

**NOTICE OF ADOPTION OF ORDINANCE
CHARTER TOWNSHIP OF FLUSHING
GENESEE COUNTY, MICHIGAN**

At its regularly scheduled meeting held on Thursday, December 14, 2006, the Board of Trustees of the Charter Township of Flushing, 6524 N. Seymour Road, Flushing, Michigan 48433, on the recommendation of the Township Planning Commission adopted the following ordinance to amend the designated sections of the Township's Zoning Ordinance to incorporate changes required by the Michigan Zoning Enabling Act.

THE CHARTER TOWNSHIP OF FLUSHING ORDAINS:

Sec. 20-1801 Review Procedures

(b) The special land use permit application may be accompanied by an application for a zone change, where such a zoning change is necessary to the consideration of the application, provided all applicable provisions for a zoning change application have been complied with. Where an application for a non-discretionary special land use permit and zone change are considered together, the notice requirements for zoning amendments shall be followed. Where the application is for a non-discretionary special land use permit, the application shall be submitted to the Zoning Administrator who will have 14 days in which to determine if the application meets the specific non-discretionary standards established for that particular special land use. Where the discretionary special use permit application is not accompanied by an application for a zoning change, the following procedure shall apply:

- (1) Upon receipt of an application for a special land use which requires a decision on discretionary ground, one (1) notice that a public hearing for a special land use appeal will be held shall be published in a newspaper which circulates in the township and sent by mail, or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet including those outside the jurisdiction of Flushing Township. The notice shall be given not less than fifteen (15) days before the date the application will be considered. If the name of the occupant is not known, the term "occupant" may be used in making notification. The notice shall:

Sec. 20-2001 Zoning Amendment Review Procedures

(a) The township clerk shall give notice of the time and place of the Township Planning Commission meeting at which the amendment will be heard by one (1) publication in a newspaper of general circulation in the township.

- (1) The notice shall be published not less than fifteen (15) days from the date of such hearing.
- (2) The notice shall include:
 - a. The places and times at which the tentative text and any maps of the zoning ordinance may be examined.
 - b. Describe the nature of the request.
 - c. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 - d. State when and where the request will be considered.
 - e. Indicate when and where written comments will be received concerning the request.

(b) The township clerk shall give similar notice 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 such notice.

- (1) Such notice shall be given by first class mail not less than fifteen (15) days before the hearing. The township clerk shall maintain an affidavit of such mailing.

(c) The township clerk shall deliver notice of the proposed amendment and public hearing date to the owner of the property in question, to all persons to whom any real property within three hundred (300) feet of the premises in question is assessed, and to the occupants of all structures within three hundred (300) feet, including those outside the jurisdiction of Flushing Township.

- (1) Such notice shall be delivered personally or given by certified mail not less than fifteen (15) days before the hearing.
- (2) If a tenant's name is not known, the term "occupant" may be used.
- (3) Notification of surrounding property owners and occupants does not apply to rezoning requests involving 11 or more adjacent parcels.

(f) Upon receipt of the recommendations of the Township Planning Commission the Township Board shall take action approving or disapproving the proposed amendment. If the Township Board chooses to hold a public hearing on the proposed amendment, they must comply with the notice requirements outlined in paragraphs (a), (b), and (c) above. If the Township

Board wishes to make any changes to the ordinance before adopting it, they may, at their option, resubmit the amendment to the Planning Commission for further review.

Sec. 20-2002 Conditional Rezoning

(a) Intent

It is recognized that there are certain instances where it would be in the best interests of the Township, as well as advantageous to owners of an interest in property (hereinafter "owner" shall mean owner of an interest in property) seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this Section to provide a process consistent with the provisions of Section 16i of the Township Zoning Act (MCL 125.286i) by which an owner seeking a rezoning may voluntarily propose conditions regarding the use and/or development of land as part of the rezoning request. Unless the ordinance or amendment to the ordinance specifies a later date, the ordinance or amendment shall be effective upon expiration of seven (7) days after publication.

Sec. 20-2003 Notice of Adoption

(a) Following adoption of zoning ordinance amendments by the Township Board, the amendments shall be filed with the Township Clerk, and a notice of ordinance adoption shall be published in a newspaper of general circulation in the local unit of government within fifteen (15) days after adoption.

(b) A copy of the notice required under subsection (a) shall be mailed to the airport manager of an airport entitled to notice under Section 20-2001 (b).

(c) The notice required under this section shall include all of the following information:

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

Sec. 20-2004 Fees

The Township Board shall set the fees for special meetings.

Sec. 20-2208 Variance Review Procedures.

(a) Procedures.

- (1) An application for the approval of a variance shall be made, by an owner of an interest in the lot, to the township clerk accompanied by the necessary fees as provided by ordinance, or resolution and documents as provided by this chapter. The ZBA may only consider non-use variances, and may not grant use variances.

- (4) Not less than fifteen (15) days before the meeting the township clerk shall provide notice as required in Section 20-1801 of this ordinance.

Sec. 20-2209 Appeals Procedures.

(b) **Procedures** An appeal shall be filed by applying with the officer or body from whom the appeal is taken and with the board of zoning appeals within thirty (30) days or receipt of written confirmation of the decision specifying the grounds for the appeal.

- (4) The board shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties, and decide the same within a reasonable time. In appeals dealing with specific parcels of land including Planning Commission decisions on Special Use Permits and Site Plans, the notice requirements of Sec. 20-1801 shall be used. Upon the hearing, any party may appear in person or by agent or by attorney. The board may reverse or affirm, wholly, or partly, or may modify the order, requirement, decision, or determination, as in its opinion ought to be made in the premises, and to that end shall have all the power of the officer from whom the appeal was taken and may issue or direct the issuance of a permit.

This Ordinance shall be effective seven (7) days following publication.

Adopted the 14th day of December, 2006 by the Charter Township of Flushing Board of Trustees.

JULIA A. MORFORD, Township Clerk