

Article 10

Zoning Ordinance Text And Map Amendments

Section 10.01 Purpose

The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the Zoning District Map may be amended, supplemented, or changed by ordinance by the Township Board in accordance with the applicable enabling legislation of the State. Procedures for amending the text of this Ordinance and for rezoning property are described in this Article.

Proposals for amendments, supplements, or changes may be initiated by the Township Board, by the Planning Commission, or by petition of one (1) or more owners of property in the Township.

Section 10.02 Procedures

10.02.1 Application

Each petition by one (1) or more owners or their agents, for an amendment shall be submitted upon an application of standard form to the Township Clerk. A fee as established by the Township Board shall be paid at the time of application to cover costs of necessary advertising for public hearings and processing of the amendment request. The Township Clerk shall transmit the application to the Planning Commission for recommended action.

Section 10.02.2 Re-Submittal of Application

No application for a rezoning that has been denied by the Township Board shall be re-submitted 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 which, upon inspection by the Township Board, are found to be valid.

Section 10.02.3 Public Hearing Notification Requirements

Before voting on any proposed amendment to this Ordinance, the Planning Commission shall conduct a public hearing, with notice being given by the Township as follows:

- a. **Published Notice**
Notice shall be given by two (2) publications in a newspaper of general circulation in the community, the first to be printed not more than thirty (30) days nor less than twenty (20) days and the second not more than eight (8) days before the date of such hearing.
- b. **Notice to Property Owners and Occupants**
In any instance involving the rezoning of one or more parcels, or when the owner or other party having an interest in any parcel has requested a text change which will affect use of that parcel, a notice stating the time, place, date, and purpose of the public hearing must also be given, by mail or personal delivery, to the petitioner and to all owners and occupants of property located within three hundred (300) feet of the property or properties subject to the rezoning request. If the notice is delivered by mail, an affidavit of mailing shall be filed with the Planning Commission before the public hearing. The notices shall include the places and times at which the tentative text and any maps of the proposed zoning amendment may be examined.
- c. **Notification of Railroads and Public Utilities**
Not less than twenty (20) days notice of the time and place of the hearing shall also be given to each electric, gas, pipeline, and telephone public utility company, and to each railroad operating within the district or zone affected, that registers its name and mailing address with the Planning Commission for the purpose of receiving the notice. An affidavit of mailing shall be maintained. The notices shall include the places and times at which the tentative text and maps of the proposed amendment may be examined.

Section 10.02.4 Planning Commission Recommendation

The Planning Commission shall consider each proposed amendment in terms of the likely effect of such proposal upon the development plans for the community as well as in terms of the merits of the individual proposal. The Planning Commission may recommend any additions or modifications to the original amendment petition.

Section 10.02.5 Tuscola County Planning Commission Recommendation

Following the conclusion of the Public Hearing, the proposed amendment and any applicable zoning district map shall be submitted to the Tuscola County Planning Commission for their review. The approval of the County Planning Commission shall be conclusively presumed unless such Commission notifies the Township Board of its approval or disapproval within thirty (30) days of its receipt of the amendment.

Section 10.02.6 Township Board Action

Upon receipt of the County Planning Commission's recommendation, the Township Board shall review the County's recommendation and the recommendation of the Township Planning Commission.

The Township Board shall grant a hearing on the proposed amendment to any party who has filed a written request to be heard with the Township Clerk. The request must be received prior to the meeting at which the proposed amendment would first be considered by the Township Board. The Planning Commission shall be requested to attend the hearing, which may be held at a regular meeting or at a special meeting called for that purpose.

If the Township Board deems advisable any changes to the amendment recommended by the Planning Commission, it shall refer these changes back to the Planning Commission for a report on the desired changes within thirty (30) days.

The Township Board may deny or adopt the amendment with or without changes, by a majority vote of its membership, following the Board's standard procedures for adoption of ordinances.

Section 10.02.7 Amendments to Conform With Court Decree

An amendment for the purpose of conforming a provision of the Zoning Ordinance to the decree of a court of competent jurisdiction as to any specific lands may be adopted by the Township Board and the notice of the adopted amendment published without referring the amendment to any other board or agency provided for in this Ordinance.