

CHAPTER XX

AMENDMENT TO THE ORDINANCE

AMENDMENT

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EFF: 9-14-06

SECTION 20.1 INITIATION OF AMENDMENTS.

This Ordinance may be amended or supplemented from time to time in accordance with ~~Section 14 of Act 184 of the Public Acts of 1943~~ Public Act 110 of 2006, as amended, being the ~~Rural Township Zoning Act~~ Michigan Zoning Enabling Act. Amendments to this Ordinance may be initiated by the Township Board, the Planning Commission, or by any interested person or persons by petition to the Planning Commission.

SECTION 20.02 AMENDMENT PETITION PROCEDURE.

Individuals submitting petitions for amendment to this Ordinance shall be in writing, signed and filed with the Township Clerk for presentation to the Planning Commission. Such petitions shall include the following:

- (a) The petitioner's name, address and interest in the petition and, if applicable, the name, address and interest of each person having a legal or equitable interest in any land which is to be rezoned.
- (b) The nature and effect of the proposed amendment.
- (c) If the proposed amendment would require a change in the Zoning Map, a fully dimensioned map showing the land which would be affected by the proposed amendment, a legal description of such land, the present zoning district of the land, the zoning district of all abutting lands, and all public and private rights-of-way and easements bounding and intersecting the land to be rezoned.
- (d) The alleged error, if any, in the Ordinance which would be corrected by the proposed amendment, with a detailed

- explanation of such alleged error and detailed reason why the proposed amendment will correct the same.
- (e) The changed or changing conditions in the area or in the Township that make the proposed amendment reasonably necessary to the promotion of the public health, safety, and general welfare.
  - (f) All other circumstances, factors, and reasons which the petitioner offers in support of the proposed amendment.
  - (g) A remittance to cover the cost encountered in notifying and conducting a public hearing, such fee to be determined from time to time by the Township Board.

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SECTION 20.03                      AMENDMENT PROCEDURE.

After initiation, amendments to this Ordinance shall be considered as follows:

- (a) The Planning Commission shall authorize the preparation of the proposed amendment to be considered.
- (b) ~~The Planning Commission shall set a time and place for a public hearing and provide for the legal publishing and proper posting of notices of such hearing time and date in a newspaper of general circulation in the Township — the first to be printed not more than thirty (30) days nor less than twenty (20) days before the date of hearing, and the second not more than eight (8) days before the date of hearing. — Such notices shall include the places and times at which the tentative text or map change may be examined~~ Prior to the Planning Commission submitting its recommendations for a proposed zoning ordinance amendment to the Township Board, the Planning Commission shall hold at least one public hearing. The Planning Commission shall fix a reasonable time for the hearing of the request and a notice that a request has been received shall be published 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.

(c) ~~If an individual property or several adjacent properties are proposed for rezoning, the 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 in question is assessed, and to the occupants of all single and 2-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 roll. If the tenant's name is not known, the term "occupant" may be used. If the 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, stating the time, place, date, and purpose of the hearing. An amendment for the purpose of conforming a provision of the Zoning Ordinance to the decree of a court of competent jurisdiction as to any specific lands may be adopted by the Township Board and the notice of the adopted amendment published without referring the amendment to any other board or agency.~~ ten (10) or fewer adjacent properties are proposed for rezoning, the Planning Commission shall fix a reasonable time for the hearing of the zoning request and a notice that a request has been received shall be published in a newspaper which circulates in the township, and sent by mail or personal delivery to the property owners of property for which approval is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property(s) in question, and to the occupants of all structures within three hundred (300) feet of the property, regardless of whether the property or occupant is located within the zoning jurisdiction. The notice shall be given not less than fifteen (15) days before the date the application will be considered. If the name of the occupant is not known, the term "occupant" may be used in making notification. The notice shall:

1. Describe the nature of the rezoning request.
2. Indicate the property(s) which 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 street addresses currently exist within the property. If there are no street addresses, other means of identification may be used.

3. State when and where the rezoning will be considered.

4. Indicate when and where written comments will be received concerning the rezoning request.

(d) If eleven (11) or more adjacent properties are proposed for rezoning, the Planning Commission shall fix a reasonable time for the hearing of the rezoning request and a notice that a request has been received shall be published 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:

1. Describe the nature of the rezoning request.

2. State when and where the rezoning request will be considered.

3. Indicated when and where written comments will be received concerning the rezoning request.

~~(d)~~(e) At said hearing, the Planning Commission shall establish that the applicant has paid to the Township the fee established by the Township Board and that proper notices have been made.

~~(e)~~(f) The Planning Commission shall hold public hearing, noting all comments and reports requested, or noting the absence of such.

~~(f)~~(g) Prior to voted approval, the Planning Commission may make minor changes in the amendment to reflect objections raised at the hearing or to correct typographical or grammatical errors. The omission of the name of any owner or occupant of property who may, in the opinion of the Township Planning Commission, be affected by such amendment or change shall not invalidate any ordinance amendment passed hereunder;

it being 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 Ordinance. The changed text shall be forwarded as above without further hearing.

- ~~(g)~~(h) If the Planning Commission desires to make major changes in the proposed amendment, it shall either adjourn the hearing, announcing at that time the time and place of the continuation thereof, or set a time and place for a new public hearing as called for above.
- ~~(h)~~(i) The Planning Commission shall forward the proposed amendment to the Township Board with recommendation for approval or denial. Any decision or recommendation shall contain the reasons therefore.
- ~~(i)~~(j) In case of a protest presented to the Township Board against a proposed change in the boundaries of a District signed by the owners of twenty (20) percent or more of the frontage included in such change, or by the owners of twenty (20) percent or more of the frontage immediately in the rear thereof, or by the owners of twenty (20) percent of the frontage directly opposite the frontage proposed to be changed, such amendment shall not be passed except by the favorable votes of five (5) members of the Township Board of the Charter Township of Hampton.
- ~~(j)~~(k) If a Township Board shall deem any amendments, changes, additions, or departures advisable as to the proposed amendment, it shall refer the same back to the Planning Commission for a report thereon within a time specified by the Board. After receiving the report, the Board shall grant a hearing on any proposed ordinance provision to any property owner who, by certified mail addressed to the Township Clerk, requests to be so heard and shall request the Planning Commission to attend any such hearing.

~~(k)~~(l) The Township Board shall publish the Ordinance amendment in a newspaper of general circulation within the Township within ~~thirty (30)~~ fifteen (15) days after adoption.

~~(l)~~(m) The Township Board shall then file the Ordinance in the official ordinance book of the Township within seven (7) days after publication, with a certification of the Clerk stating the vote on passage, date published, and date filed.

## CHAPTER XXI

### ADMINISTRATION AND ENFORCEMENT

#### SECTION 21.01 ZONING ADMINISTRATION

The provisions of this Ordinance shall be administered and enforced by the Building Inspector, acting as the Zoning Administrator, or such other person as designated by the Township Board who shall be entitled the Zoning Administrator.

#### SECTION 21.02 ZONING ADMINISTRATOR

The Zoning Administrator shall be appointed by the Township Board. To be eligible for appointment to the post of Zoning Administrator, the applicant must:

- (a) Be generally informed of the provisions of this Ordinance.
- (b) Have a general knowledge of the building arts and trades.
- (c) Be certified by the State, if required.

Said applicant shall have no interest whatsoever, directly or indirectly, in the sale or manufacture of any material, process, facility, or device entering into, or used in connection with, building construction.

#### SECTION 21.03 DUTIES AND LIMITATIONS OF THE ZONING ADMINISTRATOR

The Zoning Administrator shall administer and enforce the provisions of this Ordinance and the Building Code; he shall have the power to grant such permits and certificates of occupancy as are required by this Ordinance and the Building Code, as amended; and he shall be responsible for the inspection of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance and the Building Code.

SECTION 21.04 PERMITS REQUIRED

It shall be unlawful for any person, firm or corporation to excavate, erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building or structure in Hampton Township without first obtaining such a permit from the Zoning Administrator in accordance with the provisions of Section 21.05.

SECTION 21.05 APPLICATIONS FOR BUILDING PERMITS

To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished for that purpose. Every such application shall:

- (a) Identify and describe the work to be covered by the permit for which application is made.
- (b) Describe the land on which the proposed work is to be done by lot, block, tract, and house and street address, or similar description that will readily identify and definitely locate the proposed building or work.
- (c) Indicate the use or occupancy for which the proposed work is intended.

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- (d) Be accompanied by plans and specifications, as required in ~~Chapter XV.~~ Section 21.06.
- (e) State the valuation of the proposed work.

- (f) Be signed by the applicant, or his authorized agent, who may be required to submit evidence to indicate such authority.
- (g) State whether the Planning Commission has required a site development plan, and if so required, attach a certified copy of the Planning Commission's approval of same.
- (h) If site plan approval is not required, give such other information as reasonably may be required by the Building Inspector, including, but not limited to, the following:
  - 1. The actual shape, location and dimensions of the lot; if the lot is not a lot of record, sufficient survey data to locate the lot on the ground.
  - 2. The shape, size, area, and location of the building or structure to be excavated, erected, constructed, enlarged, altered, repaired, moved, improved, converted, or demolished, and of any buildings or other structures already on the lot.
  - 3. The existing and intended use of the lot and of all structures upon it.
  - 4. Such other information concerning the lot, adjoining lots or other matters as may be essential for determining whether the provisions of this Ordinance and the Uniform Building Code are being observed.

SECTION 21.06                      BUILDING PERMIT PLANS AND SPECIFICATIONS

With each application for a building permit, and when required by the Zoning Administrator for enforcement of any provisions of this Ordinance and the Building Code, two sets of plans and specifications shall be submitted. The Zoning Administrator may require plans and specifications to be prepared and designed by an engineer or architect licensed by the State to practice as such. Exceptions to this provision may be granted as provided in the Building Code.

SECTION 21.07

INFORMATION ON PLANS AND SPECIFICATIONS

Plans and specifications shall be submitted to the Zoning Administrator in accordance with the requirements of the building code.

The Zoning Administrator, at his discretion, may require a certified property survey to insure that the provisions of this Ordinance are met. Also, the Zoning Administrator shall be provided a certified survey if one is required by State law prior to issuance of any permits.

SECTION 21.08

ISSUANCE OF BUILDING PERMITS

The application plans, and specifications filed by an applicant for a permit shall be checked by the Zoning Administrator. Such plans may be reviewed by other officials of the Township to check compliance with the laws and ordinances under their jurisdiction. If the Zoning Administrator is satisfied that the work described in an application for permit and the plans filed therewith conform to the requirements of this Ordinance, the Building Code, and other pertinent laws and ordinances, and that the fee has been paid, he shall issue a permit therefore to the applicant.

- (a) Issuance of a permit shall in no case be construed as waiving any provision of this Ordinance or the applicable construction codes (i.e. UBC or BOCA).
- (b) The Zoning Administrator, under no circumstances, is permitted to grant exceptions to the actual meaning of any clause, order or regulation contained in this Ordinance or the Building Code to any person making application to excavate, erect, construct, enlarge, move, alter, improve, remove, convert, demolish or use either buildings, structures or land.
- (c) The Zoning Administrator shall issue a permit when the imposed conditions of this Ordinance and the Building Code are met by the applicant, regardless of the effect of such a permit on contracts, such as deed covenants or private agreements.

- (d) If any application for such permit is not approved, the Zoning Administrator shall state in writing the cause for such disapproval.

SECTION 21.09                      EXPIRATION OF BUILDING PERMITS

Every permit issued by the Zoning Administrator under the provisions of this Ordinance shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within six (6) months from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred twenty (120) days. Before such work can be recommenced, a new permit shall be first obtained to do so; and the fee therefore shall be one-half (?) the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work, and provided further that such suspension or abandonment has not exceeded one (1) year.

Every building permit issued shall be valid for a period of one (1) year, after which it shall be null and void. If construction has not been completed within that time, the building permit shall be renewed by the Zoning Administrator for a period of one (1) year. The fee therefore shall be one-half (?) the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work. In the event changes have been made or will be made in the original plans and specifications, the building permit shall be charged on the basis of a new permit.

SECTION 21.10                      BUILDING FEES

Building permit fees shall be charged and collected by the Zoning Administrator in accordance with the fee schedule adopted by resolution of the Township Board as determined in the Building Code. Where work for which a permit is required by the Building Code is started prior to obtaining a building permit, the fees specified in the Building Code shall be doubled.

SECTION 21.11

INSPECTIONS

All construction or work for which a permit is required shall be subject to inspections by the Zoning Administrator as required in the Building Code. The Zoning Administrator, upon notification from the permit holder or his agent, shall make the following inspections and shall either approve that portion of the construction as completed or shall notify the permit holder or his agent wherein the same fails to comply with the building code:

- (a) Foundation Inspection - To be made after trenches are excavated and forms erected and when all materials for the foundation are delivered on the job.
- (b) Frame Inspection - To be made after the roof, all framing, fireblocking, and bracing are in place and all pipes, chimneys, and vents are complete.
- (c) Lath and/or Wallboard Inspection - To be made after all lathing and/or wallboard, interior and exterior, is in place but before any plastering is applied or before wallboard joints and fasteners are taped and finished.
- (d) Final Inspection - To be made after building is completed and prior to occupancy.

In addition to the inspections specified above, the Zoning Administrator may make or require other inspections of any construction work to ascertain compliance with the provisions of the Building Code and other applicable codes.

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CERTIFICATE OF OCCUPANCY

No building or structure, except as provided in the Building Code, shall be used or occupied, and no change in the use or occupancy of a building or structure or portion thereof shall be made, until the Zoning Administrator has issued a Certificate of Occupancy. Such Certificate shall affirm that the building or

structure conforms in all respects with the provisions of this Ordinance and the Building Code.

- (a) A temporary Certificate of Occupancy may be issued by the Zoning Administrator for the use of a portion or portions of a building or structure prior to the completion of the entire building or structure. A temporary Certificate of Occupancy shall state its expiration. The Zoning Administrator may condition a temporary certification on reasonable conditions and safeguards to insure completion of the structure. Said conditions and safeguards include the ability to require the posting of a bond, either in the form of cash, certified letter of credit, or surety bond, in an amount appropriate to insure the conditions of approval are completed within an appropriate time period as established by the Planning Commission and in no event more than one (1) year from the date construction is commenced. In the event the applicant fails to provide all safeguards and conditions imposed as a condition of this approval process, the bond, cash deposit, or letter of credit may be utilized by the Township to complete construction of the safeguards and conditions as soon as practical thereafter.
  
- (b) Upon written request from the owner or tenant, the Zoning Administrator may issue a Certificate of Occupancy for any building, structure, or premises existing at the time of enactment of this Ordinance, certifying, after inspection, the extent and kind of use made of the building, structure, or premises and whether such use conforms to the provisions of this Ordinance.
  
- (c) No permit or certificate shall be issued for any illegal use or occupancy existing at the time of the adoption of this Ordinance. Furthermore, the issuance of a Certificate of Occupancy shall in no case be construed as waiving any provision of this Ordinance.

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SECTION 21.13            OTHER FEES.

All fees required by the terms of this Ordinance, including fees required with applications and petitions shall be established and amended from time to time by resolution of the Hampton Township Board.

CHAPTER XXII

PLANNING COMMISSION

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SECTION 22.01 TOWNSHIP PLANNING COMMISSION

The Hampton Township Planning Commission has been established as specified in ~~Section 3 of Act 168 of the Public Acts of 1959~~ Act 110 of 2006, as amended. ~~being the Rural Township Planning Commission Act.~~ All powers, duties, and responsibilities provided by ~~Act 184 of the Public Acts of 1943~~ Public Act 110 of 2006, as amended, ~~being the Township Rural Zoning Act~~ Michigan Zoning Enabling Act for a zoning ~~boards~~ commission created thereunder, are transferred to the Planning Commission by resolution of the Township Board ~~as provided in Section II of Act 168 of the Public Acts of 1959, as amended and this ordinance.~~ The Planning Commission shall perform the duties of said ~~planning zoning commission/zoning board~~ as provided in these Acts, together with such other powers and duties as are given to such Planning Commission by the provisions of this Ordinance, including authority to act on all matters requiring the approval or recommendation of such Planning Commission.

SECTION 22.02 MEMBERSHIP, COMPENSATION AND FUNDING

- (a) The Planning Commission shall consist of seven (7) members, who shall be representative of major interests as they exist in the Township, such as agriculture, recreation, education, public health, government, commerce, transportation and industry. All members shall be qualified electors [and property owners] of the Township. One (1) member of the Township Board shall be a member of the Planning Commission.
- (b) All members of the Planning Commission shall be appointed by the Township Supervisor with the approval of the Township Board. ~~Members may be removed by the Township Supervisor, after a hearing, with the approval of the Township Board, as prescribed by State Statute MSA~~



- (b) The Planning Commission shall hold at least four (4) regular meetings each year and, by resolution, shall determine the time and place of such meetings. Special meetings may be called by two (2) members upon written request to the Secretary or by the Chairman.
- (c) The Township Board, upon recommendation of the Planning Commission, may employ a planning director or other planning personnel, contract for the part-time or full-time services of planning and other technicians, and pay or authorize the payment of expenses within the funds budgeted and provided for planning purposes.
- (d) The Planning Commission shall adopt rules for the transaction of business, and shall keep a public record of its resolutions, transactions, findings and determinations. It shall make an annual written report to the Township Board concerning its operations and the status of planning activities, including recommendations regarding actions by the Township Board related to planning and development.

SECTION 22.04                      RESPONSIBILITY FOR PREPARATION AND ADOPTION  
OF THE LAND USE PLAN: PLAN CONTENT

The Planning Commission shall make and adopt a land use plan as a guide for the development of unincorporated portions of the Township. The land use plan shall include maps, plats, charts, and descriptive, explanatory and other related matter, and shall show the Planning Commission's recommendations for the physical development of the unincorporated area of the Township.

SECTION 22.05                      APPROVAL OF PUBLIC IMPROVEMENTS

- (a) After the Planning Commission has adopted the land use plan of the Township, no street, square, park or other public way, ground or open space, or public building or structure, shall be constructed or authorized in the Township or in the planned section and district until the location, character, and extent thereof shall have been submitted to, and approved by, the Planning Commission.
- (b) The Planning Commission shall communicate its reasons for approval or disapproval to the Township Board, which shall have the power to overrule the Planning Commission by a

recorded vote of not less than a majority of its entire membership.

- (c) If the public way, ground, space, building, structure or utility is one, the authorization or financing of which does not, under the law governing same, fall within the province of the Township Board, then the submission to the Planning Commission shall be by the board, commission or body having jurisdiction, and the Planning Commission's disapproval may be overruled by resolution of the board, commission or body by a vote of not less than a majority of its membership.
- (d) The failure of the Planning Commission to act within sixty (60) days after the official submission to the Commission shall be deemed approval.
- (e) The Planning Commission shall promote public understanding of an interest in the land use plan and shall publish and distribute copies of the plan and of any report, and may employ such other means of publicity and education as it determines necessary.

SECTION 22.06                      APPROVAL OF PLATS

The Township Board shall refer plats or other matters relating to land development to the Planning Commission before final action thereon by the Township Board.

SECTION 22.07                      SPECIAL USE PERMITS

The Planning Commission shall have the authority to issue special use permits as required by this Ordinance pursuant to Chapter XIX.