

AMENDMENTS

**ARTICLE 14**

**AMENDMENTS**

**SECTION 14.01 INITIATING AMENDMENTS**

The Township Board may amend, revise, or supplement district boundaries or the provisions and regulations of this Ordinance to provide for resource guardianship, public necessity, convenience, or safety, and the general welfare. Amendments may be initiated by the Township Board or the Township Planning Commission. Amendments may also be initiated with respect to a specific parcel of property by petition of one (1) or more property owners of such parcel, or by one (1) or more persons acting on behalf of the property owner(s) of such parcel. All proposed amendments shall be referred to the Township Planning Commission for review, public hearing, and recommendation before action may be taken thereon by the Township Board.

**SECTION 14.02 FEES**

The Township Board shall establish, by resolution or ordinance, fees for zoning amendment petitions. Such fee shall be paid in full at the time of the filing of the petition and no part of such fee shall be returnable to the petitioner. Fees shall not be required for amendments proposed or requested by any government agency or body.

**SECTION 14.03 AMENDMENT PROCEDURE**

**A. Compliance with State Law**

The procedure for amending this Ordinance shall be in accordance with Act 184 of the Public Acts of 1943, as amended.

**B. Procedure**

- 1. Filing of Petition:** A petition shall be filed with the Township Clerk. The Clerk shall transmit the petition to the Township Planning Commission for review and report to the Township Board.

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### 2. Public Hearing and Notice:

- a. The Planning Commission shall establish a date for a public hearing on the petition and shall give a notice thereof to the owner(s) of the property in question, to all persons to whom any real property within three hundred (300) feet of the premises in question is assessed and to the occupants of all single- and two-family dwellings within three hundred (300) feet. The notice shall be delivered personally or by mail to the respective owners and tenants at the address given in the last assessment roll. If the tenant's name is not known, the term "occupant" may be used. If the notice is delivered by mail, an affidavit of mailing shall be filed with the Planning Commission prior to the hearing. The notice shall be made at least eight (8) days prior to the hearing, stating the time, place, date, and purpose of the hearing.
- b. The Planning Commission shall also give notice of the public hearing by two (2) publications in a newspaper of general circulation within Superior Township, 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. Not less than twenty (20) days' notice of the time and place of such hearing shall be given by mail to each electric, gas, pipeline, and telephone public utility company that registers its name and mailing address with the Planning Commission for the purpose of receiving such notice, and to each railroad operating within the district or zone affected. The notices shall include the places and times at which the tentative text and any maps of the proposed amendment may be examined. An affidavit of mailing shall be maintained.
- c. The Planning Commission shall also, for any proposed amendment to the zoning map within three hundred (300) feet of the boundary of any adjacent municipality, send by regular U.S. mail a written notice of the public hearing to the zoning agencies of said municipalities and to the School Board of the school district in which the subject property is located, in order that coordination with adjacent zoning ordinances may be promoted.

### 3. Signage:

- a. 1) For any proposed amendment to the zoning map, the petitioner(s) or owner(s) of the property proposed to be rezoned shall place a four (4) by eight (8) foot sign on each side of the property which abuts a street. Each sign shall

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have lettering easily readable from the abutting street. The sign shall not be erected in the road right-of-way or in a manner to obstruct vision of motorists or pedestrians.

- 2) If the property proposed for rezoning does not abut a street, the sign shall be placed on each side of any contiguous land owned by the petitioner(s) or owner(s) of such parcel which does abut such a street.
  - 3) If no such contiguous property abutting a street is owned by the petitioner(s) or owner(s) of the property proposed for rezoning, the sign(s) shall be placed in such location(s) on the property that the Zoning Inspector deems will best inform the public of the proposed rezoning. If the Zoning Inspector determines that there is no location where a sign could be placed that would be visible to the public, the Zoning Inspector may waive the requirement of posting.
- b. Each sign shall be erected at least twenty-one (21) days, but not more than thirty (30) days, before the Planning Commission's public hearing on the petition for rezoning.
  - c. Each sign shall be removed from the property no later than three (3) business days following the public hearing or adjourned or continued date thereof, whichever is later.
  - d. Each sign shall have lettering easily readable from the abutting street. Each sign shall state "PROPERTY PROPOSED FOR REZONING", give the street address or tax code number(s), acreage, and a diagram of the property proposed for rezoning; state the current and proposed zoning classifications; and state the date, time and place of the initial public hearing on the petition for rezoning.
  - e. The petitioner shall post a bond in an amount not to exceed one hundred dollars (\$100) per sign to ensure the removal of the sign as heretofore provided.
  - f. The Zoning Inspector shall inspect the property proposed for rezoning to see that it complies with this section and shall submit an affidavit of such determination to the Planning Commission not less than seven (7) days prior to the public hearing on the petition.
  - g. Signs erected under this section are exempt from other provisions of this Ordinance regulating signs.

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- h. In the event a petition for zoning amendment is initiated by the Township Board or Planning Commission, the Township shall be exempt from the requirements for posting of signs. The Township shall meet other applicable notice requirements.
  - i. Failure to comply with any provision of this Section 14.03B(3) shall not constitute grounds for invalidating or setting aside the granting of a petition for rezoning, but shall constitute grounds for adjourning and rescheduling the public hearing. Further, the additional number of days required for holding the rescheduled public hearing shall be added to the one hundred eighty (180) day period within which action by the Planning Commission must otherwise be taken under Sections 14.03B(6) and 14.05 of this Article. In the case of Special Districts, the additional number of days required for holding the rescheduled public hearing shall be added to the one hundred eighty (180) day period within which action by the Planning Commission must otherwise be taken under Section 7.08A(7) of this Ordinance. The recommendation filed by the Planning Commission with the Township Board shall state whether the petitioner has complied with this section.
- 4. **Comprehensive Revisions:** Requirements of written notice to property owners shall not apply to comprehensive revisions of the Zoning Ordinance.
- 5. **Transmittal of Petition:** The Planning Commission shall, following the public hearing and action on the petition, transmit the petition to the County Planning Commission for review and recommendation to the Township Board.
- 6. **Time Limits and Extension Thereof:** The Planning Commission shall report its findings and its recommendations for disposition of the petition to the Township Board following the public hearing, but within one hundred eighty (180) days of the filing date. This time limit may be extended by agreement between the petitioner and the Planning Commission.
- 7. **Board Action:** If the Township Board shall deem advisable any changes, additions, or departures as to the proposed amendment, it shall refer same to the Planning Commission for a report thereon within a time specified by the Board. Thereafter, the Board may act upon the petition.

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### SECTION 14.04 INFORMATION REQUIRED

#### A. Zoning Map Amendment:

When the petition involves an amendment to the official zoning map, the petitioner shall submit the following information:

1. A legal description of the property, including a street address and the tax code numbers(s).
2. A scaled map of the property, correlated with the legal description, and clearly showing the property's location.
3. The name and address of the petitioner.
4. The petitioner's interest in the property. If the petitioner is not the owner, the name and address of the owner(s), and the signed consent of the owner(s) to the petition. In the event a petition for zoning amendment is initiated by the Township Board or Planning Commission, the signed consent of the owner(s) to the petition shall not be required.
5. Signature(s) of the petitioner(s) and owner(s), certifying the accuracy of the information. In the event a petition for zoning amendment is initiated by the Township Board or Planning Commission, the certification by the owner(s) shall not be required.
6. Identification of zoning district requested and the existing zoning classification of subject property.
7. Vicinity map showing location of property, and adjacent land uses and zoning classifications.
8. General description of natural resources and features, including, but not limited to, wetlands, streams, and other water bodies, slopes over fifteen percent (15%), woodlands, and floodplains, to be depicted on scaled drawings. In the event a petition for zoning amendment is initiated by the Township Board or Planning Commission, this general description shall not be required.
9. Reasons for the proposed amendment or zoning classification.

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### **B. Zoning Ordinance Amendment:**

When a petition involves a change in the text of the Zoning Ordinance, the petitioner shall submit the following information:

1. A detailed statement of the petition, clearly and completely setting forth all proposed provisions and regulations, including all changes in the Zoning Ordinance necessary to accommodate the proposed amendment.
2. Name and address of the petitioner.
3. Reasons for the proposed amendment.

### **SECTION 14.05 FINDINGS OF FACT REQUIRED**

In reviewing any petition for a zoning amendment, the Planning Commission shall identify and evaluate all factors relevant to the petition. The Planning Commission shall report its findings, along with its recommendation for disposition of the petition, to the Township Board, within a period of one hundred eighty (180) days of the filing date, unless the time period has been extended in accordance with other provisions herein. All findings of fact shall be made a part of the public records of the meetings of the Planning Commission. The facts to be considered by the Planning Commission shall include, but shall not be limited to, the following:

- A. Whether or not the requested zoning change is justified by a change in conditions since the original Ordinance was adopted, or by an error in the original Ordinance.
- B. The precedents, and the possible effects of such precedents, that might result from approval or denial of the petition.
- C. The capacity of Superior Township or other government agencies to provide any services, facilities, and/or programs that might be required if the petition were approved.
- D. Effect of approval of the petition on the condition and/or value of property in Superior Township or in adjacent municipalities.
- E. Relation of the petition to the adopted Growth Management Plan of Superior Township, and of other government units where applicable.

A petition shall not be approved unless these and other facts are affirmatively resolved in terms of resource guardianship, public necessity, convenience, and safety, and the general welfare of Superior Township and of other civil divisions, where applicable.

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### **SECTION 14.06 PUBLICATION OF APPROVED AMENDMENT**

Following Township Board approval of a petition to amend the Zoning Ordinance, notice of the amendment shall be published within thirty (30) days of such approval in a newspaper of general circulation within Superior Township. The notice of adoption shall include the following information:

- A. The Article and Section of the Ordinance amendment, in the case of a text amendment;
- B. Either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment;
- C. The effective date of the amendment; and
- D. The place and time where a copy of the Ordinance may be inspected and/or purchased.

### **SECTION 14.07 REFERENDUM**

Within thirty (30) days following the adoption of an amendment to the Zoning Ordinance, a petition signed by a number of qualified and registered voters residing in the unincorporated portion of Superior Township equal to not less than eight (8) percent of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected in the Township may be filed with the Township Clerk requesting that the amendment be submitted to the electors residing in the unincorporated portion of Superior Township for their approval.

### **SECTION 14.08 CONFORMANCE TO COURT DECREE**

Any amendment for the purpose of conforming to a provision of a decree of a court of competent jurisdiction as to specific Superior Township lands shall be adopted by the Township Board and the amendment published without referring same to any other board or agency.