

# Shiawassee County Zoning Ordinance Application to Amend Zoning District

Application number: \_\_\_\_\_ Application Fee: \$ \_\_\_\_\_ Receipt #: \_\_\_\_\_

Date Received: \_\_\_\_\_ Administratively Complete: \_\_\_\_\_

You are encouraged to schedule an appointment with the Planning Director and/or Zoning Director to discuss the general requirements for approval as well as the review process.

Applicant: \_\_\_\_\_

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

City: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

State: \_\_\_\_\_

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

Zip Code: \_\_\_\_\_

Property Owner: \_\_\_\_\_

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

City: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

State: \_\_\_\_\_

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

Zip Code: \_\_\_\_\_

Applicant's Interest in Property (a signed purchase agreement is the minimum interest required)

OTHER APPLICANT: (circle one)

Township Board of Trustees  
Board of Commissioners

County Planning Commission

Current Zoning District: \_\_\_\_\_

Proposed Zoning District: \_\_\_\_\_

Acreage involved under proposed zoning change: \_\_\_\_\_

Deed (Liber and Page): \_\_\_\_\_

Attach a copy of the recorded deed including legal description.

Tax I.D. Number/s: 78-\_\_\_\_-\_\_\_\_-\_\_\_\_-\_\_\_\_-\_\_\_\_ 78-\_\_\_\_-\_\_\_\_-\_\_\_\_-\_\_\_\_-\_\_\_\_ 78-\_\_\_\_-\_\_\_\_-\_\_\_\_-\_\_\_\_-\_\_\_\_

Legal Description : (Attachment Acceptable)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Applicant's reason for the request:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Article 19  
Amendments

APPLICANT'S RESPONSE TO FACTORS RELEVANT TO THE PETITION TO BE EXPRESSLY CONSIDERED BY THE  
SHIAWASSEE COUNTY PLANNING COMMISSION

1. What, if any, identifiable conditions related to the petition have changed which justify the petitioned change in zoning?

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2. What, if any, error in judgment, procedure, or administration was made in the original Ordinance which justifies the petitioned change in zoning?

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3. What are the precedents and the possible effects of precedent which might result from the approval or denial of the petition?

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4. What is the impact of the amendment on the ability of the County and other governmental agencies to provide adequate public services and facilities and/or programs that might reasonably be required in the future if the petition is approved?

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5. Does the petitioned zoning change adversely affect the environmental conditions or value of the surrounding property?

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6. Does the petitioned zoning change generally comply with the adopted Future Land Use Plan of Shiawassee County?

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7. Are there any significant negative environmental impacts which would reasonably occur to surface water drainage if the petitioned zoning change and resulting allowed structures were built?

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8. Are there any significant negative environmental impacts which would reasonably occur to waste water disposal if the petitioned zoning change and resulting allowed structures were built?

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9. Are there any significant negative environmental impacts which would reasonably occur to surface or subsurface water quality if the petitioned zoning change and resulting allowed structures were built?

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10. Are there any significant negative environmental impacts which would reasonably result in the loss of valuable natural resources such as forest, wetland, historic sites, wildlife, mineral deposits, or valuable agricultural land if the petitioned zoning change and resulting allowed structures were built?

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**ATTEST:**

I am the owner, or have an interest in the above described parcel/s of land. I hereby request an amendment to the Shiawassee County Zoning Ordinance to change the zoning district designation of the subject property. I understand that it is incumbent upon me as the applicant to respond to the decision making considerations as stated above; and that I have the burden of proof to show applicable reasons to amend the Zoning Ordinance Zoning District. I further understand the Zoning Ordinance is required by law to be based upon a Master Plan, which is adopted by the County Planning Commission. Having reviewed the requirements for amending the Zoning Ordinance, I believe that this proposal meets the requirements for approval.

\_\_\_\_\_  
Applicant's Signature

Revised 10/25/22

\_\_\_\_\_  
Date

**ARTICLE 19  
AMENDMENTS**

**Section 19.1 INITIATION OF AMENDMENTS**

A. The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the Zoning Districts Map of Shiawassee County may be amended pursuant to the County Zoning Act, Public Act 183 of 1943, as amended.

B. Amendments may be initiated by the Board of Commissioners, the Planning Commission, a Township Board of Trustees whose township is under the jurisdiction of this Ordinance or by petition of one or more persons having an interest in the property to be affected by the proposed amendment.

**Section 19.2 FEES**

A. The County Board of Commissioners shall establish, by resolution, fees for zoning amendment petitions.

B. Such fee shall be paid in full at the time of application, and no part of such fee shall be returnable to the petitioner.

C. Fees shall not be required for amendments proposed or requested by the Board of Commissioners, the County Planning Commission, or a Township Board of Trustees whose township is under the jurisdiction of this Ordinance.

**Section 19.3 AMENDMENT PROCEDURES**

All petitions for amendment shall be submitted as provided herein:

A. The petitioner shall cause to be delivered to the Planning Director not less than sixty (60) days before any regular meeting of the Planning Commission:

1. Eight (8) copies of the petition for amendment accompanied by eight (8) copies of such documents as prescribed therein.
2. A petition shall be made for each parcel of land which is not contiguous to any adjacent parcel of land being proposed for the same type amendment.

B. The Planning Director shall review each petition to insure it is complete and in compliance with the provisions of this Ordinance.

1. Any petition not complete or not in compliance with this Ordinance shall be returned to the petitioner.

2. Any petition returned as not complete or not in compliance with this Ordinance shall not constitute filing to commence the running of time for processing the petition.

3. Any petition meeting the requirements of this Ordinance shall be scheduled for public hearing by the Planning Director, at the next regularly scheduled Planning Commission meeting occurring either after receipt of the written recommendation or comments of the Township Board or upon expiration of the time limit in Section 19.4, which ever is first.

C. Any person having an interest in any amendment may reasonably present testimony or evidence in support of or opposition thereto.

**Section 19.4 PETITION REFERRAL**

Within five (5) days after acceptance of the petition pursuant to Section 19.3 B the Township Board and the Chairman of the Township Planning Commission, of the township wherein the premises are situated, shall be sent a copy of the petition by the Planning Director for review by the township.

A. The Township Board and the Township Planning Commission may review the petition and make comment or recommendation within fifty (50) days after receipt thereof. If no written correspondence is received by the Planning Director, the Planning Commission shall assume the township has no objection.

B. The Township Board and the Township Planning Commission's comments or recommendations shall be submitted in writing and addressed to the County Planning Commission in care of the Planning Director.

C. The County Planning Commission shall give due consideration to the recommendations of the Township Board or the Township Planning Commission but shall not be obligated to follow them.

**Section 19.5 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 and shall report its findings in full along with its resulting recommendations for the proper disposition of the petition to the Shiawassee County Board of Commissioners. The facts to be expressly considered by the Planning Commission shall include, but shall not be limited to the following:

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A. What, if any, identifiable conditions related to the petition have changed which justify the petitioned change in zoning.

B. What, if any, error in judgment, procedure, or administration was made in the original Ordinance which justifies the petitioned change in zoning.

C. What are the precedents and the possible effects of precedent which might result from the approval or denial of the petition.

D. What is the impact of the amendment on the ability of the County and other governmental agencies to provide adequate public services and facilities and/or programs that might reasonably be required in the future if the petition is approved.

E. Does the petitioned zoning change adversely affect the environmental conditions or value of the surrounding property.

F. Does the petitioned zoning change generally comply with the adopted Future Land Use Plan of Shiawassee County.

G. Are there any significant negative environmental impacts which would reasonably occur if the petitioned zoning change and resulting allowed structures were built such as:

1. Surface water drainage problems
2. Waste water disposal problems
3. Adverse effect on surface or subsurface water quality
4. The loss of valuable natural resources such as forest, wetland, historic sites, wildlife, mineral deposits, or valuable agricultural land.

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**Section 19.6 PUBLIC HEARING**

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A. The Planning Commission shall conduct at least one public hearing on each petition for amendment; notice of which shall be given by two (2) publications in a newspaper published in the County. The first to be printed not more than thirty (30) days and not less than twenty (20) days, and the second one not more than eight (8) days before the date of the hearing. Not less than twenty (20) days notice of the time and place of the hearing shall also be given by mail to each electric, gas, pipeline, and telephone public utility company that registers its name and mailing address with the Zoning Administrator for the purpose of receiving the notice of public hearings and to each railroad within the district or zone affected. The notices shall include the date, time and place of the public hearing, the nature of the proposed amendment and include the places and times at which the tentative text and/or maps of the property

proposed to be rezoned may be examined and written comments received.

B. The Planning Director shall maintain a file of each affidavit of mailing for each mailing under this Section.

C. If an individual property or several adjacent properties are proposed for rezoning; notice of the proposed rezoning and hearing shall be given to the owners of the property in question and to all persons to whom real property is assessed within three-hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three-hundred (300) feet at least twenty (20) days prior to the hearing. If the name of the occupant is not known, "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

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**Section 19.7 PLANNING COMMISSION  
RECOMMENDATIONS**

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All findings of fact shall be made a part of the public records of the meeting of the Planning Commission and the Board of Commissioners. The Planning Commission shall not forward a recommendation to the County Board of Commissioners unless all of the aforementioned and other factors identified by the Ordinance are affirmatively resolved. After the hearing, the County Planning Commission shall submit a summary of the comments received at the public hearing its findings of fact and the proposed amendment (including any zoning maps and other related material) to the County Board of Commissioners.

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**Section 19.8 CONSIDERATION BY THE  
BOARD OF COMMISSIONERS**

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After receiving the recommendations of the Planning Commission, the Board of Commissioners, at any regular meeting or at any special meeting called for that purpose, shall consider said findings of fact and recommendations and vote upon the adoption of the petitioned amendment. Such action shall be by ordinance requiring a roll call vote. The amendment shall be approved by a majority vote of the members of the County Board of Commissioners. The County Board of Commissioners may hold additional public hearings if it considers it necessary. Notice of a public hearing held

by the County Board of Commissioners shall be published in a newspaper which circulates in the County. The notice shall be given not more than fifteen (15) days nor less than five (5) days before the hearing. Further, it is understood pursuant to the County Zoning Act, Public Act 183 of 1943, as amended, that the Board of Commissioners shall make no change in the proposed amendment without first referring the petition back to the Planning Commission which shall have 30 days from and after such referral in which to make a further recommendation to the Board of Commissioners, after which the Board of Commissioners shall take such action as it determines necessary. In the event that a petition is referred back to the Planning Commission, the Board of Commissioners shall make specific mention of their objections to results of the Planning Commissions' findings and recommendations.

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**Section 19.9 SUBMISSION TO THE  
DEPARTMENT OF CONSUMER AND  
INDUSTRY AFFAIRS**

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After the adoption of the amendment by the County Board of Commissioners, the Ordinance (including zoning maps signed by the Chairperson of the County Board of Commissioners and certified by the County Clerk) shall be submitted to the Department of Consumer and Industry Services, or if the responsibility has been transferred to another state agency, to that agency for approval. The approval of the Department of Consumer and Industry Services shall be conclusively presumed unless the Department of Consumer and Industry Services, within thirty (30) days after receipt, notifies the County Clerk of its disapproval. Disapproval of a County Zoning Ordinance shall be based upon noncompliance or conflict with either State or Federal law, administrative rule or regulation, or a decision of a State or Federal Court. The amendment shall become effective on the date following its approval by the Department of Consumer and Industry Services regardless of the requirements relative to the effective date of County Ordinances as specified in Act 156 of the Public Acts of 1851, as amended, being Section 46.1 to 46.32 of the Michigan Compiled Laws. The Zoning Ordinance and subsequent amendments shall be filed with the County Clerk who shall maintain a copy in the Office of the County Clerk for public use.

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### **Section 19.10 NOTICE OF ORDINANCE ADOPTION**

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Following the adoption of an amendment by the Shiawassee County Board of Commissioners and approval by the Department of Industry and Consumer Affairs, one (1) notice of adoption shall be published in a newspaper of general circulation in the County within fifteen (15) days after approval by the Department of Consumer and Industry Services.

The notice of adoption shall include the following information:

- A. A summary of the regulatory effect of the amendment (including the geographic area affected) or the text of the amendment.
- B. The effective date of the amendment.
- C. The place and time where a copy of the Ordinance may be purchased or inspected.

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### **Section 19.11 CONDITIONAL REZONING OF LAND**

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As an alternative to a rezoning amendment as described in Section 19.1 of this Ordinance, the County may allow conditional rezoning to help ensure the proper use and development of land and natural resources and to allow for a more flexible approach to the rezoning process in accordance with the provisions of Section 16i of the County Zoning Act (MCL 125.216i). It is recognized that, in certain instances, it would be an advantage to both the County and petitioners seeking Rezoning of land if a site plan, along with conditions and limitations that may be relied upon by the County could be proposed as part of a petition for Rezoning. Conditional rezoning of land must follow the standards and procedures as noted below.

- A. A petition for Conditional Rezoning shall follow the Amendment Procedures defined in Section 19.3 of this Ordinance.
- B. In addition to these procedures in Section 19.3, the following specific procedures, standards and requirements shall apply to all proposed conditional rezoning requests.
  - 1. Application and Offer of Conditions
    - a. An owner of land may voluntarily offer, in writing, conditions relating to the use and/or development of land for which a rezoning is requested. This offer may only be made at the time the application for rezoning is filed.

- b. If the owner and/or applicant voluntarily makes any additional offers of conditions, amendments of conditions, or withdrawals of conditions, that occurs after the initial conditional rezoning application has been submitted to and reviewed by County staff, and after the petition referral process has commenced, as defined in Section 19.4, shall result in the referral process and timelines starting again by amending the original application at the County Staff level and being followed through to completion as defined in Section 19.4. This may also result in additional fees to cover the additional referral process.
- c. The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section.
- d. The owner's offer of conditions may not purport to authorize uses or developments not permitted in the requested new zoning district.
- e. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which rezoning is requested.
- f. Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this Ordinance may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of this Ordinance.
- g. Any use or development proposed as part of an offer of conditions that would require a variance under the terms of this Ordinance may only be commenced if a variance for such use or development is ultimately granted by the Zoning Board of Appeals in accordance with the provisions of this Ordinance.
- h. Any use or development proposed as part of an offer of conditions that would require site plan approval under the terms of this Ordinance may only be commenced if site plan approval for such use or development is ultimately granted in accordance with the provisions of this Ordinance.

#### 2. Township Review.

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As specified in Section 19.4., the Township Board and Township Planning Commission may review the conditional rezoning petition. They may recommend approval or denial of the petition as presented. If no written correspondence is received by the Planning Director during the allotted time, the Planning Commission shall assume the township has no objections.

**3. County\_Planning Commission Review.**

The County Planning Commission, after public hearing and consideration of the factors for rezoning set forth in Section 19.5 of this Ordinance, may recommend approval or denial of the rezoning.

**4. County\_Board of Commissioners Review.**

After receipt of the County Planning Commission's recommendation, the Board of Commissioners shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request. The Board of Commissioner's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth in Section 19.5 of this Ordinance and proceed thereafter in accordance with said statute to approve or deny the conditional rezoning.

**5. Approval.**

- a. If the Board of Commissioners finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and conforming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the Board of Commissioners to accomplish the requested rezoning.

**b. The Statement of Conditions shall:**

- i. Be in a form recordable with the Register of Deeds of the County in which the subject land is located or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Board of Commissioners.
- ii. Contain a legal description of the land to which it pertains.
- iii. Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.

- iv. 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.
- v. Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the County with the Register of Deeds of the County in which the land referenced in the Statement of Conditions is located.
- vi. 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 Statement of Conditions.
- c. Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. The County clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
- d. The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the County with the Register of Deeds of the County in which the land is located. The Board of Commissioners shall have authority 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 County or to any subsequent owner of the land on the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.
- e. Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any more restrictive provisions contained in the Statement of Conditions.

6. Compliance with Conditions.

- a. Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Zoning Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
- b. No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.

7. 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 the 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 Board of Commissioners if (1) it is demonstrated to the Board of Commissioners reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion and (2) the Board of Commissioners 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.

8. Reversion of Zoning.

If approved development and/or use of the rezoned land does not occur within the time frame specified under Subsection 6 above, then the land shall revert to its former zoning classification as set forth in MCL 125.216i. The reversion process shall be initiated by the Board of Commissioners requesting that the Planning Commission proceed with consideration of 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 rezoning requests.

9. 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 Subsection 7 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 County Clerk shall record with the Register of Deeds of the County in which the land is located a notice that the Statement of Conditions is no longer in effect.

10. Amendment of Conditions.

- a. During the time period for commencement of an approved development or use specified pursuant to Subsection 6 above or during any extension thereof granted by the Board of Commissioners, the County shall not add to or alter the conditions in the Statement of Conditions.
- b. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning and Statement of Conditions.

11. County Right to Rezone.

Nothing in the Statement of Conditions nor in the provisions of this Section shall be deemed to prohibit the County 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 County Zoning Act (MCL 125.201 et seq.)

12. Failure to Offer Conditions.

The County shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this Ordinance.

**Article 20  
RESERVED FOR FUTURE USE**