

Section 719.176 – Zoning Ordinance Amendments

The Township Board may, from time to time, on recommendation from the Planning Commission, amend, modify, supplement, or revise district boundaries or the provisions and regulations herein established whenever the interests of the public health and safety, convenience, and other aspects of the general welfare require such amendment. Said amendment may be by resolution of the Township Board or the Planning Commission or by petition of one or more owners of property to be affected by the proposed amendment.

A. Amendment Procedures

1. This Chapter may be amended per the procedures in the Michigan Zoning Enabling Act 110 of 2006, as amended.
2. Upon the Township Clerk's receipt of a petition requesting an amendment to the Zoning Ordinance, the Township Clerk must transmit the petition to the Planning Commission for review and recommendation to the Township Board.
3. Planning Commission Procedures
 - a. The Planning Commission must hold at least one (1) public hearing on the petition and establish a date for a public hearing on the petition.
 - b. The notice of the time and place of the public hearing must be given as follows:
 - (1) If an individual property of 10 or fewer adjacent properties is the subject of the rezoning petition, the Planning Commission must give notice of the petition as follows:
 - (a) Publish in a newspaper of general circulation in the Township.
 - (b) Send a notice by mail or personal delivery to the property owners for which the amendment is being considered.

- (c) Send a notice to all persons to whom real property is assessed within 300 feet of the property and to the occupants of all structures within 300 feet of the property, regardless of whether the property or occupant is located in the Township.
- (d) Notice must be given no later than 15 days before the date the application will be considered. If the occupant's name is unknown, the term occupant may be used to make the notification.

c. The notice must contain each of the following:

- (1) Description of the nature of the amendment request.
- (2) Identification of the properties that are the subject of the request.
- (3) State when and where the amendment will be considered.
- (4) Indicate when and where written comments concerning the request will be received.

d. If eleven (11) or more adjacent properties are proposed for rezoning, the Planning Commission must give notice of the petition proposing rezoning in the same manner as required under the preceding Section, except that:

- (1) The notice need not be sent by mail or personal delivery to the property owners for whom approval is being considered.
- (2) The notice need not be sent by mail or personal delivery to the property owners for whom approval is being considered.
- (3) No individual property addresses must be listed in the notice.
- (4) Notice of the time and place of the meeting must also be given by mail to each electric, gas, and pipeline, public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport that registered its name and mailing address with the Township Clerk to receive the notice of public hearing.

- e. All notices under this Section must include the place and time the proposed text and maps may be examined.
- f. Following the required public hearing, and within 125 days of the petition's filing date, the Planning Commission must transmit a summary of comments received at the hearing and its proposed recommendations for disposition of the petition to the Township Board. The 125-day time limit may be extended by agreement with the petitioner and Planning Commission.

4. Township Board Procedures

- a. After receiving the Planning Commission's summary of comments and recommendations regarding the petition, the Township may hold a public hearing if it considers it necessary or otherwise required by law. If the Township Board opts to hold a public hearing, the Township must notify it in the same manner as the Planning Commission was required to do.
- b. The Township Board must grant a hearing on a proposed ordinance amendment to a property owner who requests a hearing by certified mail addressed to the Township Clerk.
- c. If the Township Board deems it advisable to make changes to the proposed amendment, the Township Board may refer such to the Planning Commission for consideration and comment within a time specified by the Township Board.
- d. The Township Board must consider and vote upon the petition. Any amendment to the Chapter requires a majority vote by the Township Board.
- e. In reviewing an application for the rezoning of land, whether the application be made with or without offer of conditions, factors that the Planning Commission and Township Board should consider include, but are not limited to, the following:
 - (1) Whether the rezoning is consistent with the policies and uses proposed for that area in the Township's Master Land Use Plan.
 - (2) Whether all the uses allowed under the proposed rezoning would be compatible with other zones and uses in the surrounding area.

- (3) Whether any public services and facilities would be adversely impacted by a development or use allowed under the requested rezoning.
- (4) Whether the uses allowed under the proposed rezoning would be equally or better suited to the area than uses permitted under the current zoning.