

## ARTICLE: 15.0-AMENDMENTS

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## SECTION 15.01 - INITIATING AMENDMENTS

The Township Board may, from time to time, amend, modify, supplement, or revise the district boundaries or the provisions and regulations of this Ordinance. Amendments may be initiated by the Township Board, the Township Planning Commission, or by petition of one or more property owners of Freedom Township, or by one or more persons acting on behalf of a property owner(s) of Freedom Township. All proposed amendments shall be referred to the Township Planning Commission for review and recommendation before action may be taken thereon by the Township Board.

## SECTION 15.02 - FEES

The Township Board shall, from time to time establish, by resolution, fees for zoning amendment petitions. Such fee shall be paid in full at the time of application and no part of such fee shall be returnable to the petitioner. Fees shall not be required for amendments proposed or requested by any government agency or body.

## SECTION 15.03 - AMENDMENT PROCEDURE

- A. The procedure for amending this Ordinance shall be in accordance with Act 184 of the Public Acts of 1943, as amended.
- B. A petition shall be filed with the Township Clerk. The Clerk shall transmit the petition to the Township Planning Commission for review and report to the Township Board. The Planning Commission shall establish a date for a public hearing on the petition and shall give a notice thereof to the owner of the property in question, to all person to whom any real property within three hundred (300) feet of the premises in question is assessed and to the occupants of all single family dwellings within 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 tenant's name is not known, the term occupant may be used. If the notice is delivered by mail, an affidavit of mailing should be filed with the Planning Commission prior to the hearing. The notice shall be made at least eight (8) days prior to the hearing stating the time, place, date and purpose of the hearing. The Planning Commission shall also give notice of the public hearing by two (2) publications in a newspaper of general circulation in Freedom Township, the first to be printed not more than thirty (30) days nor less than twenty (20) days and the second not more than eight (8) days before the date of such hearing. Not less than twenty (20) days notice of the time and place of such hearing shall also be given by certified mail to each electric, gas, pipeline and telephone public utility company that registers its name and mailing with the Planning Commission for the purpose of receiving such notice, and to each railroad operating within the district or zone affected. The notices shall include the places and times at which the tentative text and any maps of the proposed amendment may be examined. The Planning Commission shall also, for any proposed amendment to the zoning map within three hundred (300) feet of the boundary of any adjacent municipality, send by regular US mail a written notice of the public hearing to the zoning agencies of said municipalities and to the School Board of the school district in which the subject property is located, in order that coordination with adjacent zoning ordinances may be promoted. Public hearing requirements shall also apply to amendments initiated by the Township board, the Township Planning Commission and by any other governmental agency or body.
- C. Requirements of written notice to property owners shall not apply to comprehensive revisions to the zoning ordinance.
- D. The Planning Commission shall, following the public hearing, transmit the petition to the County Planning Commission for review and recommendation to the Township Board.
- E. The Planning Commission shall report its findings and its recommendations for disposition of the petition to the township Board following the public hearing, but within one hundred twenty-five (125) days of the filing date.

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This time limit may be extended by agreement between the petitioner and the Planning Commission. If the Township Board shall deem advisable any changes, additions, or departures as to the proposed amendment, it shall refer same to the Planning Commission for a report thereon within a time specified by the Board. Thereafter the Board may act upon the petition.

**SECTION 15.04 - INFORMATION REQUIRED**

- A. When the petition involves an amendment to the official zoning map, the petitioner shall submit the following information:
1. A legal description of the property, including a street address and the tax code number(s).
  2. A scaled map of the property, correlated with the legal description, and clearly showing the property's location.
  3. The name and address of the petitioner.
  4. The petitioner's interest in the property; if the petitioner is not the owner, the name and address of the owner(s), and the owner(s) signed consent to the petition.
  5. Signature(s) of petitioner(s) and owner(s), certifying the accuracy of the information.
  6. Identification of zoning district requested; existing zoning classification of subject property.
  7. Vicinity map showing location of property, and adjacent land uses and zoning classifications.
  8. General description of natural resources on the site such as woodlands, wetlands, etc.
  9. Reasons for the proposed amendment or zoning classification.
- B. When a petition involves a change in the text of the zoning ordinance, the petitioner shall submit the following information:
1. A detailed statement of the petition, clearly and completely setting forth all proposed provisions and regulations, including all changes in the zoning ordinance necessary to accommodate the proposed amendment.
  2. Name and address of the petitioner.
  3. Reasons for the proposed amendment.

**SECTION 15.05 - FINDINGS OF FACT 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 recommendation for disposition of the petition, to the Township Board, within a period of ninety five (95) days of the filing date. The facts to be considered by the Planning Commission shall include, but shall not be limited to, the following:

- A. Whether or not the requested zoning change is justified by a change in conditions 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 result from approval or denial of the petition.

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- C. The capability 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 the condition and/or value of property in the Township or in adjacent civil divisions.
- E. Relation of the petition to the adopted development policies of Freedom Township, and of other government units where applicable.

All findings of fact shall be made a part of the public records of the meetings of the Planning Commission and the Township Board

**SECTION 15.06 - PUBLICATION**

Following Township Board approval of a petition to amend the zoning ordinance, the amendment shall be published within fifteen (15) days of such approval in a newspaper of general circulation in Freedom Township. The notice of adoption shall include the following information:

- A. The Article and Section of the Ordinance amendment, in the case of a text amendment.
- B. Either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment.
- C. The effective date of the amendment.
- D. The place and time where a copy of the Ordinance may be inspected and/or purchased.

**SECTION 15.07 - REFERENDUM**

Within seven (7) days after publication of a zoning ordinance, a registered elector residing in the portion of the Township outside the limits of cities and villages may file with the Township Clerk a notice of intent to file a petition under this section. If a notice of intent is filed, then within thirty (30) days following the publication of the zoning ordinance, a petition signed by a number of registered electors residing in the portion of the Township outside the limits of cities or villages equal to not less than 10% of the total vote cast for all candidates for governor, at the last preceding general election at which a governor was elected, in the Township may be filed with the Township Clerk requesting the submission of an ordinance or part of an ordinance to the electors residing in the portion of the Township outside the limits of cities or villages for their approval. Upon the filing of a notice of intent, the ordinance or part of the ordinance adopted by the Township Board shall not take effect until one of the following occurs:

- A. The expiration of thirty (30) days after publication of the ordinance, if a petition is not filed within that time.
- B. If a petition is filed within thirty (30) days after publication of the ordinance, the Township Clerk determines that the petition is inadequate.
- C. If a petition is filed within thirty (30) days after publication of the ordinance the Township Clerk determines that the petition is adequate and the ordinance or part of the ordinance is approved by a majority of the registered electors voting thereon at the next regular election which supplies reasonable time for proper notices and printing of ballots, or at any special election called for that purpose. The Township Board shall provide the manner of submitting an ordinance or part of an ordinance to the electors for their approval or rejection, and determining the result of the election.

**SECTION 15.08 - CONFORMANCE TO COURT DECREE**

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

*Effective Date: 1/25/2001*