

19.0 MISCELLANEOUS PROVISIONS

19.1 SAVINGS CLAUSE

This ordinance shall not affect any pending litigation, civil or criminal, founded or growing out of any ordinance or resolution, order or permit, and shall not affect any rights, claims, privileges, immunities or causes of action of the Township , or any other person, either criminal or civil, that may have already occurred, accrued or grown out of any ordinance, resolution, permit, order, or policy repealed by this Ordinance.

19.2 VALIDITY AND SEVERABILITY

It is the intent of the Township Board in adopting this Ordinance that all provisions shall be liberally construed to protect the public health, safety, and general welfare of the inhabitants of the Township and other persons affected by this Ordinance. Should any provision of this Ordinance be held to be unconstitutional, invalid, or of no effect, such holding shall not be construed as affecting the validity of any of the remaining provisions of this Ordinance, it being the intent of the Township that such remaining provisions of this Ordinance shall stand and remain in effect notwithstanding the invalidity of any other provisions.

19.3 EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days after publication.

19.4 ADMINISTRATIVE OFFICIALS

Except as otherwise provided in this Ordinance, the Zoning Administrator shall administer and enforce this Ordinance, including the receiving of applications, the inspection of premises, and the issuing of permits.

19.5 OCCUPANCY

It shall be unlawful to use or permit the use of any structure or premises hereafter altered or erected, until the Zoning Administrator has inspected the premises and approved the same for occupancy.

19.6 VIOLATIONS AND PENALTY

Any building erected, altered, moved, razed, or converted, or any use carried on in violation of any provision of this Ordinance is declared to be a nuisance per se. Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to comply with any of the provisions of this ordinance shall be punished by a fine to be set from time to time by the Tittabawassee Township Board, or up to ninety (90) days in the Saginaw County Jail, or both a fine and imprisonment, in the discretion of the court. Each day that

a violation is permitted to exist shall constitute a separate offense. If a civil infraction ordinance is in effect in the Township, all violations shall be punishable according to the stipulations of that ordinance.

19.7 PEOPLE INVOLVED IN THE ZONING PROCESS.

The provisions of this ordinance shall be carried out by the Tittabawassee Township Planning Commission, the Zoning Board of Appeals, the Township Board, and the Township Zoning Administrator in conformance with applicable State of Michigan enabling legislation.

(1) ZONING ADMINISTRATOR. The Tittabawassee Township Board, with the recommendation of the Planning Commission, shall employ a Zoning Administrator to carry out day to day administration and enforcement of this Ordinance. The Township Board may designate the Building Inspector as the Zoning Administrator. Conditions of the Zoning Administrator's employment, including compensation, shall be established by the Township Board. Additional staff may be employed, under the supervision of the Zoning Administrator, to assist with administration and enforcement of this Ordinance.

The Zoning Administrator's duties shall include the following items and any other tasks that may be assigned by the Township Board or provisions of this Ordinance.

(a) ACCEPT AND RECORD APPLICATIONS, ISSUE AND RECORD PERMITS. All applications for Zoning Permits shall be submitted to the Zoning 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 Zoning Administrator shall issue a Zoning Permit for the proposed use. When conditions are not met, the Zoning Administrator shall consult with the applicant to determine the proper course of action (see REVIEW PROCESS Table). The Zoning Administrator shall maintain a record of all applications and related Zoning Permits, including documentation for each.

(b) ISSUE WRITTEN DENIAL. When any application for a Zoning Permit is denied, the Zoning Administrator shall provide the applicant with a written denial, stating the reasons for the denial.

(c) 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 Zoning Administrator shall prepare notices of the hearing and disseminate said notices as required by this Ordinance.

(d) INSPECTIONS. The Zoning Administrator shall be empowered to make inspections of buildings or premises to carry out enforcement of this Ordinance.

(e) RECORD NONCONFORMING USES. The Zoning Administrator shall record all nonconforming uses existing at the effective date of this Ordinance for the

purpose of carrying out the provisions of Chapter 4, Section 401.

(f) RECORD SPECIAL USES. The Zoning Administrator shall keep a record of all Special Use Permits issued under the terms of this Ordinance.

(g) RECORD INTERPRETATIONS OF ORDINANCE. The Zoning Administrator shall maintain a concise record of all interpretations of this Ordinance rendered by the Zoning Board of Appeals. This record shall be consulted whenever questions arise concerning interpretation of any provision of this Ordinance to determine whether any applicable precedents have been set.

(h) PUBLIC INFORMATION. The Zoning Administrator shall respond to inquiries 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.

(i) RESPOND TO COMPLAINTS. The Zoning Administrator shall respond within five business days, whenever possible, to any complaint regarding an alleged violation of the terms or conditions of this Ordinance or any permit issued pursuant to it. The Zoning 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.

(j) MAY NOT CHANGE ORDINANCE. Under no circumstances is the Zoning Administrator permitted to make changes in this Ordinance or to vary the terms of this Ordinance.

(2) PLANNING COMMISSION.

(a) MEMBERSHIP. The Planning Commission shall be composed of seven (7) members, appointed by the Township Supervisor with the approval of the Township Board.

(b) TERMS OF OFFICE. The term of service for each member shall be three (3) years. Rotation of membership is encouraged.

(c) 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. The Commission shall choose its Chairperson, Vice chairperson and Secretary.

(d) 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.

(e) PER DIEM OR EXPENSES. Members of the Planning Commission may be compensated for their services as provided by the Township Board. The Planning 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.

(f) DEVELOPMENT PLAN. The Planning Commissions 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 The Township Rural Zoning Act, P.A. 184 of 1943, as amended. (Amended 1/14/03)

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

(h) ADMINISTRATION AND ENFORCEMENT. The Planning Commission shall be responsible for the following administrative and enforcement activities under this Ordinance:

(1) SITE PLAN APPROVAL. The Planning Commission shall review Site Plans and issue its approval, conditional approval or denial of same.

(2) 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. The Planning Commission shall also take any necessary action to revoke a Special Use Permit.

(3) REZONING OR AMENDMENT. The Planning Commission shall conduct public hearings for proposals to rezone property or amend the text of this Ordinance as provided by Section 705. Following a public hearing, the Planning Commission shall make its recommendation regarding the proposed rezoning or text change to the Township Board. The Planning Commission may initiate a text change or rezoning, subject to the requirements for notice, hearing and Township Board approval.

19.8 ADMINISTRATIVE PROCESSES.

(1) ZONING PERMIT REQUIRED. The issuance of a Zoning Permit signifies compliance with the requirements of this Ordinance. A Zoning Permit must be obtained from the Zoning Administrator before any of the following activities may legally take place.

(a) Occupancy and use of vacant land (including parking lot construction).

(b) Any change in the use of a parcel of land or a building, including any construction or structural alteration of a building that requires issuance of a Building Permit by the Township Building Inspector. (A Zoning Permit must be obtained before a Building Permit may be issued.) When erected at the same time as the principal building, accessory buildings shall not require a separate Zoning Permit.

(c) Any use of land or a building that would be identified as a Use by Special Use Permit in the district regulations.

(d) Any change of a nonconforming use or building.

(2) APPLICATION FOR ZONING PERMIT. Application for a Zoning Permit shall be made prior to construction of a new or enlarged building or structure, or a new or enlarged use of a parcel, is intended to begin. Form and content of the application package shall be as specified by the following material. (Amended 1/14/03)

(a) APPLICATION FORM. Applicants for a Zoning Permit shall submit a Zoning Application Form with all requested information completely filled in.

(b) SUBMISSION WITH BUILDING PERMIT APPLICATION. When a Building Permit is also required, application for a Zoning Permit may be made at the same time. If the Township Building Inspector also acts as Zoning Administrator, the Inspector may elect to accept information submitted for a Building Permit without duplicating it on the Zoning Application Form.

(c) PROPERTY INFORMATION. The Zoning Application Form must be accompanied by a copy of a property survey, deed or tax records sufficient to allow identification of the parcel in the Township Assessor's property maps. When the applicant is anyone other than the property owner identified by the Assessor's records, evidence of the owner's concurrence or a change in ownership must also be submitted.

(d) PLOT PLAN. The Zoning Application Form must also be accompanied by a plot plan drawn at size and scale sufficient to clearly identify the exact dimensions of the parcel, all abutting streets, alleys or easements, and the size, position and height of all existing and proposed buildings or structures thereon. The Zoning Administrator may also require any other information deemed necessary for the proper enforcement of this Ordinance.

(3) APPLICATION REVIEW PROCESS. On submission of an application for a Zoning Permit, the Zoning Administrator will review the application material as described by the REVIEW PROCESS Table that accompanies this Section. Whenever possible, it is desirable for this review to be conducted with the applicant present to facilitate any necessary explanation. If all requirements have been met, the Zoning Administrator shall issue a Zoning Permit. When failure to meet any standard prohibits issuance of a permit, the problem shall be identified and the applicant advised of his or her options, based on the information in the REVIEW PROCESS Table. In all cases, a full review shall be conducted to identify all potential obstacles to issuance of a Zoning Permit.

The review will address each question identified by the REVIEW PROCESS Table in order, moving through each column in the question from left to right.

(4) RECORD MAINTAINED. The Zoning Administrator shall keep a record of each

application for a Zoning Permit which has been submitted, including the disposition of each one. This record shall be a public record, open for inspection upon request.

(5) VALIDITY OF ZONING PERMIT. A Zoning Permit remains in effect for a period of one (1) year from the date it is issued. By that time, the activity authorized by the Zoning Permit must have begun. This means that any use of land or of an existing building must be underway, or a Building Permit for any new construction must have been issued and construction commenced. The validity of a Zoning Permit may be extended by the Zoning Administrator not more than one (1) time, for a period not to exceed one (1) additional year. Said extension must be requested in writing by the permit holder before the expiration of the initial permit period.

(6) VOIDING OF ZONING PERMIT. If the permit holder fails to initiate the activity authorized by the Zoning Permit by the end of the one (1) year extension, the Zoning Permit is automatically null and void. Any additional rights associated with the Zoning Permit which have been granted by the Planning Commission or the Zoning Board of Appeals, such as Special Use Permits or variances, expire together with the Zoning Permit.

Any performance guarantee shall be refunded to the permit holder unless the failure to initiate activity has resulted in costs to the Township which were to be covered by the guarantee. If any amount of the guarantee remains after said costs are satisfied, the balance of the guarantee shall be released and returned to the permit holder.

Reissuance of a Zoning Permit which has expired requires a new Zoning Application Form to be filed with the Zoning Administrator and processed without consideration of any previous action.

19.9 ENFORCEMENT.

(1) RESPONSIBILITY. The Zoning Administrator shall enforce the provisions of this Ordinance.

(2) 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 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) 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.

(d) 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 Ordinance, shall be guilty of maintaining a nuisance per se and upon conviction thereof shall be punished by a fine of not less than one hundred (\$100.00) dollars and not more than five hundred (\$500.00) dollars 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 correction, 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.

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

(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.

19.10 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 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.

(3) AMENDMENT PROCEDURE.

(a) PETITION TO TOWNSHIP CLERK AND PAYMENT OF FEE. 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 processing of the amendment request. The Township Clerk shall transmit the application to the Planning Commission for recommended action.

(b) RECOMMENDATION. The Planning Commission shall consider each proposed amendment in terms of the likely effect of such proposal upon the development plans for the community as well as in terms of the merits of the individual proposal. The Planning Commission may recommend any additions or modifications to the original amendment petition.

(c) PUBLIC HEARING. Before voting on any proposed amendment to this Ordinance, the Planning Commission shall conduct a public hearing, with notice being given as specified by the following section.

(d) NOTICE REQUIREMENTS FOR PUBLIC HEARING. Preparation, publication and distribution of notices for the public hearing shall be the responsibility of the Township Zoning Administrator.

(1) CONTENT. Every notice of said hearing shall contain all information required.

(2) DISTRIBUTION.

(a) PUBLISHED. Notice shall be given by two (2) publications in a newspaper of general circulation in the community, the first to be printed not more than thirty (30) days nor less than twenty (20) days and the second not more than eight (8) days before the date of such hearing.

(b) CERTIFIED MAIL. Not less than twenty (20) days notice shall also be given by certified 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) OTHER MAILED NOTICE. In any instance involving the rezoning of one or more parcels, or when the owner or other party having an interest in any parcel has requested a text change, notice of the proposed amendment shall be mailed to the owner of the property in question and to all persons residing, doing business, or owning property within three hundred (300') feet of the premise in question. These persons shall be identified as specified by Section 706.

(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 is to be conducted.

(e) SAGINAW COUNTY METROPOLITAN 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 may be submitted to the Saginaw County Metropolitan 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 recommendation within thirty (30) days of its receipt of the amendment. (Amended 1/14/03)

(f) AMENDMENT TO CONFORM WITH COURT DECREE. An amendment for the purpose of conforming to the decree of a court of competent jurisdiction may be adopted by the Township Board. The amendment may be made and notice given to the public without referring the amendment to any other board or agency provided for in this Ordinance.

(g) TOWNSHIP BOARD ADOPTION. Upon receipt of the Saginaw County Metropolitan Planning Commission's recommendation, the Township Board shall review said recommendation and that of the Township Planning Commission.

The Township Board shall grant a hearing on the proposed amendment to any party who has filed a written request to be heard with 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 Section 706, shall be published in a newspaper which circulates in the Township not more than fifteen (15) days nor less than five (5) 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 shall 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.

(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.

19.11 NOTICE REQUIREMENTS FOR PUBLIC HEARINGS.

(1) 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 that will be conducting the public hearing and will decide upon the matter.
- (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.

Statement of where and when written comments will be received concerning the request.

(2) NOTIFICATION OF RESIDENTS, BUSINESSES OR PROPERTY OWNERS WITHIN THREE HUNDRED (300') FEET. Whenever provisions of this Ordinance require mailing of public hearing notices to persons who reside, do business or own property within three hundred (300') feet of a certain parcel, the mailing list shall be compiled from the following sources.

- (a) The owner(s) of property for which approval is being considered.
- (b) 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.
- (c) 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.

REVIEW PROCESSES TABLE

19.0 MISCELLANEOUS PROVISIONS

TYPE OF ACTION	PARTIES WHO MAY INITIATE ACTION	BODY MAKING DECISION	PUBLIC HEARING REQUIRED?	PUBLISHED NOTICE(S) - NUMBER OF DAYS BEFORE HEARING	MAILED NOTICE TO OWNERS AND OCCUPANTS WITHIN 300' , # DAYS BEFORE HEARING	BODY TO WHICH APPLICANT MAY APPEAL A DENIAL
VARIANCE	Applicant or Administrator	Zoning Board of Appeals	No. Meeting open to public	Not required	Not less than 8.	Circuit Court only
INTERPRETATION	Applicant or Administrator	Zoning Board of Appeals	No. Meeting open to Public	Not Required	Not less than 8.	Circuit Court only
APPEAL OF ADMINISTRATIVE DECISION	Any ag-grieved party or State Cou-nty or Twp. officer, board, bureau or dept.	Zoning Board of Appeals	No. Meeting open to public	Not required	Not less than 8.	Circuit Court only
SITE PLAN APPROVAL	Applicant or Administrator	Planning Com-mission	No	Not required.	Not required.	Planning Comm. after 1 year, or Township Board
SPECIAL USE PERMIT	Applicant or Administrator	Planning Com-mission	If requested by property owner within 300 ft.	Once, between 5-15 days before date.	Once, between 5-15 days before date.	Planning Comm. after 1 year, or Circuit Court
PLANNED UNIT DEVELOPMENT	Applicant or Administrator	Planning Com-mission	Yes	Once, between 5-15 days before date.	Once, between 5-15 days before date.	Planning Comm. after 1 year, or Circuit Court.
REZONING	Applicant, Planning Commission or Township Board	Planning Commission recommends to	Yes	Twice, between 20-30 days & not < 8.	Once, not less than 8 days before date.	Planning Commission after 1 year.
		Township Board	If request ed by any party	Once, between 5-15 days before date	Not required.	
ZONING ORDINANCE OR ZONING MAP TEXT CHANGE	Applicant, Planning Commission or Township Board	Planning Com-mission recom-mends to	Yes	Twice, between 20-30 days & not < 8.	Once, not less than 8 days before date.	Planning Commission after 1 year.
		Township Board	If request ed by any party	Once, between 5-15 days before date.	Not required.	
DEVELOPMENT PLAN OR MAP CHANGE	Applicant, Planning Commission or Township Board	Planning Commission recommends to Twp. Board	Yes	See P.A. 184 of 1943 as amended for requirements	Not required.	Planning Com-mission after 1 year or Circuit Court.
FEE WAIVER	Applicant	Township Board	No	Not required	Not Required	Circuit Court