

**ARTICLE 29
ZONING AMENDMENTS**

SECTION 29.00 INITIATING AMENDMENTS

The Township Board may make amendments to supplement the district boundaries or the provisions and regulations of this ordinance. Amendments may be initiated by the Township Board, the Planning Commission, or by application of one or more property owners in Tyrone Township. All proposed amendments shall be referred to the Planning Commission for review and recommendation before action may be taken thereon by the Township Board.

SECTION 29.01 FEES

The Township Board shall establish, by resolution, fees for zoning amendment applications. The fee shall be paid at the time of filing of the application and no part of such fee shall be returnable to the applicant. Fees shall not be required for amendments requested by a government agency or body.

SECTION 29.02 AMENDMENT PROCEDURE

The procedure for amending this ordinance shall be in accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, or as may be amended.

- A. Amendment Application.** An amendment application shall be filed with the Township Clerk. The Clerk shall transmit the application to the Planning Commission for review and report to the Township Board.

- B. Planning Commission Review.** Upon receipt of a complete application, the Planning Commission shall be responsible for holding a public hearing on the proposed amendment and making a recommendation to the Township Board.
 - 1. Preliminary Review.** Prior to Planning Commission consideration, the proposed amendment and application materials shall be forwarded to the Planning Commission Subcommittee and Township officials and staff for preliminary review and comment. If it is determined that the application is

not complete, then the applicant shall be contacted to inform him/her of the additional information that is required.

2. **Agency and Consultant Reviews.** If deemed necessary by the Planning Commission or the Planning Commission Subcommittee, the proposed amendment and application materials shall be forwarded to the Township Board, Township consultants, and/or other applicable outside agencies for further review, recommendation, and advice, with any additional costs being borne by the applicant.
3. **Public Hearing.** The Planning Commission shall establish a date for a public hearing on the application. The public hearing shall be properly noticed in accordance with the requirements of Section 202 of Public Act 110 of 2006, or as amended:
 - a. **Public Notice.** Notice of the public hearing shall be published in a newspaper of general circulation within the Township no less than 15 days prior to the public hearing.
 - b. **Ten or Fewer Properties.** If an individual property or ten (10) or fewer adjacent properties are proposed for rezoning, the Planning Commission shall give a notice thereof 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 of the premises, regardless of whether the adjacent persons or structures are located in Tyrone Township. All properties included in the application for rezoning should be specifically identified by street address, if known.
 - c. **Eleven or More Properties.** If eleven (11) or more adjacent properties are proposed for rezoning, the notice shall be published as stated in 29.02.B.3.a above, but need not be distributed as described in 29.02.B.3.b above. Also the properties being considered for rezoning may be described generally as opposed to using specific street addresses.
 - d. **Notification Date.** The notice and proof thereof shall be sent by mail or personally delivered no more than 60 nor less than 15 days prior to the date of the hearing.

- e. **Occupant.** If the name of the occupant is not known, the term “occupant” may be used in making notification.
 - f. **Noticing Information.** The public notice shall generally describe the nature of the request, indicate the property that is the subject of the request (as required by 29.03.B.3.b or c above), state when and where the request will be considered, and indicate when and where written comments will be received concerning the request.
 - g. **Hearing Applicants.** Public hearing requirements shall also apply to amendments initiated by the Township Board, the Planning Commission and by any other governmental agency or body.
- C. **Planning Commission Report.** Following the public hearing, the Township Planning Commission shall report its findings and recommendation for disposition of the proposed zoning amendment to the Township Board. Simultaneously, the Township Planning Commission shall submit its recommendations to the County Planning Commission for review and recommendation to the Township Board. The County Planning Commission, within thirty (30) days of receipt, shall notify the Township Clerk of its recommendation for the proposed amendment, or approval of the amendment shall be conclusively presumed. The application shall be forwarded to the Township Board regardless of whether the Township and County Planning Commission recommend approval or disapproval of the proposed amendment.
- D. **Reasonable Time.** Action shall be taken on the rezoning request within a reasonable time period from the filing date of the zoning amendment application.
- E. **Township Board Review.** The Planning Commission shall forward to the Township Board their recommendation regarding the amendment, the minutes of the Public Hearing held to review the amendment, the comments of the Township Planner or other consultants engaged by the Township, and the recommendations of the Livingston County Planning Commission.
- 1. **Additional Public Hearings.** The Township Board may on its own initiative hold an additional public hearing regarding the proposed amendment, and is required to hold an additional hearing upon the request of any property owner sent by certified mail to the Township Clerk. Notice of the public hearing and procedures for the hearing shall be the same as required for

the public hearing by the Planning Commission in Section 29.02. A - B.3 above.

- 2. Township Board Consideration.** The Township Board shall consider the Planning Commission recommendation at any regular meeting or at a proper special meeting, and take one of the following actions:

 - a. Disapproval.** Disapprove the proposed amendment with no further action required by the Planning Commission.
 - b. Approval.** Approve the proposed amendment, in ordinance form, with or without amendment; or
 - c. Referral.** Refer the proposed amendment back to the Planning Commission for further consideration and comment within a specified time period.

- 3. Further Consideration.** If resubmitted to the Planning Commission for further consideration, the Township Board shall request a report within a specified time. As part of the resubmittal, the Board may ask for additional findings of fact as part of the Planning Commission review.

 - a. New Information.** If during reconsideration, new information is submitted by the applicant that differs substantially from the original proposal, it may be necessary for the Planning Commission to hold another public hearing upon consultation with the Township Attorney and Township officials.
 - b. Township Board Hearings.** Following Planning Commission re-review of the proposed zoning amendment, the Township Board is not required to hold a public hearing unless a property owner requests such a hearing by certified mail addressed to the Township Clerk. If such a public hearing request is received, notice of the hearing and procedures shall be the same as required for the public hearing by the Planning Commission in Section 29.02.B.3 above.

- F. Resubmittal of Request.** An application for a rezoning which has been denied by the Township Board shall not be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence, proof of changed conditions found to be valid upon inspection by the Township Board, a

significant revision to the Statement of Conditions for a conditional rezoning, or a change from a conventional rezoning to a conditional rezoning.

SECTION 29.03 AMENDMENT APPLICATION

A. Zoning Map Amendment. If an amendment application involves an amendment to the official zoning map, the applicant shall submit the following application information:

1. **Legal Description.** A legal description of the property, including a street address and the tax code number(s).
2. **Scaled Map.** A scaled map of the property, correlated with the legal description, and clearly showing the property's location.
3. **Applicant Information.** The name and address of the applicant.
4. **Applicant's Interest.** The applicant's interest in the property. If the applicant is not the owner of record, the name and address of the owner(s) of record, and that owner(s) signed consent shall be included in the application.
5. **Signature(s).** Signature(s) of the applicant(s) and owner(s), certifying the accuracy of the information.
6. **Zoning Districts.** Identification of the zoning district requested and the existing zoning classification of the property.
7. **General Vicinity.** A vicinity map showing the location of the property, and adjacent land uses and zoning classifications.
8. **Impact Assessment.** An Impact Assessment, as described in Section 23.04. The Township reserves the right to hire experienced professionals to evaluate the Impact Study and, if necessary, prepare additional analyses with the cost born by the applicant.

B. Text Amendment. If an amendment application involves a change in the text of the zoning ordinance, the applicant shall submit the following information:

1. **Detailed Statement.** A detailed statement of application, clearly and

completely setting forth all proposed provisions and regulations, including all changes in the zoning ordinance necessary to accommodate the proposed amendment.

2. **Applicant Information.** Name and address of the applicant.
3. **Reasons.** Reasons for the proposed amendment.

SECTION 29.04 REVIEW CRITERIA FOR AMENDMENT OF THE ZONING ORDINANCE

In reviewing any application for a zoning amendment the Planning Commission and Township Board shall identify and evaluate all factors relevant to the application. The Environmental Assessment shall be reviewed and approved if responses and comments describing impacts of a project are acceptable to the Planning Commission and Township Board. The Planning Commission shall report its findings in full, along with its recommendation for action on the application, to the Township Board. The facts to be considered by the Planning Commission and Township Board shall include, but shall not be limited to, the following:

- A. **Zoning Map Criteria.** Review criteria for an amendment to the Official Zoning Map:
 1. **Consistency.** Consistency with the goals, policies and future land use map of the Township Master Plan and consideration of current market factors, demographics, infrastructure, traffic and environmental issues, if it is determined by the Planning Commission and Township Board that these conditions have changed significantly since the Plan was created.
 2. **Site Compatibility.** Compatibility of the site's physical, geological, hydrological and other environmental features with the uses or special uses permitted in the proposed zoning district.
 3. **Return on Investment.** Evidence the applicant cannot receive a reasonable return on investment through developing the property with at least one (1) of the uses permitted under the current zoning.
 4. **Surrounding Uses.** The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic

impacts, aesthetics, infrastructure and potential influence on property values.

5. **Infrastructure Impacts.** The potential impact of the rezoning on the ability of the Township's public services and infrastructure to support any of the uses allowed under the new zoning designation without compromising the health, safety and welfare of the community.
 6. **Demand.** The apparent demand for the types of uses permitted in the requested zoning district in the Tyrone Township area in relation to the amount of land currently zoned and available to accommodate the demand.
 7. **Suitability.** The uses allowed under the proposed zoning would be equally or better suited to the area than the uses allowed under the current zoning of the land.
 8. **Previous Submission.** The request has not previously been submitted within the past one (1) year, unless conditions have changed or new information has been provided.
 9. **Other Factors.** Other factors deemed appropriate by the Planning Commission and Township Board.
- B. Zoning Ordinance Text.** Review criteria for amendment of the Zoning Ordinance Text.
1. **Specific Problems.** Documentation has been provided from Township Staff or the Zoning Board of Appeals indicating problems and conflicts in implementation of specific sections of the Ordinance.
 2. **Improved Techniques.** Improved techniques to deal with certain zoning issues have become available.
 3. **Case Law.** The Township Attorney recommends an amendment to respond to significant case law.
 4. **Master Plan.** The amendment would promote implementation of the goals and objectives of the Township's Master Plan.
 5. **Other Factors.** Other factors deemed appropriate by the Planning

Commission and Township Board have been presented.

SECTION 29.05 CONDITIONAL REZONING

- A. Intent.** There may be certain instances where it would be in the best interests of the Township, as well as advantageous to the property owner, to request a change in zoning boundaries if certain conditions are proposed by the property owner as part of the rezoning request. It is the intent of this Section to provide a process and procedure for conditional rezoning consistent with the provisions of Section 405 of the Michigan Zoning Enabling Act (MCL 125.3405) 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. This option shall apply site planning criteria to achieve integration of the development project into the fabric of the project area.
- B. Application and Offer of Conditions.**
- 1. Voluntary Offer.** An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process prior to the public hearing.
 - 2. Compliance with Procedures.** The required application and process for considering a rezoning request with conditions shall be the same as that for considering rezoning requests made without any offer of conditions, except as modified by the requirements of this Section. All of the application materials required by Section 29.03 shall be submitted for a conditional rezoning in addition to any other materials described in this Section. The required procedure for a conditional rezoning shall be the same as a conventional rezoning, as provided in Section 29.02, except as modified in this Section.
 - 3. Uses or Densities.** The owner's offer of conditions may not purport to authorize uses or densities not permitted in the requested new zoning district.
 - 4. Conditional Rezoning Plan.** A conditional rezoning plan (CR plan), prepared by a licensed engineer or architect, shall be submitted with the conditional

rezoning application. The CR plan shall provide the location, size, height, architecture, and other measures and features of buildings, structures, and improvements on, or in some cases adjacent to, the subject property. The detail to be offered for inclusion in the CR plan shall be determined by the applicant, subject to review and approval of the Planning Commission and Township Board. The CR plan shall be used to communicate the site specific conditions in the Statement of Conditions and shall be attached by reference to the final rezoning agreement. The CR plan shall not replace the subsequent requirements for site plan, subdivision, or other similar zoning review and approvals.

5. **Special Land Use Permit.** Any use or development proposed as part of an offer of conditions that would require a special land use permit under the terms of this Ordinance may only be commenced if a special land use permit for such use or development is ultimately granted in accordance with the provisions of Article 22 of this Ordinance. Review of the Special Land Use Permit may occur simultaneous to the review of the rezoning.
 6. **Deviation from Ordinance Standards.** Any deviation from a Zoning Ordinance standard for the proposed zoning district included as part of the conditional rezoning application shall be balanced by offsetting concession in the Statement of Conditions volunteered by the applicant.
 7. **Amending Conditions.** The offer of condition may be amended during the process of rezoning consideration provided that any amended or additional conditions are entered voluntarily by the owner. An owner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the Township Board provided that, if such amendment occurs subsequent to the Planning Commission's public hearing on the original rezoning request, then the rezoning application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.
- C. **Planning Commission Review.** The Planning Commission, after holding a public hearing and consideration of the factors for rezoning set forth in Section 29.04 above of this Ordinance, may recommend approval, approval with recommended changes, or denial of the rezoning, provided however, that any recommended changes in the offer of conditions are acceptable to and thereafter offered by the owner.

- 1. Preliminary Review.** Prior to Planning Commission consideration, the proposed conditional rezoning application and associated materials shall be forwarded to the Planning Commission Subcommittee and Township officials and staff for preliminary review and comment. If it is determined the application is not complete, then the applicant shall be contacted to inform them of the additional information that is required.
 - 2. Agency and Consultant Reviews.** If deemed necessary by the Planning Commission or the Planning Commission Subcommittee, the proposed application shall be forwarded to the Township Board, Township consultants, and/or other applicable outside agencies for further review, recommendation, and advice, with any additional costs borne by the applicant.
 - 3. Public Hearing.** The conditional rezoning application shall be placed on the agenda for Planning Commission review and scheduled for a public hearing according to the notice requirements and procedures of Section 29.02.B above.
 - 4. Action by the Planning Commission.** Following the hearing on the proposed amendment, the Planning Commission shall within a reasonable time, make findings of fact based on the review criteria in Section 29.04. It shall transmit these findings to the Township Board, together with the comments made at the public hearing and its recommendation.
 - 5. County Planning Commission Review.** The Planning Commission shall also submit the proposed amendment to the Livingston County Planning Commission for review and recommendation, pursuant to Section 307 of the Michigan Zoning Enabling Act, Public Act 110 of 2006, or as may be amended.
- D. Township Board Review.** After receipt of the Planning Commission's recommendation and the recommendation from the Livingston County Planning Commission (unless waived by the County), the Township Board shall deliberate upon the requested rezoning and may approve or deny the conditional rezoning request, in accordance with the procedures in Section 29.02.E above.

The Township Board's deliberations shall include, but not be limited to, a consideration of the factors for rezoning set forth in Section 29.04 of this Ordinance. Should the Township Board consider amendments to the proposed

conditional rezoning advisable and if such contemplated amendments to the offer of conditions are acceptable to and thereafter offered by the owner in writing, then the Township Board may refer the proposed amendments to the Planning Commission for consideration and comment within a specified time or may hold an additional public hearing, either of which shall be in compliance with Section 401 of Public Act 110 of 2006, or as amended.

E. Elements of a Conditional Zoning Application. The following elements shall be reviewed and approved as an integral part of the conditional rezoning application:

- 1. CR Plan.** A conditional rezoning plan (CR Plan), with such detail as proposed by the applicant and approved by the Township Board in accordance with this section (29.05.B.4 above). The CR plan shall not replace the requirements for site plan, subdivision, or condominium approval, as the case may be.
- 2. Rezoning Conditions.** Rezoning conditions shall not propose uses or densities not permitted in the intended zoning district and shall not permit uses or development expressly or implicitly prohibited in the Statement of Conditions. Rezoning conditions may include some or all of the following:
 - a. Structures and Improvements.** The location, size, height, and setbacks of buildings, structures, and improvements;
 - b. Density.** The maximum density or intensity of development (e.g., units per acre, maximum useable floor area, hours of operation, etc.);
 - c. Natural Resources.** Measures to preserve natural resources or features;
 - d. Storm Water Drainage.** Facilities to address storm water drainage and water quality;
 - e. Traffic Impacts.** Facilities to address traffic issues, for example through road paving or other road improvements;
 - f. Open Space Preservation.** Open space preservation provisions;

- g. Landscaping and Screening.** Minimum landscaping, buffering, and screening provisions,
 - h. Bonus Landscaping.** Added landscaping above and beyond what is required by the Zoning Ordinance;
 - i. Site Design.** Building design, materials, lighting and sign criteria;
 - j. Uses.** Permissible and prohibited uses of the property;
 - k. Historic Preservation.** Provisions to preserve historic farms, barns, and other buildings to preserve the history and character of the Township;
 - l. Rural View Shed.** Measures to protect the rural view shed, which is an undeveloped area adjacent to the road right-of-way, having a depth of at least two hundred (200) feet, where existing natural features such as wetlands, woodlands, hedgerows, undulating land forms, and scenic vistas are preserved and incorporated into the landscape.
 - m. Reclamation.** Reclamation and reuse of land where previous use of the land has caused severe development difficulties or has caused blight.
 - n. Drainage.** Drainage improvements, beyond what is required by ordinance using best management practices.
 - o. Other Conditions.** Such other conditions as deemed important to the development by the applicant.
- 3. Statement of Conditions.** The Statement of Conditions, which shall be prepared by the applicant (or designee), with the assistance of the Township Planner or Attorney as desired, shall incorporate the CR Plan and set forth the Rezoning Conditions, together with any other terms mutually agreed upon by the parties, including the following terms and requirements:
- a. Applicant's Proposal.** Agreement and acknowledgment that the conditional rezoning was proposed by the applicant to induce the

Township to grant the rezoning, and that the Township relied upon such proposal and would not have granted the rezoning but for the terms in the Statement of Conditions.

- b. Compliance with State and Federal laws.** Agreement and acknowledgment that the conditions and Statement of Conditions are authorized by all applicable state and federal laws and constitution, and that the Statement of Conditions is valid and was entered into on a voluntary basis, representing a permissible exercise of authority by the Township.
- c. Compliance with the CR Plan.** Agreement and understanding that the property in question shall not be developed or used in a manner that is inconsistent with the CR plan and Statement of Conditions.
- d. Compliance with the Statement of Conditions.** Agreement and understanding that each of the requirements and conditions in the Statement of Conditions represents a necessary and reasonable measure which, when considered with all other conditions and requirements, is roughly proportional to the increased impact created by the use represented in the approved conditional rezoning, taking into consideration the change zoning district classification and the specific use authorization granted.
- e. Recordable Form.** The Statement of Conditions shall be in a form recordable with the Livingston County Register of Deeds or, in the alternative, be accompanied by a recordable Affidavit or Memorandum prepared and signed by the owner giving notice of the Statement of Conditions in a manner acceptable to the Township Board.
- f. Legal Description.** Contain a legal description of the land to which it pertains.
- g. Binding Restriction.** Contain a statement acknowledging that the Statement of Conditions runs with the land and is binding upon successor owners of the land.
- h. Incorporation.** Incorporate by attachment or reference the CR Plan and any other diagram, plan, or other documents submitted or

approved by the owner that are necessary to illustrate the implementation of the Statement of Conditions. If any such documents are incorporated by reference, the reference shall specify where the document may be examined.

- i. **Authorization to Record.** Contain a statement acknowledging that the Statement of Conditions or an Affidavit or Memorandum giving notice thereof may be recorded by the Township with the Register of Deeds of Livingston County.
- j. **Notarized Signatures.** Contain the notarized signatures of all of the owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the Statement of Conditions.

F. Approval.

- 1. **Statement of Conditions.** If the Township Board finds the rezoning request and offer of conditions acceptable, the offered conditions shall be incorporated into a formal written Statement of Conditions acceptable to the owner and confirming in form to the provisions of this Section. The Statement of Conditions shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the Township Board to accomplish the requested rezoning. Final approval of the conditional rezoning shall not be granted until the Statement of Conditions has been submitted to the Township Board for review.
- 2. **Zoning Map.** Upon the rezoning taking effect, the Zoning Map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with a Statement of Conditions. All parcels involved in a conditional rezoning shall be designated with the suffix “-CR” following the conventional zoning district designation. The Township Clerk shall maintain a listing of all lands rezoned with a Statement of Conditions.
- 3. **Filing or Filing Waiver.** The approved Statement of Conditions or an Affidavit or Memorandum giving notice thereof shall be filed by the Township with the Register of Deeds of Livingston County. The Township Board shall have the authority to waive this requirement if it determines that, given the nature of the conditions and/or the time frame within which the conditions are to be satisfied, the recording of such a document would

be of no material benefit to the Township or to any subsequent owner of the land.

- 4. Conformance to Requirements.** Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by any provisions contained in the Statement of Conditions.
- G. Rejection of Request.** As provided in Section 29.02.F, an applicant is not required to wait for one year to resubmit a conditional rezoning application if denied by the Planning Commission or Township Board as long as the application includes a significant revision to the Statement of Conditions. Otherwise, one (1) year is required between applications.
- H. Compliance with Conditions.**

 - 1. Continuous Compliance.** Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the Statement of Conditions. Any failure to comply with a condition contained within the Statement of Conditions shall constitute a violation of this Zoning Ordinance and be punishable as provided in Section 30.13 of this Ordinance. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
 - 2. Permits.** No permit or approval shall be granted under this Ordinance for any use or development that is contrary to an applicable Statement of Conditions.
- I. Time Period for Development.** Unless another time period is specified in the Ordinance rezoning the subject land, the approved development and/or use of the land pursuant to other building and other required permits must be commenced upon the land within eighteen (18) months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may, upon written request, be extended by the Township Board if (1) it is demonstrated to the Township Board's reasonable satisfaction that there is a strong likelihood that the development and/or use will commence within the period of extension and proceed diligently thereafter to completion and (2) the Township Board finds that there has not been a change in the circumstances that would render the current

zoning with the Statement of Conditions incompatible with other zones and uses in the surrounding area or otherwise inconsistent with sound zoning policy. The extension may be for up to twelve (12) months, and only one such extension may be granted.

- J. Reversion of Zoning.** If approved development and/or use of the rezoned land does not occur within the time frame specified under Subsection I above, then the land shall revert to its former zoning classification as set forth in MCL 125.3405. The reversion process shall be initiated by the Township Board requesting that the Planning Commission proceed with consideration of rezoning of the land to its former zoning classification. The procedure for considering and making this reversionary rezoning shall thereafter be the same as applies to all other rezoning requests. (Section 29.02).
- K. Subsequent Rezoning of Land.** When land that is rezoned with a Statement of Conditions is thereafter rezoned to a different zoning classification or to the same zoning classification, but with a different or no Statement of Conditions, whether as a result of a reversion of zoning pursuant to Subsection J above or otherwise, the Statement of Conditions imposed under the former zoning classification shall cease to be in effect. Upon the owner's written request, the Township Clerk shall record with the Register of Deeds of Livingston County that the Statement of Conditions is no longer in effect.
- L. Amendment of Conditions.**

 - 1. Constraints.** During the time period for commencement of an approved development or use specified pursuant to Subsection I above or during any extension thereof granted by the Township Board, the township shall not add to or alter the conditions in the Statement of Conditions.
 - 2. Amendment.** The Statement of Conditions may be amended thereafter in the same manner as was prescribed for the original rezoning Statement of Conditions.
- M. Township Right to Rezone.** Nothing in the Statement of Conditions nor in the provisions of this Section shall be deemed to prohibit the Township from rezoning all or any portion of land that is subject to a Statement of Conditions to another zoning classification. Any rezoning shall be conducted in compliance with this Ordinance and the Michigan Zoning Enabling Act (Public Act 110 of 2006, or as amended).

- N. Failure to Offer Conditions.** The Township shall not require an owner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect an owner's rights under this ordinance.

SECTION 29.06 FILING AND PUBLICATION*Error! Bookmark not defined.*

The ordinance or ordinance amendments shall be filed with the Township Clerk within 15 days after adoption. A notice of adoption shall be published one time within 15 days after adoption.

- A. Publication Notice.** The Publication notice shall include:
- 1. Summary or Text.** Either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment.
 - 2. Effective Date.** The effective date of the amendment, the date of the public hearing, the date of Township Board action, and the date of publication.
 - 3. Inspection.** The place and time where a copy of the ordinance may be purchased or inspected.
- B. Affidavit of Publication.** The affidavit of publication from the newspaper of general circulation shall be filed in the Township Ordinance Records.
- C. Recording.** The Ordinance shall be recorded in the Township Ordinance Book within one week after publication of the ordinance, with a Certificate of the Township Clerk recording the date of the adoption of the Ordinance, names of the members voting, how each member voted, the date of publication and the name of the newspaper in which the ordinance was published, and if applicable, the date of filing with the Livingston County Clerk.
- D. Revision of the Zoning Map or Zoning Text.** Within 30 days of the amendment publication in a newspaper of general circulation, the Township Clerk shall make the changes to the Zoning Map or Zoning Text and distribute the new information to the members of the Township Board, Planning Commission, Zoning Board of Appeals and other appropriate officials or agencies.

SECTION 29.07 REFERENDUM

In accordance with Section 402 of the Michigan Zoning Enabling Act, Public Act 110 of 2006, or as amended, this Zoning Ordinance and any amendments hereto shall be subject to referendum.

- A. Filing.** Within 7 days after publication of a zoning ordinance under section 401 of Public Act 110 of 2006, or as may be amended, a registered elector residing in Tyrone Township may file with the Township Clerk, a notice of intent to file a petition under this section.
- B. Petition.** If a notice of intent is filed under subsection A above, then within 30 days following the publication of the zoning ordinance, a petition signed by a number of registered electors residing in the township outside the limits of cities and villages equal to not less than 15% of the total vote cast in the township for all candidates for governor at the last preceding general election at which a governor was elected, may be filed with the township clerk requesting the submission of a zoning ordinance or part of a zoning ordinance to the electors residing in the township.
- C. Effective Date.** Upon the filing of a notice of intent, the zoning ordinance or part of the zoning ordinance adopted by the Township Board shall not take effect until one of the following occurs:

 - 1. Expiration.** The expiration of 30 days after the publication of the ordinance, if a petition is not filed within that time.
 - 2. Filing of Petition.** If a petition is filed within 30 days after publication of the ordinance, the Township Clerk determines the petition is inadequate.
 - 3. Voter Approval.** If a petition is filed within 30 days after publication of the ordinance, the Township Clerk determines that the petition is adequate and the ordinance or part of the ordinance is approved by a majority of the registered electors residing in the portion of the township outside the limits of cities and villages voting thereon at the next regular election or at any special election called for that purpose. Reasonable time shall be provided for properly noticing and printing of ballots. The Township Board shall provide the manner of submitting an ordinance or part of an ordinance to the electors for their approval or rejection, and determining the result of the election.

SECTION 29.08 CONFORMANCE TO COURT DECREE

Any amendment for the purpose of conforming to a provision of a decree issued by a court of competent jurisdiction as to any specific lands in the township, may be adopted by the Township Board and the notice of amendment published without referring same to any other board or agency.

REVISIONS:

2007: MAY - Section 29.00; 29.0.A; 29.02 A. 1, 2, 3; 29.02. B, C, D, E.12, 3; 29.02.F.1,2,3; 29.03 A, B; 29.04 A, B; 29.05 - New Section; 29.06; 29.07, A, B and C.