

## **Section 2.4 Zoning Permit Application and Review Procedures and Permit Withholding, Revocation and Expiration**

**A. General Application and Review Procedures:** An application form for a zoning permit shall be available from the Zoning Administrator. Upon approval of the application, which is to include, at a minimum, the application form and all required supporting data and documents including a plot plan or site plan, a zoning permit shall be issued.

1. Agricultural Buildings, Single-Family Dwellings and Two-Family Dwellings: Whenever the Zoning Administrator determines an application for an agricultural building, single-family dwelling or two-family dwelling, and accessory uses, buildings and structures thereto, is in conformity with the provisions of this Ordinance, the Zoning Administrator shall issue the zoning permit. See Section 2.4(B).
2. Buildings and Structures Not Associated with Single-Family or Two-Family Dwellings: Zoning permit applications for uses, buildings and structures not associated with a single-family or two-family dwelling shall be issued by the Zoning Administrator upon completion of the approval process specific to the application in question which, in the case of a use requiring site plan approval or a special land use application, shall first require final action by the Township Board after receipt of a Planning Commission recommendation.
3. Plot Plan / Site Plan: An application for a zoning permit shall include the submittal of a plot plan or site plan. An application for agricultural buildings, single family dwellings, and two-family dwellings, and accessory buildings and structures thereto, shall include the submittal of a plot plan according to subsection (B) below. A site plan shall be required for all other uses, buildings and structures and shall be prepared according to Article 14 (Site Plan Review) unless provided otherwise by this Ordinance.
4. Special Land Uses: In addition to meeting the site plan requirements of Article 14, a zoning permit application for a use classified as a "special land use" according to the Permitted Uses tables of Article 3, or elsewhere in this Ordinance, shall be processed according to the provisions of Article 15 (Special Land Uses), which requires Township Board action after receipt of a Planning Commission recommendation.
5. Variances: Where the approval of a variance by the Zoning Board of Appeals pursuant to Article 16 is necessary for the approval of a proposed plot plan or site plan, no such plot plan or site plan shall be acted upon by the Zoning Administrator, Planning Commission or Township Board, nor shall such project be issued a zoning permit, until action on the variance request has first been acted upon by the Zoning Board of Appeals.
6. Incomplete Applications: If zoning permit application materials are not complete when received by the body that is to take action on the application, the body may deny such application or otherwise delay action on the application until it is made complete in a readily comprehensible manner.
7. Performance Guarantees: A performance guarantee may be required as a condition to the issuance of a zoning permit in order to ensure conformance with the requirements of this Ordinance, according to Sec. 2.6.
8. Permit Refusal or Denial in Writing: In any case where a zoning permit or other approval requested under this Ordinance is refused or denied, the reasons shall be provided to the applicant in writing by the Zoning Administrator. Such notification may include a copy of the meeting minutes and denial motion containing such reasons.

### **B. Agricultural Buildings, Single Family Dwellings and Two-Family Dwellings/Plot Plan Approval**

1. Application Required: Application for a zoning permit for agricultural buildings, single family dwellings and two-family dwellings, including alterations and accessory buildings and structures thereto, shall be submitted to the Zoning Administrator on a form for that purpose. See Section 2.2(C) for exceptions. Three (3) copies of all application materials shall be submitted to the Township and shall consist of:
  - a. The completed application form, and all permit applications, approvals and supporting documents associated with required county, state or federal permits including county health department wastewater disposal and potable water system permits, county soil erosion control and storm water management permits, county road commission driveway permits,

and state wetland permits.

- b. An accurate, readable, drawing of scale not less than 1" = 50', constituting a plot plan, identifying:
  - 1) Name, address and telephone number of the applicant (and owner if different).
  - 2) A scaled property drawing showing lot lines, dimensions, bearings, lot area, legal description, and an arrow pointing north. The Zoning Administrator or Building Inspector may require a sealed property survey, or partial survey specific to one (1) or more property lines, prepared by a Michigan-licensed surveyor or engineer, where conditions are present that necessitate a greater level of detail or accuracy regarding the location of property lines and/or buildings and the determination of conformance to this Ordinance including setback standards. The Zoning Administrator or Building Inspector may also require that the professional surveyor or engineer place stakes at specified relevant areas along the property line(s) and any setback lines or building envelopes. All such surveying costs shall be paid for by the applicant or property owner.
  - 3) The location and footprint of existing buildings and structures, and the location, height, footprint and scaled floor plans of proposed buildings and structures to be erected, altered, or moved on the lot.
  - 4) Distances of buildings and structures from lot lines.
  - 5) A description of proposed use(s) of the building(s), land and structures.
  - 6) Configuration of the driveway and parking areas.
  - 7) Existing public and private right-of-ways and easements.
  - 8) Existing and/or proposed location of septic drain field and potable water well.
  - 9) In the case of a corner lot, the designated side and rear yard.
  - 10) Any other information deemed necessary to determine Ordinance compliance and provide for the enforcement of the Ordinance, such as wetland permits, soil and erosion control permits, and health department permits including permits for the addition of habitable space to an existing dwelling.
2. Application Review: The Zoning Administrator shall review a zoning permit application and determine its conformity with the provisions of this Ordinance. The Zoning Administrator may refer a plot plan to the Planning Commission for advisory comments, as the Zoning Administrator may find beneficial, due to the particular nature of the proposal.
3. Action on Application: After conducting a review, the Zoning Administrator shall deny, approve, or conditionally approve the application as it pertains to requirements and standards contained in this Ordinance. The applicant shall be notified in writing of the Zoning Administrator's action on the application including any conditions associated with an approval. A plot plan shall be approved if it contains the information required by and is in compliance with this Ordinance.
4. Approved Plot Plans: At least two (2) copies of an approved application, with any conditions thereto, shall be maintained as part of the Township's records. A third copy shall be returned to the applicant. Each copy of the approved plans shall be signed and dated with the date of approval by the Zoning Administrator. If any variances from this Ordinance have been obtained from the Zoning Board of Appeals, the minutes concerning the variances, duly signed, shall also be filed with the Township records as a part of the application and delivered to the applicant.
5. Plot Plan Changes: The Zoning Administrator shall review and act on proposed changes to an approved plot plan in the same manner as described by this subsection (B).

**C. Permit or Approval Withholding or Denial, Revocation and Expiration**

1. Withholding Permit: A designated approving body or official, including in the case of a variance approval by the Zoning Board of Appeals, may withhold approval of an application pending verification that an applicant has received required county, state or federal permits. Similarly, such body may condition its approval of the requested application on the receipt of such permits.
2. Revocation: A body or official that grants approval of a permit or application under this Ordinance may revoke or cancel such approval in the case of failure or neglect to comply with this Ordinance, or in the case of any false statement or misrepresentation in the application. The Zoning Administrator may also issue a stop work order to halt all construction activities and/or use of the premises pending a revocation decision.

3. **Misrepresentation or Falsehood.** If the applicant, landowner or developer has made a substantial and material misrepresentation (in writing or orally) pursuant to its application or to the Zoning Administrator, building inspector or the Township body involved in the zoning reviewing and approval process, then the Township may revoke and terminate any resulting Township zoning, building permit or other Township approval.
4. **Construction Time Limits.** Once construction or installation has begun regarding a building or structure, such building or structure shall be finished and an occupancy permit shall be issued in accordance with all other applicable Township ordinances.
5. **Expiration of Permit:**
  - a. **Permit Expiration Period:** A zoning permit or approval, including the approved plot plan or site plan upon which the permit or approval is based and including in the case of a Special Land Use, shall expire after one (1) year from the date of the granting such permit or approval unless the development proposed or activity authorized shall have passed its first building inspection by the Building Inspector within one year.
    - 1) Where a zoning permit or approval does not provide for an immediate building or structure, such as in the case of a platted subdivision or site condominium, such permit or approval shall become null and void after one (1) year from the date of the granting such permit or approval unless for a development the clearing, preliminary grading, and survey staking of roads and drives shall have been completed within such time. Such permit or approval shall become null and void after two (2) years from the date of granting such permit unless utilities and access ways, including roads, have been completed.
  - b. **Extension of Permit Expiration Period:** The body or official that granted a zoning permit or approval may waive or extend the period of time in which the permit or approval is to expire, for multiple periods with each period not to exceed one (1) year, if it is satisfied that the owner or developer is demonstrating a good faith intention to proceed with the use or construction and even though the permit or approval and plot/site plan may not comply with the most current standards of this Ordinance due to amendments since the issuance of the permit or approval. In the case of a multi-phased project, the expiration of a zoning permit or approval for a specific phase shall similarly result in the expiration of all zoning permits or approvals previously granted for subsequent phases.
    - 1) In the case where the original zoning permit or approval is to expire more than three (3) years following the initial issuance of the permit or approval, no extension shall be granted unless the body that approved the permit or approval finds that surrounding conditions and land uses, and the most current standards of this Ordinance, continue to support the adequacy of the plot/site plan, and the owner or developer is demonstrating a good faith intention to proceed with the use or construction.
  - c. **Reapplication:** Should a zoning permit or approval expire, such use, building and/or activity shall not be initiated or continued except upon reapplication and re-approval, subject to the provisions of all ordinances in effect at the time of reapplication. Upon the expiration of the zoning permit or approval, failure to terminate the use for which the permit or approval was issued is declared to be a nuisance per se and a violation of this Ordinance.

