

## ARTICLE XXI ADMINISTRATION

### ARTICLE 21.01 -- ADMINISTRATIVE STANDARDS

For the purpose of administering this Ordinance, the Zoning Administrator, the Planning Commission, the Zoning Board of Appeals, the Township Board and any other reviewing body or official shall consider each case as an individual case. Consideration shall be given to the location, size and character of a use to determine if the use will be in harmony with the intent and appropriate and orderly development of the district in which it is situated and will not be detrimental to the orderly development of adjacent districts. Consideration shall be given to the following:

- A. Intent of the Zoning District.
- B. Current use of adjacent lands and neighborhood.
- C. Physical appearance of existing or proposed structures (location, height, bulk of buildings as well as construction materials).
- D. The suitability of the proposed landscaping in providing ground cover, screening and decoration on the site.
- E. The nature and intensity of operations involved in or conducted in connection with the proposed use.
- F. The type of use, the physical and economic relationship of one type of use to another.
- G. Assembly of persons or employees, which may be hazardous to the neighborhood or incongruous or conflict with normal traffic in the vicinity.
- H. Vehicular and pedestrian traffic volumes and patterns, particularly of children, as well as vehicular turning movements in relation to traffic flows, intersections and site distances.
- I. The physical characteristics of the site such as area, drainage, topography, open space, landscaping and access to minor and/or major streets.
- J. Demands upon public services such as electricity, police and fire protection, schools and refuse disposal, or the need for public services the Township may not provide.
- K. The type and amount of litter, waste, noise, dust, traffic, fumes, glare and vibration which may be generated by such use.
- L. Area requirements for the proposed use and potential for the use or its area requirements to expand.
- M. Other factors necessary to maintain property values in the neighborhood and guarantee safety, light, air and privacy to the principal permitted uses in the district.
- N. Compliance with the Master Plan.

- O. If any property within the Deferred Development District (DD) having a required native protection strip is petitioned for rezoning, there must as a condition of such rezoning, be required a native protection strip as described in Section 12.04.

## **SECTION 21.02 -- THE ZONING ADMINISTRATOR**

The office of Zoning Administrator is hereby established. The Township Board shall appoint the Zoning Administrator and the supervisor may appoint an assistant zoning administrator with all the duties, responsibilities and authority of the zoning administrator, in the zoning administrator's absence. For the purposes of this ordinance, Zoning Administrator means and is inclusive of both the township zoning administrator and assistant zoning administrator. Both shall receive such compensation as the Township Board may determine. The Zoning Administrator's duties are as follows:

- A. **Administration of this Ordinance.** He/she shall administer the provisions of this Ordinance and shall have all administrative powers, which are not specifically assigned to some other officer or body. The Zoning Administrator shall be guided by the standards set forth in Section 21.01.
- B. **Certificate of Zoning Compliance.** The Zoning Administrator shall review all building permits and site plans for compliance with the provisions of this Ordinance or any written order from the Planning Commission or Zoning Board of Appeals.
1. He/she shall have no power to vary or waive ordinance requirements.
  2. The Zoning Administrator shall not issue a Certificate of Zoning Compliance where it appears that any land area required to conform to the provisions of this Ordinance is also required as a part of any adjoining property to keep the development or use thereof in conformance with this Ordinance, or to keep it from becoming more nonconforming if such land area was, at any time, subsequent to the commencement of development of use of such adjoining property, in common ownership with such adjoining property.
- C. **Certificate of Occupancy.** The Zoning Administrator shall determine that zoning compliance has been accomplished prior to the building department issuing a Certificate of Occupancy. The approval shall not be granted if compliance is not demonstrated. Approval may be waived by the Zoning Administrator for single- or two- family residences. The Zoning Administrator shall have ten (10) days to determine compliance.
- D. **Special Zoning Orders Book and Map.** The Zoning Administrator shall keep in his/her office, a book to be known as the Special Zoning Orders Book in which he/she shall list with brief description, all variance, special use permits, authorizations for planned unit developments, designations a nonconformities and terminations of any of them. Each item shall be assigned a number when entered. The Zoning Administrator shall also keep a map of the Township, to be known as the Special Zoning Orders Map, on which he/she shall record the numbers in the Special Zoning Orders Book to indicate the locations affected by the items in the book. The Special Zoning Orders Book and Map shall be open to public inspection.
- E. **Records.** The Zoning Administrator shall keep records of all official actions, which shall be public record.

- F. **Zoning Map.** The Zoning Administrator shall maintain and make available for public inspection, the Official Zoning Map.
- G. **Inspections.** The Zoning Administrator shall have the power to make his/her inspection of buildings and premises necessary to carry out duties in the administration and enforcement of this Ordinance.
- H. **Violations.** If the Zoning Administrator finds that any of the provisions of this Ordinance are being violated, he/she shall notify in writing the person responsible for the violation, indicating the nature and location of the violation, and ordering the action necessary to correct it. He/she shall order discontinuance of illegal additions, alterations, or structural changes; discontinuance of any illegal use; or shall take any other action authorized by this Ordinance to ensure compliance with or to prevent violation of the provisions of this Ordinance.
- I. **Reports and Recommendations.** The Zoning Administrator shall review all requests for administrative or legislative action. He/she shall forward an analysis of site factors and other information pertaining to the request to the appropriate body. The analysis may include a recommendation for action.

#### **SECTION 21.03 -- FEES**

- A. To assist in defraying the costs of investigating, reviewing, and administering zoning applications, appeals, rezoning requests from individual property owners, and other types of decisions which result in extra costs to the Township, the Township Board may from time to time adopt by resolution a Fee Schedule establishing basic zoning fees related to the following:
  - 1. Zoning certificates.
  - 2. Special use permits.
  - 3. Appeals to or requests for interpretations by the Zoning Board of Appeals. Appeals and requests for interpretations initiated by the Township Board, the Planning Commission, or the Zoning Administrator shall not be subject to a zoning fee.
  - 4. Classification of unlisted property uses.
  - 5. Requests to change a nonconforming use to another nonconforming use.
  - 6. Requests for variances from the Zoning Board of Appeals.
  - 7. Requests for rezoning of property by individual property owners or amendments to the Zoning Ordinance text. Rezoning of property or text amendments initiated by the Township Board, the Planning Commission, the Zoning Board of Appeals, or the Zoning Administrator shall not be subject to a zoning fee.
  - 8. Site plan reviews.
  - 9. Requests for a planned unit development (PUD).
  - 10. Land Division proposals.
  - 11. Any other discretionary decisions by the Planning Commission, Zoning Board of Appeals, or Township Board.
- B. The amount of these zoning fees shall cover the costs associated with the review of the application or appeal, including but not limited to the costs associated with conducting public hearings, publishing notices in the newspaper, sending required notices to property owners, postage, photocopying, mileage, time spent by zoning staff, and time spent by the members of the Planning Commission and/or Zoning Board of Appeals. The basic zoning fees shall be paid before any application required under this Ordinance is processed. The basic

zoning fees are non-refundable, even when the applicant withdraws an application or appeal.

- C. If the Zoning Administrator, Planning Commission or Zoning Board of Appeals determines that the basic zoning fees will not cover the actual costs of the application review or appeal, or if the Zoning Administrator, Planning Commission or Zoning Board of Appeals determines that review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals is necessary, then the applicant shall deposit with the Township Treasurer such additional zoning fees in an amount determined by the Zoning Administrator equal to the estimated additional costs. The additional zoning fees shall be held in escrow in the applicant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than ten percent (10%) of the initial escrow deposit or less than ten percent (10%) of the latest additional escrow deposit and review of the application or decision on the appeal is not completed, then the Planning Commission or Zoning Board of Appeals may require the applicant to deposit additional fees into escrow in an amount determined by the Zoning Administrator to be equal to the estimated costs to complete the review or decide the appeal. Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete or the appeal procedurally defective thereby justifying the denial of the application or the dismissal of the appeal. Any unexpended funds held in escrow shall be returned to the applicant following final action on the application or the final decision on the appeal. Any actual costs incurred by the Township in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the issuance of any certificate or prior to the final decision on an appeal.

#### **SECTION 21.04 -- AMENDMENTS**

Amendments or supplements to this Ordinance may be adopted from time to time in the manner as provided by the Township Zoning Act (Public Act 184 of 1943, as amended) for the enactment of the original Ordinance.

- A. **Initiation.** Proposals or supplements may originate with the Township Board, the Township Planning Commission, the Zoning Board of Appeals, or by written application by any property owner in the Township. Application by property owner shall be accompanied by the fee prescribed in the Fee Schedule adopted by the Township Board to cover the cost of advertising public hearing and investigation.
- B. **Filing of Application.** All applications for amendment to this Ordinance or Zoning Map shall be in writing, signed and filed in triplicate with the Township Zoning Administrator with appropriate fee, for presentation to the Township Planning Commission. All petitions for amendments to this Ordinance shall contain, but not be limited to:
1. The petitioner's name, address and interest.
  2. The name, address and interest of every person, firm or corporation having a legal or equitable interest in the land.
  3. The nature and effect of the proposed amendment.
  4. A fully dimensioned map, showing the land which would be affected by the proposed amendment, a legal description of such land, the present zoning classification, the zoning classification of all abutting districts, all public and private rights-of-way and easements bounding and intersecting the land under consideration.

- C. **Hearing and Notice.** Before submitting its recommendations on a proposed amendment to the Township Board, the Planning Commission shall hold not less than one (1) public hearing, notice of which hearing shall be given in a newspaper of general circulation in the Township, to be printed not more than fifteen (15) days before the date of the hearing. An affidavit of mailing shall be maintained. The notice shall include the places and times at which the tentative text and any maps of the zoning ordinance may be examined.

If an individual property or several adjacent properties are proposed for rezoning, the Township Planning Commission shall give a notice of the proposed rezoning to the owner of the property in question, to all persons to whom any real property within three hundred (300) feet of the premises in question is assessed as determined by the most recent tax roll, and to the occupants (if other than the property owner) of all single-family and two-family dwellings within three hundred (300) feet. The notice shall be delivered personally or by mail to the respective owners and tenants at the address given in the last assessment roll. If the tenant's name is not known, the term "occupant" may be used. If the notice is delivered by mail, an affidavit of mailing shall be filed with the Planning Commission before the hearing. The notice shall be made not less than fifteen (15) days before the hearing stating the time, place, date and purpose of the hearing.

- D. **Action by Planning Commission.** The Planning Commission shall hold the required public hearing as noticed. Following the hearing, the Planning Commission shall submit the proposed amendment to the county zoning commission or county coordinating zoning committee for thirty (30) day review period and recommendation, if such body has been appointed. Following county review, the Planning Commission shall submit its recommendations and a summary of comments received at the public hearing along with the proposed amendment, including any zoning maps, to the Township Board.

- E. **Action by Township Board.** Upon receipt of the transmittal, the Township Board shall commence final consideration of the Planning Commission's recommendation. In this regard, the Township Board may decide to hold additional hearings on the proposed amendment, if in its judgement, it deems that further hearings may be necessary. Notice of such addition hearing shall be published in a newspaper of general circulation not more than fifteen (15) days before the hearing. In the event the Township Board considers further amendments, changes, additions or departures to the initial recommendation by the Township Planning Commission, the Township Board shall refer these further amendments, changes, additions or departures back to the Planning Commission for a report on such additional matters by a specified date. After receiving the report, the Township Board shall grant a hearing on a proposed amendment to any property owner, who by certified mail, addressed to the Township Clerk, requests a hearing. Thereafter, at a regular or special meeting properly called, the Township Board may adopt the proposed amendment by a majority vote of its membership with or without amendments that have been previously considered by the Planning Commission or at a hearing.

- F. **Notice of Adoption.** Following Township Board adoption, the amendments or supplements shall be filed with the Township Clerk and one (1) notice of adoption shall be published in a newspaper of general circulation within fifteen (15) days after adoption. The notice of adoption shall include the following:

1. A summary of the regulatory effect of the amendment, including the geographic area(s) affected, or the text of the amendment as adopted.

2. The amendment shall take effect upon the expiration of seven (7) days after publication or at such later date after publication as specified by the Township Board.
3. The place and time where a copy of the amendment may be purchased or inspected.

G. **Resubmittal Procedure.** No petition for rezoning, which has been disapproved by the Township Board shall be submitted for a period of one (1) year from the date of disapproval, except as may be permitted by the Township Board after learning of new and significant facts or conditions which might result in a favorable action upon resubmittal.