

Article 23 **Amending the Zoning Ordinance**

Section 23.01 - Changes and Amendments

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 (1) or more owners of property to be affected by the proposed amendment.

Section 23.02 - Procedures

The procedure for making amendments to this Ordinance shall be in accordance with Act 184 of the Public Act of 1943, as amended.

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 Township Planning Commission for review and report. The Clerk shall, at the same time, establish a date for a public hearing on the petition for the Planning Commission and shall give proper notice of the hearing as provided in Public Act 184 of 1943, as amended. The Clerk shall also, for any proposed amendment to the zoning map, give notice thereof, and of the public hearing, to the owner of the property in question, to all persons to whom any real property within three hundred (300) feet of the premises in question is assessed, and to the occupants of all single and two family dwellings within three hundred (300) feet. The notice shall be delivered personally or by mail to the respective owners and tenants at the address given in the last assessment roll. If the notice is delivered by mail, an affidavit of mailing shall be filed with the Planning Commission prior to the hearing. The notice shall be made at least eight (8) days prior to the hearing.

Requirements of written notice to property owners shall not apply to comprehensive revisions to the Zoning Ordinance. Public hearing requirements shall also apply to amendments initiated by the Township Board or the Township Planning Commission.

Section 23.03 - Notice of Hearing

The Clerk shall give notice of hearing in the following manner:

- A. By two (2) publications in a newspaper of general circulation in the Township, the first to be printed not more than thirty (30) days nor less than twenty (20) days and the second no more than eight (8) days before the date of the hearing.
- B. By posting, if the amendment proposed consists of a rezoning the property involved at least eight (8) days prior to the hearing, and notice to contain the time, date, place, and purpose of the hearing.
- C. By mailing, certified mail, at least twenty (20) days in advance of the hearing a notice of hearing to each electric, gas, pipeline, and telephone company that chooses to register its name and mailing address with the Planning Commission for the purpose of receiving such notice.
- D. By mailing, certified mail, at least twenty (20) days in advance of the hearing, a notice of hearing to each railroad operating within the Township, in the case of

textural changes, or within three hundred (300) feet of the area proposed to be rezoned, if the amendment proposed is in the nature of rezoning.

Section 23.04 - Information Required

The petitioner shall submit a detailed description of the petition to the Township Clerk. When the petition involves a change in the zoning map, the petitioner shall submit the following information:

- A. A legal description of the property.
- B. A scaled map of the property, 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, and if the petitioner is not the owner; the name and address of the owner.
- 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 23.05 - Steps in Making a Change

- A. Petitioner submits application and fee.
- B. Clerk transmits application to Planning Commission, sets hearing date, and published notices of hearing.
- C. Planning Commission holds hearing, makes a decision, transmits decision to the County Zoning Coordinating Committee and to the Township Board.
- D. Township Board either enacts or rejects proposed change as an Ordinance amendment, and published the text of the change in the newspaper.

Section 23.06 - Findings of Facts Required

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 recommendations for disposition of the petition, to the Township Board within sixty (60 days) of the filing date of the petition.

The facts to be considered by the Planning Commission shall include, but not be limited to, the following:

- A. Whether the requested zoning change is justified by a change in condition since the original ordinance was adopted or by an error in the original ordinance.
- B. The precedents, and the possible effects of such precedents, which might likely result from approval or denial of the petition.
- C. The compatibility of the Township or other government agencies to provide any services, facilities, and/or programs that might be required if the petition were approved.
- D. Effect of approval of the petition on adopted development, policies of Hillsdale Township and other government units.
- E. All findings of fact shall be made a part of the public records of the meetings of the Planning Commission and Township Board. An amendment shall not be approved, unless these and other identified facts be affirmatively resolved in term of the

general health, safety, welfare, comfort, and convenience of the citizens of Hillsdale Township, or of other civil divisions where applicable.