

ARTICLE 8
AMENDMENTS

SECTION 801 INITIATION OF AMENDMENTS AND FEES

- A. The regulations and provisions stated in the text of the Fulton Township Zoning Ordinance (“Ordinance”) and the boundaries of zoning districts shown on the Zoning Map may be amended by the Township of Fulton (“Township”) from time to time pursuant to the Michigan Zoning Enabling Act No. 110 of the Public Acts of Michigan of 2006, as amended, (MCL 125.3101 et seq.) Amendments may be initiated by the Township Board, the Planning Commission, or by petition of one or more persons having an interest in a property to be affected by a proposed amendment.

- B. The Township Board shall establish by resolution fees for zoning amendment petitions. Such fee shall be paid in full at the time of petition and no part of such fee shall be returnable or refundable to the petitioner.

SECTION 802 AMENDMENT PROCEDURE

- A. On an application provided by the Zoning Administrator, the petitioner shall submit a petition for amendment to the Zoning Administrator not less than thirty (30) days before a regularly scheduled meeting of the Planning Commission. Ten (10) copies of the petition for amendment accompanied by ten (10) copies of documents and explanatory matter as requested herein are to be provided.
 - 1. The Zoning Administrator, and/or assigns shall review each petition to ensure compliance with the provisions of this Ordinance prior to delivery to the Planning Commission and scheduling of a public hearing.

 - 2. Any petition procedurally not in compliance with this Ordinance shall be returned to the petitioner. Any petition procedurally not in compliance with this Ordinance shall not constitute a legitimate filing of the petition.

- B. Upon a determination of completeness, the petition shall be referred to the Planning Commission for public hearing and consideration at the next available meeting of the Planning Commission where all public notice requirements can be met.

**SECTION 803 PLANNING COMMISSION PUBLIC HEARING, REVIEW
AND RECOMMENDATION**

- A. The Planning Commission shall conduct at least one (1) public hearing on each petition for amendment. Notice of the public hearing shall be provided pursuant to

Section 206, herein.

- B. Any person having an interest in any amendment may present testimony or evidence in support of or opposition thereto at the public hearing. If comment is to only be provided in writing, such communication shall be submitted to the Zoning Administrator no less than three (3) days before the hearing at which time the petition will be considered.

- C. The Planning Commission shall hold a public hearing and take action to recommend approval or denial of the proposed amendment based upon the petition's conformity with the Master Plan and based on assessment of the following findings of fact:
 - 1. What, if any, identifiable conditions related to the petition have changed which justify the petitioned amendment?
 - 2. What, if any error in judgment, procedure, or administration was made in the original Ordinance which justifies the petitioned amendment?
 - 3. What are the precedents and the possible effects of such precedent that might result from the approval or denial of the petition to amend the Ordinance?
 - 4. What is the impact of the amendment on the ability of the Township and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future if the petition is approved?
 - 5. Does the petitioned amendment adversely affect the environmental conditions or value of the surrounding property?
 - 6. Does the petitioned zoning change generally comply with the adopted policies of the Master Plan?
 - 7. Are there any significant negative environmental impacts which would reasonably occur if the petitioned amendment and possible resulting development was implemented?

- D. The Planning Commission shall not forward a recommendation to the Township Board unless all of the aforementioned and other factors identified by the Ordinance are considered. The Planning Commission shall submit a summary of the comments received at the public hearing, a finding of fact, and the proposed amendment, including any zoning maps, and other related material to the Township Board.

SECTION 804 REVIEW AND ACTION BY TOWNSHIP BOARD

- A. After receiving the recommendation(s) of the Planning Commission, the Township Board, at any regular meeting or at any special meeting called for that purpose, shall

consider said findings of fact and recommendations and vote upon the adoption of the petitioned amendment.

1. The Township Board may accept, modify or reject the Planning Commission's recommendation. If the Township Board rejects the recommendation, the petition is not required to be remanded back to the Planning Commission for review prior to Township Board action on the petition.
 2. The petition may be remanded back to the Planning Commission for additional review at the discretion of the Township Board.
- B. The Township Board may hold additional public hearings if it considers it necessary. Notice of a public hearing by the Township Board shall be published in a newspaper of general circulation in the Township. The notice shall be given not more than fifteen (15) days nor less than five (5) days before the public hearing before Township Board.

SECTION 805 CONDITIONAL REZONING

- A. As part of a petition to amend the zoning designation of property, an owner of land may voluntarily offer in writing certain standards, stipulations, prohibitions, or measurable criteria regarding the use and development of the property as a condition to the approval of the amendment.
- B. In reviewing and approving an offer of conditions, the Planning Commission may recommend and Township Board may establish a time period during which the conditions apply to the land under petition.
1. If the conditions are not satisfied within the time specified, the Township Board may rezone the property to its former zoning classification or other classification. The time period specified may be extended upon the application of the property owner and approval of the Township Board.
 2. Township Board shall not add to or alter the conditions during the time period specified.
- C. It shall not be required of the property owner to offer conditions as a requirement set forth by the Planning Commission or Township Board in order to obtain the amendment. The lack of an offer of conditions shall not otherwise affect a petitioner's rights under Public Act 110 of 2006, Michigan Zoning Enabling Act, as amended, (MCL 125.3101 et seq.), the Ordinance, or any other laws of this state.

**SECTION 806 EFFECTIVE DATE AND NOTICE OF ORDINANCE
ADOPTION**

- A. Except as otherwise provided under Section 807, an amendment shall take effect upon the expiration of seven (7) days after publication as required below or at such later date after publication as specified by the Township Board.
 - 1. Following adoption of an amendment by the Township Board, the amendment shall be filed with the Clerk and a notice of adoption published in a newspaper of general circulation in the Township within fifteen (15) days after adoption.
 - 2. The notice required under this section shall include the following information:
 - a. A summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment;
 - b. The effective date of the ordinance or amendment; and
 - c. The place where and time when a copy of the petition and amendment may be purchased or inspected.

- B. A copy of the notice shall also be mailed to the airport manager of an airport entitled to be noticed under the Michigan Zoning Enabling Act No. 110 of the Public Acts of Michigan of 2006, as amended, (MCL 125.3101 et seq.).