

Article 10.

Amendments and Enactment

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 Act 184 of the Public Act of 1943, as amended.
 - A. The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the Bois Blanc Township Zoning Map may be 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, Zoning Board of Appeals, Zoning Administrator, 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 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.
 - 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 by two (2) publications in a newspaper of general circulation in the 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 and by notifying all property owners within three hundred (300) feet of any land proposed for rezoning and all occupants of single and two-family dwellings within three hundred feet not less than eight (8) days prior to the public hearing. Not less than twenty (20) days notice of the time and place of such hearing shall also be given by mail to each public utility company and railroad within the zone affected who have registered to receive

such notices. 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 Bois Blanc 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) After the Township Board receives the summary and recommendation from the Planning Commission (and after the County Planning commission report has been submitted or after the 30 day prior has expired, whichever comes first), the Township Board may act on the Zoning Ordinance amendment.

- a) If a property owner requests a public hearing on the Zoning Ordinance amendment (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. The Township Board shall request the Planning Commission to attend this 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. If the Township Board holds public hearings, the following procedure must be observed.
 - (1) The notice of public hearing must be published not more than 15 days nor less than 5 days before the hearing in a newspaper of general circulation in the Township.
 - (2) If the Township Board considers revisions to the proposed text or a Zoning Ordinance advisable, it must refer those revisions back to the Planning Commission for a report thereon within a time specified by the Township Board.
- c) If the Township Board does not hold a public hearing or after any public hearing(s) are held, the Township Board, at a regular meeting or a special meeting called for that purpose, may adopt by a majority vote of its membership the Zoning Ordinance amendment.
 - (1) The Township Board may consider amendments that have previously been considered by the Planning Commission and for which the Planning Commission has held a public hearing.
 - (2) Subject to the right to a referendum, the Zoning Ordinance amendment shall take effect upon the expiration of 7 days (i.e. effective on the 8th day) after publication or at such later date after publication as may be specified by the Township Board.
- d) The following procedures must be followed to obtain a referendum on a zoning amendment:
 - (1) Within seven (7) days after publication of a zoning ordinance amendment, a registered elector of the township may file with the township clerk a notice of intent to file a petition for a referendum.
 - (2) Upon filing the notice of intent, the zoning ordinance amendment shall not take effect until one of the following occurs:
 - a) The expiration of thirty (30) days after publication of the zoning ordinance amendment, if a petition for a referendum is not filed within that time.
 - b) If a petition is filed within thirty (30) days after publication of the zoning ordinance amendment, the township clerk determines that the petition is

inadequate.

- c) If a petition is filed within thirty days after publication of the zoning ordinance amendment, 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 incorporated villages or cities can vote in this election.)
 - (3) The petition must be signed by a number of registered electors in the township greater than or equal to fifteen percent (15%) of the total votes cast for all candidates for governor in the last election in the township.
 - (4) The township board shall provide the manner of submitting the zoning ordinance amendment or a portion of the zoning ordinance amendment to the electors for their approval or rejection and determining the results of the election.
- 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.
- a) The notice of Ordinance adoption must contain the following information:
 - (1) Either a summary of the regulatory effect of the Zoning Ordinance amendment, including the geographical area affected, or the text of the Zoning Ordinance amendment.
 - (2) The effective date of the Zoning Ordinance amendment.
 - (3) The place and time where a copy of the Zoning Ordinance amendment may be purchased or inspected.
- 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 September 14, 2005, by the Bois Blanc Township Board of Trustees and will be effective October 1, 2005. The foregoing Zoning Ordinance and Zoning Map were presented at a public hearing before the Planning Commission on August 17, 2005.

2. Amendments or revision to this Ordinance or Map of Zoning Districts shall become effective eight (8) days after publication, or a specified later date, of a notice of adoption of said amendments or revisions within fifteen (15) days of adoption in accordance with Sections 11 and 14 of said Public Act 184, as amended.