



NOTICE OF ADOPTION CHARTER TOWNSHIP OF PLYMOUTH ORDINANCE NO. 99.007

TEXT AMENDMENT 002

AN ORDINANCE TO AMEND THE TEXT OF PLYMOUTH CHARTER TOWNSHIP ZONING ORDINANCE NO. 99 FOR THE PURPOSE OF CONFORMING TO THE REQUIREMENTS OF MICHIGAN PUBLIC ACT 110 OF 2006 BY AMENDING Article II Zoning Districts, Zoning Map and Uses Permitted; Article XIV ARC Ann Arbor Road Corridor District; Article XXI Residential Unit Developments; Article XXII Single Family Cluster Housing; Article XXIII Planned Unit Development Option; Article XXVII Nonconformities; Article XXVIII Special Provisions; Article XXXI Zoning Board of Appeals; Article XXXII Planning Commission; and Article XXXIII Amendments as follows:

THE TOWNSHIP OF PLYMOUTH ORDAINS:

Part I. The Zoning Ordinance No. 99 of the Plymouth Charter Township, is hereby amended as follows:

Article II, Zoning Districts, Zoning Map and Uses Permitted, Section 2.7.4 Public Hearing Requirement, is amended by replacing the existing language with the following:

4. PUBLIC HEARING REQUIREMENT

A public hearing shall be held by the Planning Commission on a proposed special land use in order to acquaint the public and adjoining property owners with the proposal prior to furnishing of detailed plans and specifications by the petitioner. Notice of the hearing shall be published in a newspaper which circulates in the Township and sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within three hundred (300) feet regardless of whether the property or occupant is located in the zoning jurisdiction. The notice shall be given not less than fifteen (15) days before the date the application will be considered. If the name of the occupant is not known, the term "occupant" may be used in making notification. The notice shall:

- (a) Describe the nature of the use request.
- (b) Indicate the property which is the subject of the special land use request. 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. If there are no street addresses, other means of identification may be used.
- (c) State when and where the special land use will be considered.
- (d) Indicate when and where written comments will be received concerning the request.

Article II, Zoning Districts, Zoning Map and Uses Permitted, Section 2.7.5 Planning Commission Decision, is amended by replacing the existing language with the following:

5. Planning Commission Decision

The Planning Commission may deny, approve or approve with conditions a request for special land use approval. In permitting such request the Planning Commission may require any conditions and safeguards the Commission determines to be in keeping with the spirit and intent of this Ordinance and to protect the neighboring properties from an impact. The decision on such use shall be incorporated in a statement to be made part of the minutes of the meeting. Said statement shall contain the findings and conclusions relative to the use under consideration specifying the basis for the decision and any conditions imposed. Conditions and requirements stated and made part of the approval shall be a continuing obligation running with the use of said property until the approved use is abandoned or superceded by another permitted use.

The decision of the Planning Commission shall be final in regards to the denial, approval or approval with conditions of the special land use, and the Zoning Board of Appeals shall not have jurisdiction over the decision of the Planning Commission.

Article XIV, ARC Ann Arbor Road Corridor District, Section 14.11.2 Amendment Requirements, is amended by replacing the existing language with the following:

2. Amendment Requirements

The Township Board or the City Commission may, from time to time, on recommendation from its respective Planning Commission, on its own initiative or on petition, amend, supplement, modify or change the district boundaries or regulations herein, pursuant to the authority of its respective enabling legislation (Michigan P.A., as amended). Amendments to the text of the ARC District and amendments which would remove land from the ARC District shall require approval of both the City Commission and Township Board. Amendments which would add land to the ARC District shall require approval from only the municipality having jurisdiction over that land.

Article XXI, Residential Unit Developments, Section 21.7, Public Hearing Requirements, is amended by replacing the existing language with the following:

21.7. PUBLIC HEARING REQUIREMENTS

At least one (1) public hearing shall be held by the Planning Commission on a proposed Residential Unit Development in order to acquaint the public and adjoining property owners with the proposal prior to finishing of detailed plans and specifications by the petitioner. Notice of the hearing shall be published in a newspaper which circulates in the Township and sent by mail or personal delivery to the owners of property for which approval is being considered, 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 of the property regardless of whether the property or occupant is located in the zoning jurisdiction. The notice shall be given not less than fifteen (15) days before the date the application will be considered. If the name of the occupant is not known, the term “occupant” may be used in making notification. The notice shall:

1. Describe the nature of the Residential Unit Development request.
2. Indicate the property which is the subject of the Residential Unit Development request. 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. If there are no street addresses, other means of identification may be used.
3. State when and where the Residential Unit Development request will be considered.
4. Indicate when and where written comments will be received concerning the request.

Article XXII, Single Family Cluster Housing, Section 22.4, Public Hearing Requirements, is amended by replacing the existing language with the following:

22.4 PUBLIC HEARING REQUIREMENTS

At least one (1) public hearing shall be held by the Planning Commission on a proposed Cluster Housing Development in order to acquaint the public and adjoining property owners with the proposal prior to finishing of detailed plans and specifications by the petitioner. Notice of the proposal prior to finishing of detailed plans and specifications by the petitioner. Notice of the hearing shall be published in a newspaper which circulates in the Township and sent by mail or personal delivery to the owners of property for which approval is being considered, 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 of the property regardless of whether the property or occupant is located in the zoning jurisdiction. The notice shall be given not less than fifteen (15) days before the date the application will be considered. If the name of the occupant is not known, the term “occupant” may be used in making notification. The notice shall:

1. Describe the nature of the Cluster Housing request.
2. Indicate the property which is subject of the Cluster Housing request. 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. If there are no street addresses, other means of identification may be used.
3. State when and where the Cluster Housing request will be considered.
4. Indicate when and where written comments will be received concerning the request.

Article XXIII, Planned Unit Development Option, Section 23.7, Public Hearing Requirements, is amended by replacing the existing language with the following:

23.7 PUBLIC HEARING REQUIREMENTS

At least one (1) public hearing shall be held by the Planning Commission on a proposed Planned Unit Development option in order to acquaint the public and adjoining property owners with the proposal prior to furnishing of detailed plans and specifications by the Applicant. Notice of the public hearing shall be published in a newspaper which circulates in the Township, and sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to who real property is assessed of the property regardless of whether the property or occupant is located in the zoning jurisdiction. The notice shall be given not less than fifteen (15) days before the date the application will be considered. If the name of the occupant is not known, the term "occupant" may be used in making notification. The notice shall:

1. Describe the nature of the Planned Unit Development request.
2. Indicate the property which is the subject of the Planned Unit Development request. 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. If there are no street addresses, other means of identification may be used.
3. State when and where the Planned Unit Development request will be considered.
4. Indicate when and where written comments will be received concerning the request.

Article XXVII, Nonconformities, Section 27.3.2, Class A Nonconforming Designation, Public Hearing Requirements, is amended by replacing the existing language with the following:

27.3.2 Public Hearing

A public hearing shall be held by the Planning Commission on a request for a Class A designation for a nonconforming structure or use, to acquaint the public and particularly adjoining property owners with the request. One (1) notice shall be published in a newspaper which circulates in the Township, and sent by mail or personal delivery to the owners of property for which approval is being considered; 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 of the property regardless of whether the property or occupant is located in the zoning jurisdiction. This notice shall be given not less than fifteen (15) days before the date the application will be considered. If the name of the occupant is not known, the term "occupant" may be used in mailing notification. The notice shall:

- (a) Describe the nature of the request.
- (b) Indicate the property which is the subject of the request. 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. If there are no street addresses, other means of identification may be used.
- (c) State when and where the request will be considered.
- (d) Indicate when and where written comments will be received concerning the request.

Article XXVIII, Special Provisions, Section 28.1.3(a)2, Condominiums, Condominium Subdivision Plan Review, Public Hearing, is amended by replacing the existing language with the following:

28.1.3(a)2 Public Hearing: Any condominium subdivision plan submitted to the Township shall contain the name and address of the applicant or his authorized representative to whom notice of a public hearing shall be sent and no plan shall be acted on by the Commission without affording a hearing thereon. On request of the Commission, notice shall be published in a newspaper which circulates in the Township, and sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction. The notice shall be given not less than fifteen (15) days before the date the application will be considered. The notice shall:

- a. Describe the nature of the condominium subdivision plan request.
- b. Indicate the property that is the subject of the condominium subdivision plan request. 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. If there are no street addresses, other means of identification may be used.
- c. State when and where the condominium subdivision plan request will be considered.
- d. Indicate when and where written comments will be received concerning the subdivision condominium plan request.

Article XXVIII, Open Space Preservation Development, Section 28.13.1 Purpose, is amended by replacing the existing language with the following:

28.13.1 Purpose

The purpose of Open Space Preservation Development is to preserve undeveloped land. The regulations in this Section are intended to accomplish this purpose by providing for grouping of homes onto the most buildable portions of a site, so that the remainder of the site can be preserved in an undeveloped state.

As used in this subsection, the term “undeveloped state” shall have the meaning given to it in Section 506, of the Michigan Zoning Enabling Act, Michigan Public Act 110 of 2006, as amended, which is a natural state intended to preserve natural resources, natural features, or scenic or wooded conditions; agricultural uses; open space; or a similar use or condition. Land in an undeveloped state shall not include a golf course but may include a recreational trail, picnic area, children’s play area, greenway, or linear park. Land in an undeveloped state may be privately held or dedicated to the use of the public.

Article XXXI, Zoning Board of Appeals, Section 31.1.4, Alternates, is amended by replacing the existing language with the following:

31.1.4 Alternates

Up to (2) alternate members may be appointed to serve on the Zoning Board of Appeals in the same manner as appointments of regular members. An alternate may be called on a rotating basis to serve as a member of the Zoning Board of Appeals, with the same voting rights as a regular member, in the absence of a regular member if the regular member will be unable to attend one (1) or more meetings, or for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. Whenever an alternate serves as a member of the Zoning Board of Appeals on a case, the alternate member shall continue to serve in the case until a final decision is made.

Article XXXI, Zoning Board of Appeals, Section 31.4, Duties, is amended by replacing the existing language with the following:

- 31.4 In accordance with Public Act 110 of 2006, as amended, the Zoning Board of Appeals shall act upon all questions as they may arise in the administration of the Zoning Ordinance, including interpretation of the Zoning Map. The Zoning Board of Appeals shall hear and take action upon requests for variances from the strict provisions of this Ordinance, appeal of any order, requirement, decision or determination made by an administrative official of the Department of Building and Code Enforcement charged with enforcement of the Zoning Ordinance, and all other matters referred to it or upon which it is required to pass by the provisions of the Zoning Ordinance.

Article XXXI, Zoning Board of Appeals, Section 31.8.2, Review Procedure, Public Hearing Requirements, is amended by replacing the existing language with the following:

31.8.2 Public Hearing Requirement

- (a) Public Hearing Requirement for Variances (Use and Non-use)

The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney. Notice of the hearing shall be published in a newspaper which circulates in the Township and sent by first-class mail or personal delivery to the owners of property for which approval is being considered, 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 of the property regardless of whether the property or occupant is located in the zoning jurisdiction. If the name of the occupant is not known, the term "occupant" may be used in making notification. The notice shall be given not less than fifteen (15) days before the date the appeal will be considered. The notice shall:

1. Describe the nature of the appeal.
2. Indicate the property which is the subject of the appeal. 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. If there are no street addresses, other means of identification may be used.
3. State when and where the appeal will be considered.
4. Indicate when and where written comments will be received concerning the appeal.

- (b) Public Hearing Requirements for Appeals Interpretations

The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal or interpretation, give due notice thereof to the parties, and decide the appeal within a reasonable time. At the hearing, any party may appear in person or by agent or by attorney. A notice of the hearing shall be published in a newspaper which circulates in the Township and sent by first-class mail or personal delivery to the person requesting the interpretation or appeal. If the request for interpretation or appeal involves a specific parcel, written notice shall be sent by first-class mail or personal delivery 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 of the boundary of the property in question. If the name of the occupant is not known, the term "occupant" may be used in making notification. The notice shall be given not less than fifteen (15) days before the date the interpretation or appeal will be considered. The notice shall:

1. State the nature of the request.
2. State the time, date, and place of the public hearing.
3. Indicate when and where written comments will be received concerning the appeal or interpretation.

Article XXXI, Zoning Board of Appeals, Section 31.8.3, Review Procedure, Determinations, is amended by replacing the existing language with the following:

31.8.3 Determinations

The Zoning Board of Appeals shall make no determination in any specific case until it shall have conducted a public hearing. The concurring vote of a majority of the total regular membership (not less than three (3) of the Zoning Board of Appeals shall be necessary to act on any appeal, interpretation, non-use variance request or other matter referred to it or upon which it is required to pass by the provisions of the Zoning Ordinance. A concurring vote of a 2/3 majority of the total regular membership (not less than four (4) members) of the Zoning Board of Appeals shall be required to grant a use variance. The grounds of every determination shall be stated, and the decision of the Zoning Board of Appeals shall be final.

- (a) Appeal decisions shall be in accordance with Section 31.9, Appeals of Administrative Decisions.
- (b) Interpretation decisions shall be in accordance with Section 31.10, Interpretations.
- (c) Variance decisions shall be in accordance with Section 31.11, Variances or Section 31.12, Use Variances, as appropriate.
- (d) Decisions regarding uses subject to Zoning Board of Appeals approval shall be in accordance with the standards of Section 2.8, Uses Permitted Requiring Approval of the Zoning Board of Appeals.
- (e) Rear yard setback reductions in single family residential districts shall be in accordance with Section 20.2(bb).

Article XXXI, Zoning Board of Appeals, Section 31.11, Variances, is amended by replacing the existing language with the following:

- 31.11 In accordance with Public Act 110 of 2006, as amended, the Zoning Board of Appeals shall have the authority to vary or adapt the strict application of any of the requirements of this Ordinance, where strict application would result in practical difficulty or unnecessary hardship due to the conditions peculiar to the land, so that the land cannot be used or developed within the terms of the Ordinance. Consideration of variance requests shall be in accordance with the following:
1. The appellant shall have the burden of proof to provide sufficient justification and/or evidence to find that the request meets the criteria for granting variances, as specified in Section 31.11.3.
 2. The Zoning Board of Appeals may determine that the granting of a lesser variance than requested would provide substantial relief to the appellant and be more consistent with the criteria for granting variances, as specified in Section 31.11.3.
 3. No variance from the provisions or requirements of this Ordinance shall be authorized unless the Zoning Board of Appeals determines that the following facts and conditions exist:
 - (a) **Practical Difficulties.** Compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk, density, or other dimensional provisions would create practical difficulties, unreasonably prevent the use of the property for a permitted purpose, or render conformity with such restrictions unnecessarily burdensome. The showing of mere inconvenience is insufficient to justify a variance.
 - (b) **Substantial Justice.** Granting of a requested variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same district and in the same vicinity, and would provide substantial justice to the applicant as well as to other property owners in the district.
 - (c) **Public Safety and Welfare.** The variance will not endanger public safety or create a public nuisance, be of substantial detriment to adjacent property, or materially impair the intent and purpose of this Ordinance or the public interest.
 - (d) **Exceptional Circumstances.** There are exceptional or extraordinary circumstances or conditions applying to the property in question, as or to the intended use of the property that do not apply generally to other properties or other similar uses in the same zoning district.
 - (e) **Not a General or Recurrent Nature.** The condition, situation or intended use of the specific piece of property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practicable the formulation of general regulations for such conditions or situations.
 - (f) The conditions resulting in a variance request are not self-created.
 - (g) The possibility of increased financial return shall not of itself be deemed sufficient to warrant a variance.

Article XXXI, Zoning Board of Appeals, Section 31.12.3, Use Variances, is amended by replacing the existing language with the following:

31.13.3 The landowner's plight is due to unique circumstances peculiar to the property and not to general neighborhood conditions. The Zoning Board of Appeals must find that circumstances common to the larger neighborhood are not applicable to the property itself. There must be a showing of unnecessary hardship.

Article XXXI, Zoning Board of Appeals, Section 31.14 Appeal of Decision, is amended by replacing the existing language with the following:

31.14 APPEAL OF DECISION

Any party aggrieved by a decision of the Zoning Board of Appeals may appeal to the Wayne County Circuit Court. The Circuit court shall review the record and decision to ensure that the decision meets all of the following requirements:

1. Complies with the constitution and laws of the state.
2. Is based upon proper procedure.
3. Is supported by competent material, and substantial evidence on the record.
4. Represents the reasonable exercise of discretion granted by law to the Zoning Board of Appeals.

If the court finds the record inadequate to make the required review or finds that additional material evidence exists that with good reason was not presented, the court shall order further proceedings on conditions that the court considers proper. The Zoning Board of Appeals may modify its findings and decision as a result of the new proceedings or may affirm the original decision. The supplementary record and decision shall be filed with the court. The court may affirm, reverse, or modify the decision.

An appeal shall be filed within thirty (30) days after the Zoning Board of Appeals certifies its decisions in writing or approves the minutes of its decision. The court shall have jurisdiction to make such further orders as justice may require. An appeal may be had from the decision of any circuit court to the court of appeals.

Article XXXII, Planning Commission, Section 32.2, Removal, is amended by replacing the existing language with the following:

32.2 REMOVAL

Members of the Planning Commission may be removed by the Township Supervisor for neglect of duty, or misfeasance, malfeasance or nonfeasance in office, including failure of a member with a conflict of interest to abstain from deliberations or voting on the matter, upon written charges and after a public hearing held by the Township Board, and subject to the approval of the Township Board.

Article XXXII, Planning Commission, Section 32.4, Powers and Duties, is amended by replacing the existing language with the following:

32.4 POWERS AND DUTIES

1. The Township Planning Commission is hereby designated the Commission as specified in Section 2, Act 285 P.A. of 1931, as amended, and shall perform the duties of said Commission as provided in the Ordinance.
2. The Plymouth Township Planning Commission is hereby constituted and designated as the Planning Commission to which reference is made in Public Act 168 of 1959, as amended, and the Zoning Board to which reference is made in Public Act 110 of 2006, as amended. The Planning Commission shall perform the duties of said commission or board provided in these Acts, together with the powers and duties enumerated in this Ordinance.
3. The Planning Commission shall have the authority to prepare, adopt and amend the Township Master Plan, prepare and recommend adoption or amendment of the Zoning Ordinance or subdivision regulations, and other such rights, powers, duties and responsibilities as are provided for in this Ordinance, the Township Subdivision Regulations or other Township ordinances.
4. The Planning Commission shall at least once per year prepare for the Township Board a report on the administration and enforcement of the Zoning Ordinance and recommendations for amendments or supplements to the Ordinance.

Article XXXIII, Amendments, Section 33.1, Text and Map Amendments, is amended by replacing the existing language with the following:

33.1 TEXT AND MAP AMENDMENTS

The Township Board may, from time to time, on recommendation from the Township Planning Commission, on its own motion, or on petition amend, supplement, modify or change the regulations of this Ordinance, including the district boundaries or other elements of the Official Zoning Map, in accordance with the Authority of Public Act 110 of 2006, as amended. Such actions shall be subject to the following procedure:

Article XXXIII, Amendments, Section 33.1.3(b) Text and Map Amendments, Amendment Review Procedure, is amended by replacing the existing language with the following:

33.1.3(b)Public Hearing. At least one (1) Public Hearing shall be held by the Planning Commission on a proposed amendment in order to acquaint the public and adjoining property owners with the proposal, and any party may appear in person or by agent or by attorney. Notice of the Public Hearing shall be published in a newspaper which circulates in the Township for the initial adoption of a Zoning Ordinance. Notice of subsequent text or map amendments shall take place in the following manner:

- 1) If an individual property or ten (10) or fewer adjacent properties are proposed for rezoning, the Planning Commission shall publish a notice of the rezoning in a newspaper which circulates in the Township, and sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction. The notice shall be given not less than fifteen (15) days before the date the application will be considered. If the name of the occupant is not known, the term “occupant” may be used in making notification. The notice shall:
 - a) Describe the nature of the rezoning request.
 - b) Indicate the property that is the subject of the rezoning request. 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. If there are no street addresses, other means of identification may be used.
 - c) State when and where the rezoning request will be considered.
 - d) Indicate when and where written comments will be received concerning the request.
 - e) Include the places and times at which the proposed text and any maps of the zoning ordinance may be examined.
- 2) If eleven (11) or more adjacent properties are proposed for rezoning, the Planning Commission shall publish a notice of the rezoning in a newspaper which circulates in the Township. The notice shall be given not less than fifteen (15) days before the date the application will be considered. The notice shall:
 - a) Describe the nature of the rezoning request.
 - b) Indicate the property that is the subject of the rezoning request.
 - c) State when and where the rezoning request will be considered.
 - d) Indicate when and where written comments will be received concerning the request.
 - e) Include the places and times at which the proposed text and any maps of the zoning ordinance may be examined.
- 3) Notice of the time and place of the Public Hearing shall also be given by 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 clerk of the Charter Township of Plymouth for the purpose of receiving the notice of Public Hearing. The notice shall include the places and time at which the proposed text and any maps of the zoning ordinance may be examined.

Part II. CONFLICTING PROVISIONS REPEALED. Any ordinance or parts of Ordinance in conflict herewith, are hereby repealed.

Part III. EFFECTIVE DATE. The provisions of this Ordinance are hereby declared to take effect on September 30, 2007.

Part IV. ADOPTION. The ordinance was adopted by the Township Board of the Charter Township of Plymouth by authority of Act 184 of Public Acts of Michigan, 1949, as amended, at a meeting duly called and held on August 17, 2004 and ordered to be given publication in the manner prescribed by law. The Ordinance may be purchased or inspected at the Plymouth Township Department of Public Works Building, Community Development Department, 9955 Haggerty Road, during regular business hours.

Adopted by the Board of Trustees on September 11, 2007
Effective Date September 30, 2007.

Publish September 23, 2007