

CHAPTER XVIII

117.1800 ADMINISTRATION AND ENFORCEMENT

117.1801 Zoning permit required.

Sec. 18.01. It shall be unlawful for any person to commence excavation for, or construction of any building, structure or parking area, or to make structural change, alteration or addition in building or structure without first obtaining a zoning permit from the Zoning Administrator. No permit shall be issued for the construction, alteration, addition or relocation of any building or structure until an application has been submitted showing that the construction proposed is in compliance with the provisions of this Ordinance and any required zoning permit fees paid. No plumbing, building, health, electrical or drainage permit shall be issued until the Zoning Administrator has determined that the plans and designated use indicate that the structure and premises, if constructed as planned and proposed, will conform with the provisions of this Ordinance, and paying the permit fee therefore as established by the Township Board.

117.1802 Administration officials.

Sec. 18.02. 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, the issuing of zoning permits, and the institution of proceedings for enforcement of the provisions of this Zoning Ordinance. Relative to the issuance of a permit, any decision rendered by the Board, Planning Commission, or Township Board on a matter required to be reviewed by that body shall be binding on the Zoning Administrator.

117.1803 Permits

Sec. 18.03. Every application for a zoning permit shall be made as required by the Zoning Ordinance and shall designate the existing or intended use of the structure or premises, or part thereof which it is proposed to alter, erect, or extend, and the number of dwelling units, if any,

to occupy it. The application shall be accompanied by two (2) prints or photostat copies of the drawings, drawn to scale, showing the actual lines, angles and dimensions of the lot to be built upon or used, and the exact size and location on the lot of all existing and proposed structures and uses, together with specifications. The application shall contain other information with respect to the lot and adjoining

property as may be required by the Zoning Administrator.

One (1) copy of both plans and specifications shall be filed in and retained by the Office of the Zoning Administrator,

and the other shall be delivered to the applicant when the Zoning Administrator has approved the application and issued the permit. In cases of minor alterations, the Zoning

Administrator may waive portions of the foregoing requirements obviously not necessary for determination of compliance with this Ordinance. Any permit required by this

Zoning Ordinance of the Township shall be displayed face out, within twenty-four (24) hours of its issuance by placing the same in a conspicuous place on the premises facing the nearest roadway, and shall be continuously so displayed until all work, or the term for which issued, or purpose for which issued, is completed. Failure to obtain and display any such permit shall constitute a violation of the Zoning Ordinance and shall subject each person or persons or corporations for whose benefit the permit is required, and the owner or owners of the premises involved to prosecution for such violation.

Every permit granted under this section shall become null and void unless the excavation, construction, alteration, erection or extension shall have been commenced within twelve (12) months from the date of issuance of the permit; and every permit so granted shall further become null and void unless all exterior aspects of the construction, alteration, erection or extension shall have been completed within eighteen (18) months from the date of issuance of the permit. However, an extension of time for the commencement of construction or for the completion of construction can be granted by the Zoning Administrator upon proof that an extension of time is justified.

117.1804 Occupancy.

Sec. 18.04. It shall be unlawful to use or permit the use of any structure, or premises hereafter altered, extended or erected, until the Zoning Administrator shall have made an inspection of the premises and signed a Certificate of Occupancy. The Zoning Administrator shall not sign a Certificate of Occupancy until he has ascertained that there has been compliance with all the requirements of this Ordinance and substantially all the approved plans of the building.

117.1805 Enforcement.

Sec. 18.05. All premises affected by this Ordinance shall be subject to inspection by the Zoning Administrator and the Administrator may collect such investigative data as he deems necessary for the enforcement of this Ordinance. No person shall refuse to permit the Administrator to inspect any premises at reasonable times, nor shall any person molest or resist the Administrator in the discharge of his duties.

117.1806 Amendments.

Sec. 18.06. Amendments or supplements to this Zoning Ordinance may be made from time to time in the manner provided by law.

A. Procedure

1. The Planning Commission may propose amendments on its own initiative.
2. Any resident or land owner of the Township may bring before the Planning Commission a proposed amendment or change by filing a petition signed by all persons having an interest in such premises to be acted upon requesting the adoption of any specified amendment or change or regulation under the Zoning Ordinance. If the proposed amendment pertains to rezoning, such application or petition shall be accompanied by a development plan as provided in C of this Section. The Township

Clerk shall file the same with the Secretary of the Planning Commission within ten (10) days of the date the petition was filed with the Clerk.

B. Contents of application. The application requesting a proposed amendment or change shall contain the following:

1. The legal description of the premises involved.
2. The zone in which such premises are presently situated
3. The zone into which applicant desires such premises to be situated.
4. The use to be made of such premises if rezoned.
5. The signatures of all persons having an interest in such premises.

C. Contents of development plan. If the proposed amendment pertains to rezoning, the petition shall be accompanied by a development plan which shall include the following:

1. A topographic map showing existing and proposed contour lines at five (5) foot intervals.
2. A plot plan which shall show the following:
 - A. Location of all buildings.
 - B. Drawings showing the elevations and architectural style thereof.
 - C. All non-enclosed uses.
 - D. All drainage.
 - E. Parking.
 - F. Loading and traffic handling facilities.
 - G. Screening and other landscaping.
 - H. All exterior lighting and signs.
 - I. Sewage disposal systems.

Such portions of the development plan may be waived by the Planning Commission if, because of the nature of the proposed use, the same would be unnecessary and serve no useful purpose.

D. The required fees for rezoning premises are a part of the cost of the rezoning action and are in addition to other zoning permit fees. If an application is filed for the purpose of rezoning any property before the Planning Commission at its regular meeting, a fee as set by the Township Board shall accompany said

application, or if rezoning is considered by any other method, a like fee shall be paid by the person or persons having an interest in the premises which is the subject of such proposed rezoning. If an application is filed for the purpose of rezoning any property before the Planning Commission at a special meeting of said Planning Commission, then a fee as set by the Township Board shall accompany said application.

- E. Action on application by Planning Commission. Said application shall be considered by the Planning Commission at its next meeting following the receipt thereof by its Secretary, provided however, that there is adequate and sufficient time for giving any public notices required by law. The Planning Commission may recommend to the Township Board, modification, rejection or the adoption of said proposal either in its original or changed form.
- F. Duties of Planning Commission and Township Board Before.
 - 1. Before submitting its recommendations of a tentative rezoning plan to the Township, the Planning Commissions shall hold at least one (1) public hearing.
 - 2. When an application for rezoning has been filed in proper form and with the required data, the Secretary of the Planning Commission shall immediately place the said application upon the calendar for hearing and cause notices stating the time, place, and object of the hearing to be served. Notice of the hearing shall be by two (2) publications in a newspaper that circulates in the Township, 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 the hearing. If an individual property or several adjacent properties are proposed for rezoning, notices shall be served personally or by mail at least eight (8) days prior to the day of such hearing, upon the applicant, or the appellant, the Zoning Administrator and all persons assessed for any real property within three hundred (300) feet of the

premises in question and to the occupants of all structures or dwelling units within three hundred (300) feet of the premises in question. Such notices shall be served personally or by regular mail, addressed to the respective owners and tenants at the address given in the last assessment roll. If the name of the occupant is unknown, the term "Occupant" may be used in making notification. Any party may appear at such hearings in person or by agent or by attorney.

3. Following such hearing, the Township Planning Commission shall submit the proposed amendment or supplement to the County Planning Commission of the County which the Township is a part for its review. The County Planning Commission shall recommend approval or disapproval of the plans as provided by law.
4. Thereafter, the Township Board may adopt the same with or without any amendments or recommendations that have been previously considered by the Township or County Planning Commissions.

G. Power of revocation. The Township Board shall have the power to revoke or cancel any change of zoning effected for any failure to neglect to comply with any provisions of this Ordinance, or in case any false statement or misrepresentation is made in any petition, application, specification, plan or sketch submitted or filed pertaining to rezoning proceedings, or for failure to carry out any provision of such application, petition, specification, plan or sketch or conditions or provisions on which such rezoning of property was granted. In such case the prior zoning of the property in question shall automatically be reinstated.

117.1807 Special Use.

Sec. 18.07. The Planning Commission shall, after public hearing, have the power to grant special use as specified, or having a similar nature, in the zone provisions of this Ordinance provided that the special use would not be detrimental or injurious to existing uses and the future development of any adjacent properties.

- A. Every application for special use shall be accompanied by a development plan as specified in Section 15.02-A.
- B. Each application for special use shall be accompanied by a filing fee as set by the Township Board provided that if the applicant requests that a special meeting of the Planning Commission be called for the purpose of hearing the request, the application shall be accompanied by a fee as set by the Township Board. Said fees are in addition to the zoning permit fees.
- C. When an application has been filed in proper form and has the required data, the Secretary of the Planning Commission shall immediately place the said application upon the calendar for hearing and cause notices stating the time, place, and object of the hearing to be served. One (1) notice that hearing is to be held shall be published in a newspaper that circulates in the Township and shall be served personally or by mail not more than fifteen (15) days nor less than eight (8) days prior to the day of such hearing, upon the applicant, or the appellant, the Zoning Administrator and all persons assessed for any real property within three hundred (300) feet of the premises in question and to the occupants of all structures or dwelling units within three hundred (300) feet of the premises in question. Such notices shall be served personally or by regular mail, addressed to the respective owners and tenants at the address given in the last assessment roll. If the name of the occupant is unknown, the term "Occupant" may be used in making notification. Any party may appear at such hearings in person or by agent or by attorney.
- D. At any public meeting, the Planning Commission shall have the right to recommend:
 - 1. Such greenbelt as the Planning Commission shall deem necessary to protect the adjoining properties not to exceed one

- hundred (100) feet in width.
2. Such setback from the right-of-away not to exceed one hundred (100) feet as the Planning Commission shall deem necessary for the protection of the public health, safety and general welfare.
 3. Such yards and open spaces as the Planning Commission deems necessary under the circumstances of the particular case to protect the health, safety and general welfare of the public.
 4. Such area for parking motor vehicles on private property of the applicant not to exceed in area a ratio of three (3) square feet of parking area for each square foot of building area devoted to the specified unique use.
 5. The location and size of signs as determined by standards set forth in the general provisions of this Ordinance.
 6. Paved or blacktopped streets be provided.
 7. All utilities be underground.
 8. Adequate lighting be provided.
 9. Premises be commenced to public sewer and water supply as each becomes available.
 10. Such fence and/or other requirements it deems necessary and proper to prevent debris from littering the premises involved and/or neighboring property.
 11. Such traffic control devices, including acceleration and deceleration lanes as may be deemed advisable to protect the health, safety and general welfare of the public.
 12. Other consideration as necessary to insure:
 - a. consistency with and promote the intent and purpose of this Ordinance;

- b. that the special use authorized will be compatible with adjacent uses of land, the natural environment and the capacities of public services and facilities effected by the use; and
 - c. consistency with the public health, safety and welfare of the Township.
- E. All conditions recommended by the Planning Commission shall take effect immediately upon approval of the special use. Any application approved by the Planning Commission, either as submitted as resubmitted in modified form, shall constitute a binding agreement by the applicant that the special use permitted shall be made, completed and operated as shown on the development plan. Failure to complete the permitted activity in conformance to the agreed upon development plan and conditions or to undertake the activity within one (1) year shall cause loss of special use status and reversion to former zoning classification.
- F. The Planning Commission decision of approval or disapproval of a special use application shall not be appealable to the Board.

117.1808 Additional site development requirements.

Sec. 18.08. A special use permit (special exception) shall not be issued for the occupancy or use of a structure or parcel of land, or for the erection, reconstruction or alteration of a structure unless complying with the following site development requirements.

H. Conflict with Existing Regulations

These regulations are not intended to repeal, abrogate, annul or in any manner interfere with existing regulations or law of Milton Township, nor conflict with any statutes of the State of Michigan or Antrim County except that these regulations shall prevail in cases where these regulations impose a greater restriction than is provided by existing statutes, laws or regulations. Nothing in this Ordinance shall be construed as requiring a Site Condominium Subdivision to obtain plat approval under the Subdivision Control Act.

SECTION 18.09 REQUIRED FEES.

Sec. 18.09 . Any fee required by this ordinance shall be paid to the Township Treasurer before any action shall be taken on the application. Said amount so received shall be retained whether the requested relief or action is granted or not and shall be used as provided by law. All applications for land use permits subject to site plan review, as set forth in this ordinance shall be accompanied by a filing fee specified by the Township Board. The Township may require additional fees should outside professional assistance be required in the review of the application. Such additional fees for required outside professional assistance shall not exceed actual costs to the township, nor shall they be in excess of charges standard in the industry or profession. The Township Board at any regular meeting may change fees which change shall be effective thirty (30) days from the date of publication of such change.

117.1810 VIOLATIONS AND PENALTY.

Sec. 18.10.

A. Any building, structure or use constructed, altered, moved or maintained in violation of the provisions of this Ordinance is hereby declared to be a nuisance per se. The Township Board may institute proceedings in an appropriate court to

enjoin, abate and remove said nuisance.

- B. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists enforcement of any of the provisions of this Ordinance shall be fined not less than twenty-five (\$25.00) dollars nor more than five hundred (\$500.00) dollars, or imprisoned for not more than ninety (90) days, or both, such fine and imprisonment at the discretion of the Court, together with court cost. Every day that the violation is permitted to exist shall constitute a separate offense.