



PROCEDURAL EXPLANATION - PETITION TO REZONE LAND

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General Information

A petition to rezone land may be initiated by a property owner(s), agent for a property owner(s), the Township Planning Commission or Board of Trustees. Regardless of who initiates the Petition to Rezone Land, the procedure is the same.

Pre-Petition Meeting

A pre-petition meeting with the Planning staff is recommended though not required. The meeting is to determine details of the zoning change, intended land use[s] and verify the most appropriate zoning district and determine if other approvals may be required. The meeting also explains the rezoning process.

Meeting with Neighbors

Some petitioners arrange meetings with neighbors or a neighborhood association before filing a Petition to Rezone Land. Nearby stakeholders are a key group in the rezoning process and often exercise significant input at the required public hearing. This early review can often resolve specific concerns in advance of the public hearing before the Planning Commission.

Petition Completed and Filed

The *Petition to Rezone Land* must be completed in full with required narrative. The completed petition is filed with the Planning Department. The Planner/Zoning Administrator reviews the petition for content to assure it is completed as required. If satisfied, the Zoning Administrator determines the next available date to schedule a public hearing before the Planning Commission. The Zoning Administrator notifies the Petitioner in writing of the date, time and place of the public hearing. The Petitioner is also advised to prepare its rationale and support to justify the requested change in zoning district.

Public Notices Issued

Once the public hearing date is set and the petitioner notified, the Planning Department prepares public notices as required by law, including newspaper publication and direct first class mail to all residents and property owners within 300-500 feet of the subject parcel. These notices are made no less than 15 days prior to the date of the public hearing.

Public Hearing

The Planning Commission convenes the public hearing, first giving the petitioner opportunity to present its case for support of the petition to rezone land. Thereafter, Planning Commission takes testimony from the general public. A public hearing record is made of all information and testimony presented to the Commission.

Upon conclusion of public testimony, the Planning Commission will question the petitioner or members of the public to gain additional information. Whenever there remain unanswered questions or need for additional information, the Commission will list the needed information and ask the petitioner or staff to produce the information by a stated date.

Regardless, the Commission will postpone further consideration of the petition until the public hearing record is produced. Typically, the petition is postponed to the next regularly scheduled meeting of the Commission.

Decision and Recommendation to the Township Board

After review of the written record of the public hearing, the Planning Commission will formulate a recommendation as regards a decision on the petition. The recommendation will contain specific rationale and factual basis for the recommendation and details of the recommendation. The Planning Commission's recommendation may be to approve, approve with conditions [if conditional rezoning] or deny. A conventional petition to rezone land cannot have conditions attached.

The written recommendation to the Board of Trustees must be approved by a voting quorum of the Commission.

Township Board Decision

Township Board receives the recommendation of the Planning Commission as a regular meeting agenda item. The Board may or may not decide to convene a public hearing. This hearing is optional and not required by law.

If the Board does convene a public hearing, it may proceed to a decision on the petition. The Board may approve or deny the petition based on the Planning Commission recommendation. The Board is not bound by the Commission's recommendation.

If there are unanswered issues or other concerns, the Board can send the petition back to the Planning Commission with specific questions or instructions [Planning Commission reviews the referral and provides a reply to the Board. The Planning Commission is not required to hold another public hearing].

Publication

Only when a petition to rezone is approved is the Board of Trustees required to publish a "notice of adoption" providing particulars of the approved ordinance, specifically, its regulatory effect. The ordinance is effective 7 days following publication in a newspaper of general circulation.