

1200 ARTICLE XII, ENFORCEMENT

The provisions of this ordinance shall be enforced by the Township Ordinance Enforcement Officer.

1300 ARTICLE XIII, REZONING AND APPEAL FEES

1301 The Township Board will from time to time establish by resolution fees for application for amendments to this Zoning Ordinance and for appeals or applications to the Zoning Board of Appeals or Planning Commission to be paid to the Township with such application or appeals to help defray the cost to the Township of such proceedings. Such fees may be altered by subsequent resolution of the Township Board in the discretion of said Board.

1400 ARTICLE XIV, PENALTY

1401 Violations:

- A.** Any use of land that is commenced or conducted, any activity, or any building, item structure that is erected, moved, used, placed, reconstructed, razed, extended, enlarged, altered, maintained, or changed, in violation of any provision of this Ordinance is also hereby declared to be a nuisance per se.
- B.** Any person, firm, or corporation that assists with or enables the violation of this Ordinance shall be responsible for aiding and abetting and shall be considered to have violated the provision of this Ordinance involved for which such aiding and abetting occurred. Furthermore, any attempt to violate this Ordinance shall be deemed a violation of the provision of this Ordinance involved as if the violation had been successful or completed.
- C.** Any person, firm, or corporation, who violates, disobeys, omits, neglects, or refuses to comply with, or who resists enforcement of any provision of this ordinance or any permit, license or exception granted hereunder, or any lawful order of the Building Inspector, Officer, Board of Appeals, or the Township Board issued in pursuance of this Ordinance shall be responsible for a municipal civil infraction, subject to payment of a civil fine of up to \$500.00, along with the Township's costs and attorney's fees in prosecuting the violation.
- D.** Any person, firm, or corporation, who violates, disobeys, omits, neglects, or refuses to comply with, or who resists enforcement of any provision of this ordinance or any permit, license or exception granted hereunder, or any lawful order of the Building Inspector, Officer, Board of Appeals, or the Township Board issued in pursuance of this Ordinance shall be responsible for a misdemeanor, subject to a fine of up to \$500.00, or imprisonment for up to ninety (90) days.

- E. Upon application to any court of competent jurisdiction, the Court may order the nuisance abated and/or the violation restrained and enjoined. The enforcement of this Ordinance by abatement of any nuisance by the enforcing officer or by application to any Court of Competent Jurisdiction for abatement by Judicial decree or writ shall not preclude enforcement of this Ordinance by the issuance of a municipal civil infraction and the imposition of fine and costs.
- F. The Ordinance Enforcement Officer is the township official authorized to issue municipal civil infraction citations and municipal civil infraction violation notices or other notices for violations of this Ordinance.
- G. Each day that a violation is permitted to exist shall constitute a separate offense.
- H. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance.

1402 Who May Bring Action?

The Ordinance Enforcement Officer or any Officer of the Township, County or State, the Board of Appeals, or any owner or owners of real estate within the Township may institute injunction, mandamus, abatement, or any other appropriate action or proceedings to prevent, enjoin, abate or remove any such unlawful erection, alteration, construction, reconstruction, maintenance or use. The right and remedies provided herein are cumulative and in addition to all other remedies provided by law.

1403 The foregoing penalties shall not prohibit the Township from seeking injunctive relief against a violator or such other appropriate relief as may be provided by law.

1500 ARTICLE XV, VALIDITY

1501 Should any section, subsection, clause, provision or parts thereof of this Ordinance be declared by the courts to be invalid, such decision shall not affect the validity of the ordinance in its entirety or of any part thereof, other than the portion so declared to be invalid.

1600 ARTICLE XVI, RESOLUTIONS, AMENDMENTS AND SUPPLEMENTS

1601 Resolutions, amendments and supplements to this Ordinance may be adopted as provided by law. Any parts of this Ordinance in conflict with these resolutions, amendments and supplements shall be considered repealed at the time such new resolutions, amendments and supplements take effect.

1602 AMENDMENTS AND REZONING AUTHORITY

The Township Board may amend, supplement, or change the provisions of this Ordinance, provided that all amendments and procedures are in accordance with the Michigan Zoning Enabling Act, MCL 125.3101 et seq.

REZONING

For the purposes of this Article and other applicable sections of this Ordinance, the term "rezoning" shall be considered an amendment to the Zoning District Map. The procedure for rezoning shall follow the procedure set forth in this Article for amendments.

INITIATION OF AMENDMENTS

Proposals for amendments may be initiated by the Township Board, Planning Commission, by petition of one or more residents of Lake Township, or by one or more persons acting on behalf of a resident of Lake Township.

PROCEDURE

A. Authority.

The Township Board, after review and recommendation by the Planning Commission, has authority to adopt amendments to the text of this Ordinance and the zoning map.

B. Procedure for Amendment of Zoning Ordinance.

1. Pre-Application Conference. The applicant/property owner must attend a preapplication conference to be coordinated by the Ordinance Enforcement Officer. This meeting may include the Township Supervisor, Chairperson of the Planning Commission, Ordinance Enforcement Officer, and consultants hired by the Township or other officials to discuss the project. The Ordinance Enforcement Officer may require the applicant to make an escrow deposit to cover the Township's actual costs incurred for such a meeting.
2. Application. Ten copies for an application seeking an amendment to the text or map shall be filed with the Township Clerk. The Township Clerk shall date stamp all materials received, retain the original documents, and distribute the copies appropriately.
3. The application shall provide the following information if an application involves an amendment to the official zoning map:
 - a. A legal description of the property, including the street address and tax code number(s).
 - b. The name, address, and telephone number of the applicant.
 - c. The applicant's interest in the property. If the applicant is not the owner, the name and address of the record and known owner(s), and the owner(s) signed consent to the application. 153
 - d. Identification of the zoning district requested and the existing zoning of the property.
 - e. Identification of the area that is being considered for rezoning and existing land uses within that area, along with a description of the current zoning and existing land uses of all properties within 500 feet of that area.
 - f. Signature(s) of the applicant(s) and owner(s), certifying the accuracy of the information.

- g. Further information as requested by the Ordinance Enforcement Officer, consultants hired by the Township, Planning Commission, or Township Board that is relevant to the site and standards set forth in this Ordinance.
4. The application shall provide the following information if an application involves a change in the text of this Ordinance:
- a. A detailed statement clearly and completely setting forth all proposed provisions and regulations, including all changes in the zoning ordinance necessary to accommodate the proposed amendment.
 - b. Name and address of the applicant.
 - c. Reasons for the proposed amendment.
 - d. Further information as requested by the Ordinance Enforcement Officer, consultants hired by the Township, Planning Commission, or Township Board, that is relevant to the proposed text amendment.
 - e. Right of Entry. The filing of an application to rezone shall constitute permission from the owner for the Township to complete an on-site investigation of the property in question for purposes of this Section.
5. Application Fee. The applicant shall submit to the Township Clerk with the application an application fee in an amount established by resolution of the Township Board to cover the fixed costs associated with processing the application.
6. Escrow deposit. The Ordinance Enforcement Officer, after review of the application, shall establish an amount to be deposited by the applicant with the Township Clerk as an escrow deposit to defray the anticipated costs incurred by the Township to review and process the application(s). The Planning Commission shall not commence consideration of the merits of the application(s) until the escrow deposit is received by the Township Clerk. Any unused portions of the escrow deposit remaining after consideration and processing of the application shall be returned to the applicant(s).
7. Initial Review. The Ordinance Enforcement Officer shall review the application(s) for completeness and indicate to the applicant additional information and documents to be provided. The Planning Commission shall schedule all public hearings and the Township Clerk or his/her designee shall coordinate public notices.
8. Public Hearing - Planning Commission. The Planning Commission shall conduct a public hearing on the proposed text amendment or rezoning.
9. Administrative Report. Following the public hearing the Planning Commission may request that the Ordinance Enforcement Officer and/or other persons retained by the Township present a report that analyzes the application(s) with respect to the requirements and standards of applicable federal and state statutes, ordinances, rules and regulations.

C. Standards and Burden.

In deciding a request for a zoning text amendment or rezoning, the Planning Commission and Township Board shall be governed by the following principles and standards:

1. The applicant shall have the burden of proof, which shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact.
2. Decisions to amend the ordinance text or official zoning map are legislative in nature, and the Township Board ultimately has discretion to act in the interest of the public health, safety, and general welfare.
3. In considering an application for rezoning, the following factors may be considered, among others:

- a. Whether all required information has been provided and fees paid.
- b. Consistency with the goals, policies, and future land use map of the Master Plan. If conditions have changed since the Master Plan was adopted, the rezoning may be found to be consistent with recent development trends in the area.
- c. The compatibility of all uses permitted in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values compared to uses permitted under current zoning.
- d. The capacity of local utilities and public services sufficient to accommodate all the uses permitted in the requested district without compromising the "health, safety and welfare" of the Township, including the capacity of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.
- e. The precedents, and the possible effects of such precedents, that might result from approval or denial of the petition, and
- f. Whether the requested rezoning will create an isolated and unplanned spot zone.

D. Payment of Costs.

Prior to any decision on an application for rezoning or concurrent application, the applicant shall pay all costs and expenses incurred by the Township to review and process the application(s). If sums due and owing the Township are not paid, the Township Board may delay making its decision(s) until such time as the sums are fully paid, dismiss the application(s), or take such other action as provided by law.

PUBLIC NOTICE

Public notice of any hearing required by this Ordinance shall comply with the following provisions:

- A. Notice shall be published in a newspaper of general circulation in the Township no less than 15 days before the date of the hearing.
- B. Owners of property that is within 300 feet of the property subject to a request, along with at least one of the occupants of all such property, shall be provided with at least 15 days' written notice. Such notice shall be delivered either personal or by mail. If any property within 300 feet of the subject property contains more than 4 dwelling units, notice may be given to the manager or owner of that structure, who shall then post the notice at the structure's primary entrance.
- C. Notices shall contain, at minimum, the following:
 1. A description of the nature of the request.
 2. An indication of the property that is subject to the request, along with a listing of all existing street addresses within the property. In the event there are no such addresses existing within the subject property, other means of identification may be used.
 3. A statement as to when and where the request may be considered.
 4. An indication of where and when written comments will be received concerning the request.
- D. Any neighborhood organization, public utility company, railroad or any other person or organization may register with the Ordinance Enforcement Officer or the Clerk to

receive written notice of hearing of applications for approval. Fees may be assessed for the provision of this notice.

E. All registered entities or persons must reregister biannually to continue to receive notification pursuant to this section.

1700 ARTICLE XVII, EFFECTIVE DATE

1701 This Ordinance shall take effect eight (8) days after publication. All ordinances and amendments, or parts of same, in conflict herewith are hereby repealed.

1800 ARTICLE XVIII, INTERPRETATION

1801 In their interpretation and application, the provisions of this Ordinance shall be the minimum requirements adopted for the promotion of public health, safety and general welfare.

1802 Whenever any provisions of this Ordinance impose more restrictions than are imposed by deeds, State Laws or regulations of other government authorities, the provisions of this Ordinance shall govern. Where the provisions of such other agencies impose more strict regulations than imposed by this Ordinance, the provisions of other ordinance or regulations shall govern except those which contravene the provisions of State Law or the Constitution of the State of Michigan or the United States. It is not intended by this Ordinance to interfere or abrogate or annul any easements, covenants or other agreements between the parties, provided however, that where this ordinance imposes a greater restriction upon the use of a building or land than existing easements, covenants or other agreements, the provisions of this Ordinance shall govern or control.