



Administration, Enforcement and Amendment

This Chapter details the administration, enforcement and amendment of the Lake Township Zoning Ordinance. It details and discusses the specific duties of the Zoning Administrator, the Planning Commission, and the Zoning Board of Appeals. Additionally, this Chapter explains the procedure for amending the text of the zoning ordinance, amending the zoning map, and the procedure for securing land use permits and site plan approvals.

SECTION 301. DUTIES OF THE ZONING ADMINISTRATOR

The Lake Township Board shall establish an office and appoint a person to be the Zoning Administrator (Administrator). The Administrator is authorized and responsible for administration and enforcement of this Ordinance and shall, for the purposes of this Ordinance's Administration and enforcement, have the powers as established by the Michigan Zoning Enabling Act, P.A. 110 of 2006, and specifically as follows:

301.1 ACCEPT AND RECORD APPLICATIONS, ISSUE & RECORD PERMITS.

All applications for Permits shall be submitted to the Administrator who shall keep a record of all applications which have been submitted and their disposition. When all applicable provisions of this Ordinance have been met regarding any application, the Administrator shall issue a Permit for the proposed use. When conditions are not met, the administrator shall consult with the applicant to determine the proper course of action. The Administrator shall maintain a record of all applications and related permits, including documentation for each.

301.2 ISSUE WRITTEN DENIAL.

When any application for a permit is denied, the Administrator shall provide the applicant with a written denial, stating the reasons for the denial.

301.3 NOTICE OF HEARINGS.

Whenever a zoning matter is the subject of a public hearing before the Planning Commission or the Zoning Board of Appeals, the designated committee member from each of the Planning Commission or Zoning Board of Appeals shall prepare notices of the hearing and disseminate said notices as required by this Ordinance.

301.4 INSPECTIONS.

The Administrator shall be empowered to make inspections of buildings or premises to carry out enforcement of this Ordinance.

301.5 RECORD NONCONFORMING USES.

The Administrator shall record all nonconforming uses existing at the effective date of this Ordinance for the purpose of carrying out the provisions of Chapter 13.

301.6 RECORD SPECIAL USES.

The Administrator shall keep a record of all Special Use Permits issued under the terms of this Ordinance for the purpose of carrying out provisions of Chapter 16.

301.7 RECORD INTERPRETATIONS OF ORDINANCE.

The Administrator shall maintain a concise record of all interpretations of this Ordinance rendered by the Planning Commission. Interpretations of the ordinance do not include dimensional or administrative issues. This record shall be consulted whenever questions arise concerning interpretation of any provisions of this Ordinance to determine whether any applicable precedents have been set.

301.8 PUBLIC INFORMATION.

The Administrator shall respond to inquires and dispense information or copies of this Ordinance to make the public aware of and familiar with the provisions of this Ordinance. Public awareness and acceptance of the Zoning Ordinance will help to maintain compliance with it.

301.9 RESPOND TO COMPLAINTS.

The Administrator shall respond within five (5) business days, whenever possible, to any complaint regarding an alleged violation of the terms or conditions of this Ordinance or any permit issues pursuant to it. The Administrator shall provide a report at each regular Planning Commission meeting summarizing the nature and disposition of complaints that have been received. A written record of all complaints, responses and dispositions of the complaint will be maintained.

301.10 MAY NOT CHANGE ORDINANCE.

Under no circumstances is the Administrator permitted to make changes in this Ordinance or to vary the terms of this Ordinance. Suggestions by the Zoning Administrator for changes to this ordinance will be taken under advisement by the Planning Commission.

SECTION 302. DUTIES OF THE PLANNING COMMISSION

302.1 ESTABLISHMENT.

The Lake Township Planning Commission is established as specified within the Michigan Zoning Enabling Act, Public Act 110 of 2006.

302.2 MEMBERSHIP.

The Planning Commission shall consist of five (5) members who shall be representative of major interests, as they exist in the township, such as agriculture, recreation, education, public health, government, commerce, transportation and industry. All members shall be qualified electors of the township. One member of the township board shall be a member of the Planning Commission. Members shall be appointed by the Township Supervisor with the approval of the Township Board. Members may be removed by the Township Supervisor after hearing, with the approval of the Township Board.

302.3 TERMS OF OFFICE.

The term of each member shall be for three (3) years. However, of the members first appointed, one-third (1/3) shall serve for one (1) year, one-third (1/3) for two (2) years, and one-third (1/3) for three (3) years. A successor shall be appointed not more than one (1) month after the term of the preceding commission member has expired. All vacancies for unexpired terms shall be filled for the remainder of such term.

302.4 OFFICERS.

The Planning Commission shall elect a Chairman, Vice Chairman, and Secretary from its members, and create and fill such other officers of committees, as it may deem advisable. The commission may appoint advisory committees outside of its membership. The terms of all officers shall be one (1) year.

302.5 COMPENSATION.

Members of the Planning Commission may be compensated for their services as approved by the Township Board. The commission may make and administer regulations relative to compensation for the travel of its members and employees when engaged in the performance of activities authorized by the Planning Commission, including attendance at conferences and meetings. The commission shall prepare a detailed budget and submit the same to the Township Board for approval or disapproval. The Board annually shall appropriate and make funds available for carrying out the purposes and functions permitted under this ordinance and may match Township funds with federal, state, county or other local government or private grants. The Township Board may accept and use gifts and grants for Planning Commission purposes. Money so accepted shall be deposited with the township Treasurer in a special non-reverting Planning Commission fund for expenditure by the Planning Commission for the purpose designated by the donor. The expenditures of the Planning Commission, exclusive of the grants, shall be within the amounts appropriated by the Township Board.

302.6 RULES OF PROCEDURE.

The Planning Commission shall adopt its own rules of procedure as may be necessary to conduct its meetings and carry out its function.

302.7 MEETINGS.

The Planning Commission shall meet at least four (4) times each year, and by resolution shall determine the time and place of meetings. All meetings shall be properly noticed and open to the public. Special meetings may be called by two (2) members upon written request to the Secretary or by the Chairman.

302.8 RECORDS.

Minutes shall be recorded of all proceedings which shall contain evidence and dates relevant to every case considered together with the votes of the members and the final disposition of each case. Such minutes shall be filed in the office of the Township Clerk and shall be public records.

302.9 DEVELOPMENT PLAN.

The Planning Commission shall make and adopt a basic plan as a guide for the development of unincorporated areas of the Township. Plan contents, adoption, amendment, approval by the county planning commission, hearing and publication shall be according to Michigan Zoning Enabling Act, P.A. 110 of 2006.

302.10 ZONING ORDINANCE.

The Zoning Ordinance shall be based on a plan designed to promote the public health, safety, and general welfare.

302.11 ADMINISTRATION AND ENFORCEMENT.

The Planning Commission shall be responsible for the following administrative and enforcement activities under this Ordinance:

- A. **Site Plan Approval.** The Planning Commission shall review Site Plans, when required by this ordinance, and issue its approval, conditional approval or denial.
- B. **Special Use Permits.** The Planning Commission shall conduct a public hearing on any application for a Special Use Permit. Following a public hearing, the Planning Commission shall review and approve or deny said application.
- C. **Rezoning or Amendment.** The Planning Commission shall conduct public hearings for proposals to rezone property or amend the text of this Ordinance. Following a public hearing, the Planning Commission shall make its recommendation regarding the proposed rezoning or text change to the Township Board.

D. Approval of Public Improvements.

1. After the Planning Commission has adopted the Land Use Plan of the Township, no street, square, park or other public way, ground or open space, or public building or structure, shall be constructed or authorized in the Township or in the planned section and district until the location, character and extent thereof shall have been submitted to and approval recommended by the Planning Commission.
2. The Planning Commission shall communicate its reasons for approval or disapproval to the Township Board, which shall have the power to overrule the Planning Commission by a recorded vote of not less than a majority of its membership.
3. The failure of the Planning Commission to act within sixty (60) days after the official submission to the Commission shall be deemed approval.
4. The Planning Commission shall promote public understanding of an interest in the Land Use Plan and shall publish and distribute copies of the plan and of any report, and may employ such other means of publicity and education as it determines necessary.

E. Approval of Plats. The Township Board shall refer plats (Subdivision Control, etc.) or other matters relating to land development to the Planning Commission before final actions thereon by the Township Board.

F. Professional Advisor. The Planning Commission may recommend to the Township Board the employment of a planning director or other planning personnel, contract for the part-time or full-time services of planning and other technicians, and pay or authorize the payment of expenses within the funds budgeted and provided for planning purposes.

~~SECTION 303. DUTIES OF THE ZONING BOARD OF APPEALS~~

~~303.1 ESTABLISHMENT.~~

~~The Lake Township Zoning Board of Appeals is established as specified within the Michigan Zoning Enabling Act, Public Act 110 of 2006.~~

~~303.2 MEMBERSHIP.~~

~~The Township Zoning Board of Appeals shall consist of five (5) members. The first member of such Board of Appeals shall be a member of the Township Planning Commission. One member of the Zoning Board of Appeals may be elected by the Township Board from its members to serve at the pleasure of the Board for as long as this member shall be an elected member of the Township Board. The remaining members of the Board of Appeals shall be selected from the electors of the Township by the Township Board. Members so selected shall be representative of the population distribution and of various interests present in the township. An elected officer of the township shall not serve as chairperson of the Board of Appeals. An employee or contractor of the Township Board may not serve as a member or an employee of the Township Board of Appeals. Members of the Board of Appeals shall be removable by the Township Board for nonperformance of duty or misconduct in office upon written charges and after public hearing.~~

- ~~A. The Township may appoint not more than two (2) alternate members to the board, said alternate members to have the same term as regular members of the board and to be subject to the same qualifications and other provisions contained herein applicable to regular members of the Board.~~

~~303.3 TERMS OF OFFICE.~~

~~With the exception of the members of the Planning Commission and Township Board who shall serve for the term of their appointment to the Planning Commission or election to the Township Board, the term of each member of the Board of Appeals shall be for three (3) years. Of the first members appointed to the Board of Appeals, excepting the Planning Commission and Township Board member, one (1) member shall be appointed for one (1) year, one (1) member for two (2) years, and one (1) member for three (3) years.~~

~~303.4 COMPENSATION.~~

~~The total amount allowed to the Board of Appeals in any one year as per diem or as expenses actually incurred in the discharge of their duties shall not exceed a reasonable sum which sum shall be appropriated annually in advance by the Township Board.~~

~~303.5 RULES OF PROCEDURE.~~

~~The Board of Appeals adopts its own rules of procedure as may be necessary to conduct its meetings and carry out its function. The Board shall choose its chairperson, and in the chairperson's absence, an acting chair.~~

303.6 MEETINGS.

~~Meetings shall be held at the call of the chairperson and at such times as the Board of Appeals may determine. A simple majority of the membership of the Board of Appeals shall constitute a quorum and may conduct any items of business brought before the Board. All meetings of the Board shall be open to the public. The Board may declare any meeting, or part of any meeting, a study meeting to pursue matters of business without comment or interruption from the public in attendance.~~

303.7 RECORDS.

~~Minutes shall be recorded of all proceedings which shall contain evidence and dates relevant to every case considered together with the votes of the members and the final disposition of each case. Such minutes shall be filed in the office of the Township Clerk and shall be public records.~~

303.8 DECISIONS.

~~The Zoning Board of Appeals shall return a decision upon each case within ninety (90) days of the filing of a request or appeal unless a further time is agreed upon by the parties concerned. Any decision of the Zoning Board of Appeals shall not take effect until the expiration of five (5) days after the date of said decision, unless the Board of Appeals certifies on the record that the decision must be given immediate effect for the preservation of property or personal rights. No permit authorized by such a decision shall be issued until the decision has taken effect.~~

303.9 MAJORITY VOTE.

~~The concurring vote of a majority of the membership of the Zoning Board of Appeals shall be necessary to decide upon any issue brought before the Board. For example, if three members are present, out of a total of five members, all three must concur to pass a motion.~~

303.10 CONFLICT OF INTEREST.

~~A member of the Zoning Board of Appeals shall disqualify himself or herself from discussion and voting in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest shall constitute misconduct in office.~~

303.11 DUTIES.

~~The Township Zoning Board of Appeals shall have the power to act on those matters where this Ordinance provides for an administrative review, interpretation, or variance as defined in this Section. The Board of Appeals shall NOT have the power to alter or change the zoning district classification of any property, or to make any change in the terms or intent of this Ordinance.~~

~~A. **Administrative Review.** The Zoning Board of Appeals is empowered to review and reverse or modify any order, decision or determination made by an administrative official charged with enforcing or administering this Ordinance. The Board is not empowered to overturn decisions of the Planning Commission regarding Special Use Permits, including such permits for Planned Unit Developments. The Board may not overturn the denial of a site plan in connection with any Special Use Permit proceedings. An Administrative Review by the Zoning Board of Appeals may be requested by any person aggrieved, or by any officer, department, or board of the local government. Any such request must be made in writing not more than ten (10) days after the date of the Zoning Administrator's decision.~~

~~An administrative review shall stay all proceedings in furtherance of the action being reviewed, except as follows:~~

~~If the Zoning Administrator certifies in writing to the Zoning Board of Appeals, after a request for an administrative review has been filed, that a stay would cause imminent peril to life or property, the proceedings shall not be stayed unless a restraining order is issued by the Zoning Board of Appeals or by court action.~~

~~B. **Interpretation.** The Zoning Board of Appeals may interpret provisions of this Ordinance as outlined below. Each such interpretation shall establish the precedent for future treatment of the issue being addressed. To achieve the objective of consistent enforcement of this Ordinance, whenever an interpretation question arises which has been addressed previously by the Zoning Board of Appeals, the earlier interpretation shall apply without requiring further action by the Board. Interpretation issues do not include dimensional variance issues. The Zoning Administrator shall keep a concise record of all interpretations made by the Zoning Board of Appeals to facilitate such reference.~~

~~1. The Board may determine the precise location of the boundary lines between zoning districts.~~

~~2. The Board may classify any activity which is not specifically mentioned as a Use by Right or Special Use within at least one Zoning District, provided that said classification shall be consistent with the classification of similar uses and with the purpose and intent of each Zoning District.~~

~~3. The Board may determine the off-street parking and loading space requirements of any use for which these requirements are not determinable using the information provided for this purpose.~~

4. ~~The Board may interpret any portion of this Ordinance when the Zoning Administrator is unable to clearly determine its intent or effect.~~

~~C. **Variances.** The Zoning Board of Appeals is empowered to grant variances to such requirements as lot area and width regulations, yard and depth regulations, and off-street parking and loading space requirements. Any requirement of this Ordinance which can be expressed in terms of numbers may be brought before the Zoning Board of Appeals to be considered for a variance. A variance may be granted when any ONE (1) of the following special conditions can be demonstrated clearly:~~

1. ~~There are PRACTICAL DIFFICULTIES or unnecessary hardships which prevent carrying out the strict letter of the Ordinance. These hardships or difficulties shall not be deemed economic, but shall be evaluated in terms of the use of a particular parcel of land.~~
2. ~~There are exceptional CIRCUMSTANCES or physical conditions such as narrowness, shallowness, shape, or topography of property involved. Circumstances resulting from an act of the applicant, after the adoption of this Ordinance, shall not be allowed a variance.~~
3. ~~Variation is necessary for the preservation of a SUBSTANTIAL PROPERTY RIGHT possessed by other properties in the same zoning district. When a variance is being considered to overcome unique circumstances or physical conditions regarding the configuration of the property involved, these circumstances or conditions must not have resulted from any act of the applicant or property owner subsequent to the adoption of this Ordinance.~~

~~D. **Rules for Zoning Board of Appeals Actions.**~~

1. ~~A public hearing must be held by the Zoning Board of Appeals prior to making a decision on a variance or an administrative review or interpretation which relates to a specific parcel. Mailed notice shall be given at least fifteen (15) days in advance of the date of the meeting at which the action will be considered.~~
2. ~~In making any decision, the Zoning Board of Appeals must endeavor to avoid causing a substantial adverse effect upon property values in the immediate vicinity of the subject property. Nor shall such actions have the effect of substantially impacting property values for land in the Zoning District in which the subject property is located.~~

- ~~3. Any action brought before the Zoning Board of Appeals may relate only to a single parcel which must be under control of the applicant. If the applicant is not the owner of the property, evidence must be provided that the owner concurs with the request for Zoning Board of Appeals action.~~
- ~~4. Approval by the Zoning Board of Appeals of any request may not be granted simply to prevent an economic loss. Improving an owner's chance to profit from sale of a parcel is NOT an objective of this Ordinance.~~
- ~~5. Any request which has been denied wholly or in part by the Zoning Board of Appeals may only be appealed to the Circuit Court within thirty (30) days of the Zoning Board of Appeal's decision. No application for a variance which has been denied wholly or in part by the board shall be resubmitted for a period of one (1) year from the date of the last denial except on grounds of newly discovered evidence or proof of changed conditions found upon inspection by the board to be valid.~~
- ~~6. The board may specify, in writing, such conditions regarding the character, location and other features that will in its judgement, secure the intent and purposes of this ordinance. The breach of any such conditions shall automatically invalidate the permit granted.~~
- ~~7. Each variance granted under the provisions of this ordinance shall become null and void unless:
 - ~~a. The construction authorized by such variance or permit has been commenced within six (6) months after the granting of the variance.~~
 - ~~b. The occupancy of land, premises, or buildings authorized by the variance has taken place within two (2) years, after the granting of the variance.~~~~

Section 303, Duties of the Zoning Board of Appeals, amended in its entirety, said amendment adopted September 19, 2016. For complete amended text, refer to Pages 3-6A through 3-10A

SECTION 304. ENFORCEMENT

304.1 RESPONSIBILITY.

The Zoning Administrator shall enforce the provisions of this Ordinance.

304.2 VIOLATIONS AND PENALTIES.

Violations of any provision of this Ordinance are declared to be a nuisance per se. Any and all building or land use activities which are considered to be possible violations of the provisions of this Ordinance, and which are observed by or communicated to a Township Official or employee, shall be reported to the Zoning Administrator. A complaint of violation shall be made in writing stating the causes and basis of the complaint. The complaint is to be filed with the Zoning Administrator for investigation.

- A. **Inspection of Violation.** The Zoning Administrator shall inspect each alleged violation he or she observes or is made aware of and shall order correction, in writing, of all conditions found to be in violation of this Ordinance.
- B. **Correction Period.** All violations shall be corrected within a reasonable time period determined by the Zoning Administrator, but not to exceed thirty (30) days.
- ~~C. **Action by Township Attorney.** A violation not corrected within this period shall be reported to the Township Attorney, who shall initiate procedures to eliminate such violation. Once a violation has been referred to the Township Attorney, any legal action which the Attorney deems necessary to restore compliance with all terms and conditions of this Ordinance is hereby authorized.~~
- Action by Township Attorney.** The Township may seek injunctive relief through Circuit Court to abate any violations not corrected within the thirty day correction period. Any violation of this Ordinance shall constitute a nuisance per se. *Amended 5.20.2013*
- D. ~~**Penalties.** For each day that a violation continues beyond the correction period, a separate offense shall be declared. Any violator of the provisions of this ordinance shall be considered guilty of maintaining a nuisance per se. The penalties for such violations per day will be established by the Lake Township Board, in a Standard Fee and Penalty Schedule.~~
- Penalty.** Any person, firm or corporation who violates any of the provisions of this Ordinance shall be responsible for a municipal civil infraction, subject to a payment of a civil fine of not less than Fifty (\$50.00) Dollars nor more than Five Hundred (\$500.00) Dollars, plus costs and other sanctions, for each infraction. Repeat offenses under this Ordinance shall be subject to increased fines as provided for in the Lake

Township Civil Infraction Ordinance. Each day that a violation continues beyond the correction period shall constitute a new and separate offense. The imposition of any penalty shall not exempt the offender from compliance with the requirements of this Ordinance. *Amended 5.20.2013*

- E. **Cumulative Rights and Remedies.** The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

304.3 CONFLICTING REGULATIONS.

In the interpretation, application, and enforcement of the provisions of this Ordinance, whenever any of the provisions or limitations imposed or required by this Ordinance are more stringent than any other law or Ordinance, then the provisions of this Ordinance shall govern, PROVIDED also that whenever the provisions of any other law or Ordinance impose more stringent requirements than are imposed or required by this Ordinance, the provisions of such other law or Ordinance shall govern.

SECTION 305. AMENDMENTS

305.1 TOWNSHIP BOARD MAY AMEND.

The regulations and provisions of this Ordinance and the boundaries of zoning districts shown on the Zoning District Map may be amended by the Township Board.

305.2 INITIATION OF AMENDMENTS.

Proposals for amendments, supplements, or changes may be initiated by the Township Board of its own action, by the Planning Commission, or by petition of one (1) or more persons having an interest, by ownership or option to purchase, in property to be affected by the proposed amendment. All amendments shall be made in conformance with the procedures specified in the Michigan Zoning Enabling Act, Act 110 of 2006, and the following procedures and specifications.

305.3 AMENDMENT PROCEDURE.

- A. **Petition to Township Clerk and Payment Office.** All petitions for amendments to this ordinance shall be in writing, signed, with the appropriate fee, and filed in triplicate with the Township Clerk for presentation to the Township Planning Commission. The petition shall be submitted upon an application on standard form to the Township Clerk, who will transmit the application to the Planning Commission for recommended action.
- B. **Recommendation.** The Planning Commission shall consider each proposed amendment and may recommend any additions or modifications to the original amendment petition.

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- C. **Public Hearing.** Before voting on any proposed amendment to this Ordinance, the Planning Commission shall conduct a public hearing, with notice being given to the public as required by law and as set forth in Section 306.

- D. **Huron County Planning Commission.** Following the conclusion of the public hearing and review by the Township Planning Commission, the proposed amendment and any applicable zoning district map updates shall be submitted to the Huron County Planning Commission for their review. The approval of the County Planning Commission shall be presumed, conclusively, unless such Commission notifies the Township Board of its approval or disapproval within thirty (30) days of its receipt of the amendment.

- E. **Township Board Action.** Upon receipt of the Huron County Planning Commission's recommendation, the Township Board shall review said recommendation and that of the Township Planning Commission, along with a summary of comments received at the Planning Commission public hearing/meeting on the proposed amendment. The Township Board may on its own initiative hold an additional public hearing regarding the proposed amendment and is required to hold a public hearing upon the request of any property owner. Said request must be made in writing, sent by certified mail and addressed to the Township Clerk. Said request must be received prior to the meeting at which the proposed amendment would first be considered by the Township Board. The Planning Commission shall be notified of the hearing and encouraged to attend. The hearing may be held at a regular meeting or at a special meeting called for that purpose. Notice of the hearing, including all information required by law, shall be published in a newspaper which circulates in the Township at least fifteen (15) days before the hearing. Mailed notice of said hearing is not required.

If the Township Board deems advisable any changes to the amendment recommended by the Planning Commission, it may refer these changes back to the Planning Commission for a report thereon within thirty (30) days. The Township Board may deny or adopt the amendment with or without changes, by a majority vote of its membership, following the Board's standard procedures for adoption of ordinances.

- F. **Notice of Adoption.** Upon Township Board adoption, the amendments or supplements shall be filed with the Township Clerk and one notice of adoption shall be published in a newspaper of general local circulation within fifteen (15) days after adoption. The notice of adoption shall include the following information:
 - 1. A summary of the regulatory effect of the amendment, including the geographic area(s) affected, or the text of the amendment as adopted.

2. Effective date of the amendment.
 3. The place and time where a copy of the Ordinance may be purchased or inspected.
- G. **Enactment.** All changes required to the text of the ordinance or the zoning map shall be made and recorded within three (3) normal working days after the effective date of the ordinance or map amendment as follows:
1. **Text Changes.** All text changes shall be identified by a reference number referring to the administrative action and include the adoption date as well as the effective date.
 2. **Map Changes.** Each change to the official zoning map as defined in Section 402, shall be accompanied by a reference number on the map which shall refer to the official legislative action.
- H. **Resubmittal.** No application for a rezoning which has been denied by the Township Board shall be resubmitted for a period of one (1) year from the date of the last denial, except on grounds of newly discovered evidence or proof of changed conditions which, upon inspection by the Township Board, are found to be valid.

SECTION 306. NOTICE REQUIREMENTS FOR PUBLIC HEARINGS

306.1 PREPARATION.

The Township Clerk shall be responsible for the preparation, publication and distribution of the public hearing.

306.2 CONTENT.

Each notice for any public hearing required by this Ordinance shall include the following information.

- A. Identification of the applicant, if any.
- B. Identification of the property which is the subject of the request.
- C. Nature of the matter to be considered.
- D. Identification of the public body which will be conducting the public hearing and will decide upon the matter.

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- E. Date, time and place of the public hearing.
- F. The places and times at which any proposed text and/or map amendment to the Zoning Ordinance may be examined.
- G. Statement of where and when written comments will be received concerning the request.

306.3 DISTRIBUTION.

- A. **Published.** Notice shall be published once in a newspaper of general circulation at least fifteen (15) days before the date of the hearing.
- B. **Utility Companies and Other Entities.** Not less than fifteen (15) days notice shall also be given by first class mail to each public utility company servicing the community, at the mailing address identified by each company for the purpose of receiving such notice, and to each railroad company servicing the community, if they request notification.
- C. **Residents, Businesses or Property Owners within Three Hundred (300') feet.** Whenever provisions of this Ordinance require public hearing notices to persons who reside, do business or own property within three hundred (300') feet of a certain parcel, notice shall be delivered to the following.
 - 1. The owner(s) of property of which approval is being considered.
 - 2. All persons to whom real property is assessed where any part of their parcel lies within three hundred (300') feet of the boundary of the property in question.
 - 3. Occupants of all structures where any part of the structure lies within three hundred (300') feet. Each dwelling unit or rental area within said structures shall receive one (1) notice. However, separate notice need not be sent for accessory structures where the primary structure also lies within the three hundred (300') foot distance. If the name of the occupant is not known, the term "occupant" may be used in making notification. In the case of a single structure containing more than four (4) dwelling units or other distinct areas, the notice may be mailed to the manager or owner of the structure who shall be requested to post the notice at the primary entrance of the structure.
- D. **Affidavit of Mailing.** An affidavit of mailing, identifying all parties to whom notice has been sent, shall be prepared and filed with other material relating to the proposed amendment prior to the Planning Commission meeting at which the hearing to be conducted.

SECTION 307. APPROVAL PROCESS

No building or structure shall be erected, moved, enlarged, substantially altered, or razed nor shall any work be started on such structures or buildings after the effective date of the ordinance, until a Land Use Permit has been obtained from the Zoning Administrator. No permit shall be issued to erect, move, enlarge, substantially alter, or raze a building or structure unless the request is in conformance with the provisions of this Ordinance or amendment adopted from time to time after the effective date of this Ordinance.

307.1 SITUATIONS REQUIRING A LAND USE PERMIT ONLY.

- A. The proposed project is a single dwelling unit.
- B. The proposed project is an existing development and,
 - 1. The project involves an expansion of a residential dwelling of two or fewer units.

307.2 SITUATIONS REQUIRING A LAND USE PERMIT & FORMAL SITE PLAN REVIEW.

The Township Planning Commission must review and approve site plans AND the Zoning Administrator must issue a Land Use Permit before granting approval when:

- A. The proposed project requires a Special Use Permit, including those for Planned Unit Developments, or subdivision plats.
- B. The proposed project will have more than two (2) dwelling units.
- C. The proposed project is in a General Business (B-1) zoning district or Residential Business (RB).
- ~~D. The proposed project is in the R-1, Single Family Residential District.~~
Amended 8.17.2009
- E. The proposed project involves a non-conforming lot.
- F. The Zoning Administrator requires Planning Commission review.
- G. In the case of existing development, a Land Use Permit and Site Plan Review is required when one or both of the following apply.
 - 1. The project involves increasing the footprint or total square footage by ten (10%) percent or more, of any residential structure with more than two (2) units, or any general business structure or use.

2. The project involves expansion of an acceptable nonconforming use, building or structure. Unacceptable nonconforming uses may not expand.

AT NO TIME SHALL A SITE PLAN REVIEW BE REQUIRED AS A PART OF THE DECISION PROCESS FOR A REZONING! This is because the decision to rezone property should be based on consideration of its effects on long range plans for the Township, and on the merits of the proposed Zoning District, and the uses it would allow, as they relate to the subject property and surrounding area.

307.3 LAND USE PERMIT SUBMITTAL REQUIREMENTS.

- A. **Application Deadlines.** A complete application package shall be received at least ten (10) days prior to beginning construction, alteration or expansion.
- B. **Application Materials.** Applications for issuance of Land Use Permits and inspections shall be paid to the Township Treasurer in advance of the issuance of the Land Use Permit. Such fees are necessary to cover the costs involved and shall be established from time to time by the Lake Township Board. Failure to obtain necessary Land Use Permits may result in the doubling of applicable fees.
- C. **Submittal Requirements.** Two complete copies of the following information shall be provided.
 1. Legal survey of lot.
 2. Shape, area, dimensions of the lot and location of the street(s).
 3. Location, dimensions and height of existing and/or proposed structure to be erected, altered or moved on the lot.
 4. Use intended and intensity (such as: single family home).
 5. Dimensions showing yard requirements, including setbacks as well as parking and driveways.
 6. Flood elevation and flood area if applicable.
 7. Copies of all other permits required prior to obtaining Land Use Permit:
 - a. Sewer or septic system: Huron County Health Department.

- b. Soil erosion control measures and approved plan.
 - c. High Risk Erosion Area (HREA) Permits.
 - d. Wetland Permits.
 - e. Any other permits except Building Permit, which cannot be obtained until a Land Use Permit is obtained from the Zoning Administrator.
8. Any other information deemed necessary by the Zoning Administrator to assure that the Land Use Permit request is in compliance with the provisions of this ordinance.

307.4 SITE PLAN SUBMITTAL REQUIREMENTS.

- A. **Application Deadlines.** If a zoning application requires a Site Plan Review by the Planning Commission, a complete application package must be received at least fifteen (15) days before the date of a Planning Commission meeting in order to be reviewed at said meeting.
- B. **Application Material.** Applications requiring Site Plan Review must be accompanied by a fee as established by the Township Board and by at least four (4) copies of a site plan which meets the following requirements. The application will not be reviewed until the complete application package has been submitted, including the fee.
- C. **Site Plan Contents.** All applicants shall complete the site plan review checklist with persons described in item (3d) of this section. The site plan review checklist is available with the Zoning Information Packet at the Township offices. Site plans shall conform to the provisions approved on the checklist. All site plans must bear the stamp of a licensed engineer or architect with civil engineering or architecture qualifications.

Note that any proposed construction, landscaping, retention of natural features or other property conditions depicted in the site plan submission will be relied upon by the Planning Commission in its review. Therefore, these conditions become requirements for approval of the site plan. Failure to abide by such conditions constitutes a violation of the terms of the permit issued pursuant to site plan approval, and is subject to the enforcement provisions of this Section of the Ordinance.

- 1. **Scale.** The site plan must be drawn to a consistent scale of not less than one inch equals fifty (1" = 50') feet for sites of three (3) acres or less, or one inch equals two hundred (1" = 200') feet for larger sites.

2. **Identification.** The applicant's name, address and telephone number and the name and address of the firm(s) responsible for preparation of the site plan must be included. If the applicant does not own the property, the owner must be identified and must sign a statement certifying that the applicant is acting in the owner's behalf.
3. **Property Information.** The site plan must accurately depict the subject property and land adjacent to and across any thoroughfare from it, including all existing and proposed easements or rights of way. Zoning of the site, and of adjacent properties, must be identified. A legal description and computation of the area of the property must accompany the site plan. Where more than one description exists for a parcel of land, the legal description on file with the Huron County Register of Deeds will be the legal description upon which a site plan decision is based.
4. **Site Features.** The site plan should depict existing environmental conditions, including the locations of wooded areas or isolated trees over six (6) inches in diameter, topography, drainage features showing the type and direction of flow, wetlands, any existing structures, including those proposed for removal, and other significant conditions. The approximate location and use of structures and the location of the nearest driveways on adjacent or opposing parcels should be shown.
5. **Transportation Features.** The site plan must show the location and surface type of all existing and proposed public and private roads, access drives, internal vehicle circulation areas, parking lots (including number and location of handicapped parking spaces), sidewalks, loading areas or docks, truck bays, and refuse pickup stations.
6. **Utilities.** The site plan must show the location and size of all existing and proposed public utilities. Sanitary sewer information shall include location of any pumping stations and approximate location of manholes. Storm drainage information shall include any enclosed drains, flow restrictors and on-site retention. The site plan must also include any existing or proposed private utilities, such as natural gas, electricity, telephone, cable television, septic tanks, fields and wells.

7. **Structures.** The site plan must show the location and dimensions, including height, of all proposed buildings, accessory structures and related features. For multifamily housing developments, the number of units in each building must be identified. Schematic plans and elevations of all structures exceeding five thousand (5,000) square feet of total floor area must be included. The site plan should also show the location, arrangement, dimensions and type of proposed signs, lighting, landscaping, dumpsters, screening, fences, and decorative walls.
 8. **Supplementary Material.** The site plan shall be complemented by any additional information, which, in the Zoning Administrator's discretion, is important for the Site Plan Review process. This could include, but not be limited to an assessment of the proposed project's impact on environmental, historic social or economic conditions; traffic studies; or proposed measures to control or mitigate such impacts as noise, smoke, particulates, vibration, odors, or fire hazards. (See Appendix for a Site Plan Checklist guide.)
- D. **Staff Review of Site Plan.** Before the site plan is reviewed by the Planning Commission, the Township Building Inspector, Engineer, or contracted engineering services, Public Works Director and Fire Chief, or their designees, shall be given an opportunity to review and comment upon it. In addition, the Zoning Administrator may submit the site plan to any other Department of Township government that he or she believes would have an interest in some aspect of the proposed project.
- E. **Planning Commission Review of Site Plan.** The Planning Commission shall address the Site Plan Review at a public meeting. A public hearing will be held only if any party submits a written request to the Township Clerk prior to the Planning Commission meeting at which the site plan is to be considered. The fee for such a meeting shall be established by the Township Board. In such cases, the public shall be heard before the Planning Commission acts upon the site plan. However, a Site Plan Review does not require either a public hearing or special notification of anyone. The findings of a staff review of the site plan and any public comments shall be taken into consideration by the Planning Commission, but are not binding upon it in any way. In the interest of providing a timely response to the applicant, the Planning Commission must take one of the following actions at the meeting during which the Site Plan Review is conducted.

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1. **Approval.** An affirmative vote of the majority of Planning Commission members present at the meeting is necessary to approve a site plan. Once approved, the site plan becomes a condition of any permit that may be granted for the proposed project.
 2. **Conditional Approval.** The Planning Commission may elect to attach conditions to its approval of a site plan. Conditions must be justified by one (1) or more requirements of this Ordinance, or by provisions of other local, state or federal laws. These conditions, together with the regulatory authority and reasoning which justifies them, must be identified in the motion for site plan approval and communicated to the applicant in writing.
 3. **Denial with Explanation.** Failure to comply with one or more of the Review Standards is the only justification for denial of a site plan. The vote of a majority of Planning Commission members present at the meeting in which the site plan is reviewed is required to deny it. The motion to deny must state which of the Review Standards was not met by the site plan, and how the plan failed to meet the standard. The motion to deny may also suggest methods by which the shortcoming might be corrected. The applicant shall be notified in writing of the Planning Commission's denial of the site plan, with the full text of the motion to deny reproduced in the communication.
- F. **Record to be Maintained.** This record shall include an official copy of the final site plan as it was approved by the Planning Commission, dated and signed by the permit holder, the Planning Commission Chairperson and the Zoning Administrator, documentation of any conditions attached to the site plan approval and evidence of the satisfaction of same, documentation of any allowed deviations from the approved site plan, dated and signed by the permit holder and the Zoning Administrator.

307.5 SITE PLAN REVIEW STANDARDS.

All Site Plan Reviews shall use only the following set of standards to judge whether the site plan should be approved or denied.

- A. **District Regulations.** The project must comply with the applicable District Regulations regarding use, dimensions, off street parking and any other aspects. (When the Site Plan Review is being conducted as part of the consideration process for a Special Use Permit or a Planned Unit Development, the use of the site will be addressed after the Site Plan Review. Therefore, it must be presumed for this purpose that the use of the site will conform to the District Regulations.)

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- B. **Supplementary Regulations.** The project must comply with any and all of the Supplementary Regulations which may apply to it, as identified by Chapter 13 of this Ordinance.
- C. **Special Use Standards.** If the Site Plan Review is being conducted for a proposed Special Use Permit, any Special Use Standards relating to the proposed use, as identified by Chapter 16 also must be satisfied.
- D. **Building Arrangements.** Site plans will be evaluated on the basis of scale, circulation of air, provisions of adequate access to and around buildings for police and fire protection services, establishment of pleasant vistas, arrangements conducive to enhancing the environmental quality of the site when developed, minimizing the extent of impervious ground cover and minimizing the destruction of natural features which contribute to environmental quality.
- E. **Transportation.** Transportation facilities serving the parcel must be sufficient to provide safe and efficient access to the parcel and circulation within it. Consideration shall be given to road right-of-way, surface type, number of lanes, driveway design and location, vehicular circulation within the parcel, parking, snow removal from transportation facilities, public transit, pedestrian circulation, emergency vehicle access, and accessibility for handicapped persons. When the adequacy of public road service to the parcel is in question, the input of the Huron County Road Commission shall be sought.
- F. **Driveways.** All driveways serving customer or employee parking lots shall provide two-way traffic, unless otherwise part of a one way entrance and exit system. All driveways shall be a minimum of twenty (20') feet wide. A lesser width may be permitted if it can be proven that the driveway will be increased to twenty (20') feet due to a joint arrangement with an adjacent property owner. Driveways must have a raised curb that continues to the edge of the travel portion of the public street if curbing is in place or planned for the public right-of-way. Except for large parking lots, driveways shall be limited to one (1) per development.
- G. **Utilities.** Public utilities, including water, sewer and storm drainage facilities, must be adequate to serve the proposed use, or sufficient provisions shall be made to provide these services on the site. Private utility services, including electricity, telephone, natural gas, cable television, septic tanks, drain fields, and wells must also be sufficient to serve the needs of the project. When the adequacy of any public utility service to the site is in question, the input of the appropriate public utility provider shall be sought.

- H. **Lighting.** Lighting is intended to illuminate parking and vehicular areas for the purpose of increasing the safety of the users. Lighting shall be kept “on site” with limited spill over. A lighting plan with foot candle readings shall be included in the site plan submittal.
- I. **Fire Protection.** The proposed project must comply with applicable fire safety regulations. Also, current Township Fire Department personnel and equipment must be sufficient to serve the project.
- J. **Environment.** Natural features of the landscape should be retained wherever practicable to furnish a buffer between the project and adjoining property(ies) to help control erosion, contain storm water runoff, absorb noise, deflect wind currents, reduce glare, or otherwise benefit the general health, safety or appearance of the neighborhood. Any buildings, fences, lighting, vegetation, or other features that are introduced into the landscape should be designed to complement the site's surrounding environment and enhance the positive features of the project. The site plan should be developed with the goal of controlling any negative impacts the project may have, such as noise, smoke, vibration, odor, glare, heat or dust so that they will not be discernible beyond the property boundaries. Further, projects shall fully adhere to applicable environmental regulations promulgated by the Michigan Department of Natural Resources, Huron County Health Department or other agencies.
- K. **Storm Drainage.** Surface drainage, otherwise referred to as sheet drainage, to the right-of-way, or adjacent properties is unacceptable.
- L. **Consistency with Ordinance Intent.** The site plan should be generally consistent with the purpose and objectives of this Ordinance, as stated in Chapter 1, and with the purpose of the District in which the subject parcel is located.

SECTION 308. INSPECTIONS

For the construction, enlargement, movement or renovation of buildings or structures, inspections shall be required, but not limited to, the following:

- (1) First Inspection (by the zoning administrator) shall be after the location of the building or structure foundation has been staked.
- (2) Second inspection (by the building inspector) shall occur after the footings/foundation forms are in place and prior to pouring of concrete.
- (3) Third inspection (building inspector) shall occur prior to covering of the structural members;
- (4) Final inspection (by the building inspector) is required prior to its use.

When the final inspection is completed and it is found by the Zoning Administrator and Building Inspector that the structure and its intended use are in compliance with the land use permit and/or the Site Plan Review and Special Land Use permit and Building Code, then a certificate of occupancy may be issued by the building inspector. Inspections, when requested, shall be accomplished in a timely and efficient manner.

SECTION 309. CERTIFICATE OF OCCUPANCY

No land shall be used or changed in use or any building or structure occupied, used or changed in use after the effective date of this Ordinance, until a certificate of occupancy is issued by the Building Inspector certifying that the use of the land, building, or structure is as intended and stated in the land use permit and/or the Site Plan Review and Special Land Use permit and in conformance with the provisions of this Ordinance.