

ARTICLE 30
ZONING ADMINISTRATION

SECTION 30.00 INTENT

It is hereby provided that the provisions of this ordinance shall be administered and enforced by the Zoning Administrator or other township official so designated by the Township Board.

SECTION 30.01 RESPONSIBILITY

Before beginning or undertaking any work, it shall be the duty of all architects, contractors, subcontractors, builders and other persons having charge of the establishment of any use of land or the erecting, altering, changing or remodeling of any building or structure, to see that a proper land use permit and a proper building permit have been granted therefore, and that such work and land use is in conformity with the provisions of this ordinance.

SECTION 30.02 CONFORMANCE

A land use permit shall not be issued to erect or alter a building or structure, or to make a use of land or make any changes in use thereof, unless the same shall be in conformity with the provisions of this ordinance. The Zoning Administrator shall record nonconforming uses and structures according to provisions in Section 26.08(A).

SECTION 30.03 APPLICATIONS FOR PERMITS

- A. Land Use Permits.** Applications for land use permits shall be filed with the Zoning Administrator upon forms furnished and approved by the Township Board. The application shall be printed in ink or typewritten, and shall be submitted with information required, herein. Applications shall be accompanied by bankable funds as herein required payable to the Township Treasurer.
- B. Special Land Use Permits.** Applications for special land use permits shall be filed with the Zoning Administrator upon form furnished and approved by the Township Board. The form shall be completed and submitted, along with other materials, to the Township Planning Commission. The Township Planning Commission reviews the application and related documents and, after a public hearing, transmits a

recommendation to the Township Board. If the Township Board approves the request for a special land use, the Board shall instruct the Zoning Administrator to issue a special land use permit. If any and all conditions are complied with, the Zoning Administrator may then issue a land use permit. Additional requirements for special land uses are in Article 22, herein.

SECTION 30.04 EVIDENCE OF OWNERSHIP

All applications for permits under the provisions of this ordinance shall be accompanied by evidence of ownership of all property affected by the coverage of the permit.

SECTION 30.05 PLANS

- A. Enforcement by Zoning Administrator.** The Zoning Administrator shall have the power to issue land use permits and to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this ordinance.
- B. Appropriate Plan.** It shall be unlawful for the Zoning Administrator to approve any plans or issue permits for any excavation or construction until he has inspected such plans in detail and found them in conformity with this ordinance. To this end, the Zoning Administrator shall require that every application for a land use permit for excavation, construction, moving or alteration or change in type of use or the type of occupancy be accompanied by the appropriate plot plan, site plan, or pre-preliminary plat.

 - 1. Plot Plans.** Plot plans are required for all single-family and two-family dwellings when constructed on individual lots.
 - 2. Site Plans.** Site Plans are required for all special land uses; all land uses in the following zoning districts: PCS, B-1, B-2, ES, OS, PIRO, M-1, M-2, ROM, EI; all platted and condominium subdivisions; all developments in the MHP district; all CDO and PUD developments; shared driveways and private roads; and other uses specified in this ordinance.
 - 3. Pre-Preliminary Plats.** Pre-preliminary plats for residential subdivisions shall be submitted for approval according to the Tyrone Township Subdivision Control Ordinance.
- C. Required Plans.** Plot plan, site plan and pre-preliminary plat are required.

1. Plot plan requirements are listed in Section 21.25.
2. Site plan requirements are listed in Section 23.02.
3. Pre-preliminary plat requirements are listed in the Tyrone Subdivision Control Ordinance.

SECTION 30.06 FEES

The Township Board shall, by resolution, determine and set- the fees to be charged for:

- All permits, certificates and copies thereof;
- Fees for appeals to the Zoning Board of Appeals;
- Fees for application to the Planning Commission for special land use approval and/or site plan review;
- Fees for rezoning applications; and
- Fees for all other applications and services provided for in this ordinance.

SECTION 30.07 VOIDING OF PERMIT

Any use permit granted under this section shall become null and void unless the permitted use has been constructively undertaken within one (1) year of the granting of the permit.

SECTION 30.08 INSPECTIONS

It shall be the duty of the Zoning Administrator to inspect all properties with use permits to assure conformance with the intent of the permits.

SECTION 30.09 CERTIFICATE OF OCCUPANCY

A Certificate of Occupancy issued by the Livingston County Building Department may be accepted by the Zoning Administrator as proof of compliance with all structural requirements of the use permit. The Zoning Administrator shall certify as to the

conformance of existing uses with the use permit, in his inspection pursuant to Section 30.08.

SECTION 30.10 RECORDS

A complete record and copy of each application for each certificate or permit, and each permit or certificate issued pursuant to the provisions of this ordinance, shall be filed with the Township Clerk and be a part of the township records. Copies of all applications and permits shall be furnished to any person having a proprietary or tenancy interest on the payment to the Township Clerk of a fee as determined by the Township Board.

SECTION 30.11 REPEAL OF PRIOR ORDINANCE

The zoning ordinance previously adopted by the Township of Tyrone and all amendments thereto, are hereby repealed. The repeal of the above ordinance and its amendments does not affect or impair any act done, offense committed or right accruing, or accrued, or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted.

SECTION 30.12 INTERPRETATION

- A. Minimum Requirements.** For interpretation and application, the provisions of this ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience or general welfare. It is not intended by this ordinance to repeal, abrogate, annul, or in any way to impair or interfere with any existing provision of law or ordinance, other than the above described zoning ordinance, or with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises.
- B. Ordinance Restrictions.** Where this ordinance imposes a greater restriction than is required by existing ordinance or by rules, regulations or permits, the provisions of this ordinance shall control.
- C. Health, Safety and Welfare.** Nothing in this ordinance shall be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein. Uses, districts, zoning classifications and permissible activities are hereby declared

to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety and welfare.

SECTION 30.13 VIOLATIONS

- A. Reporting Violations.** Any and all buildings or land use activities considered possible violations of this ordinance observed by or communicated to a township official or employer shall be reported to the Zoning Administrator.
- B. Inspection.** The Zoning Administrator shall inspect each alleged violation he/she observes or is aware of and shall order correction, in writing, of all conditions found to be in violation of this ordinance.
- C. Correction.** All violations shall be corrected within a period of thirty (30) days after the order to correct is issued, or in such longer period of time, not to exceed three (3) months, as the Zoning Administrator shall determine necessary and appropriate. A violation not corrected within this period shall be reported to the Township Attorney, who is authorized to and shall initiate procedures to eliminate such violation.
- D. Civil Infractions.** Any person, firm or corporation who violates any provision of this Zoning Ordinance is responsible for a municipal civil infraction, subject to payment of a civil fine, costs or other sanctions for each infraction as set forth in the Tyrone Township Civil Infractions Ordinance. All fines shall be paid to the Tyrone Township Municipal Ordinance Violations Bureau. Repeat offenses shall be subject to increased fines, plus any other costs and other sanctions, for each infraction, as set forth in the Tyrone Township Civil Infractions Ordinance. "Repeat offenses" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provisions of this Zoning Ordinance (i) committed by a person within a period specified in the Tyrone Township Civil Infractions Ordinance and (ii) for which the person admits responsibility or is determined to be responsible.

SECTION 30.14 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 ordinance 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.

SECTION 30.15 RIGHTS AND REMEDIES

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

REVISIONS:

- 2012 MAY – Added PCS references; deleted CDO and PUD developments from 30.05.B.2.
- 2013 JANUARY – Added PIRO to 30.05.B.2.
- 2014 SEPTEMBER – Added shared driveways and private roads to 30.05.B.2.