

ORDINANCE NO. 145

**LAKETOWN TOWNSHIP**

**ZONING TEXT AMENDMENT ORDINANCE**

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF LAKETOWN TOWNSHIP, ALLEGAN COUNTY, MICHIGAN (THE "ZONING ORDINANCE"), TO COMPLY WITH THE MICHIGAN ZONING ENABLING ACT, AND TO ESTABLISH AN EFFECTIVE DATE.

THE TOWNSHIP OF LAKETOWN, COUNTY OF ALLEGAN, AND STATE OF MICHIGAN ORDAINS:

Section 1. Legal Basis. Section 2.03 of the Zoning Ordinance shall be amended in its entirety as follows.

**SECTION 2.03 LEGAL BASIS.** This Ordinance is enacted pursuant to Michigan Act 110 of 2006, as amended.

Section 2. Zoning Act. Section 3.51 of the Zoning Ordinance shall be amended in its entirety as follows.

**SECTION 3.51 ZONING ACT.** Michigan Act 110 of 2006, as amended.

Section 3. Planned Unit Development Procedures. Section 13.07.A and Section 13.07.C of the Zoning Ordinance shall be amended in their entirety as follows (Section 13.07.B and Section 13.07.D. shall remain unchanged).

- A. Application - Applications for a Planned Unit Development shall be submitted thirty (30) days prior to the next scheduled Planning Commission meeting through the Zoning Inspector. The Zoning Inspector will review the application for completeness and then transmit it to the Planning Commission. Each application shall be accompanied by the payment of a fee in accordance with the schedule of fees adopted by the Township Board to cover the costs of processing the application.

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- C. Public Hearing - Upon receipt of an application for a Planned Unit Development, the Planning Commission shall hold a public hearing for the purpose of receiving comments on the application. The public hearing shall be noticed in the manner required by law.

Section 4. Special Use Procedures. Section 17.02(a) and Section 17.02(c) of the Zoning Ordinance shall be amended in their entirety as follows (Section 17.02[b] and Section 17.02[d] shall remain unchanged).

- (a) Application - Applications for a special use shall be submitted thirty (30) days prior to the next scheduled Planning Commission meeting through the Zoning Inspector who will review the application for completeness, then transmit it to the Planning Commission. Each application shall be accompanied by the payment of a fee in accordance with the schedule of fees adopted by the Township Board to cover the costs of processing the application.

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- (c) Public Hearing - Upon receipt of an application for a special use, the Planning Commission shall call a public hearing for the purpose of receiving comments relative to the special use application. The public hearing shall be noticed in the manner required by law.

Section 5. Alternate Members of the Board of Appeals. Section 20.05(a) of the Zoning Ordinance shall be amended in its entirety as follows.

- (a) An alternate member shall be called to serve as a regular member of the Board of Appeals in the absence of a regular member if that regular member is absent from or will be unable to attend one (1) or more meetings of the Board of Appeals.

Section 6. Standards for Variances. Section 20.06 of the Zoning Ordinance shall be added in its entirety as follows.

**SECTION 20.06 STANDARDS FOR VARIANCES.** The Board of Appeals may grant a dimension variance or a use variance from the provisions or requirements of this Ordinance, only if the Board of Appeals finds from reasonable evidence that all of the applicable facts and conditions exist.

- (a) For a dimension variance, the Board of Appeals must find that all of the following facts and conditions exist.

- (1) There are exceptional or extraordinary circumstances or conditions applying to the property in question, as to its intended use, that do not apply generally to other properties or classes of uses in the same zone.
  - (2) The variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties or classes of uses in the same zone. The possibility of increased financial return shall not of itself be deemed sufficient to warrant the granting of a variance.
  - (3) The variance, if granted, will not be of substantial detriment to adjacent property and will not materially impair the intent and purpose of this Ordinance or the public interest.
  - (4) The condition or situation of the property or its intended use is not of so general or recurrent a nature as to make reasonably practicable a general regulation for the condition or situation.
  - (5) Any exceptional or extraordinary circumstances applying to the property in question are not self-created.
- (b) For a use variance, two-thirds of the members of the Board of Appeals must find that all of the following facts and conditions exist.
- (1) There are exceptional or extraordinary circumstances or conditions applying to the property in question, as to its intended use, that do not apply generally to other properties or classes of uses in the same zone.
  - (2) The variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties or classes of uses in the same zone. The possibility of increased financial return shall not of itself be deemed sufficient to warrant the granting of a variance.
  - (3) The variance, if granted, will not be of substantial detriment to adjacent property and will not materially impair the intent and purpose of this Ordinance or the public interest.

- (4) The condition or situation of the property or its intended use is not of so general or recurrent a nature as to make reasonably practicable a general regulation for the condition or situation.
- (5) Any exceptional or extraordinary circumstances applying to the property in question are not self-created.
- (6) The property in question cannot be reasonably used as zoned and therefore a use variance is necessary.

Section 7. Board of Appeals Procedures. Section 20.07 of the Zoning Ordinance shall be added in its entirety as follows.

**SECTION 20.07 APPLICATION PROCEDURES.** An application to the Board of Appeals shall be submitted and acted upon in accordance with the following procedures.

- (a) Application - Applications to the Board of Appeals shall be submitted thirty (30) days prior to the next scheduled Board of Appeals meeting through the Zoning Inspector who will review the application for completeness, then transmit it to the Board of Appeals. Each application shall be accompanied by the payment of a fee in accordance with the schedule of fees adopted by the Township Board to cover the costs of processing the application.
- (b) Required Information - An application to the Board of Appeals shall be accompanied by the following documents and information:
  - (1) A Board of Appeals application form supplied by the Zoning Inspector which has been completed in full by the applicant.
  - (2) A site plan, as specified in Chapter XV.
  - (3) A statement concerning compliance with the standards for a variance, either a dimension variance or a use variance as the case may be, as set forth in Section 20.06 above.
- (c) Public Hearing - Upon receipt of an application to the Board of Appeals, the Board of Appeals shall call a public hearing for the purpose of receiving comments relative to the application. The public hearing shall be noticed in the manner required by law.
- (d) Review and Approval - The Board of Appeals shall review the application, comments received at the public hearing, the site plan and other materials

submitted in relation to the application, and make a determination pursuant to the applicable factors in Section 20.06.

Section 8. Effective Date. This text amendment to the Laketown Township Zoning Ordinance was approved and adopted by the Township Board of Laketown Township, Allegan County, Michigan, on February 14, 2007, after a public hearing as required pursuant to Michigan Act 110 of 2006, as amended. This Ordinance shall be effective on March 1, 2007, which date is the eighth day after publication of the Ordinance as required by Section 401 of Act 110, as amended, providing that this effective date shall be extended as necessary to comply with the requirements of Section 402 of Act 110, as amended.

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Terry Hofmeyer, Township Supervisor

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Wendy VanHuis, Township Clerk

RB062459

**CERTIFICATE**

I, Wendy VanHuis, Clerk for the Township of Laketown, Allegan County, Michigan, certify that the foregoing Laketown Township Zoning Text Amendment Ordinance was adopted at a regular meeting of the Laketown Township Board held on February 14, 2007. The following members of the Township Board were present at that meeting: \_\_\_\_\_

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\_\_\_\_\_

The following members of the Township Board were absent: \_\_\_\_\_

\_\_\_\_\_.

The Ordinance was adopted by the Township Board with members of the Board \_\_\_\_\_

\_\_\_\_\_ voting in favor and

members of the Board \_\_\_\_\_ voting in

opposition. Notice of Adoption with a complete copy of the Amendment Ordinance was

published in the *Holland Sentinel* on February 21, 2007.

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Wendy VanHuis, Clerk

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