

ARTICLE 12 ADMINISTRATION

Sec. 12.01 People Involved in the Zoning Process

The provisions of this Ordinance shall be carried out by the Otisville Village Planning Commission, the Zoning Board of Appeals, the Village Council, and the Village Zoning Administrator in conformance with applicable State of Michigan enabling legislation.

A. Zoning Administrator

The Village Council, with the recommendation of the Planning Commission, shall employ a Zoning Administrator to carry out day to day administration and enforcement of this Ordinance. The Village Council may designate the Building Inspector, Village Manager or other existing village staff as the Zoning Administrator. Conditions of the Zoning Administrator's employment, including compensation, shall be established by the Village Council. Additional staff may be employed, under the supervision of the Zoning Administrator, to assist with administration and enforcement of this Ordinance, at the discretion of the Village Council.

The Zoning Administrator's duties shall include the following items and any other tasks that may be assigned by the Village Council or provisions of this Ordinance.

1. **Accept and Record Applications, Issue and Record Permits.** All applications for Zoning Permits shall be submitted to the Zoning Administrator who shall keep a record of all applications which have been submitted and their disposition. When all applicable provisions of this Ordinance have been met regarding any application, the Zoning Administrator shall issue a Zoning Permit for the proposed use. When conditions are not met, the Zoning Administrator shall consult with the applicant to determine the proper course of action. The Zoning Administrator shall maintain a record of all applications and related Zoning Permits, including documentation for each.
2. **Issue Written Denial.** When any application for Zoning Permit is denied, the Zoning Administrator shall provide the applicant with a written denial, stating the reasons for the denial.
3. **Notice of Hearings.** Whenever a zoning matter is the subject of a Public Hearing before the Planning Commission or the Zoning Board of Appeals, the Zoning Administrator shall prepare notices of the hearing and disseminate said notices as required by this Ordinance.
4. **Inspections.** The Zoning Administrator shall be empowered to make inspections of buildings or premises to carry out enforcement of this Ordinance.
5. **Record Conditional Uses.** The Zoning Administrator shall keep a record of all Conditional Use Permits issued under the terms of this Ordinance for the purpose of carrying out provisions of Article 6.
6. **Record Interpretations of Ordinance.** The Zoning Administrator shall maintain a concise record of all interpretations of this Ordinance rendered by the Zoning Board of Appeals to fulfill requirements of Article 14. This record shall be consulted whenever questions arise concerning interpretation of any provision of this Ordinance to determine whether any applicable precedents have been set.
7. **Public Information.** The Zoning Administrator shall respond to inquiries and dispense information or copies of this Ordinance to make the public aware of and familiar with the provisions of this Ordinance. Public awareness and acceptance of the Zoning Ordinance will help to maintain compliance with it.

8. Respond to Complaints. The Zoning Administrator shall respond within five (5) business days, whenever possible, to any written complaint regarding an alleged violation of the terms or conditions of this Ordinance or any permit issued pursuant to it. The Zoning Administrator shall provide a report for each regular Planning Commission meeting summarizing the nature and disposition of complaints that have been received.
9. May Not Change Ordinance. Under no circumstances is the Zoning Administrator permitted to make changes in this Ordinance or to vary the terms of this Ordinance.

B. Planning Commission

The Village Planning Commission shall be responsible for the following administrative and enforcement activities under this Ordinance.

1. Site Plan Approval. The Planning Commission shall review site plans and issue its approval, conditional approval or denial of same as provided by Article 5.
2. Conditional Use Permits. The Planning Commission shall conduct a Public Hearing on any application for a Conditional Use Permit. Following a Public Hearing, the Planning Commission shall review and approve or deny said application. The Planning Commission shall also take any necessary action to revoke a Conditional Use Permit as provided by Article 6.
3. Rezoning or Text Amendment. The Planning Commission may initiate and shall conduct public hearings for proposals to rezone property or amend the text of this Ordinance as provided by Article 13. Following a public hearing, the Planning Commission shall make its recommendation regarding the proposed rezoning or text change to the Village Council. The Planning Commission may initiate a text change or rezoning, subject to the requirements for notice, hearing and Village Council approval.

C. Zoning Board of Appeals

The Village Zoning Board of Appeals shall have the power to act on those matters where this Ordinance provides for an appeal of an administrative decision, interpretation, or variance as defined in this section. The Board of Appeals shall NOT have the power to alter or change the zoning district classification of any property, or to make any change in the terms or intent of this Ordinance.

1. Appeal of Administrative Decision. The Board of Appeals shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, permit, decision, or refusal made by the Zoning Administrator or by any other official administering enforcing provisions of this Ordinance.
2. Interpretation. The Board of Appeals shall have the power to interpret, upon request, the provisions of this Ordinance in such a way to carry out the intent and purpose of the Ordinance.
3. Variances. The Board of Appeals shall have the power to authorize variances from any quantifiable requirements of this Ordinance where practical difficulties prevent carrying out the strict letter of this Ordinance.
4. Change of Nonconforming Use. Permit a legal non-conforming use of land or structures to be changed to another non-conforming use under the procedures contained in Section 15.06 and 15.07 of this Ordinance.

D. Village Council

The Village Council shall have the following responsibilities under this Zoning Ordinance.

1. Designate the Zoning Administrator. The Village Council has the responsibility to designate the person who shall be responsible for administration of this Ordinance and to identify the people to whom the Zoning Administrator may delegate his authority.
2. Appointment of ZBA and Planning Commission Members. The Village Council shall be responsible for appointing members of the Zoning Board of Appeals and for approving the Village President's appointments to the Planning Commission.
3. Establish Fees. The Village Council shall set all fees for permits and reviews required under this Ordinance by resolution. The Council may update the fees from time to time as they determine necessary.
4. Initiate Amendments to Zoning Ordinance. The Village Council may initiate amendments to the Zoning Ordinance text or map.
5. Approve/Disapprove Zoning Amendments. The Village Council shall approve or disapprove requests for amendments to the Zoning Ordinance following a public hearing and written recommendation by the Village Planning Commission
6. Serve as ZBA. The Village Council may serve as the ZBA as provided for in the Michigan Zoning Enabling Act, P.A. 110 of 2006

Sec. 12.02 Zoning Permits

A. Issuance

A zoning permit shall be obtained from the Village Zoning Administrator before any new construction, alteration of a non-conforming structure, change in use of a parcel or addition to any existing structure may be undertaken, or before any structure is relocated into or within the Village. No permit shall be valid until the required fee has been paid.

B. Application for Zoning Permit

Application for a Zoning Permit shall be made ten (10) days before construction of a new or enlarged building or structure, or a new or enlarged use of a parcel, is intended to begin. Form and content of the application package shall be as specified by the following material.

1. Application Form

Applicants for a Zoning Permit shall submit a zoning application form with all requested information completely filled in.

2. Submission with Building Permit Application

When a Building Permit is also required, application for a Zoning Permit may be made at the same time.

3. Property Information

The Zoning Application form must be accompanied by a copy of a property survey, deed or tax records sufficient to allow identification of the parcel in the Village Assessor's property maps. When the applicant is anyone other than the property owner identified by the Assessor's records, evidence of the owner's concurrence or a change in ownership must also be submitted.

4. Plot Plan

The Zoning Application form must also be accompanied by a plot plan drawn at size and scale sufficient to clearly identify:

- a. The exact dimensions of the parcel.
- b. All abutting streets, alleys or easements.
- c. The size, position and height of all existing and proposed buildings or structures on the property, including their setback from lot lines.
- d. Location, capacity and surfacing of all existing and proposed parking.
- e. Any other information deemed necessary by the Zoning Administrator for the proper enforcement of this Ordinance.

C. Application Review Process

On submission of an application for a Zoning Permit, the Zoning Administrator will review the application material. Whenever possible, it is desirable for this review to be conducted with the applicant present to facilitate any necessary explanation. If all requirements have been met, the Zoning Administrator shall issue a Zoning Permit. When failure to meet any standard prohibits issuance of a permit, the problem shall be identified and the applicant advised of his or her options. In all cases, a full review shall be conducted to identify all potential obstacles to issuance of a Zoning Permit.

D. Record Maintained

The Zoning Administrator shall keep a record of each application for a Zoning Permit which has been submitted, including the disposition of each one. This record shall be a public record, open for inspection upon request.

E. Expiration

A zoning permit shall become void unless a building permit is issued (if required), and construction or operations are commenced within six (6) months from the date of issuance, unless such time is extended by the Village Zoning Administrator for reasons that the construction was delayed by causes beyond the control of the applicant. All zoning permits shall expire one (1) year after the date of issue; provided that the Village Zoning Administrator may, on application, renew a permit for not to exceed one (1) additional year, without additional charge, if a satisfactory degree of progress in construction is shown. All permits or renewals thereof shall be in writing.

F. Violations and Cancellation of Permit

1. Should the Village Zoning Administrator determine that the construction is not proceeding according to the plan filed, or is in violation of any provision of this ordinance, or any other applicable ordinance, regulation, or law, he shall so notify the permit holder and further construction shall be prohibited until correction has been effected and approved by the Village Zoning Administrator, upon notice and request for re-inspection duly made.
2. Should the permit holder fail to comply with any applicable requirements, at any stage of construction, the Village Zoning Administrator is hereby empowered to terminate the zoning permit issued and shall cause notice of such termination to be mailed to the applicant of record. Mailing of such notice shall be considered sufficient notification to the permit holder of termination thereof. No further work shall be undertaken or permitted upon such construction until a new zoning permit shall have been issued.

3. Any permit holder whose construction shall have been prohibited under subparagraph 1 above, or whose zoning permit shall have been terminated under subparagraph 2 above, shall not be granted any zoning permit for any other construction of any type whatever, until correction has been effected and approved as provided in subparagraph 1 above, or until a new zoning permit shall have been issued to replace the terminated zoning permit as provided in subparagraph 2 above.

G. Land Division Act

No building permit shall be issued for the construction of any structure on any lot tract, or parcel of land subdivided in violation of Act 288 of Michigan Public Acts of 1967, as amended.

Sec. 12.03 Penalties for Violation

Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards required as conditions for the grants of variances or appeals, or conditional permits shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than one hundred (\$100.00) dollars or imprisoned for not more than ninety (90) days, or both, and in addition shall pay all costs and expenses involved in the case.

- A. Each day such violations continue shall be considered a separate offense.
- B. The owner or tenant of any building, structure premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.
- C. Nothing herein contained shall prevent the Village from taking such other lawful action as is necessary to prevent or remedy any violation.

Sec. 12.04 Schedule of Fees, charges, and Expenses

- A. Fees, charges, and expenses shall be assessed as part of the application for conditional use permits, variance applications, zoning permits, site plan applications, appeals, interpretations, and amendments to defray expenses incurred in processing such application.
- B. The Village Council shall establish a schedule of fees, charges, and expenses, and establish a procedure for their collection.
 1. The schedule of fees, charges, and expenses shall be conspicuously posted at the office of the Village Building Inspector.
 2. The schedule of fees, charges, and expenses may be altered or amended by resolution duly adopted by the Village Council.
 3. Charges for site plan reviews, environmental impact studies and all professional services shall be charged to the applicant at a rate equal to the actual cost to the Village, plus ten (10) percent.

No action shall be taken on any application or appeal until all applicable fees, charges, and expenses have been paid in full.