

Melrose Township MAP AMENDMENTS REZONING EVALUATIONS

Changing the zoning designation on any property can have far-reaching consequences, physically, environmentally, financially, and legally. Therefore, a careful evaluation of proposed rezonings is essential. As with any zoning decision, the use of standards is essential to reaching fair and consistent decisions. Although the Zoning Acts do not require written standards in the Ordinance for rezoning decisions, a number of court decisions and legal writings have resulted in some common evaluation tools, such as the following:

1. Consistency with the goals, policies, and future land use plan of the Master Plan

If conditions upon which the Master Plan was developed have changed significantly since adoption of the Plan, the Planning commission and Township Board of Trustees should consider these events as part of their deliberation to insure that the Master Plan is current. Changes to consider include economic factors, demographic shifts, new utility lines, changing traffic conditions, or other reasons.

2. Environmental compatibility and compatibility with surrounding property- Is this an appropriate location for all the uses which are permitted under the requested district or zone?

ALL of the uses allowed in the proposed district should be compatible with the environmental conditions present on the site and with neighboring properties, especially in terms of density, character, traffic, aesthetics, and property values. The purposes of zoning are designed to insure this compatibility.

3. Reasonable use - Can the property be reasonably used as currently zoned?

It is the right of every property owner to receive a reasonable return on their investment. This does NOT mean “highest and best use” but rather there should be a reasonable use available within the zoning district.

6. Demand for the use - Are adequate sites available elsewhere that are already properly zoned to accommodate the proposed use?

There should be some relationship between the amount of land zoned to accommodate certain uses and the logical demand for those uses. An excessive amount of land zoned for individual categories of use can lead to blighted areas and haphazard development.

7. Is the proposed change out of scale with the needs of the community?

8. Appropriate district - is the use more appropriately handled as a special land use in the existing district or another district?

It may be possible that the use requested is allowed in another, more suitable district, or it may be that an amendment to the uses allowed in the existing district would be more appropriate.

9. Ordinance compliance

The district should be able to safely accommodate the requirements of the Zoning Ordinance for parking, setbacks, etc. Other factors may be considered, as required by the specific conditions found on the site. Remember, site plans should never be considered as part of a rezoning request (with the exception of a PUD). The Planning Commission and Board of Trustees body should not be swayed by what is proposed by the petitioner. Instead, keep in mind that ALL of the uses permitted in the proposed district may be placed on the site, not just the one shown on the site plan or indicated in the request.

10. Spot Zoning - Would the rezoning constitute a spot zone granting a special privilege to one landowner not available to others?

11. Was there a mistake in the original zoning classification?

12. Is the proposed boundary appropriate?

Amendment Procedures – Text or map

- Planning Commission conducts a public hearing (Notice must be published twice, the first not more than 30 days or less than 20 days and the second not more than 8 days before the date of the hearing. Additionally, notices must be given to property owners within 300 feet of the property in question).
- Planning Commission considers testimony at the Public Hearing and its own finding in order to make a recommendation. A summary of the public hearing comments along with the Planning Commission's recommendation is sent to the Township Board for their vote.
- The Planning Commission also sends its recommendation to the County Planning Commission, which has 30 days to respond.
- The Township Board can either accept the Planning Commission recommendation or returns it to the Planning Commission for further review
- Notice of adoption must be printed within 15 days
- Referendum may be held on an amendment if properly filed within 30 days.
- Appeals go to Circuit Court, not the ZBA.