

# **ARTICLE XXI AMENDMENTS**

## **SECTION 21.01 INTENT AND PURPOSE**

For the purpose of establishing and maintaining sound, stable and desirable development within the territorial limits of Fruitland Township, this Ordinance shall not be amended except to correct an error in the Ordinance, or because of changed or changing conditions in a particular area in the township, to rezone an area, extend the boundary of an existing district or to change the regulations and restrictions thereof. It is intended that the provisions of this ordinance be consistent with the requirements of the Zoning Act. If this Article conflicts with the Zoning Act, the provisions of the Zoning Act shall control.

## **SECTION 21.02 AMENDMENT INITIATION**

Only the Township Board may amend this Ordinance. Proposals for amendments or changes may be initiated by the Township Board on its own motion, by the Planning Commission, or by petition of one or more owners of property to be affected by the proposed amendment. Each proposed Zoning Ordinance amendment or supplement shall be referred to the Planning Commission for its consideration and a recommendation to the Township Board. The Planning Commission shall hold at least one public hearing in accordance with the requirements of PA 110 of the Public Acts of 2006 as amended.

## **SECTION 21.03 AMENDMENT PROCESS**

- A. Petitioner submits an application and pays the fee established by the Township Board.
- B. Clerk transmits application to Planning Commission, sets hearing date and publishes notices of hearing as prescribed by Section 21.04 B herein.
- C. Planning Commission holds hearing and makes a recommendation to the Board. A summary of the comments received at the public hearing, along with the recommendation are then forwarded to the Township Board.
- D. The Township Board either enacts or rejects proposed changes as an Ordinance amendment or, if the Township Board considers amendments, changes, additions or departures to the proposed Ordinance advisable, it shall refer the same to the Planning Commission for a report thereon within a time period specified by the Township Board. After receiving the report, the Township Board shall grant a hearing on a proposed ordinance provision to a property owner who, by certified mail addressed to the Clerk, requests a hearing, and the Township Board shall request the Planning Commission to attend the hearing. After the hearing, the Township Board may adopt, by majority vote of its membership, pursuant to the Zoning Act, a zoning ordinance or amendments to the zoning ordinance and publish either a summary of the amendment, including the geographic area affected, or the text of the amendment change in the local newspaper.

## **SECTION 21.04 PROCEDURES**

The procedure for making amendments to this Ordinance shall be in accordance with the Zoning Act.

- A. A petition, together with a completed and signed application and fees, shall be filed with the Township Clerk. The Clerk shall review the application as to form, and when it is approved, transmit same to the Planning Commission for review and report. The Clerk shall establish a date for a public hearing. The Planning Commission shall give proper notice of the hearing as provided in the Zoning Act. The public hearing requirement shall also apply to amendments initiated by the Township Board or the Planning Commission.
  
- B. Notice of the hearing shall be given by publication in a newspaper of general circulation in the Township. Such notices shall be sent in accordance with the Zoning Act.
  - 1. The applicant;
  - 2. The owner (or other owners) of the property if different;
  - 3. Electric, gas, pipeline, telephone public utility company, railroad operating within the district or zone affected and the airport manager of any airport that registers its name and mailing address with the Township;
  - 4. If the zoning amendment is for less than 11 adjacent properties, the owners of all real property within 300 feet of the boundary for the property for which the approval has been requested as shown by the latest assessment roll, regardless of whether the owners and property is located in the zoning jurisdiction or not.
  - 5. If the zoning amendment is for less than 11 adjacent properties, occupants of any structures within 300 feet of the boundary for the property for which the approval has been requested, regardless of whether the owner and property is located in the zoning jurisdiction or not. If the name of the occupant is not known, the term "occupant" may be used in making notification. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. In structures containing four or fewer dwelling units, only one occupant of each unit must be given notice for a public hearing.
  - 6. The general public by publication in a newspaper which circulated in Fruitland Township.
  - 7. Members of the planning commission or legislative body and planning commission if the hearing is being held by the legislative body.
  - 8. The notice shall include:
    - a. The nature of the zoning amendment being requested;
    - b. The property(ies) for which the zoning amendment has been made;

- c. If the zoning amendment is for less than 11 adjacent properties, also a listing of all existing street addresses within the property(ies) which is (are) subject of the zoning amendment. (Street addresses do not need to be created and listed if no such addresses currently exist or if the request is for an ordinance interpretation not involving a specific property. If there are no street addresses, another means of identification may be used.)
- d. The location where the application documents can be viewed and copies prior to the date of the zoning amendment hearing.
- e. The date, time and location of when the hearing on the zoning amendment will take place.
- f. The address at which written comments should be directed prior to the hearing on the zoning amendment.
- g. For members of the planning commission only, a copy of the request for the zoning amendment, the draft of the zoning amendment and supporting documents in the record.

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

**SECTION 21.05 APPLICATION INFORMATION**

When the petition involves a change in the Zoning Map, the petitioner shall submit a detailed description of the proposal, including the following information:

- A. A legal description of the property.
- B. A map of the property, to scale, correlated with the legal description and clearly showing the property's location.
- C. The name and address of the petitioner.
- D. The petitioner's interest in the property.
- E. Date of filing with the Township Clerk.
- F. Signature(s) of petitioner(s) and owner(s) certifying the accuracy of the required information.
- G. The desired change and reasons for such change.

**SECTION 21.06      FACT FINDING**

In reviewing any petition for a zoning amendment, the Planning Commission shall identify and evaluate all factors relevant to the petition and shall report its findings in full, along with its recommendation for disposition of the petition to the Township Board within 90 days of the filing date of the petition.