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**CHANGES AND AMENDMENTS**

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## **ARTICLE 25: CHANGES AND AMENDMENTS**

### **SECTION 25.01: PURPOSE AND INTENT**

To assure sound, consistent, and desirable development within the Charter Township of Marquette, this Ordinance may be amended from time to time as conditions warrant. Revisions may be required due to changing socio-economic conditions, rezoning, the enlargement of existing district boundaries, to correct or clarify certain sections, or to revise or change regulations, restrictions, or standards.

### **SECTION 25.02: CHANGES AND AMENDMENTS**

Changes and amendments to this Ordinance shall be consistent with the following procedures:

#### **A. INITIATION**

Only the Township Board has the authority to amend or change this Ordinance. Proposals for amendments or changes may be initiated by the Township Board on its own motion, by the Planning Commission, or by an individual.

#### **B. TEXT AMENDMENTS**

The application for an amendment to the text of this Ordinance shall state in particular the article, section, subsection, and paragraph sought to be amended. The application shall contain the language of the proposed amendment and shall state the reasons for the proposed change in the text.

#### **C. MAP AMENDMENT**

Applications to rezone any property, or which seek to change or modify the standards and requirements imposed on a particular property by the text and maps of this Ordinance, including applications for variations and special use permits, shall be instituted by the Township.

### **SECTION 25.03: SUMMARY OF THE AMENDMENT PROCESS**

- A. Petitioner shall submit an application and the fee established by the Township Board in accordance with *Article 26, Administration and Enforcement, Section 26.14, Fees*, to the Township Zoning Administrator.
- B. The Zoning Administrator shall transmit the application to the Planning Commission who will set a public hearing date, and cause the notice of public hearing to be published as outlined in *Section 25.04, Procedures*.

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### **SECTION 25.03: SUMMARY OF THE AMENDMENT PROCESS – (Cont.)**

- C. The Planning Commission shall hold a public hearing and make a recommendation to the Township Board. A written summary of the comments received at the public hearing along with the recommendation of the Planning Commission shall be forwarded to the County Planning Commission in accordance with the requirements of The Michigan Zoning Enabling Act, *Public Act 110 of 2006, as amended*, and also to the Township Board.
- D. After the review of the recommendation by the Township Planning Commission along with any comments from the County Planning Commission, the Township Board may, at their discretion, hold an additional public hearing if considered necessary. Notice of public hearing to be held by the Township Board shall be published by one (1) publication in a newspaper which is circulated in the Township and shall be given not less than fifteen (15) before the date of the hearing. After receiving the recommended change or amendment, the Township Board, at a regular meeting or at a special meeting called for that purpose, shall consider the recommendation. Any change or amendment shall be approved by a majority vote of the members of the Township Board. The Planning Commission shall respond to the Township Board with their recommendation regarding any change or departure to the original recommendation within a time frame specified by the Township Board.

### **SECTION 25.04: PROCEDURES**

The procedure for making amendments to this Ordinance shall be as follows:

- A. A petition, together with a completed application and fee shall be filed with the Zoning Administrator. The application must be received by the Zoning Administrator not less than fifteen (15) days prior to a regularly scheduled meeting of the Township Planning Commission. The Zoning Administrator shall review the application for completeness and shall forward it to the Township Planning Commission for review. The Planning Commission shall establish a date for a public hearing and the Zoning Administrator shall give proper notice of the hearing.
- B. Before submitting a recommendation regarding a rezoning or text amendment, the Township Planning Commission shall hold at least one (1) public hearing, notice of which hearing shall be given by one (1) publication in a newspaper of general circulation in the Township, not less than fifteen (15) days before the date of hearing. Not less than **fifteen (15)** days notice of the time and place of the 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, that registers its name and mailing address with the Township Planning Commission for the purpose of receiving the notice.

An affidavit of mailing shall be maintained. The notice shall include the date, place, time, and purpose of the hearing and the location where the tentative text and any maps relative to the issue may be examined.

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### **SECTION 25.04: PROCEDURES – (Cont.)**

- C. When an individual property or several adjacent properties are proposed for rezoning, the Township Zoning Administrator shall serve notice of the proposed rezoning to the owner 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 all single and two (2) family dwellings within three hundred (300) feet. The notice shall be delivered personally or by mail to the respective owners and tenants at the address given in the last assessment roll. If the tenant's name is not known, the term "occupant" may be used. If the notice is delivered by mail, an affidavit of mailing shall be filed with the Planning Commission before the hearing. The notice shall be made in accordance with *Section 24.04 Procedures, Item B*, and shall state the date, place, time, and the purpose of the hearing. An amendment for the purpose of conforming a provision of this Zoning Ordinance to the decree of a court of competent jurisdiction as to any specific lands may be adopted by the Township Board and the notice of the adopted amendment published without referring the amendment to any other board or agency provided for under the requirements of The Michigan Zoning Enabling Act, *Public Act 110 of 2006, as amended*.

### **SECTION 25.05: APPLICATION INFORMATION**

- A. The petitioner shall submit a detailed application to the Zoning Administrator, and when the petition involves a rezoning and/or change to the zoning map, the petitioner 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 petitioner.
  4. The petitioner's interest in the property, and if the petitioner is not the owner, the name and address of the owner.
  5. Date of filing with the Zoning Administrator.
  6. Signature(s) of petitioner(s) and owner(s) certifying the accuracy of the required information.
  7. The desired change and detailed reasons for such change.

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### SECTION 25.06: FACT FINDING

- A. In reviewing a petition for a zoning change or amendment, the Planning Commission shall identify and evaluate all factors relevant to the petition, and shall report its findings in full, along with its recommendations for disposition of the petition, to the Township Board, within thirty (30) days from the date of the public hearing on the petition.
- B. The questions to be considered by the Planning Commission relative to a petition for a zoning change or amendment shall include, but are not limited to, the following:
1. If a rezoning request, is the area proposed to be rezoned an appropriate location for the proposed zone, and is the requested zoning change or amendment justified by reason of a change in conditions since the original ordinance was adopted or if there was an error in judgment, procedure, or administration which justifies the petitioned change;
  2. Is the requested zoning change or amendment consistent with the goals and policies, and other elements of the *Charter Township of Marquette Comprehensive Plan*;
  3. What may be the long term effects of precedent which may result from approval or denial of the petition;
  4. Does the Township or other affected government agencies have the capability to provide the necessary services, facilities, and/or programs that might be required if the petition is approved;
  5. Are there any potentially significant and/or negative environmental impacts if the petitioned zoning change were approved and the resulting permitted structures built, including by not limited to, surface water drainage problems, wastewater disposal problems, or the loss of a locally valuable natural resource;
  6. What may be the potential effect of either approval or denial of the petition upon adopted development policies of the Township or other governmental units;
  7. What is the potential effect of the petitioned zoning change upon the value of adjacent and/or surrounding properties;
  8. Has an environmental impact assessment or statement been submitted.

**NOTE:** All findings of fact, regarding any petition for a rezoning and/or change or amendment, shall be recorded in the official minutes and made a part of the public record for all meetings of the Planning Commission, the Township Board, and the Zoning Board of Appeals.