

ARTICLE 29 AMENDMENTS AND DISTRICT CHANGES; PROCEDURES

Updated 10-26-2020

Whenever the public necessity, convenience, general welfare or good zoning practice require, the regulations, restrictions, and district boundaries set forth in this ordinance may be amended, supplemented, changed, or repealed, provided, however, that no such action may be taken until a public hearing is held in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard.

An amendment, supplement, or change to the text or map of the Zoning Ordinance may be initiated by the Charter Township Board or the Charter Township Planning Commission on a motion by either of these bodies, or by a verified application of one (1) or more of the owners or lessees of property within the area proposed to be changed or affected by this ordinance.

Sec. 29.01 PROCEDURE FOR CHANGES.

A. APPLICATIONS. An application for amendment or district change shall be submitted to the Allendale Charter Township Planning Commission on forms prescribed by the Planning Commission. Each application must be complete, and the Planning Commission may reject any application which is not complete. Each application shall be accompanied by the appropriate filing fee.

(Ord. No. 2017-10, eff. 10-16-2017)

B. NOTICE OF PUBLIC HEARING. Before submitting its recommendations on a proposed amendment of the text or a district change, the Planning

Commission shall hold at least one (1) public hearing. Notice of the public hearing shall be given as required by the Michigan Zoning Enabling Act. The notice shall be given not less than fifteen (15) days before the date of the public hearing. Notice shall be published in a local newspaper of general circulation. For district changes involving ten or fewer adjacent properties, notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet of the boundary of the property in question. If the name of the occupant is not known, the term "occupant" may be used in making notification.

Notification need not be given to more one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.

The notice of public hearing must contain the following information: a description of the nature of the request, a description of the property in question (using the street addresses if available, unless 11 or more adjacent properties are proposed for rezoning, in which case street addresses are not required), the time and place of the public hearing, and when and where written comments will be received concerning the request.

Not less than fifteen (15) days notice of the time and place of such hearing shall also be given by certified mail to each electric, gas, pipeline, and telephone public utility company that registers its name and mailing address with the Planning Commission for the purpose of receiving such notice and to each railroad operating within the district or zone affected. The notices shall include the places and times at which the proposed amendment to the text or the district change any maps of this ordinance may be examined.

C. PUBLIC HEARING. The public hearing shall be held on the date and at the time specified in the notice. The public hearing may be adjourned by the Planning Commission for good cause. In that event, notices of the adjourned hearing shall be given in the same manner as specified above, and the party requesting the adjournment shall reimburse the Township for the costs of re-noticing the adjourned public hearing. The public hearing shall be conducted by the Planning Commission, and all interested persons shall be afforded an opportunity to present written or oral comments.

D. REZONING EVALUATION

FACTORS. In considering a request for a district change, the Planning Commission and Township Board should evaluate the extent that the request meets the following:

1. Consistency with the Master Plan text and its maps.
 2. Compatibility with the existing zoning districts as well as existing and possible future uses in those zoning districts.
 3. The capability of the land to support the uses permitted by the requested zoning district and whether the uses permitted are capable of being adequately served by the following:
 - a. The existing transportation network.
 - b. Utilities.
 - c. The environment.
 - d. Other public improvements.
 - e. Relevant governmental agencies.
- (Ord. No. 2020-4, eff. 10-26-2020)*

E. CHARTER TOWNSHIP BOARD.

The Planning Commission shall then submit the proposed amendment to the Charter Township Board recommending, in writing, that it be granted or denied. After receiving the report, the Charter Township Board shall grant a hearing on the proposed amendment to any property owner who by certified mail requests to be so heard or may schedule a hearing on the matter of its own volition. The Charter Township Board shall request that a representative of the Planning Commission to attend any such hearing to present its recommendation on the matter.

Sec. 29.02 RE-HEARING ON CHANGES.

Whenever a proposed amendment or district change has not been adopted by the Charter Township Board, the Planning Commission shall not consider the same amendment or

district change for a period of one (1) year, unless it is determines that new conditions and circumstances exist, or unless the Township Board initiates a request for such amendment or district change.

*Updated 6-12-17
Ord. No. 2017-7*

*Updated 10-16-17
Ord. No. 2017-10*

*Updated 10-26-20
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