

Hartford Township, Van Buren County, Michigan
Ordinance Number 29
Hartford Township ZEA Amendment Ordinance

An Ordinance to amend Hartford Township Zoning Ordinance to conform to the Michigan Zoning Enabling Act, being MCL 125.3101 et seq., hereinafter referred to as “ZEA”

The Township of Hartford ordains:

Section 1. Title. This Ordinance shall be known as the Hartford Township ZEA Amendment Ordinance.

Section 2. Purposes. The purpose of this Ordinance is to promote the public health, safety and welfare by conforming existing Township Zoning Ordinance and its amendments to the recently enacted ZEA and to continue and preserve the Township’s granting of variances, including use variances, as has been the practice of the Township prior to the ZEA.

Section 3. Notices. All notices with respect to the conduct of the proceedings by the township regarding zoning and the applications of it’s zoning ordinances, including all prior and future amendments thereto, shall be given in accordance with the ZEA and any future amendments thereto.

Any prior contradictory provisions regarding notice shall be of no effect from and after the effective date of this Ordinance.

Section 4. Amendments. All amendments to Township Zoning Ordinance shall be effected in accordance with the procedures provided in Section 202 of the ZEA and future amendments thereto. The Township Board reserves to itself final approval of all proposed amendments to the Zoning Ordinance. The Board further reserves final approval of any proposed zoning ordinance text amendment or rezoning and the right to modify the recommended changes without referral of the matter back to the Planning Commission for further report. However, if the Township Board deems such referral appropriate it may request that the Planning Commission consider or reconsider its recommendation based upon the Township Board’s input.

Section 5. Variances. The Zoning Board of Appeals is vested with the authority to grant variances, both non-use (dimensional) and use (application), upon a proper showing of the need therefore,

- A. Application for a variance shall be made in writing on such form as is prescribed by the Township. Said application shall describe the premises for which the variance is sought by legal description or by reference to the property tax identification number. It shall identify the applicant and the property owner if other than the applicant. The application shall set forth with specificity the nature of the variance sought and in the case of a use variance, shall describe the proposed use of the premises in detail.

An application for a non-use (dimensional variance) shall detail the practical difficulties existing on the subject property which justify granting of a variance from the dimensional requirements imposed by the Township ordinances. The application shall also state what conditions prevent the applicant from complying with the dimensional requirements of the Zoning Ordinance.

An application for a use variance shall set forth what unnecessary hardship would be incurred by the applicant were the use variance denied.

- B. The Township Zoning Administrator shall review the application upon receipt and prepare a report and recommendation for the Zoning Board of Appeals regarding the application. The Township Zoning Administrator shall submit the variance application and his recommendation to the Zoning Board for consideration at the next scheduled meeting.
- C. The Zoning Board of Appeals shall conduct a public hearing prior to the granting of any variance. Notice of said hearing shall be given in accordance with ZEA. At said hearing, the Zoning Board of Appeals may grant such variance if it determines that the applicant would incur practical difficulties in the case of a non-use variance or an unnecessary hardship in the case of a use variance. In making said determination, the Zoning Board of Appeals shall consider whether the granting of such a variance would:

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1. Conform to the spirit of the zoning ordinance as applied;
2. Secure the public safety;
3. Shall be no more objectionable to nearby property than would a permitted conforming use;
4. Would not discourage the appropriate development and use of adjacent lands in conformance with the zoning ordinance;
5. Would promote the development of the Township in accordance with the zoning ordinance and master plan.

No variance shall be granted, except:

1. In the case of a non-use variance by the affirmative vote of a majority of the members of the Zoning Board of Appeals, and
 2. In the case of a use variance by the affirmative vote of not less than two-thirds of the members of the Zoning Board of Appeals.
- D. In granting a variance the Zoning Board of Appeals may impose conditions or limitations that shall be and become part of the variance granted. Failure of the applicant or subsequent owner of the premises to abide by such restrictions or limitations shall terminate the variance.
- E. In the event that a variance is granted, the same shall be solely for the benefit of the subject premises. Subsequent change in ownership shall not terminate or affect the variance or any conditions or limitations. All Variances shall run with the land.

Section 6. Former Article VII. Article VII: Amendments of Ordinance Number 2, The Hartford Township Zoning Ordinance, is deleted in its entirety.

Section 7. Former Article VIII. Subparagraph 2 of Article VIII, Penalties, is amended to read at the beginning of said subsection: "The Township Board, the Zoning Board of Appeals, the Prosecuting Attorney of the County, . . ."

Section 8. Effective Date. This ordinance shall take effect sixty days following its publication in a newspaper of general circulation in the Township.

*Adopted by the Township Board of the Township of Hartford, Michigan on May 10, 2007.
Effective July 23, 2007*