

Article 5

PROCEDURES FOR AMENDMENTS

Section 5.01 PURPOSE AND INTENT

The purpose of this Ordinance is for establishing and maintaining sound, stable and desirable development within the territorial limits of the Township. It is intended that this Ordinance be amended only 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 Comprehensive Development Plan and/or other ordinances of the Township, to meet public need for new or additional land uses in areas so contemplated by the Comprehensive Development Plan, or to further protect the environment, neighborhoods, public infrastructure or other public investment in the Township.

Section 5.02 INITIATION OF AMENDMENTS

Only the Township Board may amend this Ordinance. Proposals for amendments or changes 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 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 Planning Commission.

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. 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 the following information:

1. A legal description of the property.
2. A scaled map of the property, correlated with the legal description, and clearly showing the property's location.
3. The name and address of the applicant.
4. The applicant's interest in the property, and if the applicant is not the owner, the name and address of the owner.
5. Date of filing with the Township Zoning Administrator.
6. The desired change and reasons for such change.
7. Signature(s) of petitioner(s) and owner(s) certifying the accuracy of the required information.

B. Action of Zoning Administrator: 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 Planning Commission.

C. Notice of Hearing: After the Zoning Administrator has transmitted the amendment application to the Planning Commission, the Planning Commission shall establish a date for a public hearing on the application which will be conducted by the Planning Commission within sixty (60) days of the date of application receipt. The Planning Commission shall give notice of the public hearing in the following manner. (Amendment 99-2)

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 Township Planning Commission 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. Planning Commission Actions

1. 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. The matters to be considered by the Planning Commission shall include, but shall not be 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 adopted Comprehensive Development 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?
2. Outside Agency Review: 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, any school district affected, and the County Planning Commission.
3. Planning Commission Recommendation: The Township Planning Commission shall transmit its findings of fact and a summary of comments received at the public hearing to the County Planning Commission and Township Board. The Township Planning Commission shall report its findings in full along with its recommendations for disposition of the application, to the County Planning Commission and Township Board within a period of sixty (60) days following the required public hearing in subsection (C) above.

E. Township Board Actions

1. After receiving and reviewing the findings and recommendations of the Township Planning Commission, and the recommendations of the County Planning Commission if

received within thirty (30) days of receipt from Township Planning Commission's 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 Township Planning Commission without first referring the application back to the Planning Commission, which shall have thirty (30) days after such referral 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 Planning Commission, the Township Board shall make specific mention of their objections to results of the Planning Commissions findings and recommendations.

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 Planning Commission 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.