

## Article 5 PROCEDURES for AMENDMENTS

### **Section 5.01 Purpose**

The purpose of this Ordinance is for establishing and maintaining sound, stable and desirable development within the territorial limits of 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 a particular area in the Township, to conform with changes to the Zone Plan and/or other ordinances of the Township, to meet public need for new or additional land uses in areas so contemplated by the Zone Plan, or to further protect the environment, neighborhoods, public infrastructure or other public investment in the Township.

### **Section 5.02 Initiation Of Amendments**

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

### **Section 5.03 Filing Fee**

The Township Board shall establish by resolution, a fee to be paid in full at the time of receipt of any application to amend this Ordinance. Said fee shall be collected by the Township Clerk and no part shall be refundable to the applicant. No fee shall be charged when the applicant is the Township Board or Zoning Board.

### **Section 5.04 Procedures**

**A. Application:** A petitioner shall submit 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 and reasons for such requested amendment. 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 submit a scaled map of the property clearly showing the property's location, correlated with the legal description, and sealed by a professional engineer or registered land surveyor. This requirement may be waived for applications made by the Zoning Board or Township Board if comparable documentation is provided.

**B. Zoning Administrator Review:** The Zoning Administrator shall review the application form to ensure it is complete. Any application not properly filed or complete shall be returned to the applicant. Complete applications shall be transmitted to the Zoning Board.

**C. Notice of Hearing:** After the Zoning Administrator has transmitted the amendment application to the Zoning Board, the Zoning Board shall establish a date for a public hearing on the application which will be conducted by the Zoning Board within sixty (60) days of the date of application receipt. The Zoning Board shall give notice of the public hearing in the following manner:

1. By two (2) publications in a newspaper of general circulation in the Township, the first to be printed not more than thirty (30) days, nor less than twenty (20) days and the second no more than eight (8) days before the date of the hearing.
2. For any proposed amendment to the Zoning Map affecting an individual property or several adjacent properties, written notice of the time and place of the hearing shall be delivered by mail, or personally, to the owner or owners of the property in question, to all persons to whom any real property within three hundred (300) feet of the premises in question is assessed, and to the occupants of single and two family dwellings within three hundred (300) feet of the premises in question. The notice shall be delivered at the address given in the last assessment roll. If the tenant's name is not known, the term "occupant" may be used. The notice shall be made at least eight (8) days prior to the hearing. Requirements of written notice to property owners shall not apply to comprehensive revisions to the Zoning Ordinance.
3. Written notice of the time and place of the hearing shall also be provided not less than twenty (20) days before the hearing to each electric, gas, pipeline, and telephone public utility company who registers its name and mailing address with the Zoning Board for the purpose of receiving the notice.

4. All notices shall also include the places and times at which the tentative text and any maps of the Zoning Ordinance may be examined.
5. An affidavit of all mailings shall be maintained.

#### **D. Zoning Board Actions**

1. Zoning Board Review: In reviewing any application for an amendment to this Ordinance, the Zoning Board 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 Zoning Board. The matters to be considered by the Zoning Board shall include, but shall not be necessarily limited to, the following:
  - a. What, if any, identifiable conditions related to the application have changed which justify the proposed amendment?
  - b. What are the precedents and the possible effects of such precedent which might result from the approval or denial of the petition?
  - c. 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?
  - d. Does the petitioned district change adversely affect environmental conditions, or the value of the surrounding property?
  - e. Does the petitioned district change generally comply with the Zone Plan.
  - f. Is the property in question able to be put to a reasonable economic use in the zoning district in which it is presently located.
  - g. Is the proposed change consistent with other zones, land uses and the trend of development in the area?
  - h. Was an error made in delineating the original district boundaries?
2. Outside Agency Review: In determining the above mentioned findings of fact, the Zoning Board may solicit information and testimony from officials of, but not limited to, the County Health Department, County Road Commission, County Drain Commission, any school district affected, and the County Planning Commission.
3. Zoning Board Recommendation: The Zoning Board shall transmit its findings of fact and a summary of comments received at the public hearing to the Township Board, and transmit its findings of fact to the County Planning Commission. The Zoning Board shall report its findings in full along with its recommendations for disposition of the application, to the Township Board and County Planning Commission within a period of sixty (60) days following the required public hearing in subsection (C) above.

#### **E. Township Board Actions**

1. After receiving the findings and recommendations of the Zoning Board, and after receiving the findings and recommendations of the County Planning Commission unless such review is waived by the County Planning Commission or not received by the Township within thirty (30) days of the County Zoning Board's receipt of the Township Zoning Board's findings and recommendations, the Township Board at any regular meeting or at any special meeting called for that purpose, shall consider said findings of fact and recommendations and vote upon the adoption of the proposed amendment. Such action shall be by Ordinance, requiring a majority vote of the Township Board.
2. The Township Board shall not deviate from the recommendation of the Zoning Board without first referring the application back to the Zoning Board, which shall be given a specified time period in which to make further recommendation to the Township Board, after which the Township Board shall take such action as it determines. In the event that the Township Board refers an application back to the Zoning Board, the Township Board shall make specific mention of their objections to results of the Zoning Board's findings and recommendations.
3. The Township Board may hold additional hearings if the Township Board considers it necessary. Notice of a public hearing held by the Township Board shall conform to the public hearing notice requirements of Section 5.04(C)(1) and (2) except that the notice need only be published once in a newspaper of general circulation in the Township, not more than fifteen (15) days nor less than five (5) days before the hearing.

**F. 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.

#### **Section 5.05 Resubmittal**

No application for an amendment to the Zoning Map 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 Township Board to be valid.

#### **Section 5.06 Comprehensive Review of Zoning Ordinance**

The Zoning Board shall, from time to time, or at intervals of not more than five (5) years, 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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