

## Article X: Adoption and Amendments

### SECTION 10.01 AMENDMENT 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 the Michigan Zoning Enabling Act, Act 110 of the Public Acts 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 Hayes 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, (including rezonings), 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 or 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) Before ruling on any proposal the Planning Commission shall conduct at least one (1) public hearing, notice of which shall be provided as specified in **Section 10.02** of this Ordinance.
    - 5) The Planning Commission shall review and apply the following standards and factors in the consideration of any rezoning request.
      - a) Is the proposed rezoning consistent with the Hayes Township Master Plan?
      - b) Is the proposed rezoning reasonably consistent with surrounding uses?
      - c) Will there be an adverse physical impact on surrounding properties?
      - 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 Land Use 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?
  - l) Are other local remedies available?
- 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 thirty (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 may hold additional public hearings, if they decide it is necessary. Notice of such hearing shall be provided in accordance with **Section 10.02** of this Ordinance.
  - 9) 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) days after publication or at a later date as may be specified by the Township Board at the time of adoption.
  - 10) 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 valid upon inspection by the Township Planning Commission.

## **SECTION 10.02 PUBLIC HEARING NOTICE REQUIREMENTS FOR ZONING ORDINANCE AMENDMENTS**

The notices for all public hearings before the Planning Commission or Township Board concerning proposed Zoning Ordinance amendments (zoning text or map amendments) shall comply with the following applicable notice provisions:

- 1. For a proposed amendment to the text of the Zoning Ordinance, the notice shall comply with all of the following:
  - A. The content of the notice shall include all of the following information:
    - 1) A description of the nature of the proposed Zoning Ordinance amendment.

- 2) The time, date, and place the proposed Zoning Ordinance will be considered.
  - 3) The places and times at which the proposed Zoning Ordinance amendment may be examined.
  - 4) The address where and the deadline when written comments will be received concerning the proposed Zoning Ordinance amendment.
- B. The notice shall be published in a newspaper of general circulation within the Township not less than fifteen (15) days before the scheduled public hearing.
- C. The notice shall be given by first-class 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 registers its name and mailing address with the Township Clerk for the purpose of receiving the notice of public hearing.
2. For a proposed Zoning Ordinance amendment rezoning an individual property, any number of non-adjacent properties, or ten (10) or fewer adjacent properties the notice shall comply with all of the following:
- A. The content of the notice shall include all of the following information:
- 1) A description of the nature of the proposed Zoning Ordinance amendment.
  - 2) A description of the property or properties proposed for rezoning. The notice shall include a listing of all existing street addresses within the property or properties. Street addresses, however, do not need to be created and listed if no such addresses currently exist within the property or properties. If there are no street addresses, other means of identification may be used, such as using tax parcel identification numbers or including a map showing the location of the property or properties.
  - 3) The time, date, and place the proposed Zoning Ordinance amendment will be considered.
  - 4) The places and times at which the proposed Zoning Ordinance amendment may be examined.
  - 5) The address where and the deadline when written comments will be received concerning the proposed Zoning Ordinance amendment.
- B. The notice shall be published in a newspaper of general circulation within the Township not less than fifteen (15) days before the scheduled public hearing.
- C. The notice shall be sent by first-class mail or personal delivery to the owners of the property or properties proposed for rezoning not less than 15 days before the scheduled public hearing.
- D. The notice shall also be sent first-class mail or personal delivery to all persons to whom real property is assessed within 300 feet of the property or properties proposed for rezoning and to the occupants of all structures within 300 feet of the property or properties proposed for rezoning not less than fifteen (15) days before the scheduled public hearing, regardless of whether the property or occupant is located in the Township. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.

- E. The notice shall be given by first-class 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 registers its name and mailing address with the Township Clerk for the purpose of receiving the notice of public hearing.
3. For a proposed Zoning Ordinance amendment rezoning eleven (11) or more adjacent properties, the notice shall comply with all of the following:
- A. The content of the notice shall include all of the following information:
    - 1) A description of the nature of the proposed Zoning Ordinance amendment.
    - 2) The time, date, and place the proposed Zoning Ordinance will be considered.
    - 3) The places and times at which the proposed Zoning Ordinance amendment may be examined.
    - 4) The address where and the deadline when written comments can be sent concerning the proposed Zoning Ordinance amendment.
  - B. The notice shall be published in a newspaper of general circulation within the Township not less than fifteen (15) days before the scheduled public hearing.
  - C. The notice shall be sent by first-class mail or personal delivery to the owners of the property or properties proposed for rezoning not less than 15 days before the scheduled public hearing.
  - D. The notice shall be given by first-class 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 registers its name and mailing address with the Township Clerk for the purpose of receiving the notice of public hearing.
4. After providing the notice required under this section and without further notice, except that as required under the Open Meetings Act, the Planning Commission may adjourn from time to time a duly called public hearing by passing a motion specifying the time, date, and place of the continued public hearing.

### **SECTION 10.03 ENACTMENT AND EFFECTIVE DATE**

- 1. The original zoning ordinance for Hayes Township was adopted by the Hayes Township Board of Trustees, and became effective on July 1, 1974.
- 2. This Ordinance shall become effective eight (8) days after being published in a newspaper of general circulation within the Township.