

# Rezoning Checklist

## Description:

A Zoning Ordinance is a living document, which means that it must evolve to changes within the community and outside of the community—such as amendments in planning law. Amending a zoning ordinance means the community is modernizing its policy to reflect the changing needs and desires of the community. Furthermore, a zoning ordinance is the primary tool to implement the Master Plan. Zoning ordinances are encouraged to be amended so they match the vision of the Master Plan. There are two types of Rezoning: there is a re-zoning to the zoning ordinance text (i.e., text amendment) and there is a re-zoning to the zoning map (i.e., map amendment). There are also conditional rezonings.

**Conditional Rezoning.** The city recognizes that, in certain instances, it would be advantageous to both Eastpointe and to a property owner seeking rezoning, if the property owner proposes certain conditions and limitations as part of their rezoning petition. Therefore, the city provides a process consistent with the provision of section 405 of the Michigan Zoning Enabling Act (PA 110 of 2006), as amended, to permit property owners to offer conditions regarding a use and/or development of land as part of the rezoning request. A conditional rezoning is intended to accomplish, among other things, the objectives of the Zoning Code and the Master Plan.

## Review Team:

Planning Commission, City Council, City Planner

## Deadline and Meeting Requirement:

Must be submitted to the Building and Planning Department at least one month prior to the next Planning Commission meeting. Applications must be complete. The applicant or a representative must attend the meeting.

## Submission Requirements:

Findings must be provided for all standards listed in the checklists on the following page. A standard can be found not applicable, but no standard can conflict with another standard.

1. A complete signed application and paid fee;
2. A complete checklist (see next page);
3. Short answers addressing each standard in the checklist and how the project meets the criteria; and
4. A sketch plan illustrating the project and rezoning request.

Rezoning Standards	Applicant's Response
<p><b>Consistency with Plans.</b></p> <p>Consistency with the goals, policies and objectives of Eastpointe's Master Plan and other city or regional planning documents. If conditions have changed since the Master Plan was adopted, consistency with recent development trends in the area may be considered.</p>	
<p><b>Consistency with Ordinance.</b></p> <p>Consistency with the intent and purpose of Eastpointe's Zoning Ordinance.</p>	
<p><b>Compatibility with the Street System.</b></p> <p>The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.</p>	
<p><b>Sufficient Public Utilities and Services.</b></p> <p>The capacity of the City's utilities and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety, and welfare of Eastpointe.</p>	
Additional Criteria for Map Amendments	
<p><b>Compatibility with Built Form.</b></p> <p>Compatibility of the site's physical, hydrological, and environmental features with the uses permitted in the proposed zoning district.</p>	
<p><b>Compatibility with Uses.</b></p> <p>Compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, density, nature of use, traffic impacts, aesthetics, and infrastructure.</p>	
<p><b>Compatibility with Zoning District.</b></p> <p>The requested zoning district will be compatible in relationship to surrounding zoning districts, and future construction can meet the dimensional regulations for the requested zoning district.</p>	
<p><b>Map Amendment Preferred.</b></p> <p>If requested to allow for a specific use, rezoning the land is more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use.</p>	
<p><b>Spot Zoning.</b></p> <p>Will not create an isolated or incompatible zone in the city.</p>	

Rezoning Standards	Applicant's Response
<b>Additional Criteria for Conditional Rezonings</b>	
<p><b>Conforms with the Zoning District Requirements.</b></p> <p>The use of the subject property is in conformity with all regulations governing development and use within the proposed zoning district, including, without limitation, permitted uses, lot area and width, setbacks, height limits, buffers, open space, and density; provided, however, the following apply:</p> <p>a) Development and use of the property is subject to the more restrictive requirements shown or specified in the conditional rezoning agreement and supersedes all inconsistent regulations otherwise applicable under the Zoning Code.</p> <p>b) City Council is authorized to grant modifications to the strict terms of the Zoning Code governing dimensional requirements on the property; provided, such authorization to grant modifications is conditioned upon the City Council finding that each Zoning Code provision sought to be modified will result in an enhancement of the development that is in the public interest, and that approving the modification is consistent with the Master Plan and with the surrounding area.</p>	
<p><b>Improves Community.</b></p> <p>Conditional rezoning results in an enhancement to the subject area, as compared to the existing zoning, and such an enhancement would be unlikely to be achieved or would not be assured in the absence of the use of conditional rezoning.</p>	
<p><b>Serves Public Interest.</b></p> <p>As compared to the existing zoning and considering site-specific conditions and/or the proposed land uses, it is in the public interest to grant a conditional rezoning. In determining whether a proposed application is in the public interest, the benefits which would reasonably be expected to accrue from the proposal must be balanced against and be found to clearly outweigh the reasonably foreseeable detriments, taking into consideration best practices in planning, engineering, environmental and other principles.</p>	
<p><b>Enforceable Conditions.</b></p> <p>The offered condition(s) are likely to be enforceable.</p>	
<p><b>Use Variance Prohibited.</b></p> <p>Does not have the same effect as a use variance.</p>	
<p><b>Site Plan and Special Land Use Approvals Required.</b></p> <p>Does not relieve the applicant of the responsibility of securing any applicable site plan, plat, or condominium approvals. Special land use approvals, if permitted as part of the Conditional Rezoning Agreement (CRA), do not have to be separately considered, noticed, and approved.</p>	