

Checklist for Zoning Ordinance Amendment and/or Repeal

X 1. Amendment or Repeal is initiated by:

- a. Township Board
- b. Planning Commission/Zoning Commission
- c. Zoning Board of Appeals
- d. Zoning Administrator
- e. Individual affected by zoning in the Township

___ 2. After initiation, amendment/repeal is referred to Planning Commission/Zoning Commission for its consideration according to the following procedures:

- a. Planning Commission/Zoning Commission shall hold not less than one (1) public hearing regarding the proposed amendment/repeal. The notices for all public hearings before the Planning Commission/Zoning Commission concerning proposed amendments (zoning text or map amendments)/repeal shall comply with the following applicable notice provisions: See MCL 125.3306.
 - i. For a proposed amendment to the text of the zoning ordinance/proposed repeal of the zoning ordinance, the notice shall comply with all of the following:
 1. The content of the notice shall include all of the following information:
 - a. A description of the nature of the proposed amendment/repeal.
 - b. The time, date, and place the proposed amendment/repeal will be considered.
 - c. The places and times at which the proposed amendment/repeal may be examined.
 - d. The address where and the deadline when written comments will be received concerning the proposed amendment/repeal.
 2. The notice shall be published in a newspaper of general circulation within the township not less than 15 days before the scheduled public hearing.
 3. 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.

- ii. For a proposed amendment rezoning an individual property or 10 or fewer adjacent properties, the notice shall comply with all of the following:
 1. The content of the notice shall include all of the following information:
 - a. A description of the nature of the proposed rezoning amendment.
 - b. 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.
 - c. The time, date, and place the proposed rezoning amendment will be considered.
 - d. The places and times at which the proposed rezoning amendment may be examined.
 - e. The address where and the deadline when written comments will be received concerning the proposed zoning ordinance amendment.
 2. The notice shall be published in a newspaper of general circulation within the township not less than 15 days before the scheduled public hearing.
 3. 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.
 4. 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 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.

5. 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.

iii. For a proposed zoning ordinance amendment rezoning 11 or more adjacent properties, the notice shall comply with all of the following:

1. The content of the notice shall include all of the following information:

- a. A description of the nature of the proposed rezoning amendment.
- b. The time, date, and place the proposed rezoning amendment will be considered.
- c. The places and times at which the proposed rezoning amendment may be examined.
- d. The address where and the deadline when written comments can be sent concerning the proposed rezoning amendment.
- e. The notice shall be published in a newspaper of general circulation within the township not less than 15 days before the scheduled public hearing.
- f. 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.

- b. Any zoning amendment enacted after March 28, 2001 shall not increase any inconsistency that may exist between the zoning ordinance or structures or uses and any airport zoning regulations, airport layout plan, or airport approach plan.

See MCL 125.3203(4).

- c. Following the public hearing, the Planning Commission/Zoning Commission shall submit the proposed zoning amendment/repeal, including any zoning maps to the county planning commission for its review and recommendations. If the recommendations are not received by the township within thirty (30) days after the county received the zoning amendment/repeal, it shall be conclusively presumed that the county has waived its rights for review and recommendation. See MCL 125.3307.
 - d. Following the public hearing, the Planning Commission/Zoning Commission, in addition to submitting the proposed zoning amendment/repeal to the county planning commission, shall submit to the township board its recommendations on the proposed zoning amendment/repeal and shall submit a summary of the comments received at the public hearing. This can be accomplished by submitting to the township board the minutes of the Planning Commission/Zoning Commission public hearing and meeting at which its recommendation was made. See MCL 125.3308.
3. After the township board receives the summary and recommendation from the Planning Commission/Zoning Commission (and after the county planning commission report has been submitted or after the 30-day period has expired, whichever comes first), the township board may act on the zoning amendment/repeal. See MCL 125.3401.
- a. If a property owner requests a public hearing on the zoning amendment/repeal (by sending the request by certified mail addressed to the township clerk), the township board must hold the public hearing following the procedures outlined below. See MCL 125.3401(4).
 - i. This hearing is not subject to MCL 125.3103 requirements, except that notice of the hearing shall be given to the person requesting the hearing in the manner as outlined in MCL 125.3103(3) and (4). See MCL 125.3401(4).
 - 1. The content of the notice shall include all of the following information:
 - a. A description of the nature of the proposed amendment/repeal.
 - b. A description of the property or properties proposed for amendment/repeal. 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.

- c. The time, date, and place the proposed amendment/repeal will be considered.
- d. The places and times at which the proposed amendment/repeal may be examined.
- e. The address where and the deadline when written comments will be received concerning the proposed zoning amendment/repeal.

- 2. The notice shall be sent by first-class mail or personal delivery to the person requesting the hearing not less than 15 days before the scheduled public hearing.

- b. If the township clerk does not receive a request for a public hearing, the township board may still elect to hold additional public hearings if it considers it necessary. MCL 125.3401(1). If the township board holds a public hearing, it must give the same notice of the public hearing as required for the Planning Commission/Zoning Commission public hearing. See MCL 125.3401(2)
- c. The township board may refer any proposed amendments back to the Planning Commission/Zoning Commission for consideration and comment within a time specified by the township board. MCL 125.3401(3).
- d. If the township board does not hold a public hearing or after any public hearing is held, the township board may adopt the zoning amendment/repeal, with or without changes, by a majority vote of its membership. MCL 125.3401(5).

___4. After a zoning amendment/repeal is adopted, the following action must be taken:

- a. The zoning amendment/repeal must be filed with the township clerk. MCL 125.3401(7).
- b. Within fifteen (15) days of enactment, a notice of ordinance adoption must be published in a newspaper of general circulation in the township. In addition, promptly after adoption, a copy of the notice of adoption shall also be mailed to the airport manager of an airport entitled to notice under section 306 of the statute (see 2.a.i.3; 2.a.ii.5; and 2.a.iii.1.f of this outline). See MCL 125.3401(8). The notice of ordinance adoption must contain the following information:
 - i. Either a summary of the regulatory effect of the zoning amendment/repeal, including the geographic area affected, or the text of the zoning

amendment/repeal.

- ii. The effective date of the zoning amendment/repeal.
- iii. The place where and time when a copy of the zoning amendment/repeal may be purchased or inspected. MCL 125.3401(9).

- c. Subject to the right to a referendum (see section 5 of this outline), the zoning amendment/repeal takes effect upon the expiration of 7 days after publication, or in other words, on the eighth day following publication, or at such later date after publication as may be specified by the township board. MCL 125.3401(6).

5. The following procedures must be followed to obtain a referendum on a zoning amendment/repeal:

- a. Within seven (7) days after publication of a zoning amendment/repeal, a registered elector residing in the township outside of cities or villages may file with the township clerk a notice of intent to file a petition for a referendum. See MCL 125.3402(1).
- b. Upon the filing of the notice of intent, the zoning amendment/repeal shall not take effect until one of the following occurs:
 - i. The expiration of thirty (30) days after publication of the zoning amendment/repeal, if a petition for a referendum is not filed within that time.
 - ii. If a petition is filed within thirty (30) days after publication of the zoning amendment/repeal, the township clerk determines that the petition is inadequate.
 - iii. If a petition is filed within thirty (30) days after publication of the zoning amendment/repeal, the township clerk determines that the petition is adequate and the ordinance is approved at an election. (Only township electors residing outside the limits of villages and cities can vote in this election.) See MCL 125.3402(3).
- c. Referendum petition requirements.
 - i. The petition must be filed within thirty (30) days after publication of the zoning ordinance amendment. See MCL 125.3402(2).
 - ii. The petition must be signed by a number of registered electors in the township outside the limits of villages and cities equal to not less than fifteen percent (15%) of the total votes cast for all candidates for governor in the last election in the township. See MCL 125.3402(2).

- d. The township board shall provide the manner of submitting the zoning amendment/repeal or a portion of the zoning amendment/repeal to the electors for their approval or rejection and determining the results of the election. See MCL 125.3402(3)(c).

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