

## **CHAPTER 22**

### **ZONING ADMINISTRATION**

#### **SECTION 22.01 RESPONSIBILITIES.**

The Township Supervisor, or his/her duly authorized representative as specified in this Chapter, is hereby charged with the duty of enforcing the provisions of this Ordinance. Furthermore, administrative responsibilities are vested in the following Township entities:

- A. Township Board
- B. Planning Commission
- C. Zoning Board of Appeals
- D. Zoning Enforcement Officials, which shall include the Township Supervisor and his/her duly authorized assistants or representatives.

The purpose of this article is to set forth the scope of authority of these entities.

#### **SECTION 22.02 TOWNSHIP BOARD**

The Township Board shall have the following responsibilities and authority pursuant to this Ordinance.

- A. **Adoption of Zoning Ordinance and Amendments.** In accordance with the intent and purposes expressed in the Preamble to this Ordinance, and pursuant to the authority conferred by Michigan Public Act 110 of 2006, as amended, the Township Board shall have the authority to adopt this Ordinance, any amendments to this Ordinance which have been previously considered by the Planning Commission or at a hearing, or as decreed by a court of competent jurisdiction.
- B. **Setting of Fees.** The Township Board shall, by resolution, have the authority to set all fees for permits, applications, and requests for action pursuant to the regulations set forth in this Ordinance. In the absence of specific action taken by the Township Board to set a fee for a specific permit or application, the Township Supervisor shall assess the fee based on the estimated costs of processing and reviewing the permit or application.

- C. **Approval of Planning Commission Members.** In accordance with Michigan Public Act 110 of 2006, as amended, members of the Planning Commission shall be appointed by the Township Supervisor with the approval of the Township Board.

**SECTION 22.03 TOWNSHIP PLANNING COMMISSION**

- A. **Creation.** The Township Planning Commission is created pursuant to Michigan Public Act 168 of 1959, as amended, the Township Planning Act. The Planning Commission shall have all the powers and duties provided to a Zoning Commission pursuant to Michigan Public Act 110 of 2006, as amended.
- B. **Jurisdiction.** The Planning Commission shall discharge the following duties pursuant to this Ordinance:
  - 1. Formulation of Zoning Ordinance and Amendments. The Planning Commission shall be responsible for formulation of the Zoning Ordinance, review of amendments to the Zoning Ordinance, holding hearings on a proposed Zoning Ordinance or amendments, and reporting its findings and recommendations concerning the Zoning Ordinance or amendments to the Township Board. All public hearings shall be properly noticed in accordance with the requirements of Section 19.01.D.
  - 2. Site Plan Review. The Planning Commission shall be responsible for review of applications for site plan approval in accordance with Chapter 18. As provided for in Chapter 18, the Planning Commission shall be responsible for making a determination to grant approval, approval subject to revisions, or denial of submitted site plans.
  - 3. Conditional Land Use Review. The Planning Commission shall be responsible for holding hearings and review of all applications for conditional land use approval in accordance with Chapter 19 of this ordinance and make recommendations of approval, approval subject to revisions, or denial of approval of a submitted conditional use application to the Township Board. The Board shall be responsible for making the final decision.
  - 4. Planned Unit Development Review. The Planning Commission shall be responsible for holding hearings and review of all applications for planned development in accordance with Chapter 13. The Township Board shall be responsible for granting approval, approval with conditions, or denial of a Planned Unit Development proposal.

- C. **Annual Reports.** Each year, the Planning commission shall submit to the Township Board a report on the administration and enforcement of the Ordinance and recommendations for amendments or supplements.

#### **SECTION 22.04 ZONING BOARD OF APPEALS**

The Zoning Board of Appeals shall act on all questions as they may arise in the administration of the Zoning Ordinance, including the interpretation of the zoning districts map. The Zoning Board of Appeals shall also hear and decide appeals from any order, requirements, decision, or determination made by an administrative official or body charged with enforcement of this Ordinance; and shall hear and decide matters referred to it or upon which it is required to pass under this Ordinance. The Zoning Board of Appeals shall not have the power to alter or change zoning district classification of any property. The creation, responsibilities, and limitations of power of the Zoning Board of Appeals are further specified in Chapter 21 of this Ordinance.

#### **SECTION 22.05 ZONING ENFORCEMENT OFFICIALS**

- A. **Establishment of Enforcement Officials.** As specified throughout this Ordinance, certain actions necessary for the implementation of this Ordinance shall be administered by the Township Supervisor or his/her duly authorized assistants or representatives. In carrying out designated duties, enforcement officers shall administer the Ordinance precisely as it is written and shall not make changes or vary the terms of this Ordinance.
- B. **Responsibilities of the Zoning Administrator.** The Zoning Administrator shall be appointed by the Township Board and shall serve under the direction of the Township Supervisor. The Township Zoning Administrator may have the following responsibilities:
1. Provide citizens and public officials with information relative to this Ordinance and related matters.
  2. Assist applicants in determining the appropriate forms and procedures related to site plan review, zoning, and other zoning matters.
  3. Review all applications for site plan review, conditional use review, planned development proposals, and take any action required as outlined in this ordinance.
  4. Periodically report to the Planning Commission on the status of Township zoning and planning administration.

5. Maintain up-to-date Zoning Map, Zoning Ordinance text, and office records by recording all amendments and filing all official minutes and other documents in an orderly fashion.
6. Maintain a record of all nonconforming uses, structures, and lots existing on the effective date of this Ordinance, and update this record as conditions affecting the nonconforming status of such uses or structures changes.
7. Perform other related duties, as specified by the Township Supervisor and/or Clerk.

C. **Responsibilities of the Township Clerk.** As the primary Administrative Official in the Township, the Clerk shall be responsible for the distribution of applications and information to the public and the collection of applications and permits. The Clerk shall be responsible for the processing and distribution of these items to the proper entities prior to the appropriate meeting. The Clerk shall also be certain that recommendations and materials necessary to communicate between the Planning Commission and Township Board are completed. If desired, the Township Clerk may designate some or all of these duties to another individual in the Township who will bear the same responsibilities.

D. **Conformance with this Ordinance.** It shall be unlawful for the Zoning Administrator to approve any plans or issue any zoning permits until he has inspected such plans in detail and found them to conform with this Ordinance. Without a zoning permit, the Building Official shall not grant a certificate of occupancy.

## **SECTION 22.06 CERTIFICATE OF ZONING APPROVAL**

It shall be unlawful to hereafter commence or to proceed with the excavation for foundation, erection, construction, alteration, enlargement, extension, or moving of any building or structure, or any part thereof; or to change the use of a building, premises, or land or a part thereof to a different use or zoning classification until a Certificate of Zoning Approval shall have been issued by the Township Zoning Administrator.

- A. Applications for a Certificate of Zoning Approval shall be made in triplicate and in writing to the Township Zoning Administrator on forms provided by said Township and shall:
1. Be signed by the owner of said premises or his qualified agent;
  2. Contain the Tax ID Number of said premises and the address of same;

3. Set forth the proposed use of said premises and buildings situated thereon;
  4. Certify that all provisions of this Ordinance and all other applicable laws and requirements will be complied with (which shall include but not be limited to a Sanitation Permit and Driveway tubes when required);
  5. Contain a site plan showing location and size of premises; dimensions and location of proposed buildings and alterations and additions thereto and other buildings on said premises; set back dimensions; signs; parking areas; and such other data upon which the applicant intends to rely upon to obtain this Certificate;
  6. Be accompanied by such permit fee, as the Township Board shall establish from time to time by Resolution.
- B. The Zoning Administrator shall, within fifteen (15) days after receipt of said application, make a determination whether the building, alteration or addition thereto or proposed use of a building or land, conforms to all provisions of this Ordinance, and if said Administrator so finds, a Certificate of Zoning Approval shall be issued. If the building or proposed use of a building or land is nonconforming, said Certificate of Zoning Approval shall be denied. Said denial shall specifically state wherein the building or proposed use of a building or land differs from this Ordinance. One (1) copy of the application, with proper notations thereon, including approval or denial and the date thereof shall be filed with the Township Clerk as a record, one (1) copy shall be retained by the Zoning Administrator, and one (1) copy shall be returned to the applicant.
- C. Certificate of Zoning Approval shall be non-transferable and shall expire by limitation six (6) months after date of issue if no construction is commenced. A Certificate of Zoning Approval may be extended, after showing cause, for one (1) or more extensions of time, for periods not exceeding ninety (90) days for each extension. A Certificate of Zoning Approval must be obtained prior to application for a Building Permit.
- D. No structure shall be erected, altered, moved or excavation started until the State Building Inspector shall have issued a building permit for such erection or alteration.
- E. It shall be unlawful to use or permit the use of any building or premises or part thereof hereafter created, located, erected, changed, converted or enlarged wholly or partly until a Certificate of Occupancy has been issued by the State Building

Inspector for that premises certifying that the structure or use complies with the provisions of this Ordinance and all other applicable laws and regulations. Such occupancy permit shall be granted or denied within thirty (30) days from the date that a written application for such certificate is filed with the State Building Inspector.

- F. Prior to the issuance of such Certificate of Occupancy, the State Building Inspector shall be satisfied that the building erected or that the alterations done, shall comply in all respects with the building and health laws and ordinances and the provisions of these regulations. It shall be the duty of the applicant for such Building Permit or Certificate of Occupancy to furnish to the State Building Inspector such plans or other information as the building inspector may require in order to be reasonably satisfied that the building to be erected or altered will so comply. Fees charged for Certificate of Zoning approval shall be paid to Decatur Township and fees charged for a Building Permit and Certificate of Occupancy shall be paid to the State of Michigan or State Building Inspector.