

PART FOUR

Administration and Enforcement

CHAPTER 17

Administration

SECTION 1701. GENERAL ADMINISTRATION.

The provisions of this ordinance shall be administered by the Township Zoning Board, the Board of Zoning Appeals, and the Township Board in conformance with applicable State of Michigan enabling legislation.

- (1) RESPONSIBILITY. The Lakefield Township Board with the recommendation of the Planning Commission shall employ a Zoning Administrator to act as its officer to effect proper and adequate administration of this Ordinance. The Township Board may designate the Building Inspector as the Zoning Administrator. The term of employment, compensation, and any other conditions of employment shall be established by the Township Board.
- (2) DUTIES OF ZONING ADMINISTRATOR. All applications for permits or certificates shall be submitted to the Zoning Administrator who may issue certificates of occupancy or sign permits when all applicable provisions of this Ordinance have been met. The Zoning Administrator shall be empowered to make inspections of buildings or premises to carry out his duties in the enforcement of this Ordinance.

The Zoning Administrator shall record all noncon-forming uses existing at the effective date of this Ordinance for the purpose of carrying out the provisions of Chapter 3.

Under no circumstances is the Zoning Administrator permitted to make changes in this Ordinance or to vary the terms of this Ordinance in carrying out his duties.

- (3) SIGN PERMIT. Prior to the construction, erection, or structural alteration of a sign, a permit shall be obtained from the Zoning Administrator. Application shall be on a standard prepared form obtained from the Zoning Administrator.
- (4) CERTIFICATE OF OCCUPANCY. A Certificate of Occupancy shall be obtained from the Zoning Administrator before any of the following:

- (a) Occupancy and use of vacant land (including parking lot construction) or of a building hereafter erected or structurally altered.
- (b) Change in the use of land or building, except to another use which represents a continuation of a use under a previous Certificate of Occupancy.
- (c) Any change in use of a nonconforming use or building.

(5) APPLICATION FOR CERTIFICATE OF OCCUPANCY.

- (a) APPLICATION. In all cases where a building permit is required, said permit shall be obtained from the building inspector not less than ten (10) days prior to the time when construction of a new, changed, or enlarged use of a building, structure, or premise is intended to begin.
- (b) INFORMATION REQUIRED. Application for a building permit shall be accompanied by a plat, in duplicate and drawn to scale, showing the exact dimensions of the premises to which the building permit is to apply; the lines of all lots or parcels under separate ownership contained therein; the width and alignment of all abutting streets, alleys, easements of access and public open spaces; the size, position and height of all buildings or structures erected or altered thereon; and, such other information as may be deemed necessary by the Zoning Administrator for the proper enforcement of this Ordinance.
- (c) ACCESSORY BUILDINGS OR STRUCTURES. When erected at the same time as the principal building or structures on a lot shown on the application, accessory buildings shall not require separate building permits.
- (d) RECORD OF APPLICATION. A record of all such applications for building permits shall be kept on file by the building inspector. Whenever the building, structures, premises and uses thereof as set forth on the application, are in conformity with the provisions of this code and other applicable regulations, it shall be the duty of the Building Inspector to issue any necessary building permit and when such permit is denied, to state such refusal in writing, with cause.

(e) ISSUANCE OF CERTIFICATE OF OCCUPANCY.

After notification that the building, structure, or premises, or part thereof is ready for occupancy and inspection, the building inspector shall make final inspection thereof and if all provisions of this code and other applicable regulations have been complied with, he shall issue a Certificate of Occupancy which shall show such compliance. When a Certificate of Occupancy is denied on the grounds of a zoning violation, such refusal shall be stated in writing with reasons for said denial.

A temporary Certificate of Occupancy may be issued by the building inspector for a part of a building or structure or premise prior to completion of the entire building, structure or premise, PROVIDED it is sufficiently clear all provisions of this Ordinance will be met.

SECTION 1702. ENFORCEMENT.

The building inspector shall enforce the provisions of this Ordinance.

(1) VIOLATIONS AND PENALTIES. Violations of any provisions of this Ordinance are declared to be a nuisance per se. Any and all building or land use activities considered possible violations of the provisions of this Ordinance observed by or communicated to a Township Official or employee shall be reported to the building inspector.

(a) INSPECTION OF VIOLATION. The building inspector shall inspect each alleged violation he observes or is 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 period of thirty (30) days after the order to correct is issued or in such longer period of time, not to exceed six (6) months, as the building inspector shall determine necessary and appropriate. A violation not corrected within this period shall be reported to the Township Attorney, who is hereby authorized to and shall initiate procedures to eliminate such violation.

(c) PENALTIES. Every person, whether as principal agent, servant, employee, or otherwise, including the owners of any building, structure or premise or part thereof where any violation of this Ordinance shall exist or shall be created, who shall violate or refuse to comply with any of the provisions of this code, shall be guilty of maintaining a nuisance per se and upon conviction thereof shall be punished by a fine of not more than five hundred (500) dollars or by imprisonment for a term not to exceed ninety (90) days, or by both such fine and imprisonment, within the discretion of the Court. For each and every day the violation continues beyond the permissible grace period, a separate offense shall be declared. Additionally, the proper court shall have power and authority to issue an injunctive order in connection with any violation of the provisions of this Ordinance.

(d) CUMULATIVE RIGHTS AND REMEDIES. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

(2) 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 1703. AMENDMENT.

(1) TOWNSHIP BOARD MAY AMEND. The regulations and provisions stated in the text of this Ordinance and the boundaries of zoning districts shown on the Zoning District Map may be amended, supplemented, or changed by ordinance by the Township Board in accordance with the applicable enabling legislation of the State.

(2) INITIATION OF AMENDMENTS. Proposals for amendments, supplements, or changes may be initiated by the Township Board of its own action, by the zoning board, or by petition of one (1) or more owners of property to be affected by the proposed amendment.

(3) AMENDMENT PROCEDURE.

- (a) PETITION TO TOWNSHIP BOARD. Each petition by one (1) or more owners or their agents, for an amendment shall be submitted upon an application of standard form to the Township Clerk. A fee as established by the Township Board shall be paid at the time of application to cover costs of necessary advertising for public hearings and investigation of the amendment request. The Township Clerk shall transmit the application to the zoning board for recommended action.
  
- (b) RECOMMENDATION. The planning commission shall consider each proposal for amendment in terms of its own judgment on particular factors related to the individual proposal and in terms of the likely effect of such proposal upon the development plans for the community. The planning commission may recommend any additions or modifications to the original amendment petition.
  
- (c) PUBLIC HEARING. After deliberation on any proposal the planning commission shall conduct at least one (1) public hearing, notice of the time and place of which shall be given by one (1) publication in a newspaper of general circulation in the Township. Such notice shall be given not less than fifteen (15) days before the date of such hearing. Also not less than fifteen (15) days before such hearing, notice of the time and place of such hearing shall also be given by certified mail, to each public utility company servicing the community, and which has registered its name and mailing address for the purpose of receiving such notice, and to each railroad company servicing the community and to each railroad within the zone affected. The notice shall include the places and times at which the tentative text and/or map amendment to the Zoning Ordinance may be examined.

The Township planning commission shall give a notice of the proposed rezoning to the owner of the property in question, to all persons to whom any real property within three hundred (300) feet of the premise in question is assessed, and to the occupants of all single and two-family dwellings within three hundred (300) feet. The notice shall be delivered personally or by mail to the respective owners and tenants at the address given in the last

assessment roll. If the tenant's name is not known, the term "occupant" may be used. If the notice is delivered by mail, an affidavit of mailing shall be filed with the planning commission before the hearing. The notice shall be made not less than eight (8) days before the hearing stating the time/place, date, and purpose of the hearing. An amendment for the purpose of conforming a provision of the zoning ordinance to the decree of a court of competent jurisdiction as to any specific lands may be adopted by the Township Board and the notice of the adopted amendment published without referring the amendment to any other board or agency provided for in this act.

- (d) SAGINAW COUNTY METROPOLITAN PLANNING COMMISSION. Following the conclusion of the Public Hearing, the Township planning commission shall submit the proposed amendment including any zoning district map, to the Saginaw County Metropolitan Planning Commission for their review. The approval of the County Planning Commission shall be conclusively presumed unless such Commission shall within thirty (30) days of its receipt, have notified the Township Board of its disapproval or approval.
- (e) TOWNSHIP BOARD. Upon receipt of the planning commission's recommendation, the Township Board shall review said recommendations.

If the Township Board shall deem advisable any amendments, changes, additions, or departures to the proposed Ordinance amendment recommended by the planning commission, it shall refer the same back to the planning commission for a report thereon within a time specified by the Township Board.

After receiving the proposed amendment recommendation, the Township Board shall grant a hearing on the proposed amendment to any property owner who has filed a written request to be heard. This written request shall take the form of a certified mail letter from the property owner to the Clerk of the Township Board. The planning commission shall be requested to attend the hearing, which may be held at a regular meeting or at a special meeting called for that purpose. Notice of the hearing shall be published in a newspaper which circulates in the Township not less than fifteen (15) days before the hearing.

The Township Board may deny or adopt the amendment with or without changes, by a majority vote of its membership.

**(f)** RE-SUBMITTAL.

No application for a rezoning which has been denied by the Township Board shall be re-submitted 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 Township Board, to be valid.

SECTION 1704. BOARD OF APPEALS.

**(1)** CREATION AND MEMBERSHIP.

(a) ESTABLISHMENT. The Township Board upon exercising the authority of Act 184 of the Public Acts of 1943, as amended, provides, that a Township Board of Appeals be established.

(b) MEMBERSHIP, TERMS OF OFFICE. The Township Board of Appeals shall consist of three (3) members. The first member of such Board of Appeals shall be the chairman of the Township planning commission, one member shall be a member of the Township Board, and the remaining member shall be selected and appointed by the Township Board from among the electors residing in the unincorporated area of the Township. The total amount allowed such Board of Appeals in one (1) 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 provided annually in advance by the Township Board. 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.

**(2)** ORGANIZATION AND PROCEDURES.

(a) RULES OF PROCEDURE. The Board of Appeals shall adopt its own rules of procedure as may be necessary to conduct its meetings and carry out its function. The Board shall choose its chairman, and in his absence, an acting chairman.

- (b) MEETINGS. Meetings shall be held at the call of the chairman and at such times as the Board of Appeals may determine. All meetings by 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.
- (c) 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 made available to the general public.
- (d) COUNSEL. The Township Attorney shall act as legal counsel for the Board of Appeals and shall be present at all meetings upon request by the Board of Appeals.
- (e) HEARINGS. When an application which requests consideration of a matter is received, a notice which publicizes the request must be distributed.
  - (1) Content of Notice. The notice shall include the following:
    - (a) Nature of the request.
    - (b) Indication of the property which is the subject of the request.
    - (c) Statement of where and when the request will be considered.
    - (d) Statement of where and when written comments will be received concerning the request.
    - (e) Indication that a public hearing on the request may be requested by any property owner, or the occupant of any structure located within three hundred (300) feet of the boundary of the property being considered.
  - (2) Method of Circulation. This notice shall be published in a newspaper which circulates within the Township and shall also be delivered by mail or personal delivery to the following parties:
    - (a) Owners of property for which approval is being considered.



- (b) All persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question.
  - (c) Occupants of all structures within three hundred (300) feet.
- (3) Notice and Multiple Occupancy. Notification need not be given to more than one (1) occupant of a structure, unless that structure contains more than one (1) and less than (4) spatial areas owned or leased by different individuals, partnerships, businesses or organizations. In this case, each unit or area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas which are owned or leased by different individuals, partnerships, businesses, or organizations, the notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance of the structure.
- (4) DATE OF NOTIFICATION. Notice shall be given not less than fifteen (15) days before the date the application will be considered.
- (5) WAIVER OF NOTICE. If the applicant or the Board of Appeals requests a public hearing, only notification of the public hearing need be made.
- (6) PUBLIC HEARING. A request for public hearing may be initiated by the Board of Appeals or by a property owner or occupant located within three hundred (300) feet of the boundary of the property under consideration. Hearing notification shall be made using the same process described for notice of request for Special Use Permit approval (Section 1602).
- (f) DECISIONS. The Board of Zoning Appeals shall return a decision upon each case within thirty (30) days after a request or appeal has been filed unless a further time is agreed upon by the parties concerned. Any decision of

the Board of Zoning Appeals shall not become final until the expiration of five (5) days from the date of entry of such order, unless the Board of Zoning Appeals shall find the immediate effect of such order is necessary for the preservation of property or personal rights and shall so certify on the record.

- (g) MAJORITY VOTE. The concurring vote of a majority of the members of the Board of Zoning Appeals present at the meeting shall be necessary to reverse any order, requirement, decision, or determination of the building inspector or to decide in favor of the applicant on any matter upon which they are required to pass under this Ordinance or to effect any variation in the Ordinance.

(3) APPEALS.

- (a) FILING OF APPEALS. Appeals to the Board of Zoning Appeals may be made by any person aggrieved, or by any officer, department, or board of the local government.

Any appeal from the ruling of the building inspector concerning the enforcement of the provisions of this Ordinance may be made to the Board of Zoning Appeals within ten (10) days after the date of the mailing of the building inspector's decision. Such appeal shall be filed with the building inspector and shall specify the grounds for the appeal. The building inspector shall immediately transmit to the Secretary of the Board of Appeals papers constituting the record upon which the action appealed from was taken.

- (b) STAY. An appeal shall stay all proceedings in furtherance of the action appealed from unless the building inspector certifies to the Board of Zoning Appeals after notice of appeal has been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the Board of Zoning Appeals or, on application, by a court of record.

- (c) FEES. A fee as established by the Township

Board shall be paid to the building inspector at the time of filing application with the Board of Appeals. The purpose of such fee is to cover, in part, the necessary advertisements, investigations, and other expenses incurred by the Board of Appeals in connection with the appeal.

(4) DUTIES AND POWERS.

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, but does have the power to act on those matters where this Ordinance provides for an administrative review, interpretation, or variance as defined in this Section.

- (a) REVIEW. The Board of Appeals shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision, or refusal made by the building inspector or by any other official in administering or enforcing any provisions of this Ordinance.
- (b) INTERPRETATION. (See Section 604). The Board of Appeals shall have the power to: Interpret, upon request, the provisions of this Ordinance in such a way as to carry out the intent and purpose of the Ordinance.

Determine the precise location of the boundary lines between zoning districts.

Classify a use which is not specifically mentioned as part of the use regulations of any zone district so that it conforms to a comparable permitted or prohibited use in accordance with the purpose and intent of each district.

Determine the off-street parking and loading space requirements of any use not specifically mentioned in Chapter 4, Section 404.

- (c) VARIANCES. The Board of Appeals shall have the power to authorize, upon an appeal, specific variances from such requirements as lot area and width regulations, yard and depth regulations, and off-street parking and loading space requirements, PROVIDED ALL of the BASIC conditions listed herein and any ONE of the SPECIAL conditions listed thereafter can be satisfied:

- (1) Will not be contrary to the public interest or to the intent and purpose of this Ordinance.
  - (2) Shall not permit the establishment within a district of any use which is not permitted by right within that zone district.
  - (3) Will not cause a substantial adverse effect upon the property values in the immediate vicinity or in the district in which the property of the applicant is located.
  - (4) Is not one where the specific conditions relating to the property are so general or recurrent in nature as to make the formulation of a general regulation for such conditions reasonably practical.
  - (5) Will relate only to property that is under control of the applicant.
- (d) SPECIAL CONDITIONS. When ALL of the foregoing basic conditions can be satisfied, a variance may be granted when any ONE of the following special conditions can be clearly demonstrated:
- (1) Where there are practical difficulties or unnecessary hardships which prevent carrying out the strict letter of this 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) Where there are exceptional or extraordinary circumstances or physical conditions such as narrowness, shallowness, shape, or topography of the property involved, or to the intended use the property, that do not generally apply to other property or uses in the same zoning district. Such circumstances or conditions shall not have resulted from any act of the applicant subsequent to the adoption of this Ordinance.
  - (3) Where such variation is necessary for the preservation of a substantial property right possessed by other properties in the same zoning district.
- (e) RULES. The following rules shall be applied in the granting of variances:

(1) The Board of Appeals may specify, in writing, such conditions regarding the character, location, and other features that will, in its judgment, secure the objectives and purposes of this Ordinance. The breach of any such condition shall automatically invalidate the permit grant.

(2) Each variance granted under the provisions of this Ordinance shall become null and void unless:

The construction authorized by such variance or permit has been commenced within six (6) months after the granting of the variance.

The occupancy of land, premise, or buildings authorized by the variance has taken place within one (1) year after the granting of the variance.

(3) No application for a variance which has been denied wholly or in part by the Board of Appeals shall be resubmitted for a period of one (1) year from the date of the last denial, except on the grounds of newly discovered evidence or proof of changed conditions found, upon inspection by the Board of Appeals, to be valid.

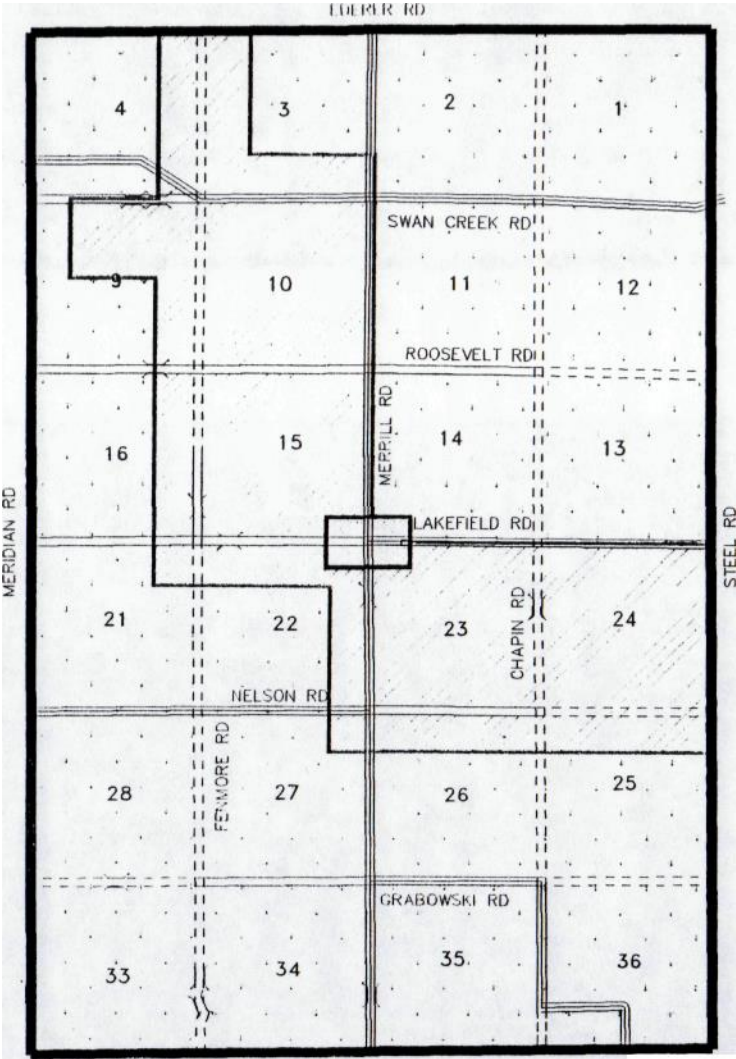
(5) BOND FOR COMPLIANCE.

(a) Bond Authorized. In authorizing any variance the Board of Appeals may require that a bond of ample sum, but not to exceed five thousand (5,000) dollars, be furnished to ensure compliance with, specifications and conditions imposed with the grant or variance.

TYPE OF ACTION	II PARTIES WHO MAY INITIATE ACTION	I BODY MAKING DECISION	I PUBLIC HEARING REQUIRED?	I PUBLISHED NOTICE(S) - NUMBER OF DAYS BEFORE HEARING	I MAILED NOTICE TO ALL OWNERS AND OCCUPANTS WITHIN 300 FEET - DAYS BEFORE HEARING	I BODY TO WHICH APPLICANT MAY APPEAL A DENIAL
VARIANCE	II Applicant or Administrator	I Zoning Board of Appeals	I Yes	I Not required	I Not less than 5.	I Circuit Court
INTERPRETATION	II Applicant or Administrator	I Zoning Board of Appeals	I Yes	I Not required	I Not less than 5, if applicable,	I Circuit Court
APPEAL OF ADMINISTRATIVE DECISION	II Any aggrieved party or any State, County or Township officer, board, bureau or deptmt	I Zoning Board of Appeals	I Yes	I Not required	I Not less than 5.	I Circuit Court
SITE PLAN APPROVAL	II Applicant or Administrator	I Planning Commission	I If requested by any party	I Not more than 15, or less than 5.	I Not more than 15, or less than 5.	I Township Board, after 2nd denial
APPEAL OF SITE PLAN DENIAL	II Applicant, after 2nd site plan denial	I Township Board	I Yes	I Not more than 15, or less than 5.	I Not more than 15, or less than 5.	I Circuit Court
SPECIAL USE PERMIT	II Applicant or Administrator	I Planning Commission	I Yes	I Not more than 15, or less than 5.	I Not more than 15, or less than 5.	I Circuit Court
PLANNED UNIT DEVELOPMENT	II Applicant or Administrator	I Planning Commission	I Yes	I Not more than 15, or less than 5.	I Not more than 15, or less than 5.	I Circuit Court
REZONING	II Applicant, Planning Commission or Township Board	I Planning Commission recommends to Township Board	I Yes	I FIRST: Not more than 30, or less than 20. I SECOND: Not less than 8.	I Not less than 8.	I No appeal until after Township Board action
	II	I Township Board	I If requested by any party	I Not more than 15, or less than 5.	I Not required.	I Circuit Court
TEXT CHANGE	II Applicant, Planning Commission or Township Board	I Planning Commission recommends to Township Board	I Yes	I FIRST: Not more than 30, or less than 20. I SECOND: Not less than 8.	I Not less than 8 if applicable.	I No appeal until after Township Board action
	II	I Township Board	I If requested by any party	I Not more than 15, or less than 5.	I Not required.	I Circuit Court
FEE WAIVER	II Applicant	I Township Board	I No	I Not required	I Not required.	I Circuit Court

# LAKE FIELD TOWNSHIP

Zoning Map



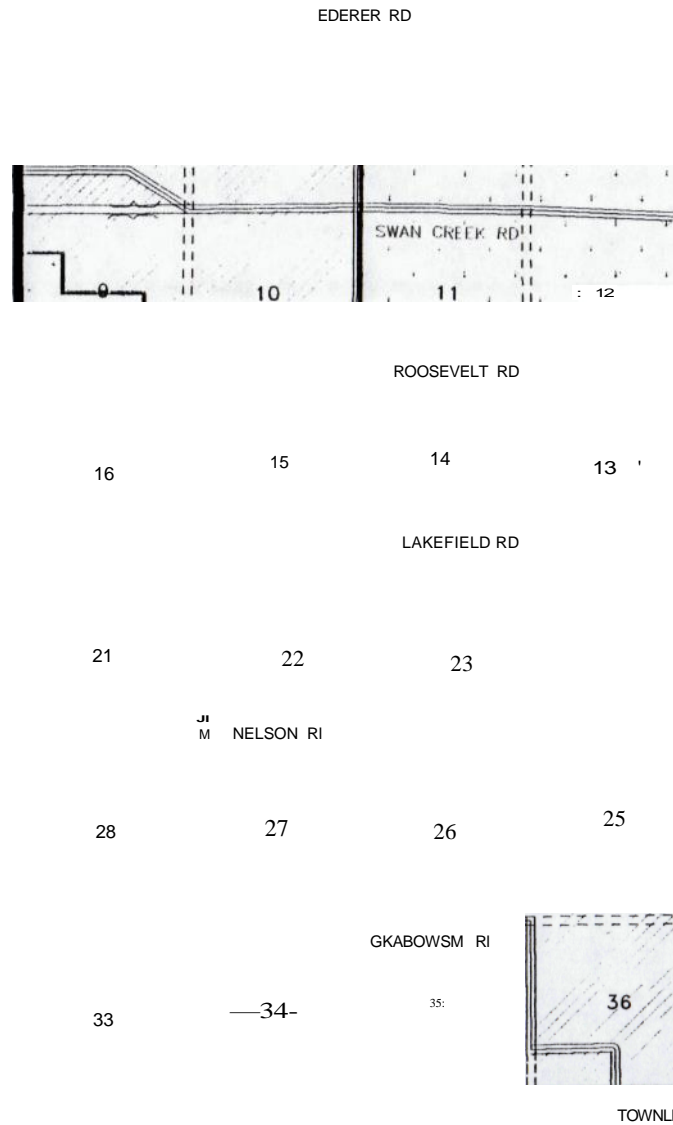
## LEGEND

- "A"— Agricultural
- "R"-Rural Residential
- "B" Community Wide Commercial


SAGINAW COUNTY  
METROPOLITAN PLANNING COMMISSION  
LAKEFIELD TOWNSHIP  
Zoning Map

# LAKEFIELD TOWNSHIP

## Development Plan Map



### LEGEND

 Agricultural

 Rural

 Commercial

2000 4000 6000  
SCALE IN FEET

SAGINAW COUNTY  
METROPOLITAN PLANNING COMMISSION

LAKEFIELD TOWNSHIP  
Development Plan Map

Drawn by: JAY  
Designed by:  
Approved by:

Date 3/10/97  
Scale:  
File no: