

ARTICLE 12: ADOPTION AND AMENDMENTS

Section 12.0 – Amendment to this Ordinance

- A. 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 Act 110 of 2006, as amended.
1. The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the Alcona Township Zoning Map may be amended, supplemented or changed by action of the Township Board following a recommendation from the Township Planning Commission.
 2. 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.
 3. The procedure to be followed for initiating and processing an amendment shall be as follows:
 - a. Each petition by one (1) or more persons for an amendment shall be submitted by application to the Zoning Administrator on a standard 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.
 - b. The Zoning Administrator shall notify, in writing, the Township Clerk and Chair of the Planning Commission at or before the time he/she transmits the amendment request to the Planning Commission.
 - c. 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.
 - d. The public notice procedure shall be the same as that contained in **§10.3**.
 - e. Rezoning Standards: The Planning Commission shall review and apply the following standards and factors in the consideration of any rezoning request.
 - 1) Is the proposed rezoning consistent with the current Master Plan?

- 2) Are all of the allowable uses in the proposed district reasonably consistent with surrounding uses?
 - 3) Will there be an adverse physical impact on surrounding properties?
 - 4) Will there be an adverse effect on property values in the adjacent area?
 - 5) Have there been changes in land use or other conditions in the immediate area or in the community in general which justify rezoning?
 - 6) Will rezoning create a deterrent to the improvement or development of adjacent property in accord with existing regulations?
 - 7) 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)?
 - 8) Are there substantial reasons why the property cannot be used in accordance with its present zoning classifications?
 - 9) Is the site served by adequate public facilities or is the petitioner able to provide them?
 - 10) Are there sites nearby already properly zoned that can be used for the intended purposes?
- f. Following the public hearing, the Planning Commission shall submit the proposed amendment including any zoning map changes to the County Planning Commission. In the absence of a County Planning Commission, the amendment shall be submitted to the County Board of Commissioners. If the recommendation of the County Planning Commission has not been received within thirty (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.
 - g. 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.
 - h. The Township Board may hold a public hearing if it considers it necessary or if otherwise required. Notice of such hearing shall be published using the procedures in **§10.3**.

- i. The Township Board shall grant a hearing on a proposed Ordinance amendment to a property owner who requests a hearing by certified mail, addressed to the Township Clerk. Notice of such hearing shall be published using the procedures in **§10.3**.
- j. The Township Board may refer any proposed amendments to the Planning Commission for consideration and comment within a time specified by the Township Board.
- k. After any such public hearing as allowed under **§12.0(A)(3)(h-i)**, the Township Board shall consider and vote upon the adoption of a Zoning Ordinance amendment. A Zoning Ordinance amendment shall be approved by a majority vote of the members of the Township Board.
- l. 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) business days after publication or at a later date as may be specified by the Township Board at the time of adoption.
- m. 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 12.1 – Conflicting Regulations

Whenever any provision of this Ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provisions of any other Township law or Ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other law or Ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such Ordinance shall govern. Where any provision of this Ordinance differs from any other provision of this Ordinance, the more restrictive requirement shall prevail.

The graphics, tables and text used throughout this Ordinance are regulatory. In case of a conflict, text shall control over tables or graphics; tables shall control over graphics. Photographs and illustrations marked "example" or text marked "commentary" is not regulatory and is provided for illustrative purposes only.

Section 12.2 – Severability

This Ordinance and various parts, sections, subsections, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby. The Township Board hereby declared that it would have passed this Ordinance and each part, section, subsection, phrase, sentence and clause thereof irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

Section 12.3 – Repeal and Savings Clause

- A. This Ordinance repeals and replaces any previous Alcona Township Zoning Ordinance in its entirety.
- B. The repeal of any previous Alcona Township Zoning Ordinance, as provided, shall not affect any rights acquired, fines, penalties, forfeitures or liabilities incurred there under or actions involving any of the provisions of said Ordinance or parts thereof. Said Ordinance or Ordinance sections repealed is hereby continued in force and effect after the passage, approval and publication of this Ordinance for the purpose of such rights, fines, penalties, forfeitures, liabilities and actions therefore.

Section 12.4 – Enactment and Effective Date

- A. This Ordinance was adopted on **July 14, 2009** by the Alcona Township Board of Trustees and will be effective **August 1, 2009**. The foregoing Zoning Ordinance and Map of Zoning Districts were presented at public hearings before the Planning Commission on **May 21, 2009**.
- B. Amendments or revision to this Ordinance or Map of Zoning Districts shall become effective on the expiration of seven (7) days or at a later date specified by the Township Board after publication of a notice of adoption of said amendments or revisions within fifteen (15) days of adoption in accordance with Section 401 of PA 110 of 2006, as amended.