the name, address and interest of every person, firm or corporation having a legal or equitable interest in the land.
 2. The nature and effect of the proposed amendment.
 3. If the proposed amendment would require a change in the Zoning map, a site plan or scaled drawing prepared in accordance with Article XI (11), a legal description of such land, the present zoning classification of the land, the zoning classification of all abutting districts, all public and private rights-of-way and easements bounding and intersecting the land under consideration.
 4. If the proposed amendment would require a change in the Zoning Map, the names and addresses of the owners, according to the current tax roll, or all land within three hundred (300) feet of the perimeter of the area to be changed by the proposed amendment. Each application for Rezoning shall be accompanied by a payment of a fee in accordance with the schedule of fees adopted by the Township Board to cover the costs of processing the application. No part of any fee shall be refundable.

5. The alleged error in this Ordinance which would be corrected by the proposed amendment, with a detailed explanation of such alleged error and detailed reasons why the proposed amendment will correct the same.
 6. The changed or changing conditions in the area or in the Township which makes the proposed amendment reasonably necessary to the promotion of the public health, safety and general welfare.
 7. All other circumstances, factors and reasons which the applicant offers in support of the proposed amendment.
- C. Filing: The Township Board, upon receipt of the petition to amend, after having it examined and approved as to form and content by the Township Clerk, shall refer the same to the Township Planning Commission for study and report.
- D. Public Hearing: Before submitting its recommendations on the petition to amend, the Planning Commission shall hold as least one (1) public hearing, notice of which shall be given by two (2) publications in a newspaper of general circulation within Bainbridge Township, the first to be printed not more than thirty (30) days nor less than twenty (20) days and the second not more than eight (8) days before the date of such hearing. In addition, the following procedures shall be required:
1. Not less than twenty (20) days notice of the time and place of such hearing shall be given by mail to such electric, gas, pipeline and telephone public utility company which registers its name and mailing address with the Township Planning Commission for the purpose of receiving such notice, and to each railroad operating within the district or zone affected that registers its name and mailing address with the Township for the purpose of receiving of the notice. An affidavit of mailing shall be maintained.
 2. If an individual property is proposed for Rezoning, the Planning Commission shall give a notice of public hearing thereof to the owner of the property in question, to all persons to whom any real property within three (300) hundred feet of the perimeter of the premises in question is assessed, and to the occupants of all single and two family dwellings within three hundred (300) feet. Such notice shall be given at least eight (8) days prior to the hearing. The notice shall be delivered personally or by mail to the respective owners and tenants at the address given in the last assessment roll. If the tenant's name is not known, the term "Occupant" may be used. If the notice is delivered by mail, an affidavit of mailing shall be filed with the Planning Commission prior to the hearing.
 3. All notices of public hearing shall state the time, date, place and purpose of such public hearing. Notices of public hearing shall also include the places and times at which the tentative text and any maps of the Ordinance may be examined.
- E. Adoption: Following the public hearing, the Planning Commission shall submit the proposed amendment to the County Planning Commission for approval.

1. The approval of the County Planning Commission shall be conclusively presumed unless the County Planning Commission within thirty (30) days of receipt notifies the Township Clerk of its disapproval.
2. The Township Planning Commission shall then refer the proposed amendment to the Township Board along with its summary of the public hearing and written recommendations for approval or disapproval and reasons therefor.
3. A public hearing conducted by the Township Board shall not be necessary unless a request is made in writing by a property owner.
4. Thereafter at any regular meeting or at any special meeting called therefor the Township Board may adopt and enact the proposed amendment, in accordance with Act 184, P.A. 1943, as amended, being the Township Zoning Act.
5. Upon enactment of the amendment said amendment including only the section(s) of this Ordinance amended or added to shall be published in a newspaper of general circulation within the Township within ten (10) days after enactment.
6. Within seven (7) days after publication the amendment to this Ordinance shall be filed in the Official Ordinance Book of the Township with a certification of the Township Clerk stating the vote on passage and when published and filed. If the amendment requires a change on the Official Zoning Map, such change shall be made on the map in accordance with the provisions of Article I (1) of this Ordinance within ten (10) days after enactment of the amendment.

Section 15.03 - Comprehensive Review

- A. The Planning Commission shall from time to time, at intervals of not more than one (1) year, examine the provisions of this Ordinance and the locations of district boundary lines and shall submit a written report to the Township Board recommending changes and amendments, if any, which are desirable in the interest of the public health, safety and general welfare.

**STATEMENT OF CONDITIONS
CONDITIONAL REZONING (if applicable)**

Legal Description: _____

1. Describe proposed new zoning district.

2. List conditions proposed.

3. Describe conditions relating to the use and/or development of land for proposed new zoning district.

4. Describe how the proposed new district would bear a reasonable and rational relationship to the property.

5. Describe what the resulting benefits would be to the Township.

6. Describe why the proposed new zoning district is the best available tool to achieve the proposed objective.

7. How is the proposed new zoning district consistent with adjacent zoning districts?

8. Attach any diagram, plans or other documents necessary to illustrate the implementation of the Statement of Conditions.

I confirm the property will not be used in a manner that is inconsistent with conditions placed on new district. I acknowledge that this Statement of Conditions runs with the land and is binding upon successor owners of land.

_____/_____
(Signed) (Dated)