

ARTICLE 11: ADOPTION AND AMENDMENTS

Section 11.01 – Amendments to this Ordinance

1. The Township Board is authorized and empowered to cause this Ordinance to be amended, supplemented, or changed, pursuant to the authority and according to the procedures set forth in Act 110 of 2006, as amended.
 - A. The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the Curtis Township Zoning Map may be amended, supplemented or changed by action of the Township Board following a recommendation from the Township Planning Commission.
 - B. Proposals for amendments, supplements or changes may be initiated by the Township Board on its own motion, by the Township Planning Commission or by petition of one (1) or more owners of property to be affected by the proposed amendment.
 - C. The procedure to be followed for initiating and processing an amendment shall be as follows:
 - 1) Each petition by one (1) or more persons for an amendment shall be submitted by application to the Zoning Administrator on a standard form provided and shall be accompanied by the fee as prescribed by the Township Board. No part of such fee shall be returnable to a petitioner if the public hearing is held.
 - 2) The Zoning Administrator shall notify, in writing, the Township Clerk and Chair of the Planning Commission at or before the time he/she transmits the amendment request to the Planning Commission.
 - 3) The Planning Commission shall consider each proposal for amendment on particular factors related to the individual proposal and in terms of the likely effect on the community's physical development. The Planning Commission may recommend any additions or modifications to the original proposal.
 - 4) The public notice procedure shall be the same as that contained in **Section 9.04**.
 - 5) The Planning Commission shall review and apply the following standards and factors in the consideration of any re-zoning request.
 - (a) Is the proposed rezoning consistent with the Curtis Township Master Plan?
 - (b) Is the proposed rezoning all of the allowable uses in the proposed district reasonably consistent with surrounding uses?
 - (c) Will there be an adverse physical impact on surrounding properties?

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- (d) Will there be an adverse effect on property values in the adjacent area?
 - (e) Have there been changes in land use or other conditions in the immediate area or in the community in general which justify rezoning?
 - (f) Will rezoning create a deterrent to the improvement or development of adjacent property in accord with existing regulations?
 - (g) Will rezoning grant a special privilege to an individual property owner when contrasted with other property owners in the area or the general public (i.e. will rezoning result in spot zoning)?
 - (h) Are there substantial reasons why the property cannot be used in accordance with its present zoning classifications?
 - (i) Is the rezoning in conflict with the planned use for the property as reflected in the master plan?
 - (j) Is the site served by adequate public facilities or is the petitioner able to provide them?
 - (k) Are there sites nearby already properly zoned that can be used for the intended purposes?
- 6) Following the public hearing the Planning Commission shall submit the proposed amendment including any zoning map changes to the County Planning Commission. If the recommendation of the County Planning Commission has not been received within 30 days after the receipt of the Ordinance by the County, it shall be conclusively presumed that the County has waived its right for review.
 - 7) The Planning Commission shall submit a final report/recommendation to the Township Board along with a summary of the comments received at the public hearing.
 - 8) The Township Board shall grant a hearing on a proposed ordinance provision to a property owner who requests a hearing by certified mail, addressed to the Township Clerk. Notice of such hearing shall be published using the procedures in **Section 9.04**.
 - 9) The Township Board may refer any proposed amendments to the Planning Commission for consideration and comment within a time specified by the Township Board.
 - 10) After any such public hearing as allowed under **Section 11.01**, the Township Board shall consider and vote upon the adoption of a zoning ordinance amendment. A zoning ordinance amendment shall be approved by a majority vote of the members of the Township Board.

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- 11) Once adopted by the Township Board, amendments to this Ordinance shall be filed with the Township Clerk, and one (1) notice of adoption shall be published in a newspaper of general circulation in the Township within fifteen (15) days after adoption. Any amendments to this Ordinance shall take effect eight (8) business days after publication or at a later date as may be specified by the Township Board at the time of adoption.
- 12) No application for a rezoning which has been denied by the Township shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Township Planning Commission to be valid.

Section 11.02 – Repeal and Savings Clause

1. This Ordinance repeals and replaces any previous Curtis Township Zoning Ordinance in its entirety.
2. The repeal of the Curtis Township Zoning Ordinance dated July 11, 2001, as provided, shall not affect any rights acquired, fines, penalties, forfeitures or liabilities incurred there under or actions involving any of the provisions of said ordinance or parts thereof. Said ordinance or ordinance sections repealed is hereby continued in force and effect after the passage, approval and publication of this Ordinance for the purpose of such rights, fines, penalties, forfeitures, liabilities and actions therefore.

Section 11.03 – Enactment and Effective Date

1. This Ordinance was adopted on May 13, 2010 by the Curtis Township Board of Trustees and will be effective June 14, 2010. The foregoing Zoning Ordinance and Zoning Map were presented at final public hearing before the Planning Commission on March 17, 2010. Interim public hearing were held on sections of the ordinance, see attached resolution of adoption.
2. Amendments or revision to this Ordinance or Map of Zoning Districts shall become effective eight (8) days after publication, or a specified later date, of a notice of adoption of said amendments or revisions within fifteen (15) days of adoption in accordance with Section 401 of PA 110 of 2006, as amended.