

# DRAFT 12.01.15

## Elk Rapids Township

### Process for Applications

#### Rezoning (See Section 19.06 of the Zoning Ordinance)

- ✓ Township receives an application for rezoning as per the Planning Commission schedule.
- ✓ Zoning Administrator checks application for completeness and forwards to the Planning Commission Chairperson for placement on the next agenda. If the application is not complete, the Zoning Administrator will notify the applicant of the deficiencies and request additional information. Once determined complete, the application can be forwarded to the Planning Commission Chairperson.
- ✓ The Zoning Administrator shall advertise the rezoning petition for public hearing as required by law.
  1. The notice shall be published once, at least 15 days prior to the date of the public hearing, in a newspaper of general circulation in the Township.
  2. Except as provided in Section 4 below, a notice of public hearing shall also be mailed or be delivered to the following persons, at least 15 days prior to the date of the public hearing:
    - a. The applicant;
    - b. The owner or owners of the subject property;
    - c. All persons to whom real property is assessed within 300 feet of the property that is the subject to the application or request, even if the 300 feet extends outside of the Township's boundaries; and
    - d. The occupants of all structures within 300 feet of the property that is the subject of the application or request, even if the 300 feet extends outside of the Township's boundaries.
  3. The notice of public hearing shall include the following information:
    - a. A description of the nature of the proposed amendment, application or request.
    - b. An identification of the property that is the subject of the application or request, if applicable. Except as provided in Section 4 below, the notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property and another means of identification of the property shall be used.
    - c. State when and where the application or request will be considered.

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- d. Identify when and where written comments will be received concerning the application or request.
  - e. The notice shall indicate the place where and the times when the proposed may be examined.
4. When a proposed rezoning involves the text of the Zoning Ordinance or 11 or more adjacent properties, the mailing or delivery requirement of Subsections 2.b. and 2.c. above are not required, and the listing of individual property addresses under Subsection 3.b. is not required.
  5. For a zoning ordinance amendment, including rezoning of property, the notice shall be given by first-class mail to each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the township clerk for the purpose of receiving the notice of public hearing.
  6. After providing the notice required under this section and without further notice, except that as required under the Open Meetings Act, the body holding the public hearing may adjourn from time to time a duly called public hearing by passing a motion specifying the time, date, and place of the continued public hearing.
- ✓ Once the Planning Commission has conducted the public hearing and made a recommendation to the Township Board, the Zoning Administrator shall send the recommendation and all supporting documents to the Antrim County Planning Commission. The County Planning Commission has 30 days to provide their opinion and recommendation on the rezoning request to the Township Board. Upon the passing of 30 days and the County Planning Commission has not provided a recommendation, the Township Board can act upon the rezoning request.
  - ✓ The Township Board may hold a public hearing on the rezoning request if it considers it necessary. Notice of this public hearing is the same as outlined above. The legislative body shall grant a hearing on a proposed ordinance provision to an interested property owner who requests a hearing by certified mail, addressed to the clerk of the Township Board. A hearing under this provision is required to be sent to the interested property owner as noted in item 2 above and shall contain the information as provided in item 3 above. The Township Board may refer any proposed amendments to the Planning Commission for consideration and comment within a time specified by the Township Board. After any proceedings noted above, the Township Board shall consider and vote upon the adoption of rezoning request, with or without amendments. A zoning ordinance and any amendments shall be approved by a majority vote of the members of the Township Board.

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## **Special Exception Use** ( See Section 19.07 of the Zoning Ordinance)

- ✓ Township receives an application for Special Exception Use as per the Planning Commission schedule.
- ✓ Zoning Administrator checks application for completeness and forwards to the Planning Commission Chairperson for placement on the next agenda. If the application is not complete, the Zoning Administrator will notify the applicant of the deficiencies and request additional information. Once determined complete, the application can be forwarded to the Planning Commission Chairperson.
- ✓ The Zoning Administrator shall advertise the rezoning petition for public hearing as required by law. The public hearing process is the same as a rezoning outlined above under rezoning, items 1-6.
- ✓ The decision of the Planning Commission on a Special Exception Use is final and cannot be appealed to the Zoning Board of Appeals.

## **Zoning Board of Appeals** (See Section 18.09 of the Zoning Ordinance)

- ✓ Township receives an application for a variance as per the Zoning Board of Appeals schedule.
- ✓ Zoning Administrator checks application for completeness and forwards to the Zoning Board Chairperson for placement on the next agenda. If the application is not complete, the Zoning Administrator will notify the applicant of the deficiencies and request additional information. Once determined complete, the application can be forwarded to the Zoning Board Chairperson.
- ✓ The Zoning Administrator shall advertise the variance petition for public hearing as required by law. The public hearing process is the same as a rezoning outlined above under rezoning, items 1-6.
- ✓ The decision of the Zoning Board of Appeals on a variance can only be appealed to a court of competent jurisdiction.

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## **Site Plan Review** (See Section 17.05 of the Zoning Ordinance)

- ✓ Township receives an application for Site Plan Review as per the Planning Commission schedule.
- ✓ Zoning Administrator checks application for completeness and forwards to the Planning Commission Chairperson for placement on the next agenda. If the application is not complete, the Zoning Administrator will notify the applicant of the deficiencies and request additional information. Once determined complete, the application can be forwarded to the Planning Commission Chairperson.
- ✓ The Zoning Administrator shall publish in a newspaper of local circulation a notice to the general public when the site plan will be reviewed by the Planning Commission. This notice is different that outlined under the Rezoning process and needs to published to comply with the 15 day requirement.