

**WELDON TOWNSHIP
ZONING
ORDINANCE
AMENDMENTS TO
ZONING ORDINANCE
AND MAP**

**ADOPTED MAY 10, 2022
EFFECTIVE JUNE 1, 2022**

WELDON TOWNSHIP ZONING ORDINANCE

*Draft
February 28, 2022*

New Draft Language
~~Struck Language~~

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Article 3

General Administration, Enforcement, and Penalties

Section 3.4 Zoning Permit Application, Review Procedures and Permit Withholding, Revocation and Expiration

A. General Application and Review Procedures: An application for a zoning permit and applicable fee schedule shall be available from the Zoning Administrator. Upon payment of fees and approval of the application, a zoning permit shall be issued. Whenever the Zoning Administrator determines an application for a single-family or two-family dwelling and accessory uses and structures thereto is in conformity with the provisions of this Ordinance, the Zoning Administrator shall issue the zoning permit. Zoning permit applications for uses, buildings and structures not associated with a single-family or two-family dwelling shall be issued by the Zoning Administrator only after the Planning Commission directs the Zoning Administrator to do so unless provided otherwise by this Ordinance.

1. Plot Plan / Site Plan: An application for a zoning permit shall include the submittal of a plot plan or site plan. An application for a single family or two-family dwelling and accessory structures thereto, shall include the submittal of a plot plan according to subsection (B) below. A site plan shall be required for all other uses, structures and buildings and shall be prepared according to Article 13 (Site Plan Review) unless provided otherwise by this Ordinance.
2. Special Land Uses: In addition to meeting the site plan requirements of Article 13, a zoning permit application for a use classified as a "special land use" according to the Permitted Uses tables of Article 4 shall be processed according to the provisions of Article 14 (Special Land Uses).
3. Variances: Where the approval of a variance by the Zoning Board of Appeals is necessary for the approval of a proposed plot plan or site plan, no such plot plan or site plan shall be acted upon by the designated approving body until action on the variance request has first been taken by the
4. Zoning Board of Appeals pursuant to Article 15.
45. Incomplete Applications: If zoning permit application materials are not administratively complete when received by the body that is to take action on the application, the body may deny such application or otherwise delay action on the application until it is made complete in a comprehensible manner.
56. Performance Guarantees: A performance guarantee may be required as a condition to the issuance of a permit pursuant to Sec. 3.6 of this Ordinance.
67. Permit Refusal in Writing: In any case where a zoning permit or other approval requested under this Ordinance is refused, the Zoning Administrator shall provide the reasons for the refusal to the applicant in writing. Such notification may include a copy of the meeting minutes and motion containing such reasons.
78. Permit Display: A zoning permit shall be displayed, face out, in a conspicuous location on the property subject to the permit and within twenty-four (24) hours of the receipt of such permit.

End of Article 3

Article 4

Zoning Districts, Regulations, and Map

Section 4.1 Establishment of Districts

For the purpose of this Ordinance, Weldon Township is hereby divided into the following zoning districts, which shall be known by the following respective symbols and names and shall have boundaries as delineated on the Official Zoning Map.

Conservation Districts

RC Resource Conservation
NR Natural Rivers District

Residential Districts

RR Rural Residential District-
R-1 Low Density Residential District

Commercial Districts

C-1 Local Commercial District
C-2 General Commercial District

Industrial Districts

I-1 Light Industrial District

Other Districts

PUD Planned Unit Development District

Section 4.2 Zoning District Map

A. The boundaries of the respective Districts enumerated in Section 4.1 are defined and established as depicted on the Official Zoning Map entitled Weldon Township ZONING MAP, which is an integral part of this Ordinance. This map, with all notations and explanatory matter thereon, shall be published as part of this Ordinance as if fully described herein.

B. This Official Zoning Map shall be identified by the signature of the supervisor of , Weldon Township , attested by the Township clerk, and bearing the following: "*This is to certify that this is the Official Zoning Map of the Weldon Township Zoning Ordinance adopted on the 9th day of Nov, 2021.*" If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be made on the Official Zoning Map.

The Official Zoning Map shall be located at the Weldon Township HALL and shall be the final authority with regard to the current zoning status of all land in Weldon Township, along with supporting minutes of Weldon Township meetings regarding zoning district changes, regardless of the existence of copies of the Official Zoning Map which may be made and published from time to time.

Article 15

Weldon Township Zoning Board of Appeals

Section 15.8 — Rezoning with Conditions

- ~~A. An owner of land may voluntarily offer in writing, and the Zoning Board of Appeals may approve, certain use and development of land as a condition to a rezoning of the land or an amendment to a zoning map.~~
- ~~B. In approving the conditions under subsection 15.8(A), the Zoning Board of Appeals may establish a time period during which the conditions apply to the land. Except for an extension under subsection 15.8(D), if the conditions are not satisfied within the time specified under this subsection, the land shall revert to its former zoning classification.~~
- ~~C. The Zoning Board of Appeals shall not add to or alter the conditions approved under subsection 15.8(A) during the time period specified under subsection 15.8(B) of this section.~~
- ~~D. The time period specified under subsection 15.8(B) may be extended upon the application of the landowner and approval of the Zoning Board of Appeals.~~
- ~~E. The Zoning Board of Appeals shall not require a landowner to offer conditions as a requirement for rezoning. The lack of an offer under subsection 15.8(A) shall not otherwise affect a landowner's rights under this act, the ordinances of Weldon Township, or any other State of Michigan laws.~~

Section 15.98 Review by Circuit Court

A. Circuit Court Review: The decision of the Zoning Board of Appeals shall be final. However, any party aggrieved by an order, determination or decision of the Zoning Board of Appeals may obtain a review thereof in the Circuit Court provided that application is made to the Court within thirty (30) days after the Zoning Board of Appeals issues its decision in writing signed by the chairperson, or within twenty-one (21) days after the Zoning Board of Appeals approves the minutes of its decision. The Circuit Court shall review the record and decision of the Zoning Board of Appeals to insure that the decision:

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.

End of Article 15

Article 16

Zoning Map and Text Amendments

Section 16.1 Purpose

This Article establishes procedures for the review and action on amendment petitions. Amendments to this Ordinance shall be processed according to Public Act 110 of 2006, as amended, and in doing so, the procedures of this Article shall be followed. It is not intended that this Ordinance be amended except to correct an error; to address changed or changing conditions including in a particular geographic area; to institute new or modified measures or standards to ensure the public health, safety and welfare; to conform with the Weldon Township Master Plan and/or other ordinances; and to meet a public need for new or additional land uses in appropriate locations.

Section 16.2 Initiation of Amendments

Petitions for amendments may be initiated by Planning Commission, by its own motion, or by petition of one (1) or more owners of property to be affected by the proposed amendment.

Section 16.3 Procedures

1. Application, Distribution and Data: A petitioner shall submit ten (10) copies of a completed application to the Zoning Administrator on a form established for that purpose, which shall include a detailed description of the proposed amendment including the name, address and phone number of the applicant and the desired change(s) and reason(s) for such change(s), along with any application fees. The Zoning Administrator shall record the date of their receipt and transmit copies to the Planning Commission, Township Board and other agencies or individuals selected to review such petitions including but not necessarily limited to municipal departments and staff, consultants and the Benzie County Road Commission.

1. When the petition involves a change in the Zoning Map, an application shall be submitted for each parcel of land which is not contiguous to any adjacent parcel of land being proposed for the same amendment, and the applicant shall also submit the following information:
 - a. A legal description of the property, and a scaled map of the property correlated with the legal description and clearly showing the property's location.
 - b. The applicant's name, address and phone number and interest in the property, and if the applicant is not the owner, the name, address and phone number of the owner.
 - c. The desired change and reasons for such change.
 - d. Signature(s) of petitioner(s) and owner(s) certifying the accuracy of the required information.

2. Planning Commission Action

1. **Public Hearing:** The Planning Commission shall review the application materials. Upon finding that the application materials are satisfactorily complete and the Planning Commission has a clear understanding of the requested amendment, the Planning Commission shall establish a date for a public hearing on the application and hold such hearing. Notice of the public hearing shall comply with Section 3.11. Any application not properly filed or complete may be returned to the applicant with a written notice of deficiencies.
2. **Planning Commission Review / Recommendation:** In reviewing any amendment petition, the Planning Commission shall identify and evaluate all factors relevant to the application.
 - a. If the petition involves an amendment to the official zoning map, matters to be considered by the Planning Commission shall include, but need not be limited to, the following:
 - 1) What, if any, identifiable conditions related to the petition have changed which justify the proposed zoning district change?
 - 2) What is the impact of the zoning district change on the ability of the municipality and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future if the proposed zoning district change is adopted?
 - 3) Will the petitioned district change adversely affect the value of the surrounding property?
 - 4) Is the site's environmental features compatible with the host of uses permitted in the proposed district, and will development under the proposed district be likely to adversely affect environmental conditions?
 - 5) Can the subject parcel comply with all requirements of the proposed zoning classification?
 - 6) Is the subject property able to be put to reasonable economic use in the zoning district in which it is presently located?

- 7) Is the petitioned district change consistent with the zoning classification of surrounding land?
- 8) Does the petitioned district change generally comply with the Weldon Township Master Plan?
- 9) What are the precedents and the possible effects of such precedent which might result from the approval or denial of the petition?
- b. If the petition involves an amendment to the text of the Ordinance, matters to be considered by the Planning Commission shall include, but need not be limited to, the following:
 - 1) Is the amendment petition supported by documentation, such as from the Weldon Township Zoning Board of Appeals, that the proposed amendment would minimize problems or conflicts with specific sections of the Ordinance?
 - 2) Is the amendment petition supported by reference materials, planning and zoning publications, information gained at seminars or experiences of other communities to more effectively address certain zoning issues?
 - 3) Is the amendment petition supported by significant case law?
3. Planning Commission Recommendation: Following the hearing, the Planning Commission shall transmit a summary of comments received at the public hearing to each legislative body, along with its recommended action on the amendment petition. The Planning Commission shall also forward its recommended action on the amendment petition to the Benzie County Planning Commission for advisory comments.

3. Action by Weldon Township

1. Additional Hearings: The Township Board may hold additional public hearings if they consider it necessary. The Township Board shall grant a hearing on a proposed amendment to any interested property owner who has filed a written request to be heard. Such written request shall take the form of a certified mail letter from the property owner to the clerk of Weldon Township to hold the additional hearing. Such hearing is not subject to the notice requirements of Section 3.11, except that notice of the hearing shall be given to the interested property owner according to Section 3.11(A) and (C). The Township Board may require the property owner to substantiate the basis for which the additional hearing is being requested.
2. Amendment Ordinance Adoption: After receiving the findings and recommendations of the Planning Commission, at any regular meeting or at any special meeting called for that purpose, the Township Board shall consider said findings and recommendations. The Township Board may refer any proposed amendment back to the Planning Commission for further consideration and comment within a time specified by the legislative body. The Township Board may adopt the amendment, with or without changes. Such action shall be by Ordinance, requiring a majority vote of each legislative body.
 - a. If the Planning Commission received Benzie County Planning Commission comments within thirty (30) days of the submittal of the Planning Commission's recommendation, the Township Board need not delay taking action on the amendments.
 - b. No amendment ordinance shall become effective except where the Township Board has adopted an ordinance providing for the same amendment. The effective date of an amendment ordinance shall be the expiration of eight (8) days after publication of the notice of adoption as provided in (D) below except where the Township Board expressly provide a similar greater number of days.
4. Publication of Notice of Ordinance Amendments: Following adoption of amendments by ordinance by Weldon Township, the amendment ordinances shall be filed with the clerk of Weldon Township and one (1) notice of adoption shall be published in a newspaper of general circulation in Weldon Township within fifteen (15) days after adoption. Promptly following adoption of an amendment ordinance by Weldon Township, a copy of the notice of adoption shall also be mailed to the airport manager of each airport that registers its name and mailing address with Weldon Township for the purpose of receiving such notices. The adoption notice shall provide either a summary of the regulatory effect of the amendments including the geographic area affected, or the text of the amendment, and the effective date of the amendment ordinance and the place and time where a copy of the amendment ordinance may be purchased or inspected.

Section 16.4 Resubmittal

No petition for an amendment which has been denied by one (1) or more legislative bodies shall be resubmitted for a period of one (1) year from the date of the last denial, except on the grounds of newly-discovered evidence or proof of changed conditions having bearing on the basis for the previous denial, as determined by the Planning Commission.

Section 16.5 Rezoning with Conditions

1. **An owner of land may voluntarily offer in writing, and the Planning Commission may recommend to the Board of Trustees to approve, certain use and development of land as a condition to a rezoning of the land or an amendment to a zoning map. The Board of Trustees**

- may choose to accept or reject the recommendation.
2. In approving the conditions under subsection 16.5, (1), the Board of Trustees may establish a time period during which the conditions apply to the land. Except for an extension under subsection 16.5, (4), if the conditions are not satisfied within the time specified under this subsection, the land shall revert to its former zoning classification.
 3. The Board of Trustees shall not add to or alter the conditions approved under subsection 16.5, (1) during the time period specified under subsection 16.5, (2) of this section.
 4. The time period specified under subsection 16.5, (2) may be extended upon the application of the landowner and approval of the Board of Trustees.
 5. It shall be the responsibility of the applicant to draft the Conditional Rezoning contract, which must be provided to the Township attorney for review prior to any action being taken by the Board of Trustees upon the Planning Commission's recommendation.
 6. The Board of Trustees shall not require a landowner to offer conditions as a requirement for rezoning. The lack of an offer under subsection 16.5, (1) shall not otherwise affect a landowner's rights under this act, the ordinances of Weldon Township, or any other State of Michigan laws.

End of Article 16

Weldon Township Zoning Map

Zoning Districts

- AP Airport District
- C-1 Local Commercial District
- C-2 General Commercial District
- I-1 Light Industrial District
- PUD Planned Unit Development District
- R-1 Low Density Residential District
- RC Resource Conservation
- RR Rural Residential
- NR Natural Rivers District

Base Data

- Roads
- State Highway
- Rivers and Streams
- Water Bodies
- Municipal Boundaries

This is to certify that this is the Official Zoning Map of the Weldon Township
Zoning Ordinance adopted on the 5th day of November, 2021

Attested by:

Ron Hiteaman - Supervisor

Fran Griffin - Clerk

Adopted Date: _____, 2022



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