

CHAPTER 31

PUBLIC HEARINGS,

ADMINISTRATION AND ENFORCEMENT

SECTION 31.01 PUBLICATION AND DELIVERY OF NOTICE OF PUBLIC HEARING. Except where expressly stated otherwise in this Ordinance, whenever a public hearing on a zoning application is required by this Ordinance or by the Michigan Zoning Enabling Act, notice of the public hearing shall be published and delivered according to the requirements of this Section.

- (a) The notice shall be published once, at least fifteen (15) days prior to the date of the public hearing, in a newspaper of general circulation in the Township.
- (b) For applications involving the rezoning of ten or fewer adjacent properties; for applications to the Zoning Board of Appeals involving a specific parcel; and for all planned unit developments, Special Land Uses, special controlled uses and site condominium projects applications, a notice of public hearing shall be mailed by way of U.S. first class mail or personally delivered to the following persons, at least fifteen (15) days prior to the date of the public hearing:
 - (1) The applicant;
 - (2) All persons to whom real property is assessed within 300 feet of the property that is the subject to the application; and
 - (3) The occupants of all structures within 300 feet of the property that is the subject of the application. If a structure contains more than (1) one dwelling unit or spatial area owned or leased by different persons, one occupant of each unit or spatial area shall be notified. If a single structure contains more than (4) four dwelling units or other distinct owned or leased areas owned or leased by different persons, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.
- (c) If the above-described 300-foot radius extends outside of the Township's boundaries, then notice must be provided outside of the Township boundaries, within the 300-foot radius, to all persons in the above-stated categories.
- (d) The notice of public hearing shall include the following information:
 - (1) A description of the nature of the application or request.
 - (2) An identification of the property that is the subject of the application or request. The notice shall include a listing of all existing street addresses within the property; provided, however, that street addresses do not need to be created and listed if no such addresses currently exist within the property; and provided further that street addresses do not need to be listed if eleven or more adjacent properties are being proposed for rezoning or if a request for interpretation or an appeal made to the Zoning Board of Appeals does not involve a specific parcel of property.

- (3) A statement of when and where the application or request will be considered.
- (4) Identify when and where written comments will be received concerning the application or request.

SECTION 31.02 ZONING ADMINISTRATION. The provision of this ordinance shall be administered and enforced by the Zoning Administrator, except as expressly indicated otherwise in this ordinance.

SECTION 31.03 ZONING ADMINISTRATOR. The Zoning Administrator shall be appointed by the Township Board for such term and subject to such conditions and at such rate of compensation as the Township Board shall determine. To be eligible for appointment to the post of Zoning Administrator, the an applicant shall have no interest whatsoever, directly or indirectly, in the sale or manufacture of any material, process, facility, or device entering into or used in connection with building construction and must furthermore:

- (a) Be generally informed of the provisions of this Ordinance;
- (b) Have a general knowledge of the building arts and trades; and
- (c) Be in good health and physically capable of fulfilling the duties of the Zoning Administrator.

SECTION 31.04 BUILDING/ZONING PERMITS.

- (a) Subject to the provisions of this Ordinance and the following exceptions, no building or structure shall hereafter be erected, structurally altered, reconstructed, used, or moved until a permit application has been filed and the appropriate permit a has been approved by the Zoning Administrator and issued.
 - (1) No Building/Zoning Permit shall be required for the continuation of any lawful use of any building or structure in existence as of the adoption date of this Ordinance.
 - (2) No permit shall be required for an accessory structure having a building footprint of less than 200 square feet in size.
 - (3) Unless exempted above, zoning permits shall be required for farm buildings.

An application for a permit shall be in writing and upon printed forms designed entirely for zoning approval or as part of a combined application for building construction and zoning. The application form used and the permit form issued shall be approved by the Township. Satisfactory evidence of ownership of the lot or premises may be required by the Zoning Administrator.

If the application for zoning approval is approved, the Zoning Administrator shall clearly indicate zoning approval on the permit and provide his/her signature and the date on the permit. One copy of the approved permit shall be filed with Township, one copy with the Township Building Official and one copy shall be provided to the applicant. Permits are not transferable.

- (b) Contents of Application. Each application shall include the information that is specifically required by the various provisions of this ordinance, based upon the type of application being made. For activities and land uses not specifically addressed, and for those that are exempted from site plan review under Chapter 19.02, each application shall include, the following

information, at a minimum, and the Zoning Administrator may require other reasonable information as is needed in order to determine compliance with the terms and provisions of this ordinance:

- (1) A land survey or other accurate and scaled drawing depicting the location and actual dimensions of the lot or premises to which the permit is to apply and the following:
 - (a) The kind of buildings or structures to which the permit is to apply;
 - (b) The width of all abutting streets;
 - (c) The area, size and location of all buildings or structures to which the permit is to apply;
 - (2) The type of use to be made of the building or structure to which the permit is to apply;
 - (3) The use of buildings or structures on adjoining lands; and
 - (4) The estimated cost of the building or structure. The Zoning Administrator, in his discretion, may waive the inclusion of any of the foregoing information in an application if he or she determines that such information is not reasonably necessary to determine compliance with the terms and provisions of this Ordinance.
- (c) Accessory Buildings or Structures - Accessory buildings or structures, when erected, moved, placed, reconstructed, extended, enlarged or altered at the same time as the principal building on the same lot or premises and when shown on the application for the permit for the principal building, shall not require the issuance of a separate permit. A separate permit shall be required if any accessory building or structure is erected, moved, placed, reconstructed, extended, enlarged or altered separately or at a different time than the principal building on the same lot or premises.
- (d) Planning Commission Approval. When the terms and provisions of this Ordinance require authorization by the Planning Commission and such authorization is given, then both copies of the application shall be marked approved by the Secretary of the Planning Commission in addition to being so marked as provided above by the Zoning Administrator.
- (e) Issuance of Permit. Within the (10) days after the receipt of any application, the Zoning Administrator shall either (1) issue a permit if the proposed work is in conformance with the terms and provisions of this Ordinance; or (2) deny issuance of a permit and state the reason (s) or cause(s) for such denial in writing. In each case, the permit or the written reason(s) or cause(s) for denial shall be transmitted to the owner or his agent.
- (f) Expiration of Permits. A permit for a single family dwelling for which all construction work has not been completed within one (1) year from the date of it's issuance shall expire automatically; a permit for any other building or structure for which all construction work has not been completed within two (2) years from the date of issuance shall expire automatically. A permit expiring automatically pursuant to this subsection shall, upon reapplication, be renewable for one additional term of one (1) and two (2) years, respectively one (1) year for single family dwelling, two (2) years for any other building or structure, on payment of an additional fee equal to one half (½) of the original permit fee.

- (g) Cancellation of Permits. The Zoning Administrator shall have the power to revoke and cancel any permit issued under this ordinance in the event of failure or neglect to comply with all of the terms and provisions of this Ordinance or in the event of any false statements or misrepresentations in the application for the permit. Notice of cancellation and revocation shall be securely posted on the construction, and the posting is to be considered as service upon and notice to the permit holder of the cancellation and revocation of the permit.
- (h) Fees. For each zoning compliance, site plan review or other zoning approval or special land use permit or other permit issued under this ordinance, a fee shall be paid to the Zoning Administrator, who shall remit the same to the Township Clerk. Fees shall be determined according to a schedule established by the Township Board. The payment of fees is a condition precedent to the validity of the permit.

SECTION 31.05 INSPECTION OF BUILDINGS AND STRUCTURES. Buildings and structures shall be inspected as provided by the building code as adopted by the Township Board.

SECTION 31.06 CERTIFICATION OF COMPLIANCE. No building or structure, use which is erected, moved, placed, reconstructed, extended, enlarged, or altered shall be used or commenced in whole or in part until the owner thereof shall have been issued a compliance certificate affirming that the building or structure or use conforms in all respects to the provisions of this Ordinance. The certificate shall be issued after the work is complete and final inspection has been made.