

*Butler Township Zoning Ordinance*

**CHAPTER 22**

**AMENDMENTS TO THE ZONING ORDINANCE AND MAP**

**SECTION 22.01 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 Zoning Administrator; by motion of the Township Board; or by the Planning Commission requesting the Zoning Administrator 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 22.02 AMENDMENT PROCEDURE**

- A. **Application.** Applications for amendments to this Ordinance shall be filed with the Zoning Administrator 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.

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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 Zoning Administrator, 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.** A public hearing notice on the proposed Ordinance amendment shall be published in a newspaper of general circulation in the Township not less than fifteen (15) days fore the date of the hearing.
1. If an individual property or ten (10) or fewer adjacent properties are included in the proposal, a notice must be published as required above, and a notice shall also be sent by mail or personal delivery to the owners of property that is the subject of the request. If the request for an appeal involves a specific parcel, written notice shall be sent to all persons to whom real property is assessed within three-hundred (300) feet of the property that is the subject of the request and to all occupants of all structures within three-hundred (300) feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different persons, one (1) occupant of each unit or spatial area shall be given notice. If a single structure contains more than four (4) dwelling units or other distinct spatial areas owned or leased by different persons, 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. The notice is considered to be given when personally delivered or when deposited during normal business hours for delivery by the United States Postal Service or other public or private delivery service. The notice shall be given not less than fifteen (15) days before the date the request will be considered. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.

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The notice shall do all of the following:

- i. Describe the nature of the request.
  - ii. Indicate the property which is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently existing within the property. If there are no street addresses, other means of identification may be used.
  - iii. State when and where the request will be considered.
  - iv. Indicate when and where written comments will be received concerning the request.
2. If eleven (11) or more adjacent properties are included in the proposal, a notice must be published as required above but shall not be required to be distributed to property owners and residents within 300 feet.

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- i. Describe the nature of the request.
  - ii. Indicate the property which is the subject of the request.
  - iii. State when and where the request will be considered.
  - iv. Indicate when and where written comments will be received concerning the request.
- D. The Township Board shall grant a public hearing on the proposed Ordinance amendment to an interested property owner who requests a hearing by certified mail, addressed to the Township Clerk. Written notice of the public hearing shall be given to the interested property owner. The notice is considered to be given when personally delivered or when deposited during normal business hours for delivery by the United States Postal Service or other public or private delivery service. The notice shall be given not less than fifteen (15) days before the date the request will be considered. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.

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1. Describe the nature of the request.

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2. Indicate the property which is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently existing within the property. If there are no street addresses, other means of identification may be used.
  3. State when and where the request will be considered.
  4. Indicate when and where written comments will be received concerning the request.
- 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 22.03 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 Butler Township equal to not less than ten (10) 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 Butler Township for their approval.

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### **SECTION 22.04 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.

### **SECTION 22.05 COMPREHENSIVE REVIEW OF ORDINANCE AND ANNUAL REPORT TO BOARD**

The Planning Commission shall, from time to time at intervals of not more than five (5) years, examine the provisions of this Ordinance and the location of district boundary lines and shall submit a report to Township Board recommending changes and amendments, if any, which are desirable in the interest of public health, safety, and general welfare. In addition, the Commission shall annually report to the Board on their annual activities as well as their projected work plan and anticipated budget for the upcoming year.