

## **Article 7 AMENDMENTS**

### **Section 7.01 Purpose**

The purpose of this Article is to establish the procedures for amending this Ordinance, including application requirements and the review of such applications. The purpose of this Ordinance is for establishing and maintaining sound, stable and desirable development within the Township. It is not intended that this Ordinance be amended except to correct an error in the Ordinance, to address changed or changing conditions in the Township or in a particular area in the Township, to conform with the planned future land use pattern for the Township and changes to other ordinances of the Township, to meet public need for new or additional land uses in areas so contemplated by the Township, or to further protect the environment, neighborhoods, public infrastructure or other public investment in the Township.

### **Section 7.02 Initiation Of Amendments**

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

### **Section 7.03 Procedures**

**A. Application, Distribution and Data:** A petitioner shall submit fifteen (15) copies of a completed application for ordinance amendment 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). Upon receipt of the application forms, the Zoning Administrator shall record the date of their receipt and transmit copies to the Planning Commission, Township Board, and other agencies or individuals selected to review such plans including but not necessarily limited to Township departments and staff, consultants, Ingham County Drain Commissioner, and Ingham County Road Commission. See Section 3.08 regarding application fees.

1. When the petition involves a change in the Zoning Map, an application shall be submitted for each parcel of land which 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. A legal description of the property.
  - b. A scaled map of the property, correlated with the legal description, and clearly showing the property's location.
  - c. 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.
  - d. The desired 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:** The Planning Commission shall review the application materials. Upon finding that the application materials are satisfactory and the Planning Commission has a clear understanding of the requested amendment, the Planning Commission shall establish a date for at least one (1) public hearing on the application and hold such hearing. The Township Clerk shall give notice of the public hearing in accordance with Section 3.11.
2. **Planning Commission Review:** In reviewing any application for an amendment to this Ordinance, the Planning Commission shall identify and evaluate all factors relevant to the application. Findings of fact shall be gathered and shall be made a part of the public records of the meetings of the Planning Commission.
  - a. If the petition involves an amendment to the official zoning map, matters to be considered by the Planning Commission shall include, but shall not be limited to, the following:
    - 1) What, if any, identifiable conditions related to the application have changed which justify the proposed amendment?

- 2) What is the impact of the amendment on the ability of the Township and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future if the proposed amendment is adopted?
  - 3) Will the petitioned district change adversely affect the value of the surrounding property?
  - 4) Is the site's physical, geological, hydrological and other 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?
  - 5) Is the subject property able to be put to a reasonable economic use in the zoning district in which it is presently located?
  - 6) Is the proposed rezoning consistent with the zoning classification of surrounding land?
  - 7) Can all requirements in the proposed zoning classification be complied with on the subject parcel?
  - 8) Does the petitioned district change generally comply with the Locke Township Master Plan?
  - 9) What are the precedents and the possible effects of such precedent which might result from the approval or denial of the petition?
- b. If the petition involves an amendment to the text of the Ordinance, matters to be considered by the Planning Commission shall include, but shall not be limited to, the following:
- 1) Is the proposed amendment supported by documentation, such as from the Zoning Board of Appeals, that the proposed amendment would minimize problems or conflicts with specific sections of the Ordinance?
  - 2) Is the proposed amendment supported by reference materials, planning and zoning publications, information gained at seminars or experiences of other communities to more effectively deal with certain zoning issues?
  - 3) Is the proposed amendment supported by significant case law?
- c. In determining the above mentioned findings of fact, the Planning Commission may solicit information and testimony from officials of, but not limited to, the County Health Department, County Road Commission, County Drain Commission, County Sheriff Department, and any school district affected.
3. Planning Commission Recommendation: The Planning Commission shall transmit its findings of fact, recommendations for disposition of the petition, and a summary of comments received at the public hearing to the Township Board. The Planning Commission shall simultaneously transmit its recommendations for disposition of the application to the operating review body of Ingham County as provided by Section 10 of the Township Zoning Act, PA 184 of 1943, as amended.

### **C. Township Board Actions**

1. After receiving and reviewing the findings and recommendations of the Planning Commission, and the recommendations of the operating review body of Ingham County, the Township Board at any regular meeting or at any special meeting called for that purpose, shall consider said findings of fact and recommendations. The Township Board may refer any proposed amendments back to the Planning Commission for further consideration and comment within a time specified by the Township Board. Thereafter, 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.
2. 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 property owner who has filed a written request to be heard. This written request shall take the form of a certified mail letter from the property owner to the Township Clerk. All hearings subject to this subsection shall comply with the notice requirements of Section 3.11.

**D. Publication Of Notice Of Ordinance Amendments:** Following adoption of subsequent amendments to this Ordinance by the Township Board, one (1) notice of adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption. The notice shall include the following information:

1. Either a summary of the regulatory effect of the amendment including the geographic area affected, or the text of the amendment.
2. The effective date of the amended Ordinance.
3. The place and time where a copy of the amended Ordinance may be purchased or inspected.

*(Ord. #4 of 2006, 11-14-06)*

#### **Section 7.04 Resubmittal**

No application for an amendment which 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.

#### **Section 7.05 Comprehensive Review Of Zoning Ordinance**

The Planning Commission shall, from time to time, examine the provisions of this Ordinance and the location of zoning district boundary lines and shall submit a report to the Township Board recommending changes and amendments, if any, which are deemed to be desirable in the interest of public health, safety and general welfare.

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**End of Article 7**