

**Village of Ellsworth  
Ordinance Number Z-3 of 2006**

An Ordinance to amend Article I: Short Title and Purpose, Article VII: Site Plan Review, Special Approval Uses, Site Development Standards, Parking Requirements, Article IX: Zoning Board of Appeals, and Article X: Amendment, Severance and Enactment of the Village of Ellsworth Zoning Ordinance to update references to the new Michigan Zoning Enabling Act and to comply with the revised provisions of said act.

**The Village of Ellsworth Ordains:**

**Section 1. Amendment of Section 1.3.**

Section 1.3 of the Village of Ellsworth Zoning Ordinance is hereby amended to read in its entirety as follows:

**Section 1.3 Enabling Authority**

This Ordinance is ordained and enacted into law pursuant to the provisions and in accordance with the State of Michigan, Michigan Zoning Enabling Act, Act 110 of 2006, as amended.

**Section 2. Amendment of Section 7.2.2, subsection B.**

Subsection B of Section 7.2.2 of the Village of Ellsworth Zoning Ordinance is hereby amended to read in its entirety as follows:

- B. A public hearing shall be held for all special approval requests. A notice of the special approval request and public hearing as required by the Michigan Zoning Enabling Act, Act 110 of 2006 as amended, shall be provided by the Zoning Administrator. The notice shall be given not less than 15 days before the date the application will be considered. The notice shall describe the nature of the special approval request; indicate the subject property, state when and where the special approval request will be considered, and when and where the written comments will be received concerning the request. Notices shall be provided as follows:
1. One notice shall be published in a newspaper which circulates generally in the Village.
  2. Notice shall be sent by mail or personal delivery to the owners of the subject property.
  3. Notice shall be sent by mail or personal delivery the owners of property within 300 feet of the boundary of the subject property.
  4. Notice shall be sent by mail or personal delivery to all the occupants of structures within 300 feet of the boundary of the subject property.

**Section 3. Amendment of Section 9.1, first paragraph only**

The first paragraph of Section 9.1 of the Village of Ellsworth Zoning Ordinance is hereby amended to read in its entirety as follows:

The Ellsworth Village Council has elected to serve as the Village Zoning Board of Appeals (ZBA) in accordance with the Michigan Zoning Enabling Act, Act 110 of 2006, as amended. The Village Council as Zoning Board of Appeals shall perform its duties and exercise its powers as provided by the Act, as amended, and in such a way that the spirit of this Ordinance is observed, public safety is secured and substantial justice is done.

**Section 4. Amendment of Section 9.2.4.**

Section 9.2.4 of the Village of Ellsworth Zoning Ordinance is hereby amended to read in its entirety as follows:

**Section 9.2.4 Hearing**

The Board of Appeals shall fix a reasonable time for hearing of the appeal and give due notice. A notice of the time and place of such hearing shall be published in a paper of general circulation in the Village. Such notice shall contain the address, if available, and location of the property for which the variation or other ruling by the Board of Appeals is sought, as well as a brief description of the nature of the appeal.

Additionally, a notice stating the time, place and object of the hearing to be served personally or by mail addressed to the parties making the request for appeal and to all owners of property and occupants of all structures within three hundred (300) feet of the property in question, not less than fifteen (15) days prior to the date of the scheduled hearing. Such notices shall be served personally or sent to the respective owners and tenants at the address given on the last assessment roll. The Zoning Board of Appeals may recess such hearings from time to time and reconvene as per provisions of the Open Meetings Act.

**Section 5. Amendment of Section 10.3, first paragraph only**

The first paragraph of Section 10.3 of the Village of Ellsworth Zoning Ordinance is hereby amended to read in its entirety as follows:

The Village Council is authorized and empowered to cause this Ordinance to be amended, supplemented, or changed, pursuant to the authority and according to the procedures set forth in the Michigan Zoning Enabling Act, Act 110 of 2006, as amended.

**Section 6. Amendment of Section 10.3, subsection 3 of Planning Commission Responsibilities**

Subsection 3 of Planning Commission Responsibilities, of Section 10.3 of the Village of Ellsworth Zoning Ordinance is hereby amended to read in its entirety as follows:

3. If an individual property or several (10 or fewer) adjacent properties are proposed for rezoning, notice of the rezoning shall be given to the owners of the property or properties in question, to the owners of property within 300 feet of the property in question, and to the occupants of all structures within 300 feet of the property in question.

**Section 7. Amendment of Section 10.3, subsection 3 of Village Council Responsibilities**

Subsection 3 of Village Council Responsibilities, of Section 10.3 of the Village of Ellsworth Zoning Ordinance is hereby amended to read in its entirety as follows:

3. If a proposed zoning amendment is the object of a protest petition (as described in the Michigan Zoning Enabling Act, Act 110 of 2006, as amended), the adoption of the amendment shall require a 2/3 vote of the legislative body, unless a larger vote is required by the Village Charter.

**Section 8. Severability.**

If any section, clause, or provision of this Ordinance be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the Ordinance. The Village Council hereby declares that it would have passed each part, section, subsection, phrase, sentence, and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences, or clauses be declared invalid.

**Section 9. Conflicts.**

If any provision of the Village of Ellsworth Zoning Ordinance conflicts with this Zoning Ordinance Amendment, then the provisions of this Zoning Ordinance Amendment shall control.

**Section 10. Effective Date.**

This Ordinance shall become effective January 1, 2007