

## **CHAPTER 23**

### **AMENDMENTS TO THE ZONING ORDINANCE AND MAP**

#### **SECTION 23.01 STATEMENT OF INTENT**

For the purpose of establishing and maintaining sound, stable and desirable development within the territorial limits of the 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 or in the Township generally, to rezone an area, to extend the boundary of an existing District or to change the regulations and restrictions thereof. Such amendment to this Ordinance may be initiated by any person, firm, or corporation by filing an application with the Township Clerk; by motion of the Township Board; or by the Planning Commission requesting the Township Clerk to initiate an amendment procedure. The procedures for amending this Ordinance shall be in accordance with Act 110 of the Public Acts of 2006, as amended.

#### **SECTION 23.02 AMENDMENT PROCEDURE**

- A. **Application.** Applications for amendments to this Ordinance shall be filed with the Township Clerk on an appropriate form provided by the Township and accompanied by the required fee. All applications for amendments to this Ordinance, without limiting the right to file additional material, shall contain the following:
1. The applicant's name, address and interest in the application as well as the name, address and interest of every person, firm or corporation having a legal or equitable interest in the land.
  2. The nature and effect of the proposed amendment.
  3. If the proposed amendment would require a change in the Zoning Map, a complete legal description of the entire land area effected, the present zoning classification of the land, the names and addresses of the owners of all land and the legal descriptions of their land within the area to be rezoned. Also, a fully dimensioned drawing shall be submitted showing the land which would be affected, the zoning classification of all abutting districts, all public and private rights-of-way and easements bounding and intersecting the land under consideration, and the location of all existing and proposed buildings.

4. If the proposed amendment will correct an alleged error, a detailed explanation of such alleged error and detailed reasons the proposed amendment will correct the same.
  5. The changed or changing conditions in the area or in the municipality that make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare.
  6. All other circumstances, factors and reasons which applicant offers in support of the proposed amendment.
- B. **Receipt of Application.** The Township Clerk, upon receipt of an application to amend the Ordinance, shall review the application for completeness and refer same to the Planning Commission for study and report. The Planning Commission shall cause a complete study of the proposed amendment and hold a public hearing in accordance to Subsection (c) below.
- C. **Public Hearing.** Notice of the public hearing for an amendment to this Ordinance shall be given in accordance with the requirements in Section 19.01.D. However, if the amendment is to the zoning map and involves 11 or more parcels, individual street addresses or parcel identification do not need to be provided in the notice for each of the parcels involved. In addition, notice is not required to be distributed to the owners and residents of properties within 300 feet of these 11 or more parcels.
- D. **Planning Commission Recommendation.** Following the public hearing, the Planning Commission shall prepare a report and its recommendations regarding the proposed amendment, and transfer such to the Township Board.
- E. **Township Board Action.** After the Planning Commission has held a Public Hearing and has made a written report to the Township Board indicating their recommendation on the proposed amendment, the Township Board may adopt the proposed amendment, decline to adopt the proposed amendment, or may adopt it in whole, part, or with or without additional changes. The Board may also hold a public hearing on the proposed amendment or refer the proposed amendment back to the Planning Commission for further study and review or for additional public hearings.

**SECTION 23.03 PROTESTS.**

Upon the filing of a notice of intent to request a referendum, the effective date of an amendment shall be either thirty (30) days after publication, if a petition is not filed or the petition lacks adequate signatures, or after approval by the electors if an adequate petition is filed.

Within thirty (30) days following the adoption of an amendment to the Zoning Ordinance, a petition signed by a number of qualified and registered voters residing in the unincorporated portion of Decatur Township equal to not less than fifteen (15) percent of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected may be filed with the Office of Township Clerk requesting therein for the submission of the amendment to the electors residing in the unincorporated portion of Decatur Township for their approval in accordance with Sections 402 and 403 of the Public Act 110 of 2006.

**SECTION 23.04 CONFORMANCE TO COURT DECREE**

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