

Ray Johnson

From: Rodney Nanney <rnanney@uniontownshipmi.com>
Sent: Wednesday, September 18, 2024 10:50 AM
To: Ray Johnson
Subject: another item for County Planning Commission review and comment
Attachments: PTXT24-02 Zoning Ordinance amendment - final site plan approval and nonconforming sites 2024-09-09.pdf

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Ray,

We have another Zoning Ordinance text amendment item for County Planning Commission review and comment. I've attached a copy of the proposed amendment along with our staff report to the Planning Commission for their public hearing, which was held yesterday (9/17/2024). I expect to have the draft meeting minutes tomorrow and will share them with you then, but I can share the action they took here. After the public hearing and their deliberations, the Township's Planning Commission took the following action, which was adopted unanimously (with one abstention by a brand-new member) by roll call vote:

Motion by Olver supported by Gross to recommend to the Board of Trustees that the proposed amendments to Section 14.2 (Site Plan Review) and Section 12.5 (Nonconforming Sites) of the Zoning Ordinance No. 20-06 be adopted as presented.

Looking ahead, we have a rezoning item that will be on our Planning Commission's agenda for a public hearing, so I may have more business for you again after our October meeting.

Respectfully,

Rodney C. Nanney, AICP
Community and Economic Development Director



Charter Township of Union
2010 South Lincoln Road
Mount Pleasant, MI 48858
(989) 772-4600 ext. 232

TEXT AMENDMENT REPORT

TO: Planning Commission**DATE:** September 9, 2024**FROM:** Rodney C. Nanney, AICP, Community and Economic Development Director**APPLICATION:** PTXT24-02 Zoning Text Amendment (Charter Township of Union)

ACTION REQUESTED: To hold a public hearing on proposed amendments to Section 14.2 (Site Plan Review) and Section 12.5 (Nonconforming Sites) to revise site plan review procedures, add an allowance for administrative approval of a final site plan under certain circumstances, and add an allowance for the Zoning Administrator to apply the nonconforming sites provisions to minor site plans; to review the proposed amendments and public comments from the hearing; and to deliberate and make any recommendations to the Board of Trustees for final action.

Background Information

On December 20, 2022 the Planning Commission adopted a motion to support the Township's participation in the [Redevelopment Ready Communities](#) (RRC) certification program run by the Michigan Economic Development Corporation (MEDC). On January 25, 2023, the Board of Trustees adopted a Resolution of Intent to participate in the RRC Program, to further incorporate RRC best practices into the Township's development-related ordinances and planning documents, and to pursue a Redevelopment Ready Communities certification from the MEDC.

As a follow up, the Board of Trustees took the additional step to incorporate the [RRC Program's Best Practices](#) into their "Global Ends" statement of their desired outcomes for the Township:

1.5. New and innovative commercial establishments and advance manufacturing, distribution, engineering, and research facilities are drawn to Union Township through commerce-friendly economic development policies consistent with MEDC Redevelopment Ready Communities program best practices.

1.5.1 Controlled establishment of potentially undesirable businesses.

1.5.2 Create a purchasing policy that includes mechanism to encourage local purchase of goods and services within reasonable cost limits

1.5.3 Create mechanism to increase dialogue with business community to ensure quality services are provided

Many of the RRC Program's Best Practices related to zoning and development review processes have been incorporated in the Township's current Zoning Ordinance No. 20-06, as amended. Last month, MEDC staff completed a baseline evaluation of our ordinance, policies, and practices and found that the Township is currently or partially aligned with nearly all of the RRC Program's expectations for both the RRC Essentials designation and the full RRC Certification.

The Community and Economic Development Department staff continue to use the RRC Program Best Practices as a guide for further improvement, including in the area of development-related policies and practices.

Streamlining the development review process is one of the topics emphasized in the RRC Best Practices, including in 3.5 (Approval Authority) below:

3.5 Approval Authority

Approving permitted uses at the planning commission or staff level allows faster approval and respects the administrative nature of development review.

CRITERIA: The community streamlines the approval process by using administrative and planning commission approval authority.

This priority was addressed in 2020 as part of a comprehensive update to the site plan review procedures as incorporated into the new Zoning Ordinance No. 20-06. These changes including expanded options for administrative approval of certain site plans by adding a new “minor site plan” option for smaller projects.

More recently, it has been observed that Township staff’s proactive efforts to assist and guide applicants in preparation of complete and accurate site plans has resulted in a higher percentage of final site plan applications coming to the Planning Commission with staff reports indicating that the plan fully conforms to all applicable standards for final site plan approval. The Michigan Zoning Enabling Act and our Zoning Ordinance are clear in confirming that, where a final site plan is found to be in full compliance with all applicable standards for approval, the Planning Commission must approve the plan. There is no discretion to do otherwise under this circumstance.

Zoning Administrator Approval of a Final Site Plan.

With that in mind, and with the goal of further streamlining the development approval process for site plan approval applicants, staff has initiated this proposed Zoning Ordinance amendment to add an allowance for administrative approval of a final site plan that is determined to fully conform to Section 14.2.S. (Standards for Site Plan Approval). This change would further reduce the development approval process timeline in most cases and would create an additional incentive for developers to provide complete and accurate site plans for review. The change would also free up space on the Planning Commission meeting agendas. In conjunction with this change, the flowcharts and text of the site plan review provisions in Section 14.2 have been updated as needed.

Zoning Administrator Authority to Apply the Nonconforming Sites Provisions to a Minor Site Plan.

Section 12.5 (Nonconforming Sites) was added to the Zoning Ordinance No. 20-06, as amended in 2020 to make it easier for owners of properties developed years ago to be able to make improvements and upgrades without the burden of needing to bring the entire site up to the current site development standards that would apply to a new development on a vacant lot. Section 12.5 establishes a requirement for public safety deficiencies to be corrected as part of any site improvements for a project that is subject to site plan approval. Beyond that, this Section establishes a menu of ten (10) broad categories for potential improvements with the intent that the project address only three (3) of them at a minimum.

Section 12.5 has proven to be a very effective tool for encouraging improvements to older sites. However, the current provisions of Section 12.5 require a Planning Commission action, even for

minor site plans that would otherwise only need Zoning Administrator review and approval.

The proposed amendments would authorize the Zoning Administrator to apply Section 12.5 to minor site plan applications subject only to administrative approval. This change will support further redevelopment of older sites in the Township, especially where small additions or improvements are proposed for older commercial properties in our business districts.

Project Timetable

Under the requirements of the Michigan Zoning Enabling Act, this Zoning Ordinance amendment is subject to a Planning Commission public hearing and recommendation to the Board of Trustees along with review and comment from the Isabella County Planning Commission.

Key Findings

1. Allowing administrative approval of final site plans found to be in full compliance with all applicable standards for approval would further streamline the Township's development review process, and would remove the need for "must approve" items to be included on the Planning Commission's agenda.
2. Allowing the Zoning Administrator to apply the Section 12.5 (Nonconforming Sites) provisions to minor site plan applications would support further redevelopment of older sites in the Township, especially where small additions or improvements are proposed for older commercial properties in our business districts.

Recommendations

Under the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended, the Planning Commission has the responsibility to hold a public hearing on proposed amendments to the Zoning Ordinance or Official Zoning Map, and to make any recommendations for final action to the Board of Trustees. Following the public hearing, review, and deliberation, I recommend that the Planning Commission consider taking action by **motion to recommend to the Board of Trustees that the proposed amendments to Section 14.2 (Site Plan Review) and Section 12.5 (Nonconforming Sites) of the Zoning Ordinance No. 20-06 be adopted as presented** or be adopted with the following additional changes:

Please contact me at (989) 772-4600 ext. 232, or via email at rnanney@uniontownshipmi.com, with any questions about this information.

Respectfully submitted,

Rodney C. Nanney, AICP, Director

Community and Economic Development Department

**CHARTER TOWNSHIP OF UNION
ISABELLA COUNTY, MICHIGAN**

ORDINANCE NO. _____

An ordinance to delete and replace in their entirety subsections “D.” through “O.” of Section 14.2 (Site Plan Review) of the Charter Township of Union Zoning Ordinance No. 20-06 for the purpose of revising review procedures and flowchart illustrations for the types of site plan reviews; to amend Section 12.5 (Nonconforming Sites) to clarify authority for the Zoning Administrator to apply this section to minor site plans subject to administrative approval; and to provide for repeal, severability, publication, and an effective date; all by authority of the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended (MCL 125.3101 et seq.).

THE CHARTER TOWNSHIP OF UNION, ISABELLA COUNTY, MICHIGAN, HEREBY ORDAINS:

PART ONE – Title

This Ordinance shall be known and may be referred to as “Ordinance Number _____ Amending the Charter Township of Union Zoning Ordinance.”

PART TWO – Delete and Replace subsections “D.” through “O.” of Section 14.2 (Site Plan Review)

The text and illustrations of subsections “D.” through “O.” of Section 14.2 (Site Plan Review) are hereby deleted and replaced in their entirety to revise the review procedures and flowchart illustrations for various types of site plan approvals, as follows:

Section 14.02 Site Plan Review.

D. Fees and Escrow Deposits.

Required fees and escrow deposits shall be paid to the Township at the time of the filing of the application. No action shall be taken on an application for which a required fee or escrow deposit has not been paid in full.

E. Pre-Application Meetings.

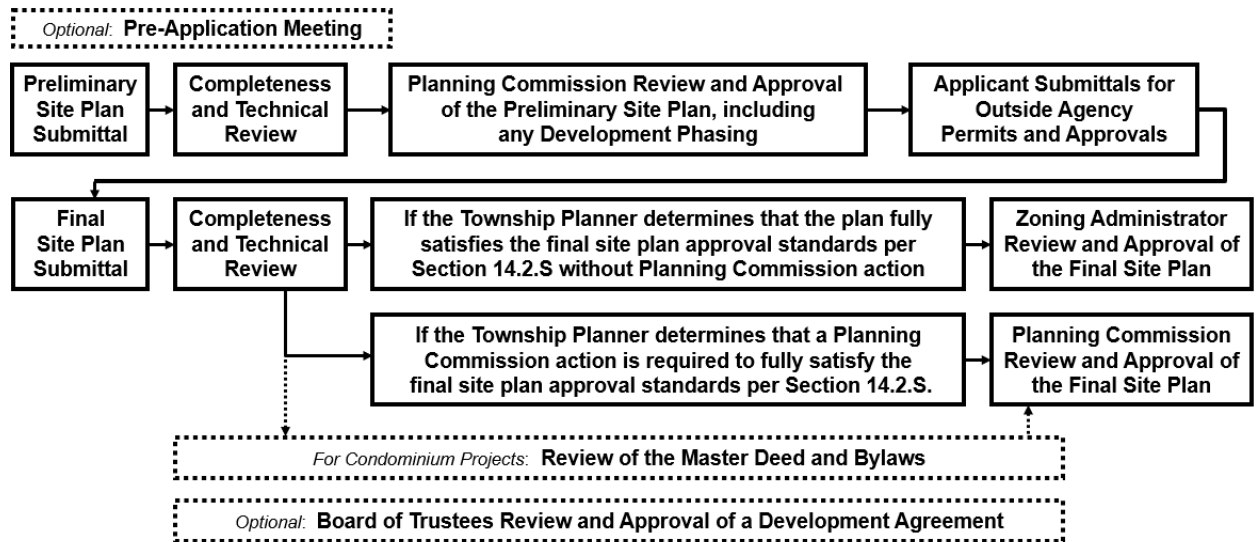
An applicant may request a pre-application meeting with the Township Planner and Zoning Administrator to discuss conceptual plans, ordinance requirements, and review procedures. Upon request, other Township staff or outside agency representatives may be invited to attend the pre-application meeting. Comments shall be advisory only. Any required fee shall be paid to the Township prior to the meeting.

F. Application Information.

The following minimum information shall be required with any application for site plan approval:

1. The name, address, and contact information for the applicant, and the applicant's legal interest in the property. If the applicant is not the owner, the name, address, and contact information for the owner(s) and the signed consent of the owner(s) shall also be required.
2. Signature(s) of the applicant(s) and owner(s), certifying the accuracy of the information.
3. A legal description of the property, including street address(es) and tax code number(s).
4. A description of the proposed use.
5. A site plan meeting the minimum information requirements of Section 14.02.P. (Required Site Plan Information) for the type of site plan applicable to the project.

G. Preliminary and Final Site Plan Approval Process.



Preliminary and Final Site Plan Approval Process

H. Filing of Preliminary Site Plan Application and Technical Review.

Applications for preliminary site plan approval shall be submitted and reviewed as follows:

1. Submittal of a complete application. A preliminary site plan application shall be filed at the Township Hall at least 28 calendar days prior to a regularly scheduled Planning Commission meeting, unless a shorter timeframe policy for review has been set by the Township Planner. A complete preliminary site plan application shall include, at a minimum, one (1) completed and signed copy of the required application form, the required fee and any required escrow deposit, two (2) large (up to 24-inch by 36-inch maximum) printed site plan sets, eleven (11) reduced 11-inch by 17-inch printed site plan sets, and one (1) digital copy in .PDF format of the complete set of all application materials and plans.
2. Completeness and technical review. Prior to Planning Commission consideration, the application materials and site plan shall be distributed to the Township Planner and Zoning Administrator for review and comment. The Township Planner or Planning Commission Chair may also request comments from other Township departments, consultants or outside agencies with jurisdiction. Applications found to be incomplete or inaccurate shall be returned to the applicant without further consideration.

I. Preliminary Site Plan Review and Action.

The Planning Commission shall review the application materials and site plan, along with any reports and recommendations. The Planning Commission shall identify and evaluate all relevant factors, and shall then take action by motion to approve the site plan, to approve the site plan with conditions, to deny the site plan application, or to postpone further consideration of the site plan application to a date certain:

1. Approval. The Planning Commission shall approve the preliminary site plan upon determination that it fully satisfies all applicable standards of Section 14.2.S. (Standards for Site Plan Approval).
2. Approval with conditions. The Planning Commission may approve the preliminary site plan subject to any conditions necessary to address necessary modifications; ensure that public services and facilities can accommodate the proposed use; protect significant natural resources or site features; ensure compatibility with adjacent land uses; or otherwise meet the intent and purposes of this Ordinance.
3. Postponement. Upon determination that the site plan is not sufficiently complete for approval or denial, failure of the applicant to attend the meeting, or upon request by the applicant, the Planning Commission may postpone until a date certain further consideration.
4. Denial. Upon determination that the preliminary site plan does not comply with applicable requirements and standards of this Ordinance and other Township ordinances, or would require extensive revisions to comply with such requirements, it shall be denied. Failure of the applicant or agent to attend two (2) or more meetings shall also be grounds for the Planning Commission to deny site plan approval. If the site plan is denied, a written record shall be provided to the applicant listing the findings of fact and conclusions or reasons for denial.

5. Recording of Planning Commission action. Planning Commission action on the preliminary site plan shall be recorded in the Planning Commission meeting minutes, stating the name and location of the project, most recent plan revision date, findings of fact and conclusions for the Planning Commission's action, and any conditions of approval. The Zoning Administrator shall promptly notify the applicant of the preliminary site plan action and update the Township's record for the application to include a copy of the approved meeting minutes.
6. Effect of preliminary site plan approval. Approval of a preliminary site plan by the Planning Commission shall indicate its general acceptance of the proposed layout of buildings, roads, drives, parking areas, and other facilities and areas in accordance with the standards for preliminary site plan approval specified in Section 14.2.S. The Planning Commission may, at its discretion and with appropriate conditions attached, authorize limited work to begin for soils exploration, incidental site clearing, and other preliminary site work as specified in the authorization. At a minimum, the required conditions for any authorization shall include compliance with all applicable Township and outside agency permitting requirements, measures to control erosion, exemption of the Township from any liability if a final site plan is not approved, and submittal of an acceptable performance guarantee for site restoration if work does not proceed to completion.

J. Outside Agency Approvals.

The applicant shall be responsible for obtaining all necessary permits or approvals from applicable outside agencies, prior to submittal of an application for final site plan approval. Documentation of necessary outside agency permits or approvals shall be submitted to the Zoning Administrator.

K. Filing of Final Site Plan Application and Technical Review.

Applications for final site plan approval shall be submitted and reviewed as follows:

1. Eligibility. With the exception of a combined preliminary and final site plan approval application as allowed per Section 14.2.M. (Combining Preliminary and Final Site Plans), a final site plan application shall not be accepted by the Township without valid prior approval of a preliminary site plan for the same project.
2. Submittal of a complete application. A final site plan application shall be filed at the Township Hall at least 28 calendar days prior to a regularly scheduled Planning Commission meeting, unless a shorter timeframe policy for review has been set by the Township Planner. A complete final site plan application shall include:
 - a. At a minimum, one (1) completed and signed copy of the required application form, the required fee and any required escrow deposit, documentation of all required outside agency permits or approvals, two (2) large (up to 24-inch by 36-inch maximum) printed site plan sets, three (3) reduced 11-inch by 17-inch printed site plan sets, and one (1) digital copy in .PDF format of the complete set of all application materials and plans.
 - b. If the Township Planner finds that a Planning Commission review and action is necessary (see Section 14.2.L.3.), then the applicant will need to submit to the Township Hall a sufficient number of additional reduced 11-inch by 17-inch printed site plan sets for all Planning Commission members.

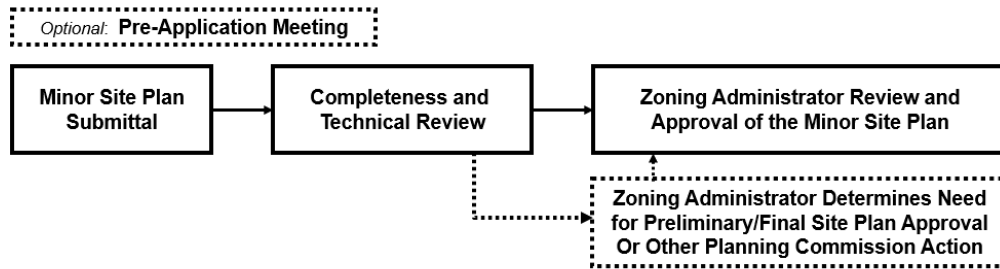
L. Final Site Plan Review and Action.

Applications for final site plan approval shall be submitted and reviewed as follows:

1. Completeness and technical review. Prior to final consideration and action, the application materials and site plan shall be distributed to the Township Planner and Zoning Administrator for review and comment. The Township Planner or Planning Commission Chair may also request comments from other Township departments, consultants or outside agencies with jurisdiction. Applications found to be incomplete or inaccurate shall be returned to the applicant without further consideration.
2. Limited authority for Zoning Administrator approval of a final site plan. If the Township Planner determines that the final site plan fully satisfies all applicable standards for final site plan approval as specified in Section 14.2.S. (Standards for Site Plan Approval), then the Zoning Administrator shall have authority to take final action to approve the site plan as presented.
 - a. The Zoning Administrator shall not have authority to approve a final site plan with conditions or to deny a final site plan approval.
 - b. The Zoning Administrator shall promptly notify the applicant of the final site plan approval action and update the Township's record for the application to note the approval.

3. Planning Commission authority for all other final site plan applications. If the Township Planner finds that a Planning Commission review and action is necessary before compliance with Section 14.2.S. (Standards for Site Plan Approval) could be determined, then the application materials and final site plan shall be forwarded to the Planning Commission for their review, along with any reports and recommendations. The Planning Commission shall identify and evaluate all relevant factors, and shall then take action by motion to approve the site plan, to approve the site plan with conditions, to deny the site plan application, or to postpone further consideration of the site plan application to a date certain:
 - a. Approval. The Planning Commission shall approve the final site plan upon determination that it fully satisfies all applicable standards of Section 14.2.S. (Standards for Site Plan Approval).
 - b. Approval with conditions. The Planning Commission may approve the final site plan subject to any conditions necessary to address necessary modifications; ensure that public services and facilities can accommodate the proposed use; protect significant natural resources or site features; ensure compatibility with adjacent land uses; or otherwise meet the intent and purposes of this Ordinance.
 - c. Postponement. Upon determination that the site plan is not sufficiently complete for approval or denial, failure of the applicant to attend the meeting, or upon request by the applicant, the Planning Commission may postpone until a date certain further consideration.
 - d. Denial. Upon determination that the final site plan does not comply with applicable requirements and standards of this Ordinance and other Township ordinances, or would require extensive revisions to comply with such requirements, it shall be denied. Failure of the applicant or agent to attend two (2) or more meetings shall also be grounds for the Planning Commission to deny site plan approval. If the site plan is denied, a written record shall be provided to the applicant listing the findings of fact and conclusions or reasons for denial.
 4. Recording of Planning Commission action. Planning Commission action on the final site plan shall be recorded in the Planning Commission meeting minutes, stating the name and location of the project, most recent plan revision date, findings of fact and conclusions for the Planning Commission's action, and any conditions of approval. The Zoning Administrator shall promptly notify the applicant of the final site plan approval action and update the Township's record for the application to include a copy of the approved meeting minutes.
 5. Effect of Final Site Plan Action. Approval of a final site plan by the Zoning Administrator constitutes the final zoning approval for the project and allows for issuance of a building permit to begin site work or construction, provided all other construction and engineering requirements have been met [see also Section 19.10 (Development Agreement)].
- M. Combining Preliminary and Final Site Plans.**
- An applicant may, at the applicant's discretion and risk and with approval of the Planning Commission, combine a preliminary site plan and a final site plan into one (1) consolidated application for approval. The applicant shall pay the required fees and escrow deposit for both preliminary and final site plan review. The Planning Commission shall have the authority to grant only a preliminary site plan approval or to require submittal of a preliminary site plan separate from a final site plan where, in its opinion, the completeness of the site plan or complexity or size of the proposed development so warrant. Preliminary and final site plan approval applications shall not be combined for any multi-phase development.

N. Minor Site Plan Approval Process.



Minor Site Plan Approval Process

O. Minor Site Plan Applications, Review, and Action.

Applications for minor site plan approval shall be submitted and reviewed as follows:

1. Submittal of a complete application. A minor site plan application shall be filed at the Township Hall a minimum of one (1) completed and signed copy of the required application form, the required fee, two (2) printed site plan sets, and one (1) digital copy in .PDF format of the complete set of all application materials and plans.
2. Completeness and technical review. Prior to final consideration and action, the Zoning Administrator shall review the application materials and site plan for completeness, accuracy, and compliance with all applicable requirements and standards of this Ordinance and other Township ordinances. Applications found to be incomplete or inaccurate shall be returned to the applicant without further consideration.
3. Referral of a minor site plan application to the Planning Commission. Upon determination that the proposed project scope warrants a more comprehensive review under the standards for preliminary and final site plan approval applications (see Section 14.2.G. (Preliminary and Final Site Plan Approval Process), the Zoning Administrator shall return the minor site plan application to the applicant with direction to submit a preliminary site plan approval application instead. Upon determination that an element of the site plan requires a Planning Commission action prior to final administrative approval of the minor site plan, the Zoning Administrator shall forward the application materials and site plan to the Planning Commission for their review and action.
4. Zoning Administrator review and action. The Zoning Administrator shall review the application materials and site plan, shall identify and evaluate all relevant factors, and shall then take action to approve the minor site plan, to approve the minor site plan with conditions, to deny the site plan application, or to postpone further consideration of the site plan application to a date certain, as follows:
 - a. Approval. The Zoning Administrator shall approve the minor site plan upon determination that it fully satisfies all applicable standards of Section 14.2.S. (Standards for Site Plan Approval).
 - b. Approval with conditions. The Zoning Administrator may approve the minor site plan subject to any conditions necessary to address necessary modifications; ensure that public services and facilities can accommodate the proposed use; protect significant natural resources or site features; ensure compatibility with adjacent land uses; or otherwise meet the intent and purposes of this Ordinance.
 - c. Postponement. Upon determination that the site plan is not sufficiently complete for approval or denial, or upon request by the applicant, the Zoning Administrator may postpone until a date certain further consideration with direction given to the applicant of the deadline date and any details or revisions needed prior to further review and action.
 - d. Denial. Upon determination that the minor site plan does not comply with applicable requirements and standards of this Ordinance and other Township ordinances, or would require extensive revisions to comply with such requirements, it shall be denied.
5. Recording of minor site plan action. The Zoning Administrator shall promptly notify the applicant of the final action on the minor site plan and update the Township's record for the application. If the minor site plan is denied, a written record shall be provided to the applicant listing the findings of fact and conclusions or reasons for denial.

PART THREE – Delete and Replace Section 12.5 (Nonconforming Sites)

The text of Section 12.5 (Nonconforming Sites) is hereby deleted and replaced in its entirety to add authority for the Zoning Administrator to apply this section to minor site plans subject to administrative approval, as follows:

Section 12.5 Nonconforming Sites

The purpose of this Section is to encourage improvements to existing sites in the Township that were developed before the site design requirements of this Ordinance were established or amended. This Section establishes requirements for prioritizing improvements to existing nonconforming sites that are intended to gradually bring the site into compliance with current Ordinance requirements. Nonconforming sites may be improved or modified without a complete upgrade of all site elements, subject to the following conditions:

- A. A nonconforming site shall not be improved or modified in a manner that increases its nonconformity.
- B. The proposed site improvements shall address public health, safety, and welfare by resolving public safety deficiencies and pedestrian/vehicle conflicts and improving emergency access.
- C. The proposed site improvements shall include at least three (3) of the following, as accepted by the Planning Commission for preliminary and final site plan approval applications, or by the Zoning Administrator for minor site plan applications:
 - 1. Preservation of natural resources or historical site features.
 - 2. Pedestrian access improvements.
 - 3. Vehicular access and circulation improvements.
 - 4. Building design or exterior facade improvements.
 - 5. Off-street parking or loading improvements.
 - 6. Landscaping improvements.
 - 7. Screening and buffering improvements.
 - 8. Exterior lighting improvements.
 - 9. Drainage and stormwater management improvements.
- D. Clean up or restoration of a blighted site, removal of contaminated soil, or similar environmental improvements.
- E. The scope of any additional site improvements requested by the Planning Commission, or by the Zoning Administrator for minor site plan applications, shall be in reasonable proportion to the scale and construction cost of proposed building improvements, expansions, or other improvements.
- F. A reasonable timeline for completion of site improvements to an existing nonconforming site may be approved as part of any plan approval. Failure to complete improvements in accordance with an approved timeline shall be deemed a violation of this Ordinance.

PART FOUR – Repeal

All ordinances or parts of ordinances in conflict with the provisions of this amendatory ordinance, except as herein provided, are hereby repealed only to the extent necessary to give this amendatory ordinance full force and effect.

PART FIVE – Severability

If any section, subsection, clause, phrase or portion of this amendatory ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

PART SIX – Publication

The Clerk for the Charter Township of Union shall cause this amendatory ordinance to be published in the manner required by law.

PART SEVEN – Effective Date

This amendatory ordinance was approved and adopted by the Charter Township of Union Board of Trustees, Isabella County, Michigan, on _____, 2024, after initiation and a public hearing by the Planning Commission on _____, 2024 as required pursuant to the Michigan Public Act 110 of 2006, as amended, and after introduction and a first reading by the Board of Trustees on _____, 2024 and publication after such first reading as required by Michigan Act 359 of 1947, as amended. This amendatory ordinance shall be effective on _____, 2024, which date is more than seven days after publication of the ordinance as is required by Section 401(6) of Act 110 of 2006, as amended, provided that this effective date shall be extended as necessary to comply with the requirements of Section 402 of Act 110 of 2006, as amended.