

16.0 PERMIT AND AMENDMENT PROCEDURES

16.1 PURPOSE

All excavation for, or construction of, any building, structure or parking area or structural changes in any existing building or structure requires a zoning permit issued from the Zoning Administrator. In instances where a use on property located within a particular district is not identified as a permitted use or as a use allowed by special permit within that district, an eligible applicant may request a change in the zoning of that property to a zoning district where that use is permitted by right or allowed by special permit. As an option to a request to rezone a particular property, an applicant may request an amendment to the Ordinance text to include that specified use or uses within a particular district.

A site plan review for the following types of projects will be required to ensure that the development or improvements do not produce health, safety or protection hazards:

- A. Property development more extensive than a single or two family home.
- B. Accessory and subordinate buildings that do not require new access to public roads,
- C. The expansion or remodeling of existing structures.
- D. Additional structures similar to existing structures on a site (if all of the existing site complies with all Zoning Ordinance requirements).

16.2 ZONING PERMITS

No person shall commence excavation for, or construction of, any building, structure, or parking area, or make structural changes in any existing building or structure, without first obtaining a zoning permit from the Zoning Administrator. No permit shall be issued for the construction, alteration, or remodeling of any building or structure, until an application has been submitted, in accordance with provisions of this Ordinance, showing that the construction proposed is in compliance with the provisions of this Ordinance. An extension of a zoning permit shall be allowed by authorization of the Zoning Administrator, after reasonable cause for an extension is shown by the applicant. No more than one extension, not to exceed a six (6) month period, may be allowed.

A. PERMIT REQUIREMENTS

Every application for a permit 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 one copy of drawings, drawn to scale, showing the actual lines, angles, and dimensions of the lot to be built upon or used and 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.

B. PERMIT EXPIRATION

A zoning permit shall remain in effect for a period of one (1) year from the date it is issued. One extension of up to one hundred and eighty (180) days may be issued by the Zoning Administrator if requested in writing by the permit holder before the expiration of the initial permit period.

16.3 DISTRICT CHANGES AND SECTION AMENDMENTS

A. 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 option to purchase, in property to be affected by the proposed amendment. (Amended 7/9/02)

B. PUBLIC PARTICIPATION.

The Planning Commission shall conduct a public hearing on the proposed amendment or change after publishing a notice of the hearing at least fifteen (15) days prior to the date of the hearing, by two (2) publications in a paper of general circulation in the municipality. The first notice to be printed not more than thirty (30) days nor less than twenty (20) days and the second notice not more than eight (8) days before the date of the hearing, and by sending at least twenty (20) days before the hearing, a copy of the notice by United States Mail to each public utility company and railroad company owning or operating any public utility or railroad within the districts or zones affected that registers its name and mailing address with the Township Clerk for the purposes of receiving the notice. An affidavit of mailing shall be maintained. A hearing shall be granted a person interested at the time and place specified on the notice. All public notices, including publication in the newspaper and letter, shall state the time and place of hearing, the proposed amendment, and the property to be affected in case of a proposed amendment, and/or map change. It is the intention of this section to provide reasonable notice to the persons substantially interested in the proposed change that an ordinance is pending before the Township Board proposing to make a change in the zoning map or the regulations set forth in this section. The notices shall include the places and times at which the tentative text and any maps of the Zoning Ordinance amendments may be examined.

In the case of a property 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 is assessed, and to the occupant of all single 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 role. If the tenant's name is not known, the term "occupant" may be used. If 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 eight (8) days before the hearing.

C. ACTION BY TOWNSHIP BOARD.

After receiving the recommendations and report from the Planning Commission, the Township Board may deny the request or enact an amendment to the Zoning Ordinance, or zoning map. However, upon presentation of a notice of intent to file a protest petition meeting the requirements of Section 12 of Public Act 184, 1943, Township Zoning Act, an amendment to the Zoning Ordinance which is the object of the petition shall not take affect until after one (1) of the following occurs:

1. The expiration of thirty (30) days after publication of the Ordinance, if a petition is not filed within that time.
2. If a petition is filed within thirty (30) days after publication of the Ordinance, the Township clerk determines that the petition is inadequate.
3. If a petition is filed within thirty (30) days after publication of the Ordinance, the Township clerk determines that the petition is adequate and the Ordinance or part of the Ordinance is approved by a majority of the registered electors residing in the portion of the Township outside the limits of cities and villages voting thereon at the next regular election which supplies reasonable time for proper notices and printing of ballots, or at any special election called for that purpose. The Township Board shall provide the manner of submitting an Ordinance or part of an Ordinance to the electors for their approval or rejection, and determining the result of the election.

D. ADOPTION OF CHANGE.

Following adoption of a Zoning Ordinance and subsequent amendments by the Township Board, one notice of adoption shall be published in a newspaper of general circulation in the Township within 15 days after adoption. The notice shall include the following information.

1. In the case of amendment to an existing Ordinance, either a summary of the regulatory effect of the amendment including the geographic area affected, or the text of the amendment.
2. The effective date of the Ordinance.

16.4 PUBLIC NUISANCE, PER SE

Any building or structure which is erected, altered, or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this section and in violation of any of the provisions thereof, is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

16.5 RIGHTS AND REMEDIES ARE CUMULATIVE

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.