

## CONWAY TOWNSHIP POLICY No. 3

### PROCEDURES FOR AMENDING THE ZONING ORDINANCE (TEXT AMENDMENT)

The Conway Township Board has adopted this administrative policy to formalize and clarify procedures that are to be followed when amending the text of the Conway Township Zoning Ordinance and to ensure compliance with the Michigan Zoning & Enabling Act (MZEA).

#### A. Planning Commission Steps

1. **Initiation.** Text amendment is initiated by the Planning Commission, Township Board, or citizen.
2. **Third Party Reviews.** The Planning Commission may submit the proposed amendment for an informal review to the Livingston County Planning Commission. The Planning Commission shall provide to the Township Attorney for review.
3. **Schedule Public Hearing.** Schedule public hearing before the Planning Commission on proposed amendment during any regular meeting or special meeting.
4. **Notice.** Prepare notice of public hearing and meeting of Planning Commission on proposed amendment for publication, mailing, and posting. The Notice must:
  - a. Describe the nature of the proposed amendment. Publish proposed amendment in its entirety.
  - b. State the time and place the amendment will be considered.
  - c. State the time and place written comments will be received.
  - d. State the time and places the proposed text may be examined. A copy should be available at the Conway Township Hall.
  - e. Include name of Conway Township, address, telephone number.
5. **Publish Notice.** Publish notice of public hearing and meeting in newspaper of general circulation in Township at least 15 days before the date of public hearing and meeting.
6. **Mail Notice.** If any electric, gas, pipeline public utility company, telecommunication service provider within the Township, railroad operating within the Township, or manager of any airport within the Township has registered their name and address with the Township Clerk for purposes of receiving zoning public hearing notices, then mail notice of the public hearing and meeting by regular first class mail to any entity so registered at least 15 days before the date of the public hearing and meeting. Step may be skipped if no entities have registered.
7. **Public Hearing.** Planning Commission holds the public hearing on the proposed amendment. Planning Commission should acknowledge any written comments received, and attach a copy to the minutes. The minutes should reflect a summary of all public comments received. Planning Commission should vote by motion to recommend or not to recommend adoption of the amendment to the Township Board. The decision may be tentative or subject to further reviews.
8. **County Planning Review.** After the hearing, the Planning Commission shall submit the proposed amendment with its tentative recommendation to the Livingston County Planning Commission for review. The Livingston County Planning Commission has 30

days to review, and the review is waived if not received by the Township within this time. Efforts should be made to keep the Livingston County Planning Commission informed of the Township's anticipated review needs.

9. **Recommendation.** The Planning Commission should adopt by motion with a roll call vote recommendation to the Township Board to adopt or not to adopt the amendment and submit to the Township Board.
10. **Records.** The Secretary of the Planning Commission shall prepare and provide to the Township Clerk for inclusion in the Township records the following: proposed text amendment, Affidavits of publication and mailing of public hearing notice, and applicable minutes, letters, County reviews, and attorney reviews.

## **B. Township Board Steps**

1. **Public Hearing.** The Township Board may hold an additional public hearing on its own initiative, but is required to hold a public hearing upon the request of any property owner by certified mail to the Clerk. Notice for any public hearing shall be provided as set forth above for the Planning Commission public hearing.
2. **Consideration.** The Township Board shall consider the Planning Commission's recommendation and do one of the following:
  - a. Disapprove the proposed amendment.
  - b. Approve the proposed amendment and adopt the ordinance with or without permissible amendments.
  - c. Refer the text back to the Planning Commission for further consideration and comment within a time specified by the Township Board.
3. **Adoption.** Decision of the Township Board to adopt the ordinance amendment shall be done by motion approved by majority of the members elect of the Board on a roll call vote.
4. **Effective Date.** The amendment shall take effect 7 days after notice of adoption is first published or a later date specified by the Township Board.
5. **Publication.** Publish notice of ordinance adoption and complete ordinance or proper summary of ordinance in newspaper that is circulated within the Township within 15 days after ordinance adoption.
  - a. Each section shall be preceded by a "catch line."
  - b. Requirements for a proper summary:
    - i. It may be prepared by the person who drafted the ordinance, the Township Board, or attorney.
    - ii. Each section shall be preceded by a "catch line."
    - iii. Must be written in clear and non-technical language.
    - iv. Must contain the effective date.
    - v. Include location where full text of the ordinance may be reviewed and hours. The text should be made available at the Township Hall and with the County Clerk.
  - c. Have attorney review and approve property summary.
6. **Mailing.** Mail a copy of the notice of adoption to the manager of any airport within the Township which has registered to receive zoning notices.

7. **Filing:** The following shall be filed and recorded by the Township Clerk within 1 week after publication, unless an alternative time is noted:
  - a. An attested copy of the ordinance shall be filed with the County Clerk.
  - b. The Township Clerk shall maintain a separate book for zoning ordinance amendments and record therein the following:
    - i. A complete copy of the amendment with the Clerk's certification of the names of Board members and how they voted, date of publication and name of newspaper, date of filing of ordinance with the County Clerk, and date of mailing (if applicable).
    - ii. Minutes from all Planning Commission and Township Board meetings and public hearings.
    - iii. Affidavit of Publication from the newspaper (when it becomes available).
    - iv. Affidavit of Mailing, if applicable.
    - v. Records provided by the Planning Commission including Livingston County Planning Commission and any other third party reviews.
  - c. The Livingston County Planning Commission should also be provided a copy of the amendment, upon their request, and may be provided electronically
8. **Petition.** Within 7 days after publication of the notice of adoption, a registered elector residing in the Township may file with the Township Clerk a notice of intent to file a petition to bring all or part of the zoning amendment to a vote. If this occurs, then the Clerk should notify the Township attorney immediately for further direction and assessment of impact.
9. **Update Zoning Ordinance.** The Clerk shall incorporate the amendment into the Conway Township Zoning Ordinance, and note the date of amendment.
10. **Administrative Effect.** Township Board should address any policy or procedures affected by or necessary for administration and enforcement of the amendment. The Zoning Administrator should update any inventory of existing buildings which are nonconforming as a result of the amendment.

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I, Cindy Dickerson, Conway Township Clerk, hereby certify that this administrative Conway Township Policy No. 3 was approved by Resolution Roll Call vote by the Conway Township Board at a regular meeting held on July 20, 2010. Presented by Parsons, Supported by Rife.

DeMarais – Aye  
 Parsons – Aye  
 Rife – Aye  
 West – Aye  
 Dickerson - Aye

Resolution Number 2010-07-20-2

/s/ \_\_\_\_\_  
 Cindy Dickerson  
 Conway Township Clerk