

**ARTICLE 58.0
AMENDMENT PROCEDURE**

SECTION 58.01-INITIATING AMENDMENTS AND FEE

The Township Board may from time to time, on recommendation from the Planning Commission, amend, modify, supplement or revise the district boundaries or the provisions and regulations herein established whenever the public necessity and convenience and the general welfare require such amendment. Said amendment may be initiated by resolution of the Township Board, the Planning Commission, or by petition of one or more owners of property to be affected by the proposed amendment. Except for the Township Board, or the Planning Commission, the petitioner or petitioners requesting an amendment shall at the time of application pay the fee established by the Township Board, no part of which shall be returnable to the petitioner.

SECTION 58.02-AMENDMENT PROCEDURE

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

A. Compliance with State Law

The procedure for amending this Ordinance shall be in accordance with all provisions of the Michigan Zoning Enabling Act.

B. Procedure

1. Each petition for amendment by one or more owners of property shall be submitted to the Township Board who shall refer it for recommended action to the Planning Commission.
2. A public hearing shall be held for all proposed amendments in accordance with Section 57.10 (Public Hearing Procedures).
3. Subsequent to the hearing, the Planning Commission shall review the proposed amendment, together with any reports and recommendations from officials, consultants, other reviewing agencies, and any public comments. The Planning Commission shall identify and evaluate all relevant factors, and shall report its findings of fact, conclusions, and recommendation to the Township Board.
4. Upon completion of public hearings as required, the proposed amendment or supplement may be submitted to the Washtenaw County Planning Advisory Board for review and recommendation.
5. The petition shall then be submitted to the Township Board by the Planning Commission for action in accordance with Section 401 of the Michigan Zoning Enabling Act.

C. Signage

1. For any proposed amendment to the zoning map, the petitioner(s) or owner(s) of the property proposed to be rezoned shall place a four (4) by eight (8) foot sign on each side of the property that abuts a street. Each sign shall have lettering easily readable from the abutting street. The sign shall not be erected in the road right-of-way or in a manner to obstruct vision of motorists or pedestrians.
2. If the property proposed for rezoning does not abut a street, the sign shall be placed on each side of any contiguous land owned by the petitioner(s) or owner(s) of such parcel, which does abut such a street.
3. If no such contiguous property abutting a street is owned by the petitioner(s) or owner(s) of the property proposed for rezoning, the sign(s) shall be placed in such location(s) on the property that the Zoning

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Inspector deems will best inform the public of the proposed rezoning. If the Zoning Inspector determines that there is no location where a sign could be placed that would be visible to the public, the Zoning Inspector may waive the requirement of posting.

4. Each sign shall be erected at least twenty-one (21) days, but not more than thirty (30) days, before the Planning Commission's public hearing on the petition for rezoning.
5. Each sign shall be removed from the property no later than three (3) business days following the public hearing, adjourned, or continued date thereof, whichever is later.
6. Each sign shall have lettering easily readable from the abutting street. Each sign shall state "PROPERTY PROPOSED FOR REZONING", give the street address or tax code number(s), acreage, and a diagram of the property proposed for rezoning; state the current and proposed zoning classifications; and state the date, time and place of the initial public hearing on the petition for rezoning.
7. The petitioner shall post a bond in an amount not to exceed one hundred dollars (\$100) per sign to ensure the removal of the sign as heretofore provided.
8. The Zoning Inspector shall inspect the property proposed for rezoning to see that it complies with this section and shall submit an affidavit of such determination to the Planning Commission not less than seven (7) days prior to the public hearing on the petition.
9. Signs erected under this section are exempt from other provisions of this Ordinance regulating signs.
10. In the event a petition for zoning amendment is initiated by the Township Board or Planning Commission, the Township shall be exempt from the requirements for posting of signs. The Township shall meet other applicable notice requirements.
11. Failure to comply with any provision of this Section shall not constitute grounds for invalidating or setting aside the granting of a petition for rezoning, but shall constitute grounds for adjourning and rescheduling the public hearing. Further, the additional number of days required for holding the rescheduled public hearing shall be added to the required period within which action by the Planning Commission must otherwise be taken under this Ordinance. The recommendation filed by the Planning Commission with the Township Board shall state whether the petitioner has complied with this section.

D. Time Limits and Extension Thereof

The Planning Commission shall report its findings and its recommendations for disposition of the petition to the Township Board following the public hearing, but within one hundred eighty (180) days of the filing date. This time limit may be extended by agreement between the petitioner and the Planning Commission.

E. Board Action

If the Township Board shall deem advisable any changes, additions, or departures as to the proposed amendment, it shall refer the request to the Planning Commission for a report thereon within a time specified by the Board. Thereafter, the Board may act upon the petition.

F. Re-Application

Whenever an application for an amendment to this Ordinance has been rejected by the Township Board, a new application for the same amendment shall not be accepted by the Township for a period of 365 calendar days unless the Township Board determines that one or more of the following conditions has been met:

1. There is a substantial change in circumstances relevant to the issues or facts considered during review of the application.

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2. New or additional information is available that was not available at the time of the review.
3. The new application is materially different from the prior application.

G Conditional Rezoning Prohibited

Conditional rezoning, as authorized by Section 405 of the Michigan Zoning Enabling Act, shall be prohibited in Lodi Township. Any application for a rezoning amendment to the official zoning map that includes proposed conditions or voluntary use or development limitations shall be returned to the applicant without Township review or consideration.

SECTION 58.03-INFORMATION REQUIRED**A. Zoning Map Amendment**

When the petition involves an amendment to the official zoning map, the petitioner shall submit the following information:

1. A legal description of the property, including a street address, if applicable, and the tax code numbers(s).
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. If the petitioner is not the owner, the name and address of the owner(s), and the signed consent of the owner(s) to the petition. In the event a petition for zoning amendment is initiated by the Township Board or Planning Commission, the signed consent of the owner(s) to the petition shall not be required.
5. Signature(s) of the petitioner(s) and owner(s), certifying the accuracy of the information. In the event a petition for zoning amendment is initiated by the Township Board or Planning Commission, the certification by the owner(s) shall not be required.
6. Identification of zoning district requested and the existing zoning classification of subject property.
7. Vicinity map showing location of property, and adjacent land uses and zoning classifications.
8. General description of natural resources and features, including, but not limited to, wetlands, streams, and other water bodies, slopes over twelve percent (12%), woodlands, and floodplains, to be depicted on scaled drawings. In the event a petition for zoning amendment is initiated by the Township Board or Planning Commission, this general description shall not be required.
9. Reasons for the proposed amendment or zoning classification.

B. Zoning Ordinance Amendment

When a petition involves a change in the text of the Zoning Ordinance, the petitioner shall submit the following information:

1. A detailed statement of the petition, clearly and completely setting forth all proposed provisions and regulations, including all changes in the Zoning Ordinance necessary to accommodate the proposed amendment.

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2. Name and address of the petitioner.
3. Reasons for the proposed amendment.

SECTION 58.04-CONFORMANCE TO COURT DECREE

Any amendment for the purpose of conforming a provision thereof to the decree of a court of competent jurisdiction may be adopted by the Township Board and the amendments published without referring the same to any other board or agency.

SECTION 58.05 FINDINGS OF FACT REQUIRED

In reviewing any petition for a zoning amendment, the Planning Commission shall identify and evaluate all factors relevant to the petition. The Planning Commission shall report its findings, along with its recommendation for disposition of the petition, to the Township Board, within a period of one hundred eighty (180) days of the filing date of complete application unless the time period has been extended in accordance with other provisions herein. All findings of fact shall be made a part of the public records of the meetings of the Planning Commission. The facts to be considered by the Planning Commission shall include, but shall not be limited to, the following:

- A. Whether or not the requested zoning change is justified by a change in conditions since the original Ordinance was adopted, or by an error in the original Ordinance.
- B. The precedents, and the possible effects of such precedents, that might result from approval or denial of the petition.
- C. The capacity of Lodi Township or other government agencies to provide any services, facilities, and/or programs that might be required if the petition were approved.
- D. Effect of approval of the petition on the condition and/or value of property in Lodi Township or in adjacent municipalities.
- E. Relation of the petition to the adopted General Development Plan of Lodi Township, and of other government units where applicable.

A petition shall not be approved unless these and other facts are affirmatively resolved in terms of resource guardianship, public necessity, convenience, and safety, and the general welfare of Lodi Township and of other governmental agencies, where applicable.

SECTION 58.06 PUBLICATION OF APPROVED AMENDMENT

Following Township Board approval of a petition to amend the Zoning Ordinance, notice of the amendment shall be published within fifteen (15) days of such approval in a newspaper of general circulation within Lodi Township. The notice of adoption shall include the following information:

- A. The Article and Section of the Ordinance amendment, in the case of a text amendment;
- B. Either a summary of the regulatory effect of the amendment, including a map of the geographic area affected, or the text of the amendment;
- C. The effective date of the amendment; and
- D. The place and time where a copy of the Ordinance may be inspected and/or purchased.

Article: 58.0 AMENDMENT PROCEDURE**SECTION 58.07 REFERENDUM**

Within seven (7) days after publication of an approved amendment to the Zoning Ordinance per Section 58.06, a registered elector residing in the unincorporated portion of Lodi Township may file with the Township Clerk a notice of intent to file a petition under this Section.

- A.** If a notice of intent is filed, then within thirty (30) days following publication of an approved amendment, a petition signed by a number of registered voters residing in the unincorporated portion of Lodi Township equal to not less than fifteen (15) percent of the total vote cast in the Township for all candidates for governor at the last preceding general election at which a governor was elected may be filed with the Township Clerk requesting that the amendment be submitted to the electors residing in the unincorporated portion of Lodi Township for their approval.
- B.** Upon the filing of a notice of intent, the approved amendment shall not take effect until one (1) of the following occurs:
- 1.** The expiration of thirty (30) days after publication of an approved amendment, if a petition is not filed within that time.
 - 2.** If a petition is filed within thirty (30) days after publication of an approved amendment, the Township Clerk determines that the petition is inadequate.
 - 3.** If a petition is filed within thirty (30) days after publication of an approved amendment, the Township Clerk determines that the petition is adequate and the amendment is approved by a majority of the registered electors residing in the unincorporated portion of Lodi Township voting thereon at the next regular election which supplies reasonable time for proper notices and printing of ballots, or at any special election called for that purpose on a regular election date. The Township Board shall provide the manner of submitting the amendment to the electors for their approval or rejection, and determining the result of the election.

