

## **ARTICLE 27**

### **AMENDMENTS**

#### **2701 AMENDMENT INITIATION**

This Ordinance may be amended as provided by law. Only the Township Board may amend this Ordinance, including the Official Zoning Map. Proposals for amendments or changes may be initiated by the Township Board on its own motion, by the Planning Commission, or by petition of owner(s) of property to be affected by the proposed amendment. The Planning Commission shall at least once per year prepare for the Township Board a report on the administration and enforcement of the Zoning Ordinance and recommendation for amendments or supplements to the Ordinance.

#### **2702 AMENDMENT PROCESS**

The following amendment process shall be followed:

A. Petitioner, if applicable, submits application and fees to the Zoning Administrator or his designated agent.

B. Zoning Administrator transmits application to Planning Commission, which sets hearing date, and publishes and provides required notices of public hearing as follows:

1. The Planning Commission shall publish notice of the request in a newspaper of general circulation in Whitehall Township.
2. Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in Whitehall Township.
3. The notice shall be given not less than fifteen (15) days before the date the application will be considered for approval. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection. The notice shall do all of the following:

(a) Describe the nature of the request;

(b) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used;

(c) State when and where the request will be considered; and

(d) Indicate when and where written comments will be received concerning the request. If an individual property or ten (10) or fewer adjacent properties are proposed for rezoning, the zoning commission shall give a notice of the proposed rezoning in above stated manner.

If eleven (11) or more adjacent properties are proposed for rezoning, the Planning Commission shall give notice of the proposed rezoning in the same manner mentioned above, except for the following:

(1) No notice is required to be given by mail or personal delivery to the owners of property for which the approval is being considered.

(2) No notice is required to be given to persons to whom real property is assessed within 300 feet of the property nor the occupants of all structures within 300 feet of the property.

(3) The listing of all existing street addresses within the property is not required to be listed in the notice.

C. Planning Commission holds public hearing, and makes a recommendation. A summary of the comments received at the public hearing are forwarded to the Township Board with its recommendation.

D. The Township Board either enacts or rejects the proposed ordinance amendment. If the Township Board considers departures from the amendment proposed, it may refer the same back to the Planning Commission for a report thereon within a time period specified by the Board.

E. The procedure for making amendments to this Ordinance shall be in accordance with Public Act 110 of 2006, MCL 125.3101 et. seq.

## **2703 APPLICATION REQUIREMENTS**

A petition for a change in the Zoning Ordinance made by a property owner shall include a detailed description of the amendment proposal, including the following information:

- A. A legal description of the property, if the request is for an amendment to the Zoning Map.
- B. A map of the property, to scale, correlated with the legal description and clearly showing the property location, if the request is for an amendment to the Zoning Map.
- C. The name and address of the petitioner.
- D. The petitioner's interest in the property, if the request is for an amendment to the Zoning Map.
- E. Date of filing with Zoning Administrator.
- F. Signature(s) of petitioner(s) and owner(s) certifying the accuracy of the required information.
- G. The desired change and reasons for such change.
- H. A statement that the petitioner will reimburse the Township for its costs and attorney fees incurred in reviewing and/or adopting the amendment.

## **2704 FACT FINDING BY PLANNING COMMISSION**

A. In reviewing any petition for a zoning amendment, the Planning Commission shall identify and evaluate all facts relevant to the petition and shall report its findings in full, along with its recommendation for disposition of the petition, to the Township Board, within ninety (90) days of the filing date of the petition.

B. The facts to be considered by the Planning Commission shall include, but not be limited to, the following:

- 1. Whether the proposed zoning change is justified by a change in conditions since the original Ordinance was adopted, or by an error in the Ordinance.

2. The precedents and the possible effects of such precedents, which might likely result from approval or denial of the petition.
3. The ability of the Township or other governmental agencies to provide any service, facilities, and/or programs that might be required if the petition were approved.
4. Any significant and negative environmental impacts which would occur if the petitioned zoning change and resulting development were approved; including, but not limited to, surface water drainage problems, wastewater disposal problems, or the loss of locally valuable natural resources.
5. The effect of approval of the petition on adopted development policies of Whitehall Township.
6. The Township Land Use Plan.

C. All findings of fact shall be made a part of the public record of the Planning Commission and the Township Board.