

Procedure for Adoption of a Zoning Ordinance Amendment

The proposal to amend the Zoning Ordinance (text, or map) is initiated. Such action can be taken by the Planning Commission, the Board, or any person with an interest in property in the zoning jurisdiction.

Township Treasurer

(See Article 17)

An "escrow" fee to be held by the Township Treasurer in an escrow account to cover additional costs the Township may incur must accompany a proposal to amend the zoning ordinance (text, or map) initiated by a person with an interest in property in the zoning jurisdiction.

Additional costs may include, but are not limited to special meetings, fees of the Township planner, of the Township engineer, of the Township attorney, and any costs of required public hearings or required consultants pertinent to the proposal.

Once established, if the funds in the escrow account drop below \$250, an additional deposit of \$500 shall occur before the process will be continued.

Additional processing of the proposal and the final decision on said proposal shall be suspended at any time the escrow account is insufficient to cover the foregoing costs and expenses payable from the escrow account.

At the conclusion of the processing of the proposal and the final decision pertinent thereto, any unexpended funds remaining in the escrow account and not obligated to the payment of such costs and expenses shall be returned to the applicant without interest.

No final decision pertinent to the proposal shall be issued before the escrow account has enough funds to pay all the costs and expenses attributed to it.

The Township Planning Commission

(See Article 20)

A draft of the text of a zoning amendment and/or an amendment to the zoning map including revised boundaries to zoning districts, if applicable, is prepared utilizing information, experts and assistance as is necessary and available.

The proposed ordinance amendment should be submitted for an informal review to a third party, such as a County Planning Office, MSU Extension Land Use Area of Expertise team member, a professional planner, and/or have it reviewed by an attorney.

The Planning Commission shall hold at least one public hearing on the proposed zoning ordinance amendment. Notices for the public hearing are required to be delivered and published not less than 15 days before the date of the public hearing and/or consideration for approval. The notice shall include the following information:

- Describe the nature of the request.
- Indicate the property which is subject to the proposed zoning ordinance amendment. If the zoning amendment involves less than 11 adjacent properties, then a listing of all existing street addresses which is subject of the zoning amendment is required.
- A statement of when and where the issue will be considered.
- An indication of when and where written comments will be received concerning the issue.

Notices shall be:

- Published in a newspaper of general circulation in the local unit of government (Note: "General circulation" means a newspaper which has a paid subscription and does not mean a free-distribution advertiser or similar type publication.)
- If property is proposed to be rezoned, notice shall also be delivered personally or by mail to the owner of the property proposed for rezoning and the owners of all property within five hundred (500) feet of the property proposed to be rezoned. Notice shall also be given to any occupants of structures within three hundred (300) feet, if the occupants are different than the owners.
- Sent to each electric, gas, and pipeline public utility company, each telecommunication service provider, and each railroad operating within the district or zone affected.

After the hearing, the Planning Commission should consider adoption of the zoning amendment. The determination as to whether the zoning amendment should be recommended for adoption, or not, is based mainly on whether the amendment complies with, or furthers, the master plan upon which the zoning ordinance is based. Regardless of the recommendation, the process does not end until all steps are completed.

The Planning Commission shall submit the proposed zoning amendment, with its tentative recommendation, to the County Planning Commission. It is recommended that a letter from the township's attorney be provided with the submittal to the County, stating the following:

- He or she reviewed the proposed ordinance amendment.
- It is written properly.
- It has been adopted properly to date.
- In his or her opinion its provisions would be upheld in court.

The County Planning Commission has 30 days for this review. If no recommendation is received from the County Planning Commission within thirty (30) days after it receives the proposed rezoning or amendment, it shall be conclusively presumed that the County has waived its right for review and recommendation.

The Planning Commission should formally adopt a resolution with a recommendation to the Township Board to adopt the zoning amendment, or to not adopt the zoning amendment, and present to the Board:

- The text of the zoning amendment, with the necessary maps and zoning regulations to be adopted.
- The manner of administering and enforcing the proposed zoning ordinance amendment; or a statement that this does not change.
- A written summary of each comment made at the public hearing(s).
- A copy of the County Planning Commission's recommendations on the proposed zoning.

The Township Board

(See Article 20)

The Board shall review the proposed zoning amendment. If the Board considers changes, additions or amendments to the proposed zoning amendment, the changes may be referred back to the Planning Commission for consideration and comment.

The Board must vote on the adoption of the proposed zoning amendment, with or without amendments. The adoption of the amendment is accomplished by a majority vote of the members of the Board.

A copy of the zoning amendment, amendments, supplements, and maps shall be filed with the Township Clerk. A copy of the notice of adoption shall also be provided to the County Planning Commission. The copy may be sent electronically.

One notice of "ordinance adoption", within 15 days of adoption, shall be published in a local newspaper of general circulation. The notice shall include:

- Either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment.
- The effective date of the ordinance or amendment.
- The place where and the time when a copy of the ordinance or amendment may be purchased or inspected.

The original ordinance should be updated, by incorporating the amendment into it as soon as possible.

Optional Notice of Intent

Within seven days after the "notice of adoption" has been published a registered elector in the zoning jurisdiction may file with the clerk of the legislative body a "notice of intent" to file a petition to bring all, or part of, the zoning amendment to a vote.

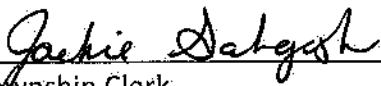
Within 30 days of the ordinance adoption that elector can file the petition with the clerk of the legislative body to have the zoning amendment adoption (or a specified portion of the zoning amendment) placed on the ballot. The petition needs to be signed by 15 percent of the qualified and registered voters in the zoning jurisdiction of the total vote cast for all candidates for governor at the last preceding general election.

The clerk of the legislative body reviews the petition and determines whether the petition is inadequate or is adequate (e.g., is/isn't enough qualified signatures, is/isn't drafted properly/improperly).

If the petition is adequate, the Township Board sets the matter for election.

CERTIFICATION

I, the undersigned, Clerk of Millington Township, hereby certify that the foregoing is a true and complete copy of a procedure adopted by the Township Board at a regular meeting held on Sept. 16, 2024, at which a quorum was present.



Township Clerk
Millington Township