

8/21/06 as Adopted by Township Board

**ANN ARBOR CHARTER TOWNSHIP
ZONING ORDINANCE AMENDMENT
ORDINANCE NO. 5-2006**

The Ann Arbor Charter Township Board of Trustees ordains:

The Ann Arbor Charter Township Zoning Ordinance is amended to add the following new Article IX.

ARTICLE IX
PUBLIC NOTICE AND PUBLIC HEARING

130.900 Section 900. Public Notice and Public Hearing. When public notice and a public hearing are required by the Township Zoning Ordinance or the Michigan Zoning Enabling Act, PA 110 of 2006 (“Zoning Enabling Act”), publication of such notice shall comply with the Zoning Enabling Act and the provisions of this Article. Public notice and a public hearing are required for all proposed zoning ordinance amendments, including rezonings, text amendments and planned unit developments, all proposed conditional use or special use permits, all applications before the zoning board of appeals, and as otherwise specified in the Township Zoning Ordinance or Zoning Enabling Act.

130.901 Section 901. Responsibility. The Township Clerk shall be responsible for preparing the content of the public notice of the public hearing, publication of the notice in a newspaper of general circulation in the Township, and mailing or delivery of the notice as provided in this Article.

130.902 Section 902. Content. All mailed, delivered and published notices of public hearings shall:

1. **Describe nature of the request:** Identify whether the request is for a rezoning, text amendment, conditional use permit, planned unit development, variance, appeal, ordinance interpretation or other purpose.

2. **Location of Affected Property:** 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 such as tax parcel identification numbers, identifying the nearest cross street, or including a map showing the location of the property. Street addresses do not need to be included if the notice pertains to:

a. a proposed rezoning of 11 or more adjacent properties; or

b. a request to the zoning board of appeals for an interpretation of the Zoning Ordinance or appeal of an administrative decision not involving a specific parcel.

3. Date, Time and Place: Indicate the date, time and place of the public hearing.

4. Written comments: Include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.

130.903 Section 903. Personal and Mailed Notice.

1. General: When the provisions of the Township Zoning Ordinance or the Zoning Enabling Act require that personal or mailed notice of the public hearing be provided, written notice of the public hearing shall be mailed or delivered to all of the following:

a. The owners of property for which approval is being considered, and the applicant, if different from the owners of the property.

b. Except for a proposed rezoning of eleven (11) or more adjacent properties or a request to the zoning board of appeals for an ordinance interpretation or an appeal from an administrative decision that does not involve a specific parcel, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, regardless of whether the property or occupant is located within the boundaries of the Township. If the name of the occupant is not known, the term "occupant" may be used in the notice. Notice need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses or organizations, one (1) occupant of each dwelling unit or spatial area shall be given notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at reasonable locations at the structure.

c. All persons or entities who have registered to receive notice pursuant to Section 905 below.

d. Other governmental units within 300 feet of the property involved in the application.

2. Certificate of Mailing: The Township Clerk shall prepare a list of those to whom notice of the public hearing was mailed or delivered, and a certificate of the date of delivery of the notice or deposit of mailed notices in the U.S. Mail, first class, properly addressed with postage paid, and the date listed on the certificate shall be deemed the date of delivery or mailing.

130.904 Section 904. Timing of Notice. Unless otherwise provided in the Zoning Enabling Act or this Article, notice of a public hearing shall be (a) published once in a

newspaper of general circulation in the Township, and (b) mailed or delivered as provided in Section 903 above, both not less than fifteen (15) days before the date of the public hearing.

130.905 Section 905. Registration to Receive Notice by Mail. Any public utility company, telecommunications service providers, railroad, neighborhood organization or any other person may register with the Township to receive written notice of public hearings pertaining to the zoning district in which such person or entity is located. The Township Clerk shall be responsible for providing such notices. The Township Board may by resolution establish uniform fees for providing the notices under this section. All parties requesting notice under this Section must register on forms provided by the Township at least annually.

130.906 Section 906. Sign Requirement. For all proposed conditional or specified use permits, planned unit developments or amendments to the zoning map (rezoning), the applicant or owner of the property shall place a sign no less than four (4) feet by four (4) feet on each side of the affected property that abuts a street. The sign shall not be erected in the road right-of-way or in a manner that would obstruct vision of motorists or pedestrians. Each sign shall be erected at least 21 days, but not more than 30 days, before the Township public hearing on the application and shall remain in place through the date of the public hearing. Each sign shall be removed from the property no later than three (3) business days following the public hearing or the adjourned or continued date of the public hearing, whichever is later. Each sign shall state in six (6) inch letters as applicable “PROPERTY PROPOSED FOR [REZONING] [CONDITIONAL USE PERMIT][PLANNED UNIT DEVELOPMENT]” and shall state in letters of no less than two (2) inches the street address or tax code parcel number(s), acreage of the property proposed for development, the current zoning and any proposed zoning or conditional use for the property and the date, time and place of the initial public hearing on the application. Upon request of the Township Zoning Official, the applicant or owner shall post a bond in an amount not to exceed \$100 per sign to ensure the removal of the sign as required by this Section. The Township Zoning Official shall inspect the property to confirm compliance with this Section and shall submit an affidavit of compliance to the Township Planning Commission not less than seven (7) days prior to the public hearing on the petition. Signs erected under this Section are exempt from other provisions of the Township ordinances regulating signs. Failure to comply with any provisions of this Section shall not constitute grounds for setting aside the granting of any application, but shall constitute grounds for adjourning and rescheduling the public hearing.

130.907 Section 907. Effect. Provisions of the Township Zoning Ordinance inconsistent with this Article are repealed, including any requirement pertaining to Timing of Notice different from that stated in Section 904 of this Article.

Approved: August 21, 2006

Effective: September 2, 2006 (7 days after publication)