



CANTON TOWNSHIP PLANNING COMMISSION – REGULAR MEETING
Canton Township Administration Building
1150 S. Canton Center Rd.
Canton, MI 48188

Monday, December 4, 2023
7:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL: Cruz, Eggenberger, Foster, Janowski, Okon, Singh, Watkins, Weber, and Zuber

APPROVAL OF MINUTES OF NOVEMBER 6, 2023

ACCEPTANCE OF AGENDA: Additions or Deletions

COMMUNICATIONS *Summary of materials provided to the Planning Commission, including emails received after packets were distributed, magazines, publications, or other materials provided to the Commissioners.*

PUBLIC COMMENT *Public comment on agenda items only. An individual may speak for a maximum of three (3) minutes. A representative for a group may speak for five (5) minutes. Persons wishing to speak must provide their name and address for the record.*

PUBLIC HEARINGS

None.

OLD BUSINESS *Items that have been postponed from a previous meeting or items returning to the Planning Commission for modification or review.*

1. Master Plan Discussion
2. Zoning Ordinance – Electric Vehicle Charging Infrastructure – Set Public Hearing
3. Zoning Ordinance – Variances and Appeals – Set Public Hearing

NEW BUSINESS

None.

MISCELLANEOUS *Staff reports, commission, and liaison comments*

None.

PUBLIC COMMENT *An individual may speak for a maximum of three (3) minutes. A representative for a group may speak for five (5) minutes. Persons wishing to speak should provide their name and address for the record.*

ADJOURN

Canton Township Planning Commission Meetings are broadcast on cable government access television
Comcast -Channel 12 - Wide Open West -Channel 10 (Tues. and Thurs. 9:00 p.m.)

**CHARTER TOWNSHIP OF CANTON
ACCESS TO PUBLIC MEETINGS**

In accordance with the Americans with Disabilities Act, individuals with disabilities who require special accommodations, auxiliary aids or services to attend or participate at the meeting/hearing should contact the Human Resources Department at 734-394-5260. Reasonable accommodations can be made with advance notice.

A complete copy of the Access to Public Meetings Policy is available at www.canton-mi.org

**CANTON COMMUNITY
REQUEST FOR PLANNING COMMISSION ACTION**

MEETING DATE: December 4, 2023

AGENDA ITEM # 2

ITEM: Set Public Hearing for Amendment to Appendix A- Zoning of the Code of Ordinances for Electric Vehicle Charging Infrastructure.

PRESENTER: Patrick Sloan, AICP, Community Planner

ACTION REQUESTED: Set public hearing on the proposed Zoning Ordinance amendment to Article 4.00 (Off-Street Parking and Loading Requirements) to add Section 4.03 (Electric Vehicle Infrastructure).

EXECUTIVE SUMMARY: The proposed change would acknowledge some existing administration of the Zoning Ordinance with regard to approval of electric vehicle charging infrastructure, as well as provide for additional provisions for electric vehicle charging infrastructure.

BACKGROUND: Canton Township continues to see an increase in demand for commercial and industrial sites to install electric vehicle charging stations. Because there are no standards in the Zoning Ordinance that explicitly address electric vehicle charging stations, the charging station applications received so far have mostly been administratively approved using general standards of the Zoning Ordinance (e.g., setbacks, transformer equipment screening, interpretation of accessory uses). As the number and capacity of electric vehicle chargers increases, it is appropriate to adopt standards in the Zoning Ordinance that specifically address electric vehicle charging stations.

The Planning Commission first discussed electric vehicle charging standards at its February 6, 2023 meeting. After that meeting, draft Zoning Ordinance standards were prepared for review and discussion. The Planning Commission discussed the electric vehicle charging standards at its Work Session meetings on September 18th and October 16th. The modifications made by the Planning Commission at its September 18th meeting were reviewed at its October 16th meeting. On November 7th, a Joint Meeting was held between the Township Board and Planning Commission to discuss the E.V. Infrastructure ordinance prior to finalizing the draft ordinance and scheduling a public hearing. At this time, the ordinance draft is complete and we recommend scheduling a public hearing.

PROPOSED ZONING ORDINANCE SUMMARY: Enclosed for your consideration is the most recent draft amendment to the Zoning Ordinance that addresses Electric Vehicle (EV) Charging Infrastructure. This proposed amendment was drafted based on best practices of other municipal EV ordinances, as well as elements that will be unique to Canton Township. The following is a summary of the proposed ordinance amendment:

- **Zoning Ordinance Article Location.** The proposed amendment is located in Article 4.00, Off-Street Parking and Loading Requirements because EV charging stations are integral to parking, and vice versa.
- **Definitions.** Many definitions are added that are unique to EV charging. Most of these definitions are used almost verbatim in other municipal ordinances.
- **Permitted Locations.** We recommend allowing all EV chargers to be permitted as accessory uses in any zoning district. However, Level-3 chargers will always be subject to Planning Division review due to the mechanical equipment and site changes that are typically involved. Any proposal for EV charging to be the principal permitted use of the site is subject to Special Land Use application review in certain zoning districts.
- **General Requirements.** Provisions are included for permitting, design requirements, parking, accessible spaces, lighting, screening, signage, maintenance (including maintenance in accordance with fire code and electrical code), and usage fees.
- **Required Electric Vehicle Installations.** This sub-section includes provisions for which uses and developments will require EV charging installations. Requirements depend on land use, size of development or parking lot, and whether the installation is EV-Capable (panel capacity and conduit), EV-Ready (panel capacity, conduit and conductor, and termination at a junction box), and EV-Installed (full EV charger installation). One item for further discussion is the proposed requirement for one (1) EV-Capable space per dwelling unit with a garage in Table 4-1, which would require panel capacity and conduit only.
- **Zoning Districts for EV Charging as a Principal Permitted Use.** EV charging stations as a principal permitted use would be a special land use in the following zoning districts: C-3, Regional Commercial; C-4, Interchange Service; LI, Light Industrial, and GI, General Industrial.

COMMUNITY PLANNER'S RECOMMENDATION: Set public hearing for proposed Zoning Ordinance amendment.

MODEL MOTION: I move to set the public hearing for the proposed amendment to Article 4.00 of the Zoning Ordinance to include provisions for Electric Vehicle Charging Infrastructure, as provided for in the attached ordinance proposal.

DRAFT Canton Township Electric Vehicle Infrastructure Ordinance

November 7, 2023

Article 4.00. Off-Street Parking and Loading Requirements

4.03. Electric Vehicle Infrastructure

- (A) **Intent and Purpose.** The intent and purpose of this Section is to facilitate the use of electric vehicles and to provide for the establishment of a convenient electric vehicle infrastructure that such use necessitates.
- (B) **Definitions.** For the purposes of this Ordinance, the following words and phrases shall have the meaning ascribed to them below.
- (1) **Accessible electric vehicle (EV) charging station:** An electric vehicle charging station with a battery charging station accessible to a barrier-free parking space.
 - (2) **Battery charging station:** An electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles.
 - (3) **Charging levels:** The standardized indicator of electrical force, or voltage, at which an electric vehicle battery is recharged. The terms Level-1, Level-2, and Level-3 are the most common charging levels, and include the following specifications:
 - a. **Level-1** is considered slow charging, with up to 120 volts.
 - b. **Level-2** is considered medium charging, with more than 120 volts and up to 240 volts.
 - c. **Level-3** is considered fast or rapid charging, with more than 240 volts.
 - (4) **Electric vehicle or EV:** A motor vehicle that is licensed and registered for operation on public and private highways, roads, and streets with an electric motor powered by an on-board battery, including battery electric vehicles (BEVs) and plug-in hybrid electric vehicles (PHEVs).
 - (5) **EV-Capable (EV-C):** An installed electrical panel capacity with dedicated branch circuit(s) and cable/raceway (i.e., conduit) that is capped for future EV parking space(s).
 - (6) **EV-Ready (EV-R):** An installed electrical panel capacity with a dedicated branch circuit(s) including conductor in a raceway or direct buried, terminated in an approved method in a junction box, for a future EV parking space(s).
 - (7) **EV-Installed (EV-I):** An installed electrical panel capacity with a dedicated branch circuit(s) including conductor in a raceway or direct buried and an EV charging station capable of providing charge energy to an EV parking space(s).
 - (8) **Electric vehicle (EV) charging station:** A public or private parking space that is served by battery charging station equipment to transfer electric energy by conductive or inductive means to a battery or other energy storage device in an electric vehicle.

- (9) **Electric vehicle (EV) charging station – private restricted use:** An EV charging station that is not available for use by the general public, such as privately-owned and restricted access (e.g., single-family homes, executive parking, designated employee parking, etc.) and publicly owned and restricted (e.g., fleet parking with no access to the general public).
- (10) **Electric vehicle (EV) charging station – public use:** An EV charging station that is accessible to and available for use by the public, such as publicly-owned and publicly-available (e.g., park & ride lots, public library parking lot, on-street parking, etc.) and privately-owned and available to visitors of the use (e.g., shopping centers, etc.).
- (11) **Electric vehicle (EV) infrastructure:** The raceway (i.e., conduit), conductors, structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations and rapid charging stations.
- (12) **Electric vehicle (EV) parking space:** Any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.
- (13) **Non-electric vehicle:** A motor vehicle that does not meet the definition of electric vehicle.

(C) Permitted Locations.

- (1) **Level-1 and Level-2 Electric Vehicle Charging Stations.** Level-1 and Level-2 EV charging stations are permitted in every zoning district accessory to a principal permitted use. Such stations located at single-family, multi-family, mobile home park dwellings, and similar residential uses shall be for private restricted use only. Installation shall be subject to permit approval administered by the Building and Inspection Services Division and, if necessary, the Planning Services Division.
- (2) **Level-3 Electric Vehicle Charging Stations.** Level-3 EV charging stations are permitted in all zoning districts when accessory to the principal permitted use. Installation shall be subject to permit approval administered by Planning Services Division and Building and Inspection Services Division.
- (3) **Retail Electric Vehicle Charging as a Principal Use.** If the primary use of the parcel is the retail electric charging of vehicles, then the use shall meet the requirements of §6.02(C) of this Ordinance for a gasoline service station. Installation shall be subject to Special Land Use approval where permitted.

(D) General Requirements.

- (1) **Permits.** All necessary building and electrical permits must be obtained before installation of the EV charging station.
- (2) **Design Requirements:** EV charging stations and EV parking spaces shall meet the following design requirements:
 - a. **Equipment Protection.** EV charging stations shall be protected concrete-filled steel bollards or shall be located at least 24 inches from the face of the curb.

- b. Pedestrian Access.** Equipment mounted on pedestals, lighting posts, bollards, or other devices shall not impede pedestrians or create trip hazards. EV charging stations and all ancillary structures installed adjacent to a sidewalk shall maintain a five (5) foot wide clearance for the sidewalk.
 - c. Retracting Cords.** Public use EV charging stations must have self-retracting cords or another acceptable design to ensure safe storage of the cord when not in use.
 - d. Setbacks.** Structures installed as part of the EV charging station, including solar collector-equipped panels and canopies, shelters, carports, and similar structures, may be located in any yard setback area provided that all structures must meet the setback requirements from wetlands and watercourses pursuant to §2.24.
 - e. Area and Height.** All structures installed as part of the EV charging station, including solar collector-equipped panels and canopies, shelters, carports, and similar structures, shall meet the area and height requirements of the applicable zoning district.
- (3) Parking.**
- a.** The parking space for an EV charging station must meet all requirements of §4.01, Off-Street Parking Requirements, for parking spaces.
 - b.** An approved existing parking space may be converted to an EV parking space.
 - c.** EV charging stations for public use are reserved for parking and charging electric vehicles only. Any vehicle parked in an EV charging station that is not charging is in violation of this ordinance.
- (4) Accessible Spaces.** Where a public use EV charging station is required, the EV charging station must provide at least one (1) accessible EV charging station. Accessible EV charging stations must be located in close proximity to the building or facility entrance and provided with a barrier-free accessible route of travel.
- (5) Lighting.** Exterior lighting shall be provided for EV charging stations in accordance with §2.13 Lighting. EV charging stations on single-family residential sites are not required to provide exterior lighting.
- (6) Screening.** Mechanical equipment, including transformers, generators, and similar equipment, must be screened in accordance with §5.02(D)(2), Screening of Utility Substation and Mechanical Equipment.
- (7) Signage.** EV charging stations, excluding those for private restricted use on single-family residential lots, shall be posted as described below.
- a.** Each EV charging station space shall be posted with signs consistent with the Manual on Uniform Traffic Control Devices indicating the EV charging station space is only for use

by electric vehicles for charging. Days and hours of operations shall be included if time limits or tow away provisions are to be enforced. For the purposes of this subsection, “charging” means that an electric vehicle is parked at an EV charging station and is connected to the battery charging station equipment.

- b. The voltage and amperage levels, time of use, usage fees, safety information, and other pertinent information shall be posted at each EV charging station.
 - c. Time limits may be placed on the number of hours that an electric vehicle is allowed to charge, prohibiting indefinite charging. If applicable, warnings shall be posted to alert charging station users about hours of use and possible actions affecting EV charging stations that are not being used according to posted rules.
- (8) Maintenance:** EV charging stations and EV infrastructure shall be maintained and operated in accordance with the equipment specifications and all applicable codes, including fire code and electrical code. The property owner and equipment owner, jointly and severally, shall be responsible for the proper functioning of the EV charging stations and EV infrastructure. A phone number or other contact information shall be provided on the equipment for reporting non-functioning equipment, malfunctioning equipment, or other problems encountered with the equipment.
- (9) Usage Fees:** The property owner may collect a service fee for the use of an EV charging station made available to visitors of the property, except that a private restricted use EV charging station on a single-family residential site cannot collect a fee.

(E) Required Electric Vehicle Installations.

- (1) Required Number of EV Charging Stations and EV Parking Spaces.** EV charging stations and EV parking spaces shall be installed pursuant to **Table 4-1** for new buildings, new parking lots, when an existing parking lot is expanded or reconstructed, and when an existing building is increased by 25 percent or 3,000 sq. ft., whichever is less.

Table 4-1

Use	Minimum Number of EV Charging Stations
Single-family dwellings (attached or detached) with garage	1 EV-C space capable of supporting a Level-2 EV charging station per dwelling unit
Two-family dwellings with garage	1 EV-C space capable of supporting a Level-2 EV charging station per dwelling unit
Multiple-family dwellings	1 EV-R space capable of supporting a Level-2 EV charging station per dwelling unit with a garage plus, 1 EV-R or EV-I space capable of supporting a Level-2 or Level-3 EV charging station for every 25 parking spaces, rounded up plus, 1 EV-I space with a Level-2 or Level-3 EV charging station for every 25 parking spaces, rounded up
Independent living for the elderly	1 EV-R or EV-I space capable of supporting a Level-2 or Level-3 EV charging station for every 25 parking spaces, rounded up plus, 1 EV-I space with a Level-2 or Level-3 EV charging station for every 50 parking spaces, rounded up

Hotel, motel, or other lodging on a site	1 EV-R or EV-I space capable of supporting a Level-2 or Level-3 EV charging station for every 20 parking spaces, rounded up plus, 1 EV-I space with a Level-2 or Level-3 EV charging station for every 30 parking spaces, rounded up
Other uses not listed above with 100 or more parking spaces	1 EV-R or EV-I space capable of supporting a Level-2 EV or Level-3 charging station for every 125 parking spaces, rounded up plus, 1 EV-I space with a Level-2 or Level-3 EV charging station for every 125 parking spaces, rounded up

(2) Modifications.

- a. The Planning Commission may grant a modification from Table 4-1 to allow fewer EV charging stations upon finding that the characteristics of the use or proposed development would make the required number of EV charging stations unnecessary and/or impractical.
- b. As a condition of approval for a Special Land Use or Planned Development, the Planning Commission may recommend and the Township Board may require the EV charging stations required in Table 4-1 to be EV-I and/or Level-3.

ARTICLE 17.00. - C-3, REGIONAL COMMERCIAL DISTRICT

17.02. - Permitted uses and structures

B. **Special land uses.** The following uses may be permitted by the township board, subject to the conditions specified for each use; review and approval of the site plan and application by the planning commission and township board; the imposition of special conditions which, in the opinion of the planning commission or township board,

20. Retail electric vehicle charging as a principal use (subject to §4.03 and §6.02(C) Automobile filling stations, automobile filling/multiuse stations, automobile service stations, automobile repair garages)

ARTICLE 18.00. - C-4, INTERCHANGE SERVICE DISTRICT

18.02. - Permitted uses and structures.

B. **Special land uses.** The following uses may be permitted by the township board, subject to the conditions specified for each use; review and approval of the site plan and application by the planning commission and township board; the imposition of special conditions which, in the opinion of the planning commission or township board, are necessary to fulfill the purposes of this ordinance; and, the provisions set forth in section 27.03.

5. Retail electric vehicle charging as a principal use (subject to §4.03 and §6.02(C) Automobile filling stations, automobile filling/multiuse stations, automobile service stations, automobile repair garages)

ARTICLE 22.00. – LI, LIGHT INDUSTRIAL DISTRICT

22.02. - Permitted uses and structures.

- B. Special land uses.** The following uses may be permitted by the township board, subject to the conditions specified for each use; review and approval of the site plan and application by the planning commission and township board; the imposition of special conditions which, in the opinion of the planning commission, township board, are necessary to fulfill the purposes of this ordinance; and, the provisions set forth in section 27.03.

19. Retail electric vehicle charging as a principal use (subject to §4.03 and §6.02(C) Automobile filling stations, automobile filling/multiuse stations, automobile service stations, automobile repair garages)

ARTICLE 23.00. - GI, GENERAL INDUSTRIAL DISTRICT

23.02. - Permitted uses and structures.

- B. Special land uses.** The following uses may be permitted by the township board, subject to the conditions specified for each use; review and approval of the site plan and application by the planning commission and township board; the imposition of special conditions which, in the opinion of the planning commission or township board, are necessary to fulfill the purposes of this ordinance; and, the provisions set forth in section 27.03.

14. Retail electric vehicle charging as a principal use (subject to §4.03 and §6.02(C) Automobile filling stations, automobile filling/multiuse stations, automobile service stations, automobile repair garages)

CANTON COMMUNITY
REQUEST FOR PLANNING COMMISSION ACTION

MEETING DATE: December 4, 2023

AGENDA ITEM # 3

ITEM: Set Public Hearing for Amendment to Appendix A- Zoning of the Code of Ordinances for Zoning Board of Appeals and Related Standards.

PRESENTER: Patrick Sloan, AICP, Community Planner

ACTION REQUESTED: Set public hearing on the proposed Zoning Ordinance amendment to sections related to Zoning Board of Appeals, variances, modifications, and nonconformities.

EXECUTIVE SUMMARY: The proposed change would update and streamline standards related to variances and appeals, as well as modify other areas of the Zoning Ordinance related to the Zoning Board of Appeals, modifications, and nonconformities.

BACKGROUND: The Planning Commission previously discussed proposed amendments to the Zoning Board of Appeals provisions of the Zoning Ordinance at its meeting on September 18, 2023. There were questions discussed regarding when decisions are recorded, different types of appeals, and public noticing. Also, there were additional sections that Planning Division staff was still working on. At the October 16th meeting, the updated draft ordinance text was discussed by the Planning Commission. The proposed text amendment has been distributed to the Zoning Board of Appeals and will be discussed at its meeting on December 14th. In the meantime, we recommend scheduling a public hearing on the text amendment, which will most likely take place on January 8, 2024.

PROPOSED ZONING ORDINANCE SUMMARY: Enclosed for your consideration is the most recent draft amendment to the Zoning Ordinance related to Zoning Board of Appeals, variances, modifications, and nonconformities. The following is a summary of the proposed ordinance amendment:

§1.03 Definitions

Definitions related to the Zoning Board of Appeals are either added or amended.

§2.18 Signs

This text references a previous sign ordinance, which has since been repealed and replaced with Article 6A Signs of the Zoning Ordinance. It is deleted and reserved for future use.

§3.03 Substitution (*Nonconformities*)

Changes are proposed to make the language more user friendly, to make language more consistent with other sections of the Zoning Ordinance, and to provide clearer guidance for reversion of nonconforming uses.

The first responsibility for reviewing/approving changes or substitution of legally nonconforming uses is moved from the Zoning Board of Appeals to the Community Planner. This is consistent with Redevelopment Ready Community best practices. The Zoning Board of Appeals would still be able to review changes or substitutions if a party is unsatisfied with the Community Planner's decision.

§3.05 Nonconforming lots of record

Language requiring structures on nonconforming lots of record to comply with developmental standards unless a variance has been granted has been deleted. All structures need to comply with developmental standards unless a variance or other type of modification has been granted.

§4.01(A)(2) Change in use or intensity (*off-street parking*)

Language changed to acknowledge that the Planning Commission can grant a modification of parking standards as part of site plan review.

§6.02(C)(3)a1 Driveway spacing modification (*automobile uses*)

Language revised to reflect that the Planning Commission can grant a modification of driveway spacing, not a variance.

§6.08(F)(2)b1 Driveway spacing modification (*Corporate Park Overlay District*)

Language revised to reflect that the Planning Commission can grant a modification of driveway spacing, not a variance.

§6.02(E)(2)b1 Driveway spacing modification (*Central Business District Overlay District*)

Language revised to reflect that the Planning Commission can grant a modification of driveway spacing, not a variance.

Article 6A Signs

Language removed as unnecessary once sign regulations were moved from a standalone police power ordinance into the Zoning Ordinance.

§7.02(A)(7) Variance from sound level provisions

Language deleted. A variance is still possible, but it would be subject to the same decision criteria as any other variance request.

§7.03 Appeals

All actions taken in the administration or enforcement of the Zoning Ordinance are appealable, unless specifically allowed by state law and noted in the Zoning Ordinance. Unnecessary language referencing appeal has been removed.

§8.03 Interpretation of District Boundaries

Change to appoint the Community Planner as the entity responsible for interpreting zoning district boundaries. This decision can be reviewed by the Zoning Board of Appeals.

§27.05 Variances/Appeals of Decision/Interpretations

There has been some significant revision to this portion, and there has been further work done to help organize it better in future iterations. All of these sections are integrated into a single section in the draft.

For this discussion, we are looking for guidance on areas highlighted with a green background.

Variances

The current Zoning Ordinance has more than 15 decision criteria that the Zoning Board of Appeals must find to be true in order to approve a variance. That is a significantly higher number of decision criteria than most other zoning ordinances.

The draft amendment would instead have 7 decision criteria that are consistent with case law and criteria in similar communities.

The draft amendment would change the period that an approved variance is valid for. Currently, they are valid for 2 years. The draft amendment would reduce that to one year, but once a permit or site plan has been approved with that variance, the approval would remain valid as long as the permit or site plan approval is valid.

Procedure language has also been revised.

Appeals of Decisions

The Zoning Ordinance currently lacks language and guidance for how to decide appeals of decisions. Decision criteria consistent with case law have been added.

Interpretations

The Zoning Ordinance currently lacks language and guidance for how to decide certain types of interpretations. Decision criteria consistent with case law and other sections of the Zoning Ordinance have been added.

§27.06 Amendments

Language related to noticing of zoning text amendments has been relocated to a new section in the ordinance.

§27.12 Public hearings

New section to provide consistency for all reviews or approvals that require public hearings (e.g., variances, appeals, special land uses, rezonings, PDDs).

§27.13 Public notices

New section to provide consistency for all reviews or approvals that require public notices.

Additional revisions made to address notices for multiple-family developments and zoning map amendment signs.

§28.04 Zoning Board of Appeals

Significant revisions to add language related to membership, authority and jurisdiction, and other administrative items.

The Zoning Enabling Act requires language related to zoning board of appeals organization and membership.

COMMUNITY PLANNER'S RECOMMENDATION: Set public hearing for proposed Zoning Ordinance amendment.

MODEL MOTION: I move to set the public hearing for the proposed amendment to the sections of the Zoning Ordinance noted in the above staff report related to Zoning Board of Appeals, variances, modifications, and nonconformities, as provided for in the attached ordinance proposal.



**ZONING ORDINANCE
of the
CHARTER TOWNSHIP OF CANTON
WAYNE COUNTY, MICHIGAN**

DRAFT DATE: October 13, 2023

ADOPTED: _____

EFFECTIVE: _____

AS AMENDED: _____

UPDATE THE TABLE OF CONTENTS TO MATCH TEXT CHANGES

[UPDATE THE TABLE OF CONTENTS TO MATCH THE TEXT CHANGES.]

AMEND THE PREAMBLE AS FOLLOWS:

PREAMBLE

Pursuant to the authority conferred by ~~Michigan Public Act No. 184-110 of 1943-2006~~ (MCL 125.~~271-3101~~ et seq.), as amended, drafted and adopted for the purposes of meeting the needs of the state's citizens for food, fiber, energy, and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land; insuring that use of land shall be situated in appropriate locations and relationships; limiting the inappropriate overcrowding of land and congestion of population, transportation systems, and other public facilities; facilitating adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility requirements; and, promoting public health, safety, and welfare; now therefore, the Township Board of Canton, Wayne County, Michigan, hereby ordains:

AMEND THE ORDINANCE TITLE AS FOLLOWS:

ORDINANCE TITLE

An Ordinance enacted under ~~Michigan Public Act No. 184-110 of 1943-2006~~ (MCL 125.~~271-3101~~ et seq.), as amended, for the regulation of land development and the establishment of districts in the portions of the Charter Township of Canton outside the limits of cities and villages ~~which that~~ regulate the use of land and structures; to regulate and restrict the location and use of buildings, structures and land for trade, industry, residential use, and for public and semipublic or other specified uses; to regulate and limit the height and bulk of buildings and other structures; to regulate and to determine the size of yards, courts, and open spaces; to regulate and limit the density of population; and, for said purposes, to divide the township into districts and establish the boundaries thereof, to provide for changes in the regulations, restrictions, and boundaries of such districts; to define certain terms used herein; to provide for enforcement; to establish a zoning board of appeals; to impose penalties for violation of this ordinance; and, to accomplish such other purposes as are described in ~~Michigan Public Act No. 184-110 of 1943-2006~~ (MCL 125.~~271-3101~~ et seq.), as amended.

ADD, AMEND, AND DELETE THE FOLLOWING TERMS IN §1.03 DEFINITIONS:

[Appeal: A petition for a variance, appeal of decision, interpretation, or any other petition to the Zoning Board of Appeals, as allowed in this Ordinance and state law. See also "Variance," "Appeal of decision," and "Interpretation."](#)

**Code of Ordinances Appendix A – Zoning
Zoning Board of Appeals et al**

Appeal of decision: An appeal requesting a reversal, change, or modification of a decision or action by an official or body involved in the administration or enforcement of this Ordinance.

Community Planner: The person authorized by the Charter Township of Canton to oversee the administration of this Ordinance. The Community Planner is also the Planning Official.

~~*Board of appeals:* The township zoning board of appeals, created pursuant to the provisions of Michigan Public Act No. 184 of 1943 (MCL 125.271 et seq.), as amended.~~

Interpretation: An appeal requesting clarification of the text of this Ordinance where the meaning is unclear or of the zoning map where the actual zoning district boundary is unclear.

Subdivision plat: The division of a tract of land into two or more lots, building sites, or other divisions for the purpose of sale or building development, in accordance with the Subdivision Control Act, Michigan Public Act No. 288 of 1967 [MCL 560.101 et seq.], as amended, and the Canton Township Subdivision Control Act, Ordinance No. ~~79~~126 (Chapter 110 of the Canton Code of Ordinances), as amended.

Variance: A modification of the literal standards or provisions of ~~the zoning~~this ordinance Ordinance granted ~~when strict enforcement of the zoning ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. A variance to permit a use not otherwise permitted within a zoning district (i.e., a "use variance") shall not be permitted.~~by the Zoning Board of Appeals. The following words and phrases associated with variances shall have the meanings defined below.

Developmental-standard variance: Permission to depart from the strict application of a developmental standard of this Ordinance, such as setbacks, height, lot width, or lot area. Also known as a non-use variance or dimensional variance.

Practical difficulty: Special or unique conditions that are peculiar to a lot that cause compliance with the standards and provisions of this Ordinance to deprive the property owner of substantial rights similar to those enjoyed by other properties in the same zoning district. Economic, personal, or financial hardship alone does not constitute a practical difficulty. Additionally, inconvenience, aesthetic considerations, personal preferences, or neighbor's opinions are not considered a practical difficulty.

Use variance: Permission to conduct a use within a zoning district that is not permitted in that zoning district as a principal use, special land use, or accessory use in this Ordinance.

Zoning Board of Appeals: The Charter Township of Canton Zoning Board of Appeals.

Commented [PS1]: Discuss in more detail with PC and TB.

AMEND §2.18 SIGNS AS FOLLOWS:

2.18. - ~~Signs~~Reserved.

~~All signs shall comply with the regulations set forth in the adopted sign ordinance, Ordinance No. 120, as amended [chapter 102 of the Township Code], and other applicable laws and ordinances.~~ Reserved for future use.

AMEND §3.03(D) SUBSTITUTION AND ADD §3.03(E) REVERSION AS FOLLOWS:

- (D) *Substitution.* A nonconforming use may be changed to another nonconforming use upon approval of the ~~zoning board of appeals~~ Community Planner subject to the following provisions:
- (1) ~~No structural~~ Structural alterations ~~shall not be necessary~~ are required to accommodate the new nonconforming use, and ~~that~~ the proposed nonconforming use is equally or more appropriate in the zoning district than the existing nonconforming use. ~~In permitting such change, the board of appeals may require appropriate~~ Reasonable conditions and safeguards may be placed on such change in accord consistent with the intent and purpose ~~and intent~~ of this ~~ordinance~~ Ordinance. The decision of the Community Planner may be appealed in accordance with Section 27.05 of this Ordinance.
 - (2) Where a nonconforming use of a structure, land, or structure and land in combination is hereafter changed to a ~~more~~ more-restrictive ~~classification~~ use, it shall not thereafter be changed to a ~~less~~ less-restricted ~~classification~~ use.
- (E) ~~Any nonconforming use of a structure, or structure and land in combination, which is changed to a permitted use, shall thereafter conform to the regulations pertaining to the uses permitted in the district in which such structure is located, and the nonconforming use may not thereafter be resumed.~~ Reversion. If a legally nonconforming use is eliminated, ceases to exist, or is replaced with a permitted or special land use for the zoning district in which it is located, the legally nonconforming use shall terminate and shall not be reestablished. All subsequent use shall be consistent with the zoning district in which it is located.

Commented [PS2]: This is a new sub-section (E), and current sub-section (E) and succeeding sub-sections will be re-lettered accordingly.

DELETE §3.05(C) VARIANCE TO AREA AND BULK REQUIREMENTS AS FOLLOWS:

- (C) ~~Variance to area and bulk requirements. If the nonconforming lot requires a variation of the area requirements in order to erect a structure, then such structure shall be permitted only if a variance is granted by the zoning board of appeals.~~

Commented [PS3]: With the deletion of this sub-section, all succeeding sub-sections will be re-lettered accordingly.

AMEND §4.01(A)(2) CHANGE IN USE OR INTENSITY AS FOLLOWS:

- (2) *Change in use or intensity.* Whenever use of a building, structure, or lot is changed, parking facilities shall be provided as required by this ~~ordinance~~ Ordinance for the new use, regardless of any variance or modification ~~which may have been~~ in effect ~~prior to~~ before the change of use or intensity.

If the intensity of use of any building, structure, or lot is increased through the addition of dwelling units, increase in floor area, increase in seating capacity, or

**Code of Ordinances Appendix A – Zoning
Zoning Board of Appeals et al**

through other means, additional off-street parking shall be provided for such increase in intensity of use.

AMEND §6.02(C)(3)A1 AS FOLLOWS:

1. A modification from minimum spacing can be sought from the planning commission, but in no case can the ~~variance~~-modification be greater than that which is necessary to provide safe and efficient access to the site.

AMEND §6.08(F)(2)B1 AS FOLLOWS:

1. A modification from minimum spacing can be sought from the planning commission, but in no case can the ~~variance~~-modification be greater than that which is necessary to provide safe and efficient access to the site.

AMEND §6.10(E)(2)B1 AS FOLLOWS:

1. A modification from minimum spacing can be sought from the planning commission, but in no case can the ~~variance~~-modification be greater than that which is necessary to provide safe and efficient access to the site.

AMEND §6A.04 INTERPRETATION; CONFLICTS WITH OTHER ORDINANCES AS FOLLOWS:

6A.04. - Interpretation; conflicts with other ordinances.

The provisions of this ~~chapter [article]~~Article shall be construed, ~~if to the extent~~ possible, in such manner as to make such provisions compatible and consistent with the provisions of all existing and future zoning and other ordinances of the township and all amendments thereto; provided, however, that where any inconsistency or conflict cannot be avoided, then the most restrictive of such inconsistent or conflicting provisions shall control and prevail. ~~If there is believed to be a conflict between the stated intent and any specific provisions of this chapter, the zoning board of appeals may, in accordance with established procedures, permit modification of such specific provisions while retaining the intent in such appealed instance.~~

AMEND §6A.11(15) AS FOLLOWS:

- (15) Any sign greater than four feet in height that is suspended by chains or other devices that will allow the sign to swing due to wind ~~action. The zoning board of appeals shall have the power to grant relief from the strict application of this provision when the applicant can show that the intent of this provision will be achieved through alternative means and result in a sign that is more in keeping~~

**Code of Ordinances Appendix A – Zoning
Zoning Board of Appeals et al**

~~with the architectural character and more in harmony with the design of the development it serves and with surrounding properties.~~

DELETE §6A.27 ZONING BOARD OF APPEALS AS FOLLOWS:

~~6A.27. – Zoning board of appeals.~~

~~Any component of this chapter [article] is subject to appeal by the zoning board of appeals in accordance with section 28.04.E.6. (Ord. of 9-26-2006)~~

DELETE §7.02(A)(7) VARIANCE FROM SOUND LEVEL PROVISIONS AS FOLLOWS:

- (7) ~~*Variance from sound level provisions.* An application for a variance from the sound level provisions may be submitted to the zoning board of appeals. The owner or operator of equipment on the property shall submit a statement regarding the effects of noise from his equipment on the overall noise level in the area. The statement shall also include a study of background noise levels, predicted level of noise at the boundary line due to the proposed operation, and justification for the variance. Upon review of the request for variance, the zoning board of appeals may grant a variance where strict adherence to the permitted sound level would create unnecessary hardship and only if the variance will not create a threat to the health, safety, and welfare of the public. The zoning board of appeals may impose conditions of operation in granting a variance.~~

~~["(7)" TO BE DELETED.]~~

DELETE §7.03(E) APPEALS AS FOLLOWS:

- (E) ~~*Appeals.* Action taken by the building official pursuant to the procedures outlined in this section may be appealed to the zoning board of appeals within 30 days following said action. In the absence of such appeal, the building official's determination shall be final.~~

~~["(E)" TO BE DELETED.]~~

AMEND §8.03 INTERPRETATION OF DISTRICT BOUNDARIES AS FOLLOWS:

8.03. - Interpretation of district boundaries.

Where there is any uncertainty, contradiction, or conflict concerning the intended location of zoning district boundaries, the ~~zoning board of appeals~~Community Planner shall interpret the exact location of zoning district boundary lines in accordance with the following standards:

**Code of Ordinances Appendix A – Zoning
Zoning Board of Appeals et al**

- (A) Boundaries indicated as approximately following the centerlines of streets, roads, railroad rights-of-way, ~~or~~ alleys, streams, rivers, or other bodies of water shall be construed to follow such centerlines.
- (B) Boundaries indicated as approximately following ~~platted lot~~ or parcel lines shall be construed as following such ~~lot~~ lines.
- (C) Boundaries indicated as approximately following township limits shall be construed as following such limits.
- (D) Boundaries indicated as approximately following the ~~centerlines~~ banks of streams, rivers, or other bodies of water shall be construed to follow such ~~centerlines~~ banks.
- (E) Boundaries indicated as parallel to or as extension of the features ~~cited in subsections 1 through 4~~ above shall be construed as being parallel to or an extension of the features ~~cited~~.
- (F) Distances not specified on the official zoning map shall be determined using the scale on the map.

AMEND §27.01 PURPOSE AS FOLLOWS:

27.01. ~~–~~ Intent and Purpose.

The intent and purpose of this article is to set forth procedures and standards concerning the following zoning functions:

- Site plan review.
- Special land use review.
- Planned development.
- Variances, ~~and~~ appeals of decision, and interpretations.
- Amendments.
- Permits and certificates.
- Fees.
- Violations and penalties.
- Records.

AMEND §27.03(B)(8) AS FOLLOWS:

- (8) *Public hearing.* Upon receipt of the complete preliminary plan and application for a special land use, a public hearing shall be scheduled. Planning Commission public hearings for special land uses shall be consistent with §27.12 Public Hearings. ~~Notice of the public hearing shall be published in a newspaper which~~

**Code of Ordinances Appendix A – Zoning
Zoning Board of Appeals et al**

~~circulates in the township, and sent by mail or personal delivery to the owners of property for which approval is being considered, to all person 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 not less than 15 days before the application will be considered for approval. Such notification shall be made in accordance with the provisions of section 103 of the Michigan Zoning Enabling Act (P.A. 110 of 2006), as amended. Accordingly, the notice shall:~~

- ~~-Describe the nature of the special land use request.~~
- ~~-Indicate the property which is the subject of the special land use request.~~
- ~~-State when and where the special land use request will be considered.~~
- ~~-Indicate when and where written comments will be received concerning the request.~~

AMEND §27.05 VARIANCES AND APPEALS AS FOLLOWS:

27.05. - Variances Appeals of Decisions, and Interpretations ~~and appeals.~~

(A) *Intent.* The intent and purpose of this section is to:

- (1) Provide reasonable flexibility from the strict application of this Ordinance where a practical difficulty has been determined to exist;
 - (2) Provide a method of review of actions taken in the administration or enforcement of this Ordinance;
 - (3) Provide a method for interpretation of this Ordinance;
 - (4) Establish decision criteria and required findings for variances, appeals of decisions, and interpretations; and
 - (5) Ensure that the intent and purpose of this Ordinance be observed, public safety secured, and substantial justice done.
- ~~(9) – provide guidelines and standards to be followed by the zoning board of appeals in considering requests for variances and appeals, where the jurisdiction of the board of appeals has been established by section 601 of the Michigan Zoning Enabling Act (P.A. 110 of 2006), as amended.~~
- ~~(10)(6) _____ Generally, an appeal may be taken to the zoning board of appeals by any person, firm, or corporation, or by any office, department, board, or bureau aggrieved by a decision of the planning commission or any administrative official or body charged with enforcement of this ordinance. Furthermore, where due to special conditions a literal enforcement of the provisions of this ordinance would involve practical difficulties or cause unnecessary hardships, within the meaning of this ordinance, the zoning board of appeals, shall have the power to authorize certain variances from the rules or provisions of this ordinance, with such~~

**Code of Ordinances Appendix A – Zoning
Zoning Board of Appeals et al**

~~conditions and safeguards as it may determine are necessary so that the spirit of this ordinance is observed, public safety secured, and substantial justice done.~~

- (B) Stay of proceedings.** Filing of an administratively-complete variance application or appeal of decision application shall stay all proceedings related to the action or decision being appealed unless the Community Planner certifies to the Zoning Board of Appeals that a stay would cause imminent peril to life or property, in which case the proceedings shall only be stayed by a restraining order granted by the Zoning Board of Appeals or a court of competent jurisdiction. ~~An appeal shall stay all proceedings in furtherance of the action appealed from unless the building official certifies to the zoning board of appeals, after notice of appeal has been filed, that by reason of the facts stated in the appeal, a stay would cause imminent peril to life or property, in which case proceedings shall not be stayed other than by a restraining order which may be granted by the zoning board of appeals or by the circuit court, on application, and upon notification of the building official, and on due cause shown.~~
- (C) Right to enter property.** Filing of an application for a variance, appeal of decision, or interpretation constitutes permission for Canton Township to access the property to complete onsite investigations for the purpose of administering this Ordinance.
- (D) Variances.** The following shall apply to review of variances by the Zoning Board of Appeals.
- (1) Limitations.** Variances may only be granted from developmental standards. Use variances shall not be granted.
 - (2) Modifications.** If this Ordinance has specific provisions for a modification of a development standard, then a request for that modification must be denied before a variance application can be made from that development standard.
 - (3) Variance Decision criteria.** In order to grant a variance, the Zoning Board of Appeals must find that all of the following are true:
 - (a) Practical difficulty.** The strict application of this Ordinance would constitute a practical difficulty (see definition of “Variance; Practical Difficulty” in Section 1.03);
 - (b) Peculiar physical condition.** The practical difficulty is due to some physical condition peculiar to the property involved;
 - (c) Self-created.** The practical difficulty is not self-created;
 - (d) Reasonable amount.** The variance is a reasonable amount necessary to mitigate the practical difficulty;
 - (e) Health, safety, and welfare.** Approval of the variance will not be injurious to the public health, safety, and welfare;
 - (f) Surrounding area.** Approval of the variance will not affect the use or value of the adjacent area in a substantially adverse manner; and

**Code of Ordinances Appendix A – Zoning
Zoning Board of Appeals et al**

(g) Intent and purpose. Approval of the variance is consistent with the intent and purpose of this Ordinance.

Commented [PS4]: Discuss in more detail with PC and TB.

- (4) Conditions. The Zoning Board of Appeals may place reasonable conditions on variance approval as it determines necessary to observe the intent and purpose of this Ordinance, secure public safety, and do substantial justice. Violations of such conditions shall be considered a violation of this Ordinance and automatically invalidate the variance approval and any permits that relied upon the variance.
- (5) Runs with land. Variances shall run with the land, unless otherwise noted or conditioned. Future owners shall enjoy the benefits of and be obliged to follow and comply with the approval and any conditions placed on approval.
- (6) Recording. Canton Township shall prepare a notice of approved variance and conditions, which shall be recorded with the register of deeds at the applicant's expense.
- (7) Amendment. The Zoning Board of Appeals may amend an approved variance or conditions of an approved variance upon request of the applicant or subsequent property owner following a public hearing if it determines the amendment would continue to meet the decision criteria for granting the original variance. Approval of an amendment shall not extend the period of approval beyond the original period, unless an extension is also granted.
- (8) Expiration. A variance approval shall be valid for a period of one year from the date of the final decision. ~~Approval period. If construction has not commenced within 24 months after the zoning board of appeals grants a variance to permit the erection or alteration of a building, then the variance becomes null and void. The period of approval may be automatically extended by 12 months if the variance was sought in conjunction with a site plan for which approval has been extended by the township board~~
- (a) Site plan. When a variance has been approved for a project subject to site plan approval, an administratively-complete site plan application must be submitted within one year from the final decision. If the site plan is approved, the variance approval shall remain valid as long as the site plan approval remains in effect.
- (b) Building Permit. When a variance has been approved for a project that requires a building permit, an administratively-complete building permit application must be submitted within one year from the final decision. If the building permit is approved, the variance approval shall remain valid as long as the building permit approval remains in effect.
- (9) Extension. The Zoning Board of Appeals may grant a single extension of an approved variance of up to one year if it determines that all of the following are true:

**Code of Ordinances Appendix A – Zoning
Zoning Board of Appeals et al**

- (a) Submission date. An administratively-complete application for extension has been submitted before the expiration date;
 - (b) Good-faith effort. The project has been diligently pursued or conditions have prevented such action; and
 - (c) No Changes in conditions. Conditions in the area have not changed, including zoning text or zoning map amendments, that affect the original reasons for approval.
- (10)** Permit necessary. Zoning compliance permit approval and building permit approval shall also be required, as outlined in §27.08 Permits and Certificates, for those uses or improvements requiring those permits.
- (11)** Site plan approval necessary. Site plan approval shall also be required, as outlined in §27.02 Site plan review, for those uses or improvements requiring site plan approval.
- (E)** Appeals of decision. The following shall apply to review of appeals of decision by the Zoning Board of Appeals.
- (1)** Authority. The Zoning Board of Appeals may affirm, modify, or reverse, in whole or in part, the decision or action that was made, unless otherwise noted in this Ordinance.
 - (2)** Standing. An appeal of decision may be made by any person or by any office, department, board, agency, or bureau aggrieved by a decision of or action by the Community Planner, any other official, or the Planning Commission in administering or enforcing this Ordinance, unless otherwise noted.
 - (3)** Filing deadline. An administratively-complete appeal of decision application must be filed within 21 days of the decision or action being appealed.
 - (4)** Decision Criteria. The Zoning Board of Appeals shall review the record and the decision or action being appealed and determine whether the record supports the decision or action that was made. The original decision or action shall be upheld unless the Zoning Board of Appeals, following a public hearing, determines that at least one of the following is true:
 - (a) Arbitrary or capricious. The original decision or action was arbitrary or capricious;
 - (b) Erroneous fact. The original decision or action was based on an erroneous finding of material fact;
 - (c) Abuse of discretion. The original decision or action constituted an abuse of discretion; or
 - (d) Erroneous interpretation. The original decision or action was based on an erroneous interpretation of this Ordinance or applicable law.

Commented [PS5]: Discuss in more detail with PC and TB.

Commented [PS6]: Discuss in more detail with PC and TB.

**Code of Ordinances Appendix A – Zoning
Zoning Board of Appeals et al**

- (F) Interpretations.** The following shall apply to the review of interpretations by the Zoning Board of Appeals.
- (1) Zoning district boundaries.** The Zoning Board of Appeals shall determine the precise location of boundaries between zoning districts when there is dissatisfaction with a decision made by the Community Planner. The standards in §8.03 Interpretations of district boundaries shall apply.
 - (2) Ordinance text.** The Zoning Board of Appeals shall interpret the text of this Ordinance when it is alleged that certain provisions are not clear, could have more than one meaning, or conflict with other provisions. The following shall be considered in deciding an interpretation:
 - (a) Ordinance intent and purpose.** The interpretation shall be consistent with the intent and purpose of this Ordinance;
 - (b) Article intent and purpose.** The interpretation shall be consistent with the intent and purpose of the Article in which the text is located; and
 - (c) Other relevant text.** The interpretation shall be consistent with other relevant provisions of this Ordinance and other Canton Township ordinances.
 - (3) Change or substitution of legally nonconforming use.** When there is dissatisfaction with a decision made by the Community Planner, the Zoning Board of Appeals shall review changes or substitutions of legally nonconforming uses using the criteria in §3.03(D) Substitution.
- (G) Procedures and requirements.** The following procedures and requirements shall apply to the review of appeals to the Zoning Board of Appeals.
- (1) Applicant.** The application shall be submitted by the owner of an interest in the land or by the owner's designated agent, for appeals related to specific property, or by parties aggrieved by the administration or enforcement of this Ordinance.
 - (2) Application forms and documentation.** The application shall be made on forms made available by Canton Township. The application shall include all relevant information, as determined by the Community Planner, which may include, but is not limited to, an accurate site plan or plot plan, building plans, and building elevations. Submission of an application constitutes a representation that all the information is complete and accurate.
 - (3) Fee.** A fee, as adopted by Canton Township, shall be submitted at the time of application.
 - (4) Public hearing.** All appeals shall be heard at a public hearing, as outlined in §27.12 Public Hearings.
 - (5) Applicant's responsibilities.** The Community Planner may require the applicant for a variance to mark the extent of the proposed structure and lot lines and lot corners within of the property within 40 feet of the proposed structure at least 15 days before the public hearing.

Commented [PS7]: Discuss in more detail with PC and TB.

Commented [ZM8]: Shorter version that allows discretion to the community planner. Specifics can be 'codified' through forms.

Commented [PS9]: Discuss in more detail with PC and TB.

**Code of Ordinances Appendix A – Zoning
Zoning Board of Appeals et al**

- (6) Contact with Zoning Board of Appeals members. Direct communication with members of the Zoning Board of Appeals outside of a public meeting with the intent to influence the member's action or decision is prohibited. Written comments may be submitted to the Community Planner for distribution to members. This does not prohibit Canton Township staff from promulgating staff reports and other related materials to members.
- (7) Decision. The concurring vote of at least three (3) members of the Zoning Board of Appeals shall be necessary to approve a variance or reverse an order, requirement, decision, or determination of an administration or decide in favor of the applicant on any matter.
- (8) Rehearing. A rehearing shall be processed in the same manner as the original application, including a new fee, unless initiated by the Zoning Board of Appeals, as outlined below:
- (a) Filing Deadline. A request for rehearing shall be made within 30 days of the decision becoming final, unless otherwise noted in this Ordinance.
 - (b) Decision Criteria. The only grounds upon which a rehearing of a previously denied application shall be granted is if the approving authority, upon inspection, finds one (1) or more of the following to be true:
 - 1. New Evidence. Newly discovered evidence is available that may affect the decision that was made;
 - 2. Inaccurate Evidence. Evidence previously relied upon is found to be inaccurate; or
 - 3. Procedures. Proper procedures were not followed.
 - (c) Effect: If a rehearing is granted, the approving authority shall review the application and may consider new evidence.
- (9) Reapplication. An application for an appeal that has been denied in whole or in part by the Zoning Board of Appeals shall only be resubmitted if any one of the following is true:
- (a) Period. One year has passed since the final decision was made;
 - (b) Changed conditions. The Community Planner, upon inspection, determines proof of changed conditions that contributed to the denial.
 - (c) Changes to application. Substantial changes have been made to the application that address the reasons for denial.
- (10) Revocation. A variance, appeal of decision, interpretation, or other decision of the Zoning Board of Appeals may be revoked by the Zoning Board of Appeals, following a duly noticed public hearing, as outlined below.
- (a) Public Hearing. Prior to taking action on a revocation, the Zoning Board of Appeals must hold a public hearing, as outlined in §27.12 Public Hearings.

**Code of Ordinances Appendix A – Zoning
Zoning Board of Appeals et al**

(b) *Decision Criteria.* A variance, appeal of decision, interpretation or other decision of the Zoning Board of Appeals may be terminated or revoked if the Zoning Board of Appeals determines that the variance, appeal of decision, interpretation, or other decision was the result of fraud or misrepresentation of facts.

~~1. *Application to the zoning board of appeals.* Variances and appeals of any nature in which zoning board of appeals action is sought shall be commenced by a person filing an "Application to the Zoning Board of Appeals" with the township clerk, on such forms and accompanied by such fees as may be specified. The application shall specify the grounds upon which the appeal is based and shall be signed. Applications involving a request for a variance shall specify the requirements from which a variance is sought and the nature and extent of such variance. Applications involving a specific site shall be accompanied by a sketch which includes the following information, where applicable:~~

- ~~— Applicant's name, address, and telephone number.~~
- ~~— The address of the parcel that is the subject of the appeal.~~
- ~~— Scale, north point, and dates of submission and revisions.~~
- ~~— Zoning classification of petitioner's parcel and all abutting parcels.~~
- ~~— Existing lot lines, building lines, structures, parking areas, driveways, and other improvements on the site and within 50 feet of the site.~~
- ~~— Proposed lot lines and lot dimensions, and general layout of proposed structures, parking areas, driveways, and other improvements on the site.~~
- ~~— Dimensions, centerlines, and right-of-way widths of all abutting streets and alleys.~~
- ~~— Location of existing drainage courses, floodplains, lakes and streams, and woodlots.~~
- ~~— All existing and proposed easements.~~
- ~~— Location of sanitary sewer or septic systems, existing and proposed.~~
- ~~— Location and size of water mains, well sites, and building service, existing and proposed.~~
- ~~— Any additional information required by the zoning board of appeals to make the determination requested based on the criteria set forth in section 27.05, subsection D.~~

~~Where an application involves a variance sought in conjunction with a regular site plan review, the application data requirements for site plan review as set forth in section 27.02 shall be complied with.~~

**Code of Ordinances Appendix A – Zoning
Zoning Board of Appeals et al**

~~2.—*Review by the zoning board of appeals.* The township clerk Planning Services Division shall forward the application, along with any supporting materials and plans to the zoning Zoning board Board of appeals Appeals.~~

~~In accordance with section 103 of the Michigan Zoning Enabling Act (P.A. 110 of 2006), as amended, the zoning board of appeals shall fix a reasonable time for the hearing of the appeal application, give due notice thereof to the parties involved, and decide the appeal within a reasonable time not less than 15 days before the application will be considered for approval. At the hearing, a party may appear in person or by agent or by attorney.~~

~~[TEXT ABOVE TO BE REVISED.]~~

~~3.—*Decision by the zoning board of appeals.* The concurring vote of a majority of the members of the Board shall be necessary to reverse an order, requirement, decision, or determination of the administrative official or body, or to decide in favor of the applicant any matter upon which they are required to pass under, or to effect any variation in an ordinance adopted pursuant to Michigan Public Act 184 of 1943, as amended.~~

~~The board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination, in accordance with the guidelines set forth herein. To that end, the zoning board of appeals shall have all the powers of the officer or body from whom the appeal was taken and may issue or direct the issuance of a permit. The board may impose conditions with an affirmative decision, pursuant to section 603 of the Michigan Zoning Enabling Act (P.A. 110 of 2006) as amended. The decision of the zoning board of appeals shall be final, but a person having an interest affected by the zoning ordinance may appeal to the circuit court.~~

~~4.—*Record of appeal.* The zoning board of appeals shall prepare and retain a record of each appeal, and shall base its decision on this record. This record shall include:~~

- ~~— The relevant administrative records and the administrative orders issued thereon relating to the appeal.~~
- ~~— The notice of the appeal.~~
- ~~— Such documents, exhibits, plans, photographs, or written reports as may be submitted to the board for its consideration.~~

~~The written findings of fact, the decisions, and the conditions imposed by the zoning board of appeals in acting on the appeal shall be entered into the official record, after being signed by the chairman of the board, thereby effectuating decisions and any conditions imposed thereon.~~

~~5.2.~~

~~D.—*Standards for variances and appeals.* Variances and appeals shall be granted only in accordance with Michigan Public Act No. 184 of 1943 (MCL 125.271 et seq.), as amended, and based on the findings set forth in this section.~~

~~1.—*General criteria:*~~

**Code of Ordinances Appendix A – Zoning
Zoning Board of Appeals et al**

- ~~— 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.~~
 - ~~— Granting of a requested variance or appeal would do substantial justice to the applicant as well as to other property owners in the district; or, as an alternative, granting of a lesser variance than requested would give substantial relief to the owner of the property involved and be more consistent with justice to other property owners.~~
 - ~~— The requested variance or appeal can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.~~
 - ~~— There are exceptional or extraordinary circumstances or conditions applicable to the property involved 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. The conditions resulting in a variance request cannot be self-created.~~
 - ~~— A variance is necessary for the preservation and enjoyment of a substantial property rights possessed by other property owners in the same zoning district.~~
 - ~~— The granting of a variance or appeal will not be materially detrimental to the public welfare or materially injurious to other nearby properties or improvements.~~
 - ~~— The granting of a variance or appeal will not increase the hazard of fire or flood or endanger public safety.~~
 - ~~— The granting of a variance or appeal will not unreasonably diminish or impair the value of surrounding properties.~~
 - ~~— The granting of a variance or appeal will not impair public health, safety, comfort, morals, or welfare.~~
 - ~~— The granting of a variance or appeal will not alter the essential character of the neighborhood.~~
 - ~~— The granting of a variance or appeal will not impair the adequate supply of light and air to adjacent property or increase congestion on public streets.~~
 - ~~— In deciding upon an appeal from an action taken by an administrative official or body, the zoning board of appeals shall determine if the administrative official or body has made an error in any order, requirement, decision, or determination in the enforcement and/or interpretation of the zoning ordinance.~~
2. ~~*Specific criteria applicable to variances.* In consideration of all requests for variances, the zoning board of appeals shall review each case individually in relation to the following criteria:~~

**Code of Ordinances Appendix A – Zoning
Zoning Board of Appeals et al**

- ~~— The size, character and location of a development permitted after granting of a variance shall be in harmony with the surrounding land use and shall promote orderly development in the zoning district in which it is located.~~
- ~~— The zoning board of appeals is not authorized to grant variances related to the use of land, buildings or structures.~~
- ~~— A development permitted upon granting of a variance shall make vehicular and pedestrian traffic no more hazardous than is normal for the district in which it is located, taking into consideration vehicular turning movements, adequacy of sight lines for drivers, location and accessibility of off-street parking, provisions for pedestrian traffic, and measures to reduce contact between pedestrian and vehicular traffic.~~
- ~~— A development permitted upon granting of a variance shall be designed so as to eliminate any dust, noise, fumes, vibration, smoke, lights, or other undesirable impacts on surrounding properties.~~
- ~~— The location, design, and height of buildings, structures, fences, or landscaping permitted upon granting of a variance shall not interfere with or discourage the appropriate development, continued use, or value of adjacent land or buildings.~~
- ~~— The development permitted upon granting of a variance shall relate harmoniously in a physical and economic sense with adjacent land uses. In evaluating this criterion, consideration shall be given to prevailing shopping patterns, convenience of access for patrons, continuity of development, and the need for particular services and facilities in specific areas of the township.~~

DELETE §27.06(C) REZONING SIGN, RENUMBER §27.06(D) REVIEW PROCEDURES, AND AMEND §27.06(D)(1) PLANNING COMMISSION REVIEW AS FOLLOWS:

- ~~(C) *Rezoning sign.* Whenever an application for rezoning is made, it shall be the responsibility of the applicant to prepare and erect a sign announcing the rezoning. The sign shall comply with the following regulations:~~
 - ~~(1) *Size and placement.* The rezoning sign shall measure four feet by eight feet, and shall be placed on the subject parcel in full view from the road. Where the subject parcel is at an intersection, then one sign shall be required along each road frontage. The sign shall be placed on the parcel at least 20 days prior to the public hearing on the rezoning request.~~
 - ~~(2) *Permit and bond.* A sign permit and deposit of a performance bond shall be required.~~
 - ~~(3) *Message.* The sign shall read as follows:
 - ~~—The following words shall appear at the top of the sign: "THIS PROPERTY PROPOSED TO BE REZONED."~~~~

**Code of Ordinances Appendix A – Zoning
Zoning Board of Appeals et al**

- ~~-The sign shall contain the name of the applicant requesting the rezoning.~~
- ~~-The sign shall have a map of the subject parcel with dimensions and acreage.~~
- ~~-The sign shall indicate the present zoning.~~
- ~~-The sign shall indicate the requested zoning classification.~~
- ~~-The sign shall indicate the proposed use of the land if the zoning is successful.~~
- ~~-The date and place of the public hearing shall be specified.~~

~~(4) *Maintenance and removal.* It shall be the responsibility of the applicant to maintain the sign and remove it within three days after the public hearing.~~

~~(5) *Rezoning initiated by the township.* In the event that the township initiates the rezoning procedures, it shall be the responsibility of the township to prepare and erect the rezoning sign in accordance with the standards specified in this subsection. In the event that a property owner prevents placement of a rezoning sign by the township, the township may nevertheless proceed with consideration of the rezoning in accordance with section 27.06.~~

(D) *Review procedures.* After the completed petition and all required supporting materials have been received and fees paid, the petition shall be reviewed in accordance with the following procedures: [\[RENUMBER TO \(C\)\]](#)

(1) *Planning commission review.* The petition shall be placed on the agenda of the next regularly scheduled meeting of the planning commission. The planning commission shall review the petition for amendment [at a public hearing, as outlined in §27.12 Public Hearings](#) in accordance with the procedures and public hearing and notice requirements set forth in section 14 and other applicable sections of Michigan Zoning Enabling Act (P.A. 110 of 2006) as amended.

~~If an individual property or several adjacent properties are proposed for rezoning, the planning commission shall give notice of the proposed rezoning to the owner of the property in question, to all persons to whom any real property within 300 feet of the premises in question is assessed, and to the occupants of all single and two-family dwellings within 300 feet not less than 15 days before the application will be considered for approval. Said notice shall be delivered personally or by mail not less than 15 days before the hearing.~~

~~In addition, any petition for amendment shall require a public hearing, notice of which shall be given by two publications in a newspaper of general circulation in the township. Notice of the time and place of the hearing shall also be given by mail to each electric, gas, pipeline, and telephone public utility company operating within the district affected.~~

ADD §27.12 PUBLIC HEARINGS AS FOLLOWS:

[27.12. – Public hearings](#)

**Code of Ordinances Appendix A – Zoning
Zoning Board of Appeals et al**

Public hearings, when required by this Ordinance or state law, shall meet the standards outlined below.

- (A) Notice of hearing. Notice of public hearing shall be given as outlined in §27.13 Public notices.
- (B) Hearing appearance. Any party may appear in person or by duly-authorized agent at a public hearing.
- (C) Hearing recess. A public hearing may be recessed from time to time, with notice consistent with the requirements of the Open Meetings Act, MCL 15.261 et seq (PA 267 of 1976).
- (D) Additional notice. If a duly-noticed public hearing is postponed to a specific date and time, additional public notice shall not be required.

ADD §27.13 PUBLIC NOTICES AS FOLLOWS:

27.13. – Public notices

Public notices shall be given for all public hearings as outlined in MCL 125.3103 (part of PA 110 of 2006) and below.

- A. Public notice content. Notice of a public hearing shall contain the following:
 - 1. Description. A description of the type and nature of the request;
 - 2. Location. For public hearings involving a specific property or properties, the location of the property or properties, including all street addresses. If street addresses do not exist, other means of identification may be used;
 - 3. Time and place. The date, time, and place of the public hearing;
 - 4. Comments. A statement describing when and where written comments will be received and a statement that the public may appear at the public hearing in person or by agent; and
 - 5. Assistance. Information describing how those requiring assistance will be accommodated.
- B. Publication and delivery. Notice shall be published and mailed (postmarked and deposited) at least 15 days before the date of the public hearing.
 - 1. Newspaper. Notice shall be published in a newspaper of general circulation in Canton Township.
 - 2. Owner/applicant. Notice shall be sent by first class mail or personal delivery to the property owner and applicant.
 - 3. Interested persons. Notice shall be sent by first class mail or personal delivery to the owners and residents of properties within 300 feet of the property in question and to those registered to receive notice.

**Code of Ordinances Appendix A – Zoning
Zoning Board of Appeals et al**

- (a) Notice per dwelling unit. Only one notice is required for each dwelling unit.
- (b) Multiple dwelling units. For buildings with more than four rented or leased dwelling units, a notice may be sent to the owner or manager of the building, who shall be requested to post the notice at the primary entrance to the building.
- C. Appeals of decisions or interpretations. Notice for appeals of decisions or interpretations that do not relate to a specific property shall only require newspaper publication and a letter to the applicant.
- D. Zoning text amendments. Notice for zoning text amendments that do not relate to a specific property shall only require newspaper publication and a letter to the applicant.
- E. Zoning map amendments. Notice for zoning map amendments shall meet the following.

 - 1. Notice sign. The applicant shall prepare and place a sign noticing the public hearing.

 - (a) Size. The sign face shall be at least four feet high and eight feet wide.
 - (b) Placement. The sign shall be placed on the property subject to the zoning map amendment in full view of adjacent roads.
 - (c) Permit and bond. A sign permit and performance guarantee are required.
 - (d) Message. The sign shall contain the following:

 - (i) The following words shall appear at the top of the sign: "THIS PROPERTY PROPOSED TO BE REZONED."
 - (ii) The name of the applicant;
 - (iii) A map of the property with dimensions and acreage;
 - (iv) - The current and proposed zoning district;
 - (v) The proposed use of the land if the zoning is successful; and
 - (vi) The date, time, and place of the public hearing.
 - (e) Maintenance and removal. The applicant shall maintain the sign and remove it within three days of the public hearing.
 - (f) Canton Township initiated amendment. Canton Township shall be responsible for preparing and placing a sign for Canton Township initiated zoning map amendments. If a property owner prevents placement of a sign, a notice sign shall not be required.
 - 2. Contiguous properties. Notice for zoning map amendments involving 11 or more contiguous properties shall only require newspaper publication and a letter to the applicant and property owners.

**Code of Ordinances Appendix A – Zoning
Zoning Board of Appeals et al**

3. *New zoning map.* Notice for adoption of a new zoning map shall only require newspaper publication.

F. *Registration to receive notice.* Any public utility, railroad, airport, neighborhood association, or person may register with the Community Planner to receive public notices.

1. *Period.* Registration shall be valid through the end of the calendar year.

2. *Fee.* Canton Township may charge a fee for registering to receive notices.

AMEND §28.04 ZONING BOARD OF APPEALS AS FOLLOWS:

28.04. - Zoning board of appeals.

~~The township zoning board of appeals (hereinafter referred to as "ZBA") shall have the following responsibilities and authority pursuant to this ordinance.~~

~~(A) *Creation.* The ZBA is created pursuant to Michigan Public Act No. 184 of 1943 (MCL 125.271 et seq.), as amended, the Township Rural Zoning Act. A Zoning Board of Appeals is hereby created, in accordance with MCL 125.3601 et seq, (a part of PA 110 of 2006).~~

~~(B) *Membership and operation.* The ZBA shall consist of five members who shall be appointed in accordance with section 18 of Michigan Public Act No. 184 of 1943 (MCL 125.289), as amended, such that the first member is a member of the planning commission and the remaining members are representative of the population distribution and various interests present in the township. The qualifications of members, the term of each member, filling of vacancies, compensation of members, and operation of the ZBA shall be in accordance with Public Act No. 184 of 1943 (MCL 125.271 et seq.). The ZBA shall not conduct business unless a majority of the members of the board are present. The Zoning Board of Appeals shall consist of five regular members and two alternate members, as outlined below.~~

~~(1) *Appointment.* All members shall be appointed by the Township Board.~~

~~(2) *Planning Commission.* One regular member shall be a member of the Planning Commission.~~

~~(3) *Township Board.* One regular member may be a member of the Township Board, but this member shall not serve as the chairperson or vice-chairperson.~~

~~(4) *Residents.* All members shall be electors residing within Canton Township's zoning jurisdiction.~~

~~(5) *Employees.* Canton Township employees and contractors shall not serve on the Zoning Board of Appeals. For the purposes of this Section, members of the Planning Commission, Zoning Board of Appeals, Township Board, and election inspectors shall not be considered employees or contractors.~~

Code of Ordinances Appendix A – Zoning
Zoning Board of Appeals et al

(C) Alternate members. Alternate members may be called, as needed, in the absence of a regular member or if a regular member has disqualified themselves for reasons of conflict of interest.

(1) Not planning commission. Alternate members shall not be a member of the Planning Commission.

(2) Follows the case. An alternate member shall serve on a case until a final decision has been made.

(3) Voting rights. Alternate members shall have the same voting rights as regular members when seated.

(4) Minutes. An alternate may participate in the approval of minutes.

(D) Terms of office. Members shall be appointed for three-year terms, except Planning Commission and Township Board members, whose term shall expire at the end of the term on those bodies.

(1) Staggered terms. Terms of office shall be staggered.

(2) Vacancies. Vacancies for unexpired terms shall be filled for the remainder of the term.

(3) Remain seated. Members shall remain seated until a replacement has been appointed and qualified.

(4) Reappointment. Members may be reappointed.

~~(B)(D) Meetings. Regular meetings of the ZBA shall be held at such times as specified in the ZBA's rules and procedures, and special meetings shall be held at the call of the chairman. The ZBA shall state the grounds of each determination, and shall maintain a record of its proceedings, which shall be filed in the office of the township clerk.~~

~~(C) Concurring vote required. The concurring vote of a majority of the members of the ZBA shall be necessary to reverse an order, requirement, decision, or determination of an administrative official or body; to decide in favor of an applicant on any matter upon which the ZBA is required to act; or, to effect any variation to this zoning ordinance.~~

~~(D)(E) Authority and Jurisdiction jurisdiction. The ZBA Zoning Board of Appeals shall act upon all questions as they may that arise in the administration of the zoning this ordinance Ordinance, unless otherwise noted. The Zoning Board of Appeals shall perform its duties and exercise its powers as provided in this Ordinance and MCL 125.3601 et seq (PA 110 of 2006), including the interpretation of the zoning districts map. The ZBA shall also hear and decide appeals from and review any order, requirements, decision, or determination made by an administrative official or body charged with enforcement of this ordinance. The ZBA shall also hear and decide matters referred to them or upon which they are required to pass under this ordinance. In doing so, the ZBA may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the officer or body from~~

**Code of Ordinances Appendix A – Zoning
Zoning Board of Appeals et al**

~~whom the appeal is taken and may issue or direct the issuance of a permit. The ZBA shall not have the power to alter or change the zoning district classification of any property.~~

~~(E) In acting on appeals or requests for variances, the ZBA shall comply with the provisions of section 27.05. In the interest of complying with these requirements and furthering the objectives of this section, the ZBA may take the following actions:~~

(1) *Variances.* The Zoning Board of Appeals shall have the authority to grant developmental-standard variances from the standards and provisions of this Ordinance when it determines there is a practical difficulty that prevents a property from complying with the strict letter of this Ordinance. The Zoning Board of Appeals shall not have authority to grant use variances, per MCL 125.3604(9).

(2) *Appeals of decisions.* The Zoning Board of Appeals shall have authority to hear and decide appeals of decisions when it is alleged by a person aggrieved by a decision that there is an error in any order, requirement, permit, decision, determination, or refusal made by the Community Planner, any other official, or the Planning Commission in administering or enforcing this Ordinance, unless otherwise noted.

(3) *Interpretations.* The Zoning Board of Appeals shall have the authority to hear and decide the following interpretations:

~~Interpret the zoning districts map where the street layout shown on the map varies from actual conditions.~~

(a) *District boundaries.* The ~~interpret the~~ exact location of a boundary line between zoning districts ~~shown on the map~~ where there is dissatisfaction with the administrative decision of the boundary made by the Community Planner;

(b) *Unclear language.* The meaning of the text of this Ordinance where the language is not clear, could have multiple meanings, or conflicts with other text of this Ordinance; and

(c) *Change of legally nonconforming uses.* The change or substitution of a legally nonconforming use where there is dissatisfaction with the administrative decision made by the Community Planner.

(4) *Other Duties.* The Zoning Board of Appeals shall have the authority to and shall perform other duties as outlined in state law, this Ordinance, and other Canton Township ordinances.

(5) *Zoning Map Amendments Not Permitted.* The Zoning Board of Appeals shall not have authority to alter or change the zoning district classification of any property.

(6) *Legislative Decisions Not Permitted.* The Zoning Board of Appeals shall not have the authority to hear an appeal of a legislative decision of the Township Board.

**Code of Ordinances Appendix A – Zoning
Zoning Board of Appeals et al**

- (7) Appeal of Certain Actions Not Permitted. The Zoning Board of Appeals shall not have the authority to hear an appeal from any decision or order with respect to special land uses or planned development districts.
- ~~(3) Grant variances from off-street parking or loading space requirements, upon finding that such variances will not result in a parking or loading space deficiency or otherwise be inconsistent with the intent of such requirements.~~
- ~~(4) Grant variances from yard and bulk regulations, including height, lot area, yard setback, floor area, and lot width regulations, where there are unique circumstances on the lot such that the lot cannot reasonably be put to a conforming use. In deciding upon such variances, the ZBA shall first determine that sufficient area exists of [for] an adequate stormwater drainage, water supply, and septic system, if necessary.~~
- ~~(5) Grant variances from the site plan review requirements where the ZBA finds that the requirements would cause practical difficulties or unnecessary hardship due to the unique conditions on the site.~~
- ~~(6) Grant variances made necessary by the advances of technology being put to use in new developments, but not anticipated by the provisions of this ordinance.~~
- (F) Meetings. Regular meetings of the Zoning Board of Appeals shall be held at such times as specified in the Zoning Board of Appeals rules and procedures, and special meetings shall be held at the call of the chairman person.
- ~~(F)(G) Record.~~ The ZBA shall state the grounds of each determination, and shall maintain a record of its proceedings, which shall be filed in the office of the township clerk. The Zoning Board of Appeals shall prepare and retain a record of each appeal, including:
1. The application;
 2. Materials submitted by the applicant or their representatives agent, including plans, photographs, written statements, and exhibits;
 3. Written comments submitted by the public;:
 4. Public notices;:
 5. Meeting agendas;:
 6. Township sStaff reports;:
 7. Meeting minutes, including the written findings of fact, the decisions, and the conditions imposed by the Zoning Board of Appeals in acting on the appeal; and
 8. All other public documents relevant to the case appeal.
- (H) Decision-final. The concurring vote of at least three members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination of an administrative decision or to decide in favor of an applicant on any matter.

**Code of Ordinances Appendix A – Zoning
Zoning Board of Appeals et al**

(1) Decisions final. ~~decision~~ Decisions of the ~~ZBA~~ Zoning Board of Appeals shall become final upon adoption of minutes, adoption of a resolution, or signing of written findings of fact by the chairperson, whichever comes first.

~~(1)~~ (2) Appeal. Any party aggrieved by a decision of the Zoning Board of Appeals may appeal the decision to a court of competent jurisdiction, as provided in MCL 125.3606 et seq. ~~final, but shall be subject to review by the circuit court. The circuit court may order the ZBA to rehear a case in the event that the court finds that the record of the ZBA is inadequate to make the proper review, or that there is additional evidence which is material and with good reason was not presented to the ZBA.~~