

Article 17 ZONING MAP and TEXT AMENDMENTS

Section 17.1 Purpose

This Article establishes procedures for the review and action on amendment petitions. Amendments to this Ordinance shall be processed according to Public Act 110 of 2006, as amended, and in doing so, the procedures of this Article shall be followed. It is not intended that this Ordinance be amended except to correct an error; to address changed or changing conditions including in a particular area in the Township; to institute new or modified measures or standards to ensure the public health, safety and welfare; to conform with the Master Plan and/or other ordinances of the Township; and to meet a public need for new or additional land uses in appropriate locations.

Section 17.2 Initiation of Amendments

Petitions for amendments may be initiated by the Township Board or Planning Commission, by its own motion, or by petition of one (1) or more owners of property to be affected by the proposed amendment. Only the Township Board may approve an amendment to this Ordinance.

Section 17.3 Procedures

A. Application, Distribution and Data: A petitioner shall submit fifteen (15) copies of a completed application to the Zoning Administrator on a form established for that purpose, which shall include a detailed description of the proposed amendment including the name, address and phone number of the applicant and the desired change(s) and reason(s) for such change(s), along with any application fees. The Zoning Administrator shall record the date of their receipt. Upon finding that the application materials are satisfactorily complete, the Zoning Administrator shall transmit copies to the Planning Commission, Township Board, and other agencies or individuals that may be selected to review such petitions such as Township departments and staff, consultants, and the County Road Commission.

1. **Zoning Map Change:** When the petition involves a change in the Zoning Map, an application shall be submitted for each parcel of land that is not contiguous to any adjacent parcel of land being proposed for the same amendment, and the applicant shall also submit the following information:
 - a. The applicant's name, address and phone number and interest in the property, and if the applicant is not the owner, the name, address and phone number of the owner.
 - b. A legal description of the property, and a scaled map of the property correlated with the legal description and clearly showing north orientation; the property's location, right-of-ways and easements within and adjacent to the property; and the delineation of adjacent land uses and adjacent zoning district classifications including on the opposite side of adjacent roads.
 - c. A description of the site's features including acreage and road frontage; adjacent road right-of-ways; easements including their location, purpose and width; utility services to or adjacent to the property and their location; existing structures and buildings; topographic conditions; and the presence of wetlands, water bodies, and drainage courses.
 - d. The desired zoning district classification change and reasons for such change.
 - e. Signature(s) of petitioner(s) and owner(s) certifying the accuracy of the required information.

B. Planning Commission Action

1. **Public Hearing:** Upon reviewing the application materials and finding them to be satisfactorily complete, the Planning Commission shall establish a date for a public hearing on the application and hold such hearing. Notice of the hearing shall comply with Section 2.11. An application not properly filed or complete may be returned to the applicant with a written notice of deficiencies.
2. **Planning Commission Review for Text Amendments:** If the petition involves an amendment to the text of the Ordinance, the minimum matters to be considered shall include:
 - a. Is the amendment petition supported by documentation that the proposed amendment would minimize problems or conflicts with specific sections of the Ordinance?
 - b. Is the amendment petition supported by reference materials publications, information gained at seminars or experiences of other communities, to more effectively address certain zoning issues?
 - c. Is the amendment petition supported by significant case law?
 - d. Will the amendment petition correct an inequitable situation created by this Ordinance rather than merely grant special privileges?
 - e. Is the amendment petition in accordance with the purpose of this Ordinance?

3. Planning Commission Review for Map Amendments: If the petition involves an amendment to the official zoning map, minimum matters to be considered shall include:
 - a. What, if any, identifiable conditions related to the petition have changed that justify the proposed zoning district change including trends in land development and/or public services and facilities in the vicinity?
 - b. What is the impact of the zoning district change on the ability of the Township and other governmental agencies to provide adequate public services and facilities that may be reasonably required in the future if the proposed zoning district change is adopted?
 - c. Will the petitioned district change substantially and adversely affect the value of the surrounding land?
 - d. Is the site's environmental features compatible with the host of uses permitted in the proposed district, and will development under the petitioned district change be likely to adversely affect environmental conditions?
 - e. Can the subject parcel comply with all requirements of the proposed zoning district?
 - f. Is the subject property able to be put to reasonable economic use in the zoning district in which it is presently located?
 - g. Is the proposed district consistent with the zoning classification of surrounding land?
 - h. Does the proposed district change generally comply with the Master Plan?
 - i. Is the proposed district change in accordance with the purpose of this Ordinance?
 - j. What are the precedents and the possible effects of such precedent that might result from the approval or denial of the petition?
4. Planning Commission Recommendation: Following the hearing during the same or a subsequent meeting, the Planning Commission shall transmit a summary of comments received at the hearing to the Township Board, along with its recommended action on the petition. The Planning Commission shall also transmit the proposed amendments and its recommended action on the petition to the Livingston County Planning Commission.

C. Township Board Action: After receiving the findings and recommendations of the Planning Commission, the Township Board at a regular meeting or at a special meeting called for that purpose, shall consider said findings and recommendations. The Township Board may refer any proposed amendment back to the Planning Commission for further consideration and comment within a time specified by the Township Board, and may direct the Planning Commission to hold a public hearing on any proposed changes identified by the Township Board. The Township Board may adopt the amendment, with or without changes. Such action shall be by Ordinance, requiring a majority vote of the Township Board.

1. County Planning Commission Review: The Township Board shall not take action on a petition prior to receiving the advisory comments of the Livingston County Planning Commission, except that if the Township Board has not received the County Planning Commission's comments within thirty (30) days of the submittal by the Township Planning Commission to the County Planning Commission, the Township Board need not delay taking action on the petition.
2. Additional Hearing: The Township Board may hold additional public hearings if the Township Board considers it necessary. The Township Board shall grant a hearing on the proposed amendment to any interested property owner who has filed a written request to be heard. Such written request shall take the form of a certified mail letter from the property owner to the Township Clerk. A hearing under this subsection (2) is not subject to the notice requirements of Section 2.11 except that notice of the hearing shall be given to the interested property owner according to Section 2.11(A) and (C). The Township Board may require the property owner to justify the property owner's interest on which the additional hearing request is based.

D. Publication of Notice of Ordinance Amendments: Following adoption of amendments by ordinance by the Township Board, the amendment ordinance shall be filed with the Township Clerk and one (1) notice of adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption. Promptly following adoption of an amendment ordinance by the Township Board, a copy of the notice of adoption shall also be mailed to the airport manager of each airport that registers its name and mailing address with the Township Clerk for the purpose of receiving such notices. The adoption notice shall provide either a summary of the regulatory effect of the amendments including the geographic area affected, or the text of the amendment, and the effective date of the amendment ordinance and the place and time where a copy of the amendment ordinance may be purchased or inspected.

1. Effective Date: The effective date of an amendment ordinance shall be the expiration of eight (8) days after publication of the notice of adoption as provided in (D) except where the Township Board expressly provides for a greater number of days.

Section 17.4 Resubmittal

No petition for an amendment that has been denied by the Township Board shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly-discovered evidence or proof of changed conditions, found upon inspection by the Planning Commission to be valid.

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