

## **Chapter 12 – Amendments**

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### **SECTION 12.01 INTENT**

New styles of residential living, agricultural methods, commercial opportunities and industries will develop as our Country, State, County, and Township experiences what the future brings. The intent of this chapter is to enable Tuscola Township to benefit from future developments by amending this ordinance.

### **SECTION 12.02 CONFORM TO ORDINANCE**

Land uses, construction methods, building\* sizes, signs, parking requirements, and any other related zoning requirements that are not specifically permitted by this ordinance are prohibited.

### **SECTION 12.03 ORDINANCE AND AMENDMENT ADOPTION**

Reference: MZEA 125.3202.1

The same requirements apply to the initial adoption of this ordinance and all subsequent amendments or supplements to this ordinance.

### **SECTION 12.04 INITIATION OF ZONING ORDINANCE AMENDMENT**

Reference: MZEA 125.3402

Tuscola Township realizes that its citizens may have valid ideas for zoning ordinance\* changes that might otherwise be prohibited by Section 12.02 above. Item “A” below provides a friendly means for communicating those ideas to the Planning Commission for consideration.

- A. Citizens that wish to recommend an amendment to the zoning ordinance text or map may appear at a regularly scheduled Planning Commission meeting to propose a change. The Planning Commission will discuss the request and do one of the following:
1. Request further information from the citizen(s).
  2. Agree to begin the process of developing an amendment as described in Section 12.05 below.
  3. Provide reasons for rejecting the proposal.
  4. Table the matter for future consideration.

Item B below provides another option for citizens to request ordinance changes when they want to further pursue their request following the results of this Section.

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- B. Any proposal for an amendment to the zoning ordinance map may be initiated by any owner of an interest in the land parcel as to the zoning of such land parcel upon the filing with the Township Clerk an application form provided by the Township proposing the zone change, accompanied by a map at an appropriate scale showing the subject parcel\* in relation to adjoining parcels of land, and payment of the necessary fees for such zoning change. In the case of a lot\* with multiple owners, at least 51% of the owners of the lot must sign off on the application.
- C. Any proposal for an amendment to the zoning ordinance\* text or map may be initiated by the Township Board\* or the Township Planning Commission, upon filing with the Township Clerk a resolution, duly adopted and proposing an amendment.
- D. An amendment to conform 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 legislative body and notice of the adopted amendment published without referring the amendment to any other board, agency, or procedure provided for under the Michigan Zoning Enabling Act.

Reference: MZEA 125.3202.5

### **SECTION 12.05 ZONING AMENDMENT REVIEW PROCEDURES**

- A. The Planning Commission chairperson shall schedule a public hearing on the proposed amendment at the next regular meeting of the Planning Commission after the timing requirements for notice of the public hearing have been met.

Reference: MZEA 125.3306 (1)

- B. Public notice of the public hearing shall be provided in accordance with Section 3.01(1) for the initial adoption of a zoning ordinance or Section 3.01 (1–3) for adoption of an amendment to this ordinance.

Reference: MZEA 125.3202 (2)

- 1. For any group of 11 or more adjacent properties proposed for rezoning, the requirements of Section 3.01(2) and the requirement of Section 3.01(4) that street addresses be listed do not apply to that group of adjacent properties.
- 2. Notices under this Section shall include times and places at which the proposed text and any maps of the zoning ordinance\* may be examined.

Reference: MZEA 125.3306 (2)

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- C. The Planning Commission shall give similar notice 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 such notice:
1. Such notice shall be given by first class mail as detailed in Section 3.01 of this ordinance hearing. The Township Clerk shall maintain an affidavit of such mailing.
- D. At the meeting where an application for an amendment to the zoning ordinance is considered, the Township Planning Commission shall consider the request in accordance with the following standards:
1. The use requested shall be consistent with and promote the intent and purpose of this ordinance.
  2. The proposed use will ensure that the land use or activity authorized shall be compatible with adjacent land uses, the natural environment, and the capacities of public services and facilities affected by the proposed land use.
  3. The land use sought is consistent with the public health, safety, and welfare of the township.
  4. The proposed use is consistent with the Township Land Use Plan or a determination is made that the plan is not applicable due to a mistake in the plan, changes in relevant conditions or changes in relevant plan policies.
- E. Public Hearing
1. The Township Planning Commission shall hold a public hearing on the proposed amendment and after the public hearing shall submit the proposed amendment and any zoning maps to the County Planning Commission for review and recommendation.
  2. The County will have waived its right for review and recommendation of an Ordinance if the recommendation of the County Planning Commission has not been received within 30 days from the date the proposed ordinance is received by the County.
- Reference: MZEA 125.3308
- F. Board Action
1. Following the public hearing for a zoning amendment the Planning Commission shall transmit a summary of the comments received at the hearing, its proposed zoning ordinance or amendment including any zoning maps and its recommendations to the Township Board\*.

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2. Following the enactment of the zoning ordinance\*, the Planning Commission shall at least once a year prepare for the Township Board a report on the administration and enforcement of the zoning ordinance and recommendations for amendments for or supplements to the Ordinance.
- G. Upon receipt of the recommendations of the Township Planning Commission and following receipt of the County Planning Commission's comments or thirty (30) days after the County's receipt of the proposed amendment the Township Board shall take action approving or disapproving the proposed amendment.
1. The Township Board may hold additional public hearings on the proposed amendment, in which case they shall publish notice of that meeting in accordance with Section 3.01 of this ordinance.
  2. If the Township Board considers changes to the amendment are needed as reviewed by the Township Planning Commission, it shall send the amendment with changes back to the Planning Commission for their review and recommendation, specifying the time they have to respond.
  3. The Township Board shall grant a hearing on a proposed amendment to a property owner who by certified mail addressed to the Township Clerk requests a hearing. The Township Board shall request that the Planning Commission attend that hearing.
  4. All amendments must be approved by a majority vote of the membership of the Township Board.
- H. Following adoption of this ordinance and any amendments by the Tuscola Township Board of Trustees the following shall occur:
1. Notice of the adoption of the ordinance or amendment(s) will be published in a newspaper of general circulation in Tuscola Township within 15 days after adoption.
  2. The zoning ordinance or amendment shall take effect upon the expiration of 7 days after publication of the notice of adoption required in item 1 above.

### **SECTION 12.06 NOTICE OF INTENT TO FILE PETITION**

Reference: MZEA 125.3402

- A. Within 7 days after publication of the notice of adoption in Section 12.05 (H), a registered elector residing in Tuscola Township may file a notice of intent to file a petition with the Township Clerk.
- B. If a notice of intent under subsection A in this Section is filed, the petitioner shall have 30 days following the publication of the zoning ordinance\* to file a petition, signed by a number of

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registered electors residing in Tuscola Township not less than 15% of the total vote cast within Tuscola Township for all candidates for governor at the last preceding general election at which a governor was elected, with the Township Clerk requesting the submission of the zoning ordinance or part of the zoning ordinance to the electors residing in Tuscola Township for their approval.

- C. Upon filing of a notice of intent under subsection (B), the zoning ordinance or part of the zoning ordinance adopted by the Township Board\* shall not take effect until one of the following occurs:
1. The expiration of 30 days after publication of the ordinance adoption notice, if a petition has not been filed within that time.
  2. If a petition is filed within 30 days after publication of the ordinance adoption notice that the Township Clerk determines to be inadequate.
  3. If a petition is filed within 30 days after publication of the ordinance adoption notice is published that the Township Clerk determines is adequate and the ordinance is approved by a majority of the electors residing in Tuscola Township voting on the petition at the next regular election or at a special election called for that purpose the Township Board shall provide the manner of submitting the zoning ordinance or part of the zoning ordinance to the electors for their approval or rejection and determining the result of the election.
- D. A petition and election under this Section are subject to the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.