

*Charter Township of Fort Gratiot*  
**REZONING PETITION PROCEDURES**

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1. The applicant will obtain the necessary copies of *Petition for Rezoning* from the Township.
2. No less than 30 days prior to the scheduled public hearing the applicant will return the original completed petition (no additional copies necessary), and 11 copies of the feasibility sketch plan, with all required information and attachments. If the necessary number of copies is not submitted, the Township shall make the copies and charge the applicant for such. \*\*The sketch plan is for the purpose of ascertaining feasibility and will not receive site plan review until after the parcel is rezoned.
3. The Zoning Administrator will verify that adequate information has been presented and record the case number on the petition and feasibility sketch plan.
4. Copies of the application, sketch plan, and attachments, when properly submitted, will be forwarded as follows:
  - a. Planning Department (1) for Township internal review;
  - b. Planning Consultant (1) for review;
  - c. Petitioner (1) to be returned prior to the public hearing with any comments;
  - d. Planning Commission record (1); and
  - e. Planning Commission members (7).
5. All reviews completed as listed above will be forwarded to the petitioner prior to the meeting.
6. The petition will be placed on the next Planning Commission agenda to set the date for the Public Hearing. The Commission will hear the petitioner's proposal and review the procedures for rezoning with the applicant. The Commission may also question the impact on adjacent land uses, the neighborhood and the Township Master Plan.
7. After the Public Hearing is scheduled by the Commission, the Zoning Administrator shall prepare a notice to comply with the requirements of the Charter Township of Fort Gratiot Code of Ordinances and State Zoning Enabling Act. The publication shall include the legal description of the land proposed for rezoning, the existing and proposed zoning and graphic illustration of the location of the land
8. There is no requirement to make a decision the same night as the Public Hearing. The Commission may declare that the Public Hearing may be tabled or continued to a specified date where there are additional public comments or where additional information is needed. The Commission may also close the formal Public Hearing.
9. The Planning Commission shall review the proposed rezoning request, according to those factors on the *Guidelines and Standards for Rezoning*. The Planning Commission, after review, shall have a Roll Call Vote on their recommendation to the Township Board. The Commission shall send a copy of all correspondence, a summary or the minutes of the meeting and the findings and recommendation to the Township Board.
10. The planning department shall forward one copy of the application, with the recommendation of the Township Planning Commission, to the St. Clair County Metropolitan Planning Commission (include comments from the public hearing and written reviews).
11. The Township Board shall not consider the proposed amendment unless it shall have received a recommendation from the St Clair County Metropolitan Planning Commission. If the case has been submitted to the county for 30 days or more and a recommendation has not been made, it can be assumed to be approved and the Township Board may act.
12. The Township Board, prior to the adoption of an ordinance amendment, may refer amendments, changes, additions or departures as to proposed text or zoning to the Planning Commission for report. The Board shall grant a hearing to any property owner who, by Certified Mail to the Township Clerk, requests another Public Hearing.

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***Guidelines and Standards for Rezoning***

There must be compelling reasons for any rezoning amendment which is substantially related to the public welfare and necessity. It is not sufficient that an applicant, for an amendment to the Charter Township of Fort Gratiot Code of Ordinances, merely show that there is no neighborhood objection to a requested amendment; nor is it sufficient that an applicant show that the amendment would enable him to gain a greater profit or income from his property.

Every zoning amendment will be analyzed with regard to the following:

**COMPREHENSIVENESS:**

1. Is the change in conformance with the Township Master Use Plan?
2. Is the change contrary to the established land use pattern?
3. Would change create an isolated district unrelated to similar districts? (i.e., is this “*spot zoning*”)?
4. Would change alter the population density pattern and thereby increase the load on public facilities? (i.e., schools, water, sewer, streets)
5. Are present district boundaries illogically drawn in relation to existing conditions?

**CHANGED CONDITIONS:**

1. Have the basic land use conditions been changed?
2. Had development of the general area been contrary to existing regulations?

**PUBLIC WELFARE:**

1. Will the change adversely influence living conditions in the neighborhood?
2. Will the change create or excessively increase traffic congestion?
3. Will the change adversely affect property values in adjacent areas?
4. Will the change be a deterrent to the improvement or development of adjacent property in accord with existing regulations?
5. Will the change constitute a grant of a special privilege to an individual as contrasted to the general welfare?

**REASONABLENESS:**

1. Has a sketch plan been submitted for the subject parcel; or is the rezoning requested for speculative purposes?
2. Are there substantial reasons why the property cannot be used in accord with existing zoning?
3. Is the change requested out of scale with the needs of the neighborhood or community?
4. Is it impossible to find adequate sites for the proposed use in existing districts permitting such use?
5. If subject rezoning is approved, does the proposed usage meet the requirements set forth for such a use in the current zoning ordinance?
6. Are public utilities, such as sewer and water, available?

The statement required to accompany the petition should to address these issues, and the petitioner should be able to speak to such at the Public Hearing, if requested.

References: Public Act No. 184 of 1943 State law MCL 125.271 et seq.; Fort Gratiot Township Ordinance No. 62  
The Charter Township of Fort Gratiot Code of Ordinances can be accessed at [www.municode.com](http://www.municode.com)