



**APPLICATION FOR TEXT AMENDMENT**

NOTICE TO APPLICANT

The following application must be completed (**incomplete applications will be returned to the petitioner**) and filed with the Township at least six (6) weeks prior to a scheduled Planning Commission meeting in order to initiate a request for a Text Amendment. Regular meetings of the Planning Commission are held on the second and fourth Thursday of each month at 7:00 p.m. at the Charter Township of Oxford Meeting Room, 300 Dunlap Road, Oxford.

Date: \_\_\_\_\_ Project Name: \_\_\_\_\_

Petitioner: Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
Phone \_\_\_\_\_ Fax \_\_\_\_\_  
Email \_\_\_\_\_

(Additional petitioners attach list with complete information as requested above)

**Requested Charter Township of Oxford Ordinance Amendment:**

Ordinance Number \_\_\_\_\_ Name \_\_\_\_\_

Article and/or Section Number \_\_\_\_\_

Is the proposed Ordinance amendment a modification to existing language or new language?

\_\_\_\_\_

**Statement of Purpose:** On a separate sheet of paper attach to the application a detailed statement of the proposed amendment, clearly and completely setting forth all proposed provisions and regulations, including **all** changes in the Zoning Ordinance necessary to accommodate the proposed amendment, and the reasons why (Statement of Purpose): 1. The text amendment is necessary; 2. The existing language is no longer appropriate, and 3. The text amendment will not be detrimental for the community.

**\*\*10 Copies and one (1) in .PDF format of the Proposed Text Amendment, Statement of Purpose, and The Planning Commission Review Fee must be included as part of the Application\*\***

AFFIDAVIT: I hereby submit this application for a Text Amendment, pursuant to the provisions of the Charter Township of Oxford Zoning Ordinance, Ordinance #67A, Article 18 and any other applicable Township Ordinance requirements. In support of the application, I hereby certify that the information provided herein is accurate and the application that has been provided is complete.

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Signature

Date

**Review process:**

The following shall be submitted for this review:

- The Zoning Administrator will perform a *Sufficiency Review* prior to the formal submittal of the application to the Township consultants: Completed “**Application Form**” (\$125.00)
- Public Hearing at the Planning Commission (requires notice to be published 15 days prior to meeting) in accordance with Ordinance 67A, Section 16.9
- Planning Commission makes recommendation to Township Board to accept or deny
- TBD: Send Application and approved Planning Commission Minutes and other required documents to Oakland County Zoning Coordination Committee for Recommendation. Oakland County notifies adjacent communities (if property borders another jurisdiction) and neighbors within 300 feet (Time frame is not controlled by the Township)
- Planning Commission and Oakland County Zoning Coordination Committee recommendations sent to Township Board
- The Township Board will hold a First and Second Reading with a Public Hearing Notice published at least seven (7) days between readings and makes final decision. (Twp. Board mtgs are schedule 2<sup>nd</sup> Wednesday of each month)

The Review Team consists of the following departments and consultants:

- Zoning Department
- Planning Consultant
- Engineering Consultant
- Township Attorney
- Fire Department
- And any other as seems necessary in regards to the application and the direction from the Planner.
  - Sheriff Department
  - Park and Recreation
  - Road Commission of Oakland County (RCOC) or
  - Michigan Department of Transportation (MDOT)
  - Oakland County Health Department
  - Water Resources Commission
  - Michigan Department of Environmental Quality
  - Wetlands Consultant

Review Team comments will be provided to the applicant before the Planning Commission meeting. The Applicant is advised to have responses prepared for the meeting. ***Applications may not be revised until the Planning Commission reviews the application submitted.***

FEES RELATED TO ARTICLE 18 IN ADDITION TO  
THE ZONING COMPLIANCE REVIEW FEE

ONE CHECK	PAYABLE TO: OXFORD TOWNSHIP	FOR:	CHECK AMOUNT
	<b>Oxford Township</b>	Non-Refundable Application	800.00
		Administrative	500.00
	<b>Oxford Township Fire Department</b>	Fire Review	<b>50.00</b>
	<b>Oxford Township (New Dev. Only)</b>	Police Review	<b>50.00</b>
	<b>Recreation (New Dev. Only)</b>	P&R Review	<b>50.00</b>
	<b>Oxford Township Trust &amp; Agency</b>	Consultant Reviews: <b>Engineer Planner Attorney Legal Notice</b>	<b>\$4,800.00</b>
<b>TOTAL</b>			<b><u>\$6,250.00</u></b>
Each Revised Review	\$1,200.00		

# ARTICLE 18

## AMENDMENT

**18.1 Initiating Amendments.** The Township Board may, from time to time, amend, modify, supplement, or revise the district boundaries or the provisions and regulations of this Ordinance. Amendments may be initiated by the Township Board, the Township Planning Commission, by petition of one or more property owners of the Charter Township of Oxford, or by one (1) or more persons acting on behalf of a property owner(s) of the Charter Township of Oxford. All proposed amendments shall be referred to the Township Planning Commission for review, public hearing, and recommendation before action may be taken thereon by the Township Board.

**18.2 Amendment Procedure.** The procedure for amending this Ordinance shall be in accordance with the Michigan Zoning Enabling Act (P.A. 110 of 2006), as amended, and the following:

- A. Application for amendment shall be made by submitting the application, along with all information required under Section 18.3 and the required fee (as established by the Township Board), to the Zoning Administrator. The completion of such application shall not be required for zoning amendment initiated by officials or bodies of the Township.
- B. After receipt of filing, the Zoning Administrator shall transmit a copy of the application and required information to the Planning Commission. The Planning Commission shall establish a date for a public hearing on the application and give notice of the hearing pursuant to Section 16.9.
- C. In reviewing any petition for a zoning amendment, the Planning Commission shall evaluate all factors relevant to the petition, and shall make its recommendations for disposition of the petition to the Township Board following the public hearing. Following receipt of the Planning Commission's recommendation, the Township Board shall render a final decision on the proposed zoning amendment. All findings shall be made a part of the public records of the meetings of the Planning Commission and the Township Board.

**18.3 Information Required.**

- A. If a petition involves an amendment to the Official Zoning Map, the petitioner shall submit the following information:
  - 1. A legal description of the property, including a street address and tax ID number(s).
  - 2. A scaled map of the property, correlated with the legal description, and clearly showing the property's location.

3. The name and address of the petitioner, the record owner, and all other parties claiming an interest in said property.
  4. The petitioners interest in the property. If the petitioner is not the record owner, the name and address of the record owner(s), and the record owner(s) and other interested parties signed consent to the petition. The consent of mortgagees, lienors, and similar such parties shall not be required.
  5. Signature(s) of petitioner(s) and owner(s) certifying the accuracy of the information.
  6. Identification of the zoning district requested and the existing zoning classification of property.
  7. A vicinity map showing the location of the property, and adjacent land uses and zoning districts.
- B. If a petition involves a change in the text of the Zoning Ordinance, the petitioner shall submit the following information:
1. A detailed statement of the proposed amendment, clearly and completely setting forth all proposed provisions and regulations, including all changes in the Zoning Ordinance necessary to accommodate the proposed amendment.
  2. Name and address of the petitioner.
  3. Reasons for the proposed amendment.

**18.4 Publication.** Following Township Board approval of a petition to amend the Zoning Ordinance, notice of the amendment shall be published within fifteen (15) days after adoption in a newspaper of general circulation within the Charter Township of Oxford. The notice of adoption shall include the following information:

- A. Either 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 where and time when a copy of the amendment may be purchased or inspected.

## 18.5 Conditional Rezoning.

- A. **Intent.** It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to property owners seeking a change in zoning classification, that certain conditions could be proposed by property owners as part of a request for rezoning. This is especially true since the Township must consider all potential uses which may be made of property when considering a traditional rezoning request, some of which may be inappropriate for a particular piece of property considering such items as, but not limited to, the surrounding land uses, the Township Master Plan, available infrastructure and utilities, and natural features. It is the intent of this Section to provide a process consistent with the provisions of Section 405 of the Michigan Zoning Enabling Act, Public Act 110 of 2006 as amended, MCL 125.3101 et. seq., by which the owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request.
- B. **Application and Offer of Conditions.** An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a conditional rezoning is requested. This offer may be made either at the time the application for conditional rezoning is filed, or additional conditions may be offered at a later time during the conditional rezoning process as set forth below:
1. **General Procedure.** A request for conditional rezoning shall be commenced by filing an application with the Township Zoning Administrator or designee, on the required forms, accompanied by the specified fees. The application and process for considering a conditional rezoning request will be the same as that for considering a rezoning request without any conditions, except as modified by this Section. The application shall explicitly describe the proposed conditional rezoning and shall be signed by the owner of the property. Applications for conditional rezoning of a specific site shall be accompanied by a plot plan or survey which contains all the information required in Section 18.3 of this Ordinance. The applicant shall also present a preliminary plan showing the specific proposed use of the property and containing all the information outlined in Section 12.3(B) of this Ordinance.
  2. **Pre-Application Conference.** Prior to filing a formal request for a conditional rezoning, and prior to a public hearing, the applicant shall informally meet with the Township Zoning Administrator or designee, and other representatives as deemed necessary by the Township, to discuss the proposed development. The Pre-Application Conference is intended to be informative and advisory in nature, and affords the applicant the opportunity to discuss the land use and planning

policies of the Charter Township of Oxford. The applicant shall present a preliminary plan for the contemplated conditional rezoning at or before the Pre-Application Conference. Any and all statements made by the Charter Township of Oxford Board of Trustees, Zoning Administrator or designee, Planning Commissioners, Township employees, attorneys, agents, or representatives at the Pre-Application Conference have no legal force and are not legal and binding promises, commitments, or contracts.

- C. **Review Procedures.** The offer of conditions may not purport to authorize uses or developments not permitted in the requested Zoning District. The owner's offer of conditions shall bear a reasonable and rational relationship to the property for which the conditional rezoning is requested. Further, the Planning Commission and Township Board shall, at a minimum, consider all the review considerations contained in Section 18.2(C) of this Ordinance in rendering a decision on a request for conditional rezoning.
1. **Other Required Approvals.**
    - a. 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.
    - b. 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 this Ordinance.
    - c. 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 terms of this Ordinance.
  2. **Amendment of Conditions.** The offer of conditions may be amended during the process of conditional rezoning consideration, provided that any amended or additional conditions are entered voluntarily by the owner, and confirmed in writing. An owner may withdraw in writing all or part of its offer of conditions any time prior to final rezoning action of the Township Board provided that, if such withdrawal occurs subsequent to the Planning Commission's Public Hearing on the original rezoning request, then the rezoning application shall be referred back to the Planning Commission for a new Public Hearing with appropriate notice and a new recommendation.

- D. **Planning Commission Review.** The Planning Commission, after a public hearing and consideration of the factors for rezoning set forth in Section 18.2(C) of this Ordinance, may recommend approval, approval with recommended changes, or denial of the rezoning; provided however, that any recommended changes to the offer of conditions are acceptable to and thereafter offered to the owner in writing. In the event that any recommended changes to the offer of conditions are not subsequently offered by the owner in writing, the recommendation of the Planning Commission shall be considered by the Township Board to be a recommendation of denial of the proposed conditional rezoning.
- E. **Township Board Review.** After receipt of the Planning Commission's recommendation, the Township Board shall review the Planning Commission's recommendation and deliberate upon the requested conditional rezoning, considering the factors for rezoning set forth in Section 18.2(C), and may approve or deny the conditional rezoning request. If the applicant initiates additional or different conditions not considered by the Planning Commission subsequent to the recommendation of the Planning Commission, then the Township Board shall refer such proposed additional or different conditions to the Planning Commission for report within a time specified by the Township Board, and the Township Board shall thereafter proceed to deny or approve the conditional rezoning.
- F. **Approval.** If the Township Board finds the conditional rezoning request and offer of conditions acceptable, the offer of 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 Township Board to accomplish the requested conditional rezoning. The Statement of Conditions shall:
1. Be prepared in a form recordable with the Oakland County Register of Deeds;
  2. Contain a legal description of the land to which it pertains;
  3. Contain a statement acknowledging that the Statement of Conditions runs with the land, and is binding upon successor owners of the land;
  4. Incorporate by attachment the preliminary plan which formed the basis of the conditional rezoning;
  5. Contain the notarized signatures of all the owners of the property, and that they voluntarily offer and consent to the provisions contained with the Statement of Conditions;

6. The Statement of Conditions may be reviewed and approved by the Township Attorney, with the applicant to pay all costs associated with such review and approval.

The approved Statement of Conditions shall be filed by the owner with the Oakland County Register of Deeds within thirty (30) days after approval of the conditional rezoning. The owner shall provide the Township with a recorded copy of the Statement of Conditions within thirty (30) days of receipt.

Upon the conditional rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification, together with a designation that the land was a Conditional Rezoning with a Statement of Conditions. Upon the conditional rezoning taking effect, and after the required recording of the Statement of Conditions, unless waived, use of the land so rezoned shall conform thereafter to all the requirements regulating use and development within the new Zoning District as modified by any more restrictive provisions contained in the Statement of Conditions.

- G. **Compliance with Conditions.** Any person who establishes development or commences a use upon land that has been conditionally rezoned shall continuously operate and maintain the development or use in full compliance with all the conditions set forth in the Statement of Conditions. Any failure to comply fully with the conditions contained within the Statement of Conditions shall constitute a violation of this Ordinance and be punishable accordingly. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement by law.
- H. **Time Period for Establishing Development or Use.** The approved development and/or use of the land pursuant to building and other required permits must be commenced upon the land within twelve (12) months after the effective date by publication of the conditional rezoning action, and must thereafter proceed diligently to completion. This time limitation, may upon written request, be extended by the Township Board if:
  1. It is demonstrated to the Township Board's sole 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 Township Board finds that there has been change in circumstances that would render the conditional rezoning with Statement of Conditions incompatible with other Zoning Districts and uses in the surrounding area or otherwise inconsistent with sound zoning policy.
- I. **Reversion of Zoning.** If an approved development and/or use of the rezoned land does not occur within the time frame specified in Subsection H above, then the land shall revert to its former zoning classification as set

forth in MCL 125.3405(2). The reversion process shall be initiated by the Township Board, and proceed pursuant to Section 18.2.

- J. **Subsequent Rezoning of Land.** When land that is conditionally rezoned with the 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 I above, or upon application of the landowner, 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 Township Clerk shall record with the Oakland County Register of Deeds a notice that the Statement of Conditions is no longer in effect.
- K. **Amendment of Conditions.** During the time period for commencement of an approved development or use specified pursuant to Subsection H above, or during any extension thereof granted by the Township Board, the Township shall not add to or alter the conditions in the Statement of Conditions. The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original conditional rezoning and Statement of Conditions.
- L. **Township Right to Rezone.** Nothing in the Statement of Conditions nor in the provisions of this Section shall be deemed to prohibit the Township 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 Michigan Zoning Enabling Act, Public Act 110 of 2006 as amended, MCL 125.3101 et seq.
- M. **Failure to Offer Conditions.** The Township 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.