

CHAPTER 7 - ADMINISTRATION AND ENFORCEMENT**SECTION 701. RESPONSIBILITIES IN THE ZONING PROCESS**

The provision of this Ordinance shall be carried out by the Haring Charter Township Planning Commission, the Zoning Board of Appeals, the Township Board, and the Township Zoning Administrator in accordance with the Township Rural Zoning Act (P.A. 184 of 1943, as amended).

1. ZONING ADMINISTRATOR. The Haring Charter 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. 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 them 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 regarding a further course of action. The Zoning Administrator shall maintain a record of all applications, related documentation and resulting Zoning Permits.
- b) ISSUE WRITTEN DENIAL. When any application for a Zoning Permit is denied, the Zoning Administrator shall provide the applicant 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 and disseminate hearing notices as required by this Ordinance.
- d) INSPECTIONS. For purposes of this Ordinance, the Zoning Administrator shall have the power to make inspections of any building or parcel as necessary to enforce 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 2, Section 201.
 - f) RECORD SPECIAL USES. The Zoning 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 5.
 - 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 under Section 703(3). This record shall be consulted whenever interpretation questions arise 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 help the public understand the provisions of this Ordinance. Public awareness and acceptance of this Ordinance should help to maintain compliance with it.
 - i) RESPOND TO COMPLAINTS. The Zoning Administrator shall respond within five (5) business days, whenever possible, to any complaint alleging a violation of the terms or conditions of this Ordinance or of any permit issued pursuant to it. The Zoning Administrator shall summarize the nature and disposition of recent complaints at each regular Planning Commission meeting.
 - j) MAY NOT CHANGE ORDINANCE. Under no circumstances is the Zoning Administrator permitted to make changes in the Ordinance or to vary the terms of this Ordinance.
 - k) The Zoning Administrator is authorized to issue notices of violation and/or municipal civil infraction citations for violations of this Ordinance. *(Added by Ordinance #67, 7/5/2003)*
2. PLANNING COMMISSION. The Haring Charter Township Board has previously designated the Township's Planning Commission as the organization to function in the capacity of the Zoning Commission identified in Act 184 of 1943, the Township Rural Zoning Act. The Planning Commission shall be responsible for the following administrative and enforcement activities under this Ordinance.

- a) SITE PLAN. The Planning Commission shall review Site Plans and issue it's approval, conditional approval or denial of same as provided by Chapter 2, Section 206.
- 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. The Planning Commission shall also take any necessary action to revoke a Special Use Permit as provided by Section 502(6).
- c) 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 703. 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.
- d) REVIEW. The Planning Commission shall review Future Land Use Map periodically and update as necessary.

3. ZONING BOARD OF APPEALS

- a) CONTINUATION OF CURRENT BOARD. The Township Board, under the authority of Act 184 of the Public Acts of 1943, as amended, has previously established the Township Zoning Board of Appeals. Upon adoption of this Ordinance, the Zoning Board of Appeals previously created shall continue to function and remain in office, including all members thereof. However, the membership of the Board of Appeals may be increased from three (3) regular members to five (5) regular members upon appointment by the Township Board of new members to the Board of Appeals.
- b) MEMBERSHIP.
 - 1) REGULAR MEMBERS. The Haring Charter Township Zoning Board of Appeals shall consist of three (3) or five (5) members. The first member of the Board of Appeals shall be a member of the Township Planning Commission, one member may be a member of the Township Board, the remaining member shall be selected and appointed by the Township Board from among the electors residing in the unincorporated area of the Township. An elected officer of the Township may not serve as chairperson of the Zoning

Board of Appeals. An employee or contractor of the Township Board may not serve as a member or employee of the Zoning Board of Appeals. Members of the Board of Appeals shall be removable by the Township Board for non-performance of duty or misconduct in office upon written charges and after public hearing.

- 2) ALTERNATE MEMBERS. The Township Board may appoint not more than two (2) alternate members for the same term as regular members to the Zoning Board of Appeals. An alternate member may be called upon to serve as a regular member of the Zoning Board of Appeals in the absence of a regular member if the regular member is absent from or will be unable to attend two (2) or more consecutive meeting of the Board of Appeals, or is absent from or will be unable to attend meetings for a period of more than thirty (30) consecutive days. An alternate member may also be called to serve as a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member shall serve in the case until a final decision is made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.
- c) TERMS OF OFFICE. The terms of Zoning Board of Appeals members shall be for three (3) years, except for members serving because of their membership on the Planning Commission or Township Board, whose terms shall be limited to the time they are members of said bodies and the period stated in the resolution appointing them. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.
- d) PER DIEM OR EXPENSES. 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 appropriated annually in advance by the Township Board.
- e) RULES OF PROCEDURE. The Board of Appeals shall adopt its own rules function. The Board shall choose its chairperson, and in the chairperson's absence, an acting chair. **SEE APPENDIX A**
- f) MEETINGS. Meetings shall be held at the call of the chair and at such other times as the Board in its rules of

procedure may specify. Any three (3) members 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.

- g) 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 are public records.
 - h) MAJORITY VOTE REQUIRED. The concurring vote of a majority of the members of the Zoning Board of Appeals shall be necessary to reverse any decision of the Zoning Administrator, to decide in favor of the applicant any matter upon which the board is required to pass, or to grant any variance of the terms or conditions of this Ordinance.
 - i) DECISIONS. The Zoning Board of Appeals shall return a decision upon each case within thirty (30) days of the date the case was heard by the Board unless a further time is agreed upon by the parties concerned. The Board shall state its reasons for making any decisions, and such reasons shall be made part of the meeting's record. No Zoning Permit authorized by such a decision shall be issued until the decision has taken effect.
 - j) CONFLICT OF INTEREST. A member of the Zoning Board of Appeals shall disqualify himself or herself from a vote in which the member has a conflict of interest. However, if a board member suspects they are in conflict with a issue, the conflict will be brought before the remaining board members at the public meeting. The board members will decide by vote, by using standards of conduct for Township Officials, to determine if a conflict is present.
 - k) DUTIES. The Haring Charter Township Board of Appeals shall have the power to act on appeals from administrative actions, requests for variances, and request for interpretation of this Ordinance as provided in Section 703.
4. TOWNSHIP BOARD. On recommendation of the Planning Commission, the Township Board has adopted the Zoning Ordinance, making it the enforceable policy of Township government. Likewise, the Township Board may amend the text of this Ordinance or the boundaries of Zoning Districts (rezoning). The Township Board shall, by resolution, set fees to be charged for any

administrative action under this Ordinance. The Board may also act to waive any fee required under the Ordinance.

SECTION 702. 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. (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. A change in use of a parcel or existing building from one Use by Right in the applicable Zoning District to another Use by Right does not require a Zoning Permit.
 - c) Any use of land or a building which would be identified as a Use by Special Use Permit by the Table of District Regulations in Chapter 3, District Regulations, for the Zoning District in which the parcel is located.
 - d) Any change of nonconforming use or building.
2. APPLICATION FOR ZONING PERMIT. Application for a Zoning Permit shall be made ten (10) days before 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.
 - a) APPLICATION FORM. Applicants for a Zoning Permit shall submit a Zoning Application Form with all requested information completely filled in.
 - b) 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.

- c) 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 building 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. 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. In all cases, a full review shall be conducted to identify all potential obstacles to issuance of a Zoning Permit.
4. PERFORMANCE GUARANTEE
- a) AUTHORIZATION AND INTENT. The Planning Commission and Zoning Board of Appeals are hereby authorized to require a sum of money by deposited with the Township Treasurer in cash as a guarantee of performance for any conditions attached to approval of Zoning Permits which come before either group. It is intended that a cash deposit will not be required for trivial items, but will be uniformly imposed when items vital to the protection of the health, safety and welfare of the public are concerned.
- b) AMOUNT. The Planning Commission or Zoning Board of Appeals shall specify the amount of any cash deposit when a deposit is to be required. The conditions for which a deposit is required, and the amount of deposit required for each shall be specified in the resolution. The amount should be sufficient to enforce compliance with the specified condition.
- c) FORM OF DEPOSIT. Said deposit may be made by check or money order, payable to the Haring Charter Township Treasurer. The Treasurer shall hold said sum in escrow in the name of the Township and of the maker of the check.
- d) USE OF ESCROWEE FUNDS. If the Zoning Administrator determines that a condition of a Zoning Permit has been violated and that the permit holder has not acted to correct said violation in a timely fashion, he or she may

recommend to the Planning Commission that funds escrowed as a performance guarantee for that condition be used to bring about compliance with said condition. At its first meeting after such a recommendation is made, the Planning Commission shall decide whether to approve said recommendation for action to the Township Board. The Township Board shall consider such action at its first meeting after the Planning Commissions' review. ESCROWEE FUNDS MAY ONLY BE SPENT UPON AN AUTHORIZING RESOLUTION OF THE HARING CHARTER TOWNSHIP BOARD. Said resolution shall direct the Zoning Administrator to take any action or procure any services which he or she deems necessary to bring about compliance with said condition.

- e) RETURN OF CASH DEPOSIT. The Zoning Administrator must certify, in writing, to the Township Treasurer that any condition has been satisfied for which a cash deposit has been made as a performance guarantee. Said certification shall identify the condition, the amount of deposit specified for its guarantee, and any amount that may have been used to enforce compliance with the remaining balance (if any). The Treasurer shall issue a check to the party named on the escrow account in the amount specified, following standard Township procedures for authorization of such disbursements.
5. 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.
6. 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.
7. VOIDING OF ZONING PERMIT. If the permit holder fails to initiate the activity authorized by the Zoning Permit by the end of one (1) year from the date the permit was issued, 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.

Re-issuance of a Zoning Permit which has expired requires a new Zoning Application Form to be filed with the Zoning Administrator and processed in accordance with Section 702(3).

SECTION 703. AUTHORITY OF THE ZONING BOARD OF APPEALS.

The Zoning Board of Appeals may grant variances, hear appeals from administrative actions, and make interpretations of this Ordinance as follows:

1. VARIANCE. Upon a showing of practical difficulty, the Board may 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 considered for a variance. In passing upon variances, the Board may vary or modify the provisions of the Ordinance as authorized above so that the spirit of the Ordinance is observed, public safety is secured, and substantial justice done.

- 1a. PRACTICAL DIFFICULTY STANDARDS. (Added by Ordinance #64)

To determine Practical Difficulty the following standards will be used and a finding for each standard shall be made and so stated in the motion for final variance approval or denial.

- A. Will the strict compliance with the dimensional requirements of the zoning ordinance prevent the applicant from using the property for the permitted purpose? (Whether strict compliance with the restrictions governing setbacks, frontage, height, bulk or density would unreasonably prevent the owner from using the property for a permitted purpose, or would render conformity with such restrictions unnecessarily burdensome).
- B. Will granting the variance be fair to the applicant, or would a lesser variance work just as well? (Whether a grant of variance would do substantial justice to the applicant, as well as other property owners in the district, or whether a lesser relaxation, other than the one applied for, would give substantial relief to the owner of the property and be more consistent with justice to other property owners),
- C. Is the need for the variance due to a situation that is unique to the property and not generally found elsewhere in

the same zoning district? (Whether the plight of the owner is due to unique circumstance to the property and not general conditions in the area. Uniqueness includes but is not limited to parcels which are odd in shape, small in size, possess areas of wetlands or other water bodies, contain natural features like bedrock or threatened plant species, or similar circumstances).

D. If granted, will the variance uphold the spirit and intent of the ordinance and be fair to neighboring properties?

E. Has the need for the variance been created by some action of the applicant? (Whether the problem is self-created).

2. APPEALS OF ADMINISTRATIVE ACTIONS. The Zoning Board of Appeals is empowered to review and reverse or modify any order, decision or determination made by the Zoning Administrator. The Board is also empowered to review decisions of the Planning Commission regarding Special Use Permits and Site Plan Review.

a) REQUESTS FOR APPEALS. An appeal 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 fifteen (15) days after the date of the Zoning Administrator's or Planning Commission's written decision. The request shall be filed with the Zoning Administrator and shall specify the grounds for the review. The Zoning Administrator or Planning Commission shall immediately transmit to the Chairperson of the Board of Appeals any papers constituting the record upon which the action being reviewed was taken. Requests for appeals pursuant to site plan or Special Use Permit denials by the Planning Commission relating to sexually oriented businesses shall be handled in the manner set forth in Section 505.2 of this Ordinance.

b) STAY. An appeal 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 an appeal 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.

3. INTERPRETATIONS. 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. The Zoning Administrator shall keep a concise record of all interpretations made by the Zoning Board of Appeals to facilitate such reference.

- a) The Board may determine the precise location of the boundary lines between zoning districts
 - b) The Board may classify any activity which is not specifically mentioned in the **Table of District Regulations in Chapter 3** for any Zoning District as a Use by Right or Special Use within at least one Zoning District, providing that the classification shall be consistent with the classification of similar uses and with the purpose and intent of each Zoning District.
 - c) 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 in Chapter 3, District Regulations.
 - d) The Board may interpret any portion of this Ordinance when the Zoning Administrator is unable to clearly determine its intent or effect.
4. FEES. A fee as established by the Township Board shall be paid to the Zoning Administrator 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 for the appeal.
5. RULES FOR ZONING BOARD OF APPEALS ACTION.
- a) PUBLIC MEETING. All meetings of the Zoning Board of Appeals shall be in accordance with the Open Meetings Act (Act 267 of 1976). At the meeting, a party may appear in person or may be represented by agent or attorney.
 - b) INTENT. Any decision by the Zoning Board of Appeals must not be contrary to the public interest or to the intent and purpose of this Ordinance.
 - c) USE VARIANCE PROHIBITED. No variance, site plan approval, or administrative review may be construed to allow the establishment any use which is not permitted by right or by Special Use Permit in the applicable Zoning District. The Zoning Board of Appeals may only **classify** a use which

is not specifically mentioned along with a comparable permitted use for the purpose of the use regulations of a zoning district. In exercising the power of administrative review, the Zoning Board of Appeals must apply, and not vary, the terms of the Zoning Ordinance.

- d) CONSIDER PROPERTY VALUES. In any decision, the Zoning Board of Appeals must try to avoid causing a substantial adverse effect on property values in the vicinity of the subject property or on other parcels in the Zoning District in which the subject property is located.
- e) SINGLE PARCEL. 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.
- f) RESUBMISSION. Any request which has been denied wholly or in part by the Zoning Board of Appeals may not be resubmitted for a period of one (1) year from the date of the last denial. However, if new evidence or change conditions are found, the Board may elect to rehear a case.
- g) CONDITIONS. The Board of Appeals may attach any reasonable conditions to the approval of any request to secure the objectives and purposes of this Ordinance. The breach of any such condition shall automatically invalidate any Zoning Permit granted pursuant to the Zoning Board of Appeals action. When it attaches any conditions to the approval of a request, the Board of Appeals may require that a bond of ample sum be furnished to ensure compliance with the conditions imposed, as specified by Section 702(4).
- h) ISSUANCE OF PERMIT. A variance or site plan approval granted under the provisions of this Section becomes a condition of the Zoning Permit granted pursuant to such action. If the Zoning Permit expires as defined by Section 702(6), any rights granted by the Zoning Board of Appeals expire together with the Zoning Permit.
- i) REQUIRED RECORDS. The minutes of the Zoning Board of Appeals meeting at which any decision was made regarding a variance, appeal, or interpretation must specify the reasoning used by the Board in making the decision, and any condition that may be attached to issuance of a Zoning Permit.

- j) RECURRENT ISSUES. If certain conditions are so widespread as to make similar variances a frequent issue for the Zoning Board of Appeals, the Board shall suggest a general regulation for such conditions to be considered by the Planning Commission.

SECTION 704. ENFORCEMENT

1. RESPONSIBILITY. The Zoning Administrator shall enforce the provisions of this Ordinance.
2. VIOLATIONS AND PENALTIES. Violations of any provisions of the 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 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 Zoning Administrator shall determine necessary and appropriate.
 - 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 (*Ordinance #60*). Every person, whether as principal or agent, servant, employee or otherwise, including the owner(s), lessee(s) or occupant(s) of any building, structure or premises 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 responsible for a municipal civil infraction, punishable by a civil fine. Each and every day the violation continues beyond the correction period identified by Section 704(2)(b) shall be deemed a separate offense. Additionally, the proper court shall have the power and authority to issue an injunctive order in connection with any violation of this Ordinance.

- 1) VIOLATION NOTICES. A person who, as a result of violating any provision of this Ordinance, receives a municipal civil infraction notice, upon an admission of responsibility thereon, shall pay a civil fine at the Haring Charter Township Municipal Violations Bureau, in the amount provided in Section 5 of Ordinance No. 47, the Haring Charter Township Municipal Ordinance Violations Bureau Ordinance, plus any costs as specified in said Section 5 of Ordinance No. 47.
- 2) CITATION/COMPLAINT. A person who, as a result of violating any provision of this Ordinance, receives a municipal civil infraction citation/complaint, upon an admission or adjudication of responsibility thereon, shall pay a civil fine for each infraction of not less than \$50 nor more than \$500, plus costs, damages, expenses and other sanctions as authorized under Public Acts No. 12, 13 and 14 of 1994, as amended, and other applicable laws.
- 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 the Ordinance are more stringent than any other law or Ordinance, then the provisions of the 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 705. AMENDMENT.

1. TOWNSHIP BOARD MAY AMEND. The regulations and provisions stated in the text of this Ordinance and 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 by 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 by the Zoning Administrator as specified by Sections 706(1) and (2) and by the following paragraphs.
 - (1) PUBLISHED NOTICE. 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 second not more than eight (8) days before the date of the hearing.
 - (2) MAILED OR DELIVERED 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 which will affect use of that parcel, notice of the proposed amendment shall be mailed as specified by Section 706(3) and (4).
- d) WEXFORD COUNTY PLANNING COMMISSION. Following the conclusion of the Public Hearing and approval by the Township Planning Commission, the proposed amendment and any applicable zoning district map shall be submitted to the Wexford County Planning Commission for their review. The approval of the County Planning Commission shall be conclusively presumed 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 ADOPTION. Upon receipt of the Wexford County 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 may 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, including all information required by Section 706(1), 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.

- f) AMENDMENT TO CONFORM WITH COURT DECREE. 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 Ordinance.

SECTION 706. NOTICE REQUIREMENTS FOR PUBLIC HEARINGS.

1. CONTENT. Each notice for any public hearing required by this Ordinance shall include in 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 conduct 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.
 - g) Statement of where and when written comments will be received concerning the request.
2. AFFIDAVIT OF MAILING. An affidavit of mailing, identifying all parties to whom notice had been sent, shall be prepared and filed with other material relating to any public hearing prior to the meeting at which the hearing is to be conducted.
3. NOTIFICATION OF RESIDENTS, BUSINESSES OR PROPERTY OWNERS WITHIN 300 FEET. Whenever provisions of this Ordinance require mailing or delivery of public hearing notices to persons who reside, operate a business, or own property within three hundred (300) feet of a certain parcel, the notification list shall be compiled from the last assessment roll and sent and delivered to the following:
- 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.
4. NOTIFICATION OF RAILROADS AND PUBLIC UTILITIES. Not less than twenty (20) days notice of any Planning Commission hearing regarding amendment of this Ordinance shall be given by certified mail or delivered to each public utility company

servicing the community, at the mailing address identified by each company for the purpose of receiving such notice.

SECTION 707. REVIEW OF SUBDIVISION PLATS.

1. ZONING. All plats shall be subject to the use provisions of the Zoning District in which they are located.
2. LOT STANDARDS. No proposed plat of a new or redesigned subdivision shall be approved unless the lots within the plat equal or exceed the minimum area, dimension requirements, and all other applicable provisions of this Zoning Ordinance.
3. PLAT APPROVAL PROCESS.
 - a) SUBMISSION OF PLAT AND TIMING OF MEETING. When a preliminary or final plat has been submitted to the Haring Charter Township Board for its approval, the Township Clerk shall forward a copy of the plat to the Zoning Administrator. Since the Township Board must act on the final plat within sixty (60) days of submission, the Zoning Administrator must decide if a special meeting of the Planning Commission is necessary to provide a recommendation to the Township Board. If a special meeting is necessary, the Zoning Administrator and Planning Commission Chairperson shall convene such a meeting.
 - b) PLANNING COMMISSION REVIEW AND RECOMMENDATION. The Planning Commission shall review the plat to determine if it complies with all provisions of this Ordinance at an open public meeting. A public hearing is not required. However, any member of the public wishing to address the Planning Commission regarding the proposed plat shall be permitted to do so. The Planning Commission shall recommend approval of the plat if all requirements of the Zoning Ordinance are met. If any requirements are not met, the Planning Commission shall recommend denial of the plat, and it shall note which requirements were not met.