

**ARTICLE 16
ADMINISTRATION AND ENFORCEMENT**

SECTION 16.01 ADMINISTRATION AND ADMINISTRATOR

The provisions of this Ordinance shall be administered by the Township Planning Commission and the Township Board in accordance with the State of Michigan Planning Commission Act, Act 168 of the Public Acts of 1959, as amended, and the Michigan Zoning Enabling Act, Act 110 of the Public Acts of 2006, as amended.

The Township Board shall employ a Zoning Administrator to act as its officer to effect proper administration of this Ordinance. The individual selected, the terms of employment, and the rate of compensation shall be established by the Township Board. For the purpose of this Ordinance, the Zoning Administrator shall have the powers of a police officer. Members of the Township Board and members of the Planning Commission shall be ineligible to serve as Zoning Administrator.

Duplicates of all actions and resolutions of the Zoning Administrator, Planning Commission, and Township Board pertaining to zoning shall be submitted to the Township Clerk to be kept on file at the Township Hall.

The Planning Commission shall at least once per year prepare for the Township Board a report on the administration and enforcement of the Zoning Ordinance and recommendations for amendments and supplements to the Ordinance.

Amended 9/6/2007, Effective 9/19/2007

SECTION 16.02 DUTIES OF ZONING ADMINISTRATOR

The Zoning Administrator shall have the power to grant Land Use Permits, to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Zoning Administrator to approve any plans or issue any permits for any excavation or construction until he has inspected such plans in detail and found them to conform with this Ordinance.

The Zoning Administrator shall record all non-conforming uses existing at the effective date of this Ordinance.

Under no circumstances is the Zoning Administrator permitted to make changes to this Ordinance nor to vary the terms of this Ordinance in carrying out his duties as Zoning Administrator. The Zoning Administrator shall administer and enforce other Township Ordinances at the discretion and direction of the Township Board.

When an application for a Land Use Permit indicates the necessity for construction of an on-site sewage disposal system and/or water well system on the premises, the Zoning Administrator shall not issue such permit unless the Livingston County Health Department shall have approved the site for the construction of such facilities.

The Zoning Administrator shall:

- A. Receive and review all applications for Land Use Permits and approve or disapprove such applications based on compliance or non-compliance with the provisions of this Ordinance and issue certificates when there is compliance with this Ordinance.
- B. Receive all applications for Special Use Permits and process applications so as to formulate recommendations for the Planning Commission.
- C. Receive all applications for appeals, variances or other matters which the zoning Board of Appeals is required to decide under this Ordinance and refer such applications with recommendations and supporting material to the Zoning Board of Appeals for determination.
- D. Receive applications for amendments to this Ordinance and refer such applications together with recommendations to the Planning Commission.
- E. Maintains a map or maps showing the current zoning classifications of all land in the Township.
- F. Maintain written records of all actions taken by the Zoning Administrator and file a summary of such action with the Township Board monthly.
- G. Be responsible for providing forms necessary for the various applications provided for in this Ordinance and shall be responsible for what information is necessary on such forms for the effective administration of this Ordinance. All form formats shall be approved by the Township Board.
- H. The Zoning Administrator shall not refuse to issue a permit when the conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may result upon the granting of said permit.

SECTION 16.03 LAND USE PERMITS

- A. Requirement for: Excavation for any building or structure shall not be commenced, nor shall the erection of, addition to, alteration or move of, any building or structure be undertaken, and no new land use shall be commenced until a land use permit has been secured from the Zoning Administrator, except that an accessory (non-dwelling) building in an AR District on eleven (11) acres or more may be built or altered without a land use permit, provided said building meets all other provisions of this Ordinance. Changes in internal construction of a building which do not alter the use of the property do not require a land use permit, but a building permit issued by the County is mandatory. Except upon a written order of the Township Zoning Board of Appeals under the provisions of Article 18, no such land use permit shall be issued for any building or structure where the construction, addition, alteration or use thereof would be in violation of any of the provisions of this Ordinance.
- B. Application Requirements: Application for a Land Use Permit shall be made in writing to the Zoning Administrator, signed by the person, firm, co-partnership, or corporation requesting the same or by the duly authorized agent of such person, firm, co-partnership or corporation. There shall be submitted with all applications for land permits, two copies of a site layout or plot plan, drawn to scale showing:
 - 1. The location, shape, area and dimensions for the lot, lots or acreage.
 - 2. The location of the proposed construction or alteration upon the lot, lots, or acreage affected.
 - 3. The dimensions, height and bulk of structures.

4. The nature of the proposed construction or alteration and the intended uses.
 5. The proposed number of sleeping rooms, dwelling units, occupants, employees, customers and other users.
 6. The present use being made of any existing structure affected and any proposed change in the use thereof.
 7. The yard, open area and parking space dimensions.
 8. The proposed design and construction standards of parking areas.
 9. The number of loading-unloading spaces provided.
 10. Completion date.
 11. Any other information deemed necessary by the Zoning Administrator to determine compliance with this Ordinance and to provide for its enforcement.
- C. Void of Permit: Any Land Use Permit granted under this section shall be null unless the development proposed shall have its first zoning inspection within ninety (90) days from the date of the granting of the permit or had its second inspection by date of completion as specified on application. The Zoning Administrator shall give notice by certified mail to the holder of a permit that is liable for voiding action before voidance is actually declared. Said notice shall be mailed to the permit holder at the address indicated in said permit. The Zoning Administrator may suspend or revoke a permit issued under the provisions of this Ordinance whenever the permit is issued erroneously on the basis of incorrect information supplied by the applicant, or his agent, or is in violation of any of the provisions of this Ordinance or of any other Ordinance or regulations of the Township.
- D. Inspection Fee: A fee in accordance with the duly adopted schedule of fees shall be paid to the Zoning Administrator at the time of filing the application for Land Use Permit. The purpose of the fee is to cover any necessary administrative and inspection costs incurred in connection with the application.
- E. Inspection: The construction or usage covered by a Land Use Permit shall be subject to the following inspections:
1. Upon completion of the work authorized by the permit. It shall be the duty of the holder of every permit to notify the Zoning Administrator when the construction is ready for inspection. Failure to request inspection at the proper time shall automatically cancel the permit, and subject holder of permit to penalties as specified in SECTION 16.06.

SECTION 16.04 FEES

Fees for inspections and the issuance of permits or certificates or copies thereof, required or issued under the provisions of this Ordinance shall be collected by the Township Zoning Administrator in advance of the issuance of such permits or certificates and conveyed in full to the Township Treasurer. The amounts of such fees shall be set by the Township Board.

SECTION 16.05 CHANGES AND AMENDMENTS

Only the Township Board may amend this Ordinance. Proposals for amendments or changes may be initiated by the Township Board on its own motion, by the Planning Commission, or by petition of one (1) or more owners of property to be affected by the proposed amendment.

- A. Procedure: The procedure for making amendments to this Ordinance shall be in accordance with Act 110 of the Public Acts of 2006, as amended.

The Oceola Township Board at any time may initiate a petition to rezone. A petition, together with a completed and signed application and fees, shall be filed with the Township Clerk. The Clerk shall review the application as to form and submit preliminary information to the Township Planner for review and report. The Clerk shall transmit same to the Township Planning Commission for review and establish a date for a Public Hearing on the petition for the Planning Commission and shall give proper notice for the hearing as provided in Act 110, P.A. of 2006, as amended. Notice of the Public Hearing shall be published in a newspaper of general circulation in the Township. The notice shall be made at least fifteen (15) days prior to the hearing.

Public Hearing requirements shall apply to amendments initiated by the Township Board or the Township Planning Commission. However, requirements of written notice to property owners shall not apply to comprehensive revisions to the Zoning Ordinance.

Amended 9/6/2007

- B. Notice of Hearing: The Clerk shall give notice of hearing in the following manner:

1. If an individual property or ten (10) or fewer adjacent properties are proposed for rezoning, the Clerk shall publish a notice of the rezoning in a newspaper which circulates in the Township, and sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction. If the name of the occupant is not known, the term "occupant" may be used in making notification. The notice shall be given not less than fifteen (15) days before the date the application will be considered.

The notice shall:

- a) Describe the nature of the rezoning request.
 - b) Indicate the property that is the subject of the rezoning request. The notice shall include a listing of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
 - c) State when and where the rezoning request will be considered.
 - d) Indicate when and where written comments will be received concerning the request.
 - e) Include the places and times at which the proposed text and any maps of the zoning ordinance may be examined.
2. If eleven (11) or more adjacent properties are proposed for rezoning, the Clerk shall publish a notice of the rezoning in a newspaper which circulates in the Township. The

notice shall be given not less than fifteen (15) days before the date the application will be considered.

The notice shall:

- a) Describe the nature of the rezoning request.
 - b) Indicate the property that is the subject of the rezoning request.
 - c) State when and where the rezoning request will be considered.
 - d) Indicate when and where written comments will be received concerning the request.
 - e) Include the places and times at which the proposed text and any maps of the zoning ordinance may be examined.
3. Notice of the hearing shall be mailed at least fifteen (15) days in advance of the hearing to each electric, gas, pipeline, public utility company, telephone company, and cable company, and railroad operating within the Township that chooses to register its name and address with the Planning Commission for the purpose of receiving such notice. The notice shall include the places and times at which the proposed text and any maps of the zoning ordinance may be examined. An affidavit of mailing shall be obtained.

Amended 9/6/2007, Effective 9/19/2007

C. Information Required: The petitioner shall submit a detailed description of property and surrounding area, to the Township Clerk. When the petition involves a change in the zoning map, the petitioner shall submit the following information:

1. A legal description of the property.
2. A scaled map of the property, correlated with the legal description, and clearly showing the property's location.
3. The name and address of the petitioner(s) and owner(s).
4. The petitioner(s)'s interest in the property, and if the petitioner is not the owner, the name and address of the owner(s).
5. Date of filing with the Township Clerk.
6. Signature(s) of petitioner(s) and owner(s) certifying the accuracy of the required information. This provision is not applicable to Township Board request.
7. The desired change and reasons for such change.

D. Steps in Making a Change:

1. Petitioner submits application and fee.
2. Clerk transmits application to Planning Commission, sets hearing date, and publishes notices of hearing as prescribed in Sections 16.05 A and 16.05 B.
3. Planning Commission holds hearing, makes a decision, transmits decision to the County Planning Commission and to the Township Board.
4. Township Board either enacts, rejects or sends back to the Planning Commission for revision, any proposed changes as an Ordinance Amendment. If enacted the text, or

summary thereof, shall be published in the newspaper within fifteen (15) days after adoption.

E. Findings and Facts Required: In reviewing any petition for a zoning amendment the Planning Commission shall identify and evaluate all factors relevant to the petition, and shall report its findings in full, along with its recommendations for resolution of the petition, to the Township Board, within sixty (60) days of the filing date of the petition.

The facts, data, and issues to be considered by the Planning Commission shall include, but are not limited to, the following:

1. Consistency with the goals, policies and future land use map of the Master Plan. If conditions upon which the Master Plan was developed (such as market factors, demographics, infrastructure, traffic and environmental issues) have changed significantly since the Master Plan was adopted, as determined by the Township, the Planning Commission/Township Board shall consider the consistency with recent development trends in the area.
2. Compatibility of the site's physical, geological, hydrological and other environmental features with the host of uses permitted in the proposed zoning district.
3. Evidence the applicant cannot receive a reasonable return on investment through developing the property with at least one (1) of the uses permitted under the current zoning.
4. The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.
5. Will the requested change be a deterrent to the improvement or development of adjacent property in accord with existing regulations?
6. The capacity of the infrastructure and services to accommodate the uses permitted in the requested zoning district without compromising the "health, safety and welfare".
7. The apparent demand for the types of uses permitted in the requested zoning district in relation to the amount of land currently zoned and available to meet the demand.
8. Will the requested change constitute a grant of a special privilege to an individual as contrasted with the general welfare?
9. The request has not previously been submitted within the past one (1) year, unless conditions have changed or new information has been provided.
10. Can the site meet all of the dimensional standards for the zoning district?
11. If a rezoning is appropriate, is another zoning district more appropriate than the one requested?
12. Other factors deemed appropriate by the Planning Commission and Township Board.
13. Are there substantial reasons why the property cannot be used in accord with existing zoning?
14. Is it impossible to find adequate sites for proposed use in existing zoning districts permitting such use?

Amended 03/03/94 Effective 03/09/94

SECTION 16.06 ENFORCEMENT

The provisions of this Ordinance shall be enforced by the Township Board and the Zoning Administrator or any other employees and officials as the Township Board may delegate to enforce the provisions of this Ordinance.

- A. Violation and Nuisance: Buildings erected, altered, moved, razed, or converted, or any use of land or premises carried on in violation of any provision of this Ordinance are declared to be a nuisance per se. Any and all building or land use activities considered possible violations of the provisions of this Ordinance shall be reported to the Zoning Administrator.
- B. Inspection of Violation: The Zoning Administrator shall inspect each alleged violation and shall order correction in writing to the violator within thirty (30) days, of all conditions found to be in violation of this Ordinance. A copy of any order issued shall be filed with the Supervisor of the Township Board before their next regular meeting. The person who initiates the complaint shall be sent notice of any determination made by the Zoning Administrator within a period of thirty (30) days.
- C. Correction Period: All violations shall be corrected within a period of thirty (30) days after the order is issued by the Zoning Administrator, or such longer period of time, not to exceed six (6) months, as the Zoning Administrator shall determine. A violation not corrected within this period shall be reported to the Township Board which shall initiate prosecution procedures within sixty (60) days.
- D. Penalties: Every person, corporation, or firm who violates, disobeys, omits, neglects or refuses to comply with any provision of this Ordinance or any permit, license or exception granted hereunder, or any lawful order to the Zoning Administrator, Zoning Board of Appeals, Planning Commission or the Township Board issued in pursuance of this Ordinance shall be guilty of a misdemeanor. Upon conviction thereof before any court of competent jurisdiction, he shall be punished by a fine not to exceed thirty (30) days or both. He shall also be directed to pay the costs of such prosecution. Each day during which a violation continues shall be deemed a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the provisions of this Ordinance.
- E. Remedies: The Zoning Administrator, the Township Board, the Planning Commission, the Zoning Board of Appeals, or the Attorney of Oceola Township and any interested party, may institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin, abate or remove any unlawful erection, alteration, maintenance or use. The rights and remedies herein provided are civil in nature and in addition to criminal remedies.
- F. Scope of Remedies: The rights and remedies provided in this Ordinance are cumulative and are in addition to all other remedies provided by law. All fines collected shall belong to the Township and shall be deposited in the general fund.

SECTION 16.07 COMPLIANCE BOND

A surety bond may be required by the Planning Commission to insure the complete construction of structures and the development of the land area, as proposed and approved, in connection with any request for rezoning.