

**ARTICLE 23  
ORDINANCE AMENDMENTS**

**SECTION 23.00 INITIATION OF AMENDMENTS**

The Township Board may, upon recommendation from the Township Planning Commission, amend, modify, supplement or change the regulations or the district boundaries of this Ordinance pursuant to the authority and according to the procedure set forth in Public Act 110 of 2006, as amended. Amendments to the text of this Ordinance may be initiated by the Township Board, the Planning Commission, or by petition from one or more residents or property owners of the Township. An amendment to the zoning district boundaries contained on the Official Zoning Map may be initiated by the Township Board, the Planning Commission or by the owner or owners of property, which is the subject of the proposed amendment. Whenever a petitioner requests a zoning district boundary amendment, he or she shall provide verification that he or she is the fee holder owner of the premises concerned or else have the fee holder owner also subscribe to his petition, and shall submit a petition for rezoning to the Township Clerk. All proposed amendments to the provisions of this Ordinance or the Official Zoning Map shall be referred to the Planning Commission for public hearing and recommendation to the Township Board, prior to consideration thereof by the Township Board. There shall be a twelve (12) month waiting period between a Township Board denial for a zoning district boundary change and a new request.

**SECTION 23.01 APPLICATION PROCEDURE**

An amendment to this Ordinance or the Official Zoning Map, except those initiated by the Township Board or Planning Commission, shall be initiated by submission of completed application on a form supplied by the Township, including an application fee, which shall be established from time to time by resolution of the Township Board.

In the case of an amendment to the Official Zoning Map, the following information shall accompany the application form:

1. Completed rezoning application form and fee to cover administrative cost for public notices and review by consultants;
2. A legal description and street address of the subject property, together with a map identifying the subject property in relation to surrounding properties;
3. The name and address of the owner of the subject property and a statement of the applicant's interest in the subject property if not the owner in fee simple title;
4. The existing and proposed zoning district designation of the subject property;
5. A written description of how the requested rezoning meets Sec. 23.03 Criteria for the amendment of the Official Zoning Map;

6. In the case of an amendment to this Ordinance, other than an amendment to the Official Zoning Map, a general description of the proposed amendment shall accompany the application form;
7. A traffic impact study, as described in Section 15.21, if required based on Section 23.03 (5).
8. If requested by the Planning Commission or the Township Board, a community impact statement shall be submitted.

## **SECTION 23.02 AMENDMENT PROCEDURE, PUBLIC HEARING AND NOTICE**

1. After the rezoning application is filed with the Township, it will be transmitted to the Chairman and Secretary of the Township Planning Commission or the Planning Commission may elect to initiate rezoning itself.
2. At the next regular meeting or special meeting of the Township Planning Commission, a date should be set for the public hearing on the rezoning as well as a special meeting of the Planning Commission at the same time. The chairperson is authorized by statute to call a special meeting of the Planning Commission and also schedule the public hearing upon receipt of the application from the Township Clerk or Supervisor. Then a special meeting just to schedule a special meeting and public hearing would not be necessary. However, the proposed zoning ordinance amendment (and map if applicable) should be on file before the hearing is scheduled or arrangements made to have it immediately on file; (the notices of the public hearing state that a copy is on file).
3. Upon receipt of an application for a use requiring special condition approval, the Planning Commission shall hold a public hearing, one (1) notice of which shall be published not less than fifteen (15) days prior to the public hearing date in a newspaper of general circulation in the Township. Also, the applicant, property owners and occupants of structures within 300 feet must be notified individually. The Public Hearing Notice shall also include the following:
  - a. Describe the nature of the request, including the proposed use, the street address of all properties that are the subject of the request or the parcel number where the street address is not available,
  - b. State when and where the public hearing will be held, state when and where written comments will be received and information concerning the request may be viewed. Note: If 11 or more adjacent properties are proposed for rezoning, no individual addresses of properties or specific individual property identification are required to be listed.
  - c. Not less than 15 days notice of the public hearing shall also be given by mail to each electric, gas pipeline and telephone public utility company and to each railroad operating within the district or zone affected by the rezoning or amendment that registers its name and mailing address with the Township Planning Commission for the purpose of receiving such notice. An affidavit of mailing must be maintained.

4. The Township Planning Commission should then meet at the scheduled time and place; the special meeting of the planning commission should be called to order with a roll call taken, and take any comments as a part of the “Open Meetings Act”, if any, that are unrelated to the public hearing; the planning commission should then “receive and file” the various affidavits that verify proper notice was given. The Planning Commission should then announce that the public hearing is open and proceed to take any comments from the public. When the public hearing is concluded, the Township Planning Commission can then proceed to discuss the amendment among themselves: as an important part of its review the Township Planning Commission should review the Township Master Plan to verify that the proposed rezoning is consistent with the Master Plan. The Township Planning Commission should make a recommendation for or against the proposed rezoning. Some changes in the proposal are possible at this point, but any potential change must stay within the framework of the notice and the original proposed Ordinance. A motion should then be made to forward the proposed zoning text and map to the St. Clair County Metropolitan Planning Commission together with a summary of any comments made at the public hearing and together the Township Planning Commission’s recommendation on the proposal. The same motion and information should then be forwarded to the Township Board.
5. That the Township Board cannot take action on the proposed rezoning until:
  - a. The St. Clair County Metropolitan Planning Commission makes a recommendation upon the proposed rezoning; or
  - b. The St. Clair County Metropolitan Planning Commission fails to make its recommendation to the Township Board within 30 days after having received the same from the Township Planning Commission. If the Township Board has not received a recommendation from the St. Clair County metropolitan Planning Commission within that 30 days, the County Planning Commission has waived its right to review the proposed ordinance and the Township Board may proceed without the same.
6. The Township Board approves or disapproves or modifies the proposed ordinance amendment and map:
  - a. If the proposal is approved, the Clerk should proceed to notify the Township and County Planning Commission, the individual requesting the rezoning, if any, and proceed to have the ordinance published as set forth below.
  - b. If the proposal is disapproved, no further action is required except to notify the appropriate individuals and commissions.
  - c. If the proposal is changed or modified by the Township Board, the Township Board must refer the proposed change and modification back to the Planning Commission, instructing the Township Planning Commission to file a report and recommendation on any proposed changes within a specific period of time. After receiving the report and recommendation back from the Township Planning Commission, the Township Board may then approve or disapprove the proposed

rezoning with or without the changes, provided that any changes have been considered by the Planning Commission. Any Proposed changes must stay within the framework of the original notice to the public and the original proposed ordinance.

- d. In the above process the Township Board is not required to hold a public hearing unless a public hearing is requested by the property owner. (suggestion: if a hearing is requested, the Township Board should direct one or more members of the Planning Commission to attend the public hearing) The notice for the public hearing must be published as above # 3.
7. If the ordinance is adopted, it should contain a specific clause stating it shall become effective 7 days after publication, subject to the provision of Section 401 of Public Act 110 of 2006.

### **SECTION 23.03 CRITERIA FOR AMENDMENT OF THE OFFICIAL ZONING MAP**

The following criteria shall be considered by the Planning Commission and Township Board in the review of any petition for amendment to the Official Zoning Map:

1. Consistency with the master plan goals, objectives and land use plan map and any adopted sub-area or corridor studies.
2. Compatibility of the site's physical, geological, hydrological and other environmental features with the host of uses permitted in the proposed district.
3. Compatibility of all of the potential uses allowed in the proposed zoning district with the surrounding uses and zoning in terms of land suitability, environmental impacts, density, characteristics of the use, traffic impacts, availability of infrastructure and potential influence on property values.
4. Ability of Township services and utilities to accommodate the uses permitted in the requested district in a manner that would not harm the "health safety and welfare" of the Township.
5. Ability of the existing street system to safely and efficiently support the expected traffic generated by the uses permitted in the requested zoning district. A Rezoning Traffic Study (RTS) prepared in accordance with the requirements of Section 15.21 is required for any proposed change to the zoning map that is either (1) inconsistent with the Township's Master Plan, or (2) involves other than residential down-zoning.
6. Consideration of the market demand for the types of uses permitted in the requested zoning district in relation to the amount of land currently zoned and available to accommodate the demand within the Township.
7. Whether the boundaries of the proposed district are reasonable in relationship to the ability of the site to accommodate development within the dimensional regulations of the proposed district.

8. Could the Township reasonably eliminate the need for the rezoning request by amending the list of permitted or special land uses in the current zoning district to accommodate the anticipated use?
9. Whether the requested rezoning would create an isolated and unplanned spot zone.
10. Whether the request has been previously submitted within the past one (1) year, unless conditions have changed in the opinion of the Planning Commission.

## **SECTION 23.04 CRITERIA FOR AMENDMENTS TO ZONING ORDINANCE TEXT**

The Planning Commission and Township Board shall consider the following criteria for initiating amendments to the zoning ordinance text or responding to a petitioners' request to amend the ordinance text.

1. The proposed amendment would promote the implementation of the goals and objectives of the Township's Master Plan or other corridor and sub-area plans.
2. The amendment is necessary to correct an error or clarify the intent of the Ordinance.
3. The amendment will alleviate problems identified by the Zoning Board of Appeals with the implementation or interpretation of specific sections of the Ordinance.
4. The amendment incorporates changes necessitated by revisions to state legislation.
5. The amendment addresses potential legal issues or administrative problems with the Zoning Ordinance based on recent case law or opinions rendered by the Attorney General of the State of Michigan.
6. The amendment will assist the Township in its role of protecting the health and safety of the public and / or would protect public and private investment within the Township and enhance the overall quality of life for Township residents.
7. The amendment promotes compliance with changes in other Township Ordinances and County, State or Federal regulations.
8. The amendment is supported by the findings of professional planning reports or other documentation regarding functional requirements such as building codes, environmental regulations and similar technical data.

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