

Evaluating Land Use Changes

Changing the land use or zoning designation on any property can have far reaching physical, environmental, financial, and legal consequences. Therefore, a careful evaluation of proposed rezonings is essential. As with any land use decision, the use of standards is essential to reaching fair and consistent decisions. The following evaluation measures are included in the joint master plan to permit their use by the planning commissions and legislative bodies of the village and township when rezoning or land use changes are contemplated.

1. Consistency with joint master plan

If conditions upon which the joint master plan was developed have changed significantly since the document was adopted (e.g., economic factors, demographic shifts, new utility lines, changing traffic conditions, or other reasons), the planning commissions and legislative bodies should consider these events as part of their deliberation. Particular attention should be paid to the adopted goals, objectives, and policies to ensure that they remain valid, and that the proposed rezoning or land use change does not impair their intent.

2. Compatibility

All of the uses allowed in the proposed district should be compatible with the conditions present on the site and in the immediate vicinity of the site especially in terms of density, character, traffic, aesthetics, and property values. The joint master plan provides several guidelines, as noted above, which should be considered when determining whether or not the proposed district is compatible with the neighborhood and the area as a whole.

3. Capability of being used as already zoned

It is the right of every property owner to receive a reasonable return on the investment placed on property. This does not mean that zoning is a slave to the "highest and best use," which is not a zoning, but a real estate term. It does mean that there should be a reasonable use available within the zone district. However, if the property is capable of being used as zoned, there will need to be a compelling reason to change. These reasons may be related to the first two standards of consistency and compatibility.

Site plans will generally not be considered as part of a rezoning request. The planning commissions and/or legislative bodies will not be swayed by what is proposed by the petitioner. Instead, the village and township will specifically note that all of the uses permitted in the proposed district may be placed on the site — not just the one shown on a site plan.