

ARTICLE 4. AMENDMENTS

Section 4.01 Initiation of Amendments

The Township Board may amend, modify, supplement or revise the zoning district boundaries shown on the official zoning map or the provisions of this ordinance. An amendment to the zoning district boundaries contained on the official zoning map may be initiated by the Township Board, the Planning Commission or by the owner or owners of property which is the subject of the proposed amendment. Amendments to the provisions of this ordinance may be initiated by the Township Board, the Planning Commission or by petition of one or more property owners in Conway Township. All proposed amendments shall be referred to the Planning Commission for review and recommendation before the Township Board may take action.

Section 4.02 Application Procedure and Fees

The procedures, requirements, and provisions for amending this ordinance shall be in accordance with the MZEA, MCL 125.3101 et seq, as amended. Except those initiated by the Township Board or Planning Commission, all proposed amendments shall require submission of a completed application (Petition) to the Township Clerk on a form supplied by the Township and payment of an application fee. The Township Board shall establish fees for zoning amendment petitions. The fee shall be paid at the time the petition is filed and no part of such fee shall be returnable to the petitioner. Fees shall not be required for amendments requested by a government agency or body.

Section 4.03 Amendment Petition

A. Map Amendments. If a petition involves an amendment to the official zoning map or rezoning, the petitioner shall submit the following information to the Township Clerk:

1. A legal description of the property, including a street address and the tax code number(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 of record, the name and address of the owner(s) of record, and that owner(s) signed consent to the petition.

5. Signature(s) of the petitioner(s) and owner(s), certifying the accuracy of the information.
6. Identification of the zoning district requested and the existing zoning classification of the property.
7. A vicinity map showing the location of the property and adjacent land uses and zoning classifications.
8. A written description of how the requested rezoning meets the Criteria for Amendment (Section 4.06).
9. Any additional information deemed appropriate by the Planning Commission.

B. Text Amendments. If a petition involves a change in the text of the zoning ordinance, the petitioner shall submit the following information to the Township Clerk:

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.
2. Name and address of the petitioner.
3. Reasons for the proposed amendment, including how the amendment meets criteria the Township has established for such purposes.

Section 4.04 Public Hearing and Notice

Upon initiation of an amendment, a public hearing on the proposed amendment shall be scheduled before the Planning Commission. Notice shall be given in accordance with the MZEA, MCL 125.3103 et seq, as amended. The Township Board may hold additional hearings it deems necessary in accordance with the MZEA, MCL 125.3103 et seq., as amended.

Section 4.05 Action Procedures

A. Following the conclusions of the public hearing or hearings, the Planning Commission shall identify and evaluate all factors relevant to the petition and shall make a recommendation on the amendment petition based on its consideration of the criteria contained in Section 4.06, or any other applicable criteria. The recommendation shall be sent to the Livingston County Planning Commission for review pursuant to the MZEA, MCL 125.3103 et seq., as amended.

- B. Upon receipt of findings and recommendation from the Planning Commission and the County Planning Commission, the Township Board shall consider the proposed amendment.
- C. In the case of an amendment to the text of this ordinance, the Township Board may modify or revise the proposed amendment as recommended by the Planning Commission, prior to enactment. In the case of an amendment to the official zoning map, the Township Board shall approve or deny the amendment, based on its consideration of the criteria contained in Section 4.06.

Section 4.06 Criteria for Amendment of the Official Zoning Map

In reviewing a petition for an amendment to the official zoning map, the Planning Commission and Township Board shall consider the following criteria in making its findings, recommendations and decision.

- A. Whether or not the proposed 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 effect of such precedents, which might result from approval or denial of the petition.
- C. The capacity of Conway Township or other government agencies to provide any services, facilities, or programs that might be required if the petition were approved.
- D. Effect of approval of the petition on the condition and value of property in Conway Township or in adjacent communities.
- E. Compatibility of the site's physical, geological, and hydrological and other environmental features with the host of uses permitted in the proposed zoning district.
- F. The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, density, nature of use, traffic impacts, aesthetics and infrastructure.
- G. Relationship of the petition to the adopted Conway Township Comprehensive Plan.
- H. Where a rezoning is reasonable given the above criteria, a determination that the requested zoning district is more appropriate than another district or amending the list of permitted or special uses within a district.

All findings of fact shall be made a part of the public records of the meetings of the Planning Commission.

Section 4.07 Notice of Amendment

Following Township Board approval of a petition to amend under this Article, notice of the amendment shall be published in accordance with the MZEA, MCL 125.3103 et seq, as amended.

Section 4.08 Conformance to Court Decree

An amendment for the purpose of conforming to a provision of a decree issued by a court of competent jurisdiction as to any specific lands in the Township may be adopted by the Township Board and the notice of amendment published without referring the amendment to any other board or agency.