

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 2006.
 - A. The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the Burt Township Zoning Map maybe amended, supplemented or changed by action of the Township Board following a recommendation from the Township Planning Commission.
 - B. Proposals for amendments, 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 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 s/he 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 the time and place of which shall be given in a newspaper of general circulation in the Township, not less than fifteen (15) days before the date of such hearing and by notifying all property owners within three hundred (300) feet of any land proposed for rezoning and occupants of all structures within three hundred feet not less than fifteen (15) days prior to the public hearing. Not less than 15 days' notice of the time and place of the hearing shall also be given by mail to each electric, gas, pipeline, and telephone public utility company, 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 zoning commission for the purpose of receiving the notice. The notices shall include the places and times at which the tentative text and any map of the

Zoning Ordinance may be examined and shall be verified by an affidavit of mailing or personal service.

- 5) The Planning Commission shall review and apply the following standards and factors in the consideration of any re-zoning request.
 - a) Is the proposed rezoning consistent with the Burt 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 master 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) The community should evaluate whether other local remedies are 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 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 published in a newspaper, which circulates in the Township not less than fifteen (15) days before the hearing. The Township Board may adopt or reject any proposed amendment, or refer back to the Planning Commission for further review

as prescribed by the Michigan Zoning Enabling Act, Act 110 of Public Acts of 2006.

- 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 upon inspection by the Township Planning Commission to be valid.

Section 10.02 – Enactment and Effective Date

1. This Ordinance was adopted on October 5, 2006 by the Burt Township Board of Trustees and will be effective October 20, 2006. The foregoing Zoning Ordinance and Zoning Map were presented at public hearings before the Planning Commission on August 14, 2006 and the Township Board on October 5, 2006.
2. Amendments or revisions to this Ordinance or Map of Zoning Districts shall become effective eight (8) days, or a specified later date, after publication of a notice of adoption of said amendments.