

**Section 29.00 – Organization ..... 29-2**

**Section 29.01 – Township Board of Trustees**

- A. Zoning Ordinance Amendments ..... 29-2
- B. Special Land Use Approval ..... 29-2

**Section 29.02 – Township Planning Commission**

- A. Creation ..... 29-2
- B. Membership ..... 29-2
- C. Payment of Members ..... 29-2
- D. Meetings and Rules ..... 29-2
- E. Jurisdiction ..... 29-3

**Section 29.03 – Zoning Board of Appeals**

- A. Creation ..... 29-3
- B. Membership ..... 29-3
- C. Payment of Members ..... 29-3
- D. Meetings and Rules ..... 29-3
- E. Jurisdiction ..... 29-3
- F. Required Vote ..... 29-3
- G. Finality of Decision of the Zoning Board of Appeals ..... 29-4
- H. Valid Period of ZBA Actions ..... 29-4

**Section 29.04 – Enforcement Officer**

- A. Appointment by Township Board ..... 29-4
  - B. Jurisdiction and Duties ..... 29-4
  - C. General Administration ..... 29-5
-

**Section 29.00 – Organization**

The administration of this Ordinance is hereby vested in four (4) agencies of the government of the Township of Orion, as follows:

Township Board of Trustees

Township Planning Commission

Zoning Board of Appeals

Enforcement Officer

The purpose of this Article is to outline the areas of jurisdiction and scope of authority of each of these four (4) offices.

**Section 29.01 – Township Board of Trustees****A. Zoning Ordinance Amendments.**

For the purpose of promoting public health, safety, and general welfare, conserving the value of property throughout the community, and maintaining sound, stable, and desirable development, the Township Board may, from time to time, in the manner set forth in Section 30.04, amend the regulations imposed in the districts created by this Ordinance, or amend district boundary lines, provided that in all amendatory ordinances adopted under the authority of this section, due allowance shall be made for existing conditions, the conservation of property values, the direction of building development to the best advantage of the entire community, and the uses to which the property is devoted at the time of adoption of such amendatory ordinance.

**B. Special Land Use Approval.**

An applicant may appeal a denial of a special land use request by submitting a request to be placed on the agenda of the next regularly scheduled Township Board meeting. The Township Board shall review and may act upon any appeal of a denial made by the Planning Commission on a special land use request.

**Section 29.02 – Township Planning Commission** *(amended 08.15.11)***A. Creation – This section repealed on 7/5/11 by Ordinance 117.****B. Membership – This section repealed on 12/16/96 by Ordinance 117.****C. Payment of Members – This section repealed on 7/5/11 by Ordinance 117.****D. Meetings and Rules – This section repealed on 7/5/11 by Ordinance 117.****E. Jurisdiction.**

The Planning Commission shall discharge the following duties under this Ordinance:

1. Review all applications for amendments to this Ordinance, hold hearings thereon, and report findings and recommendations to the Township Board, in accordance with the provisions set forth in Section 30.04.
2. Review all applications for special land uses, hold hearings thereon, and take action as deemed appropriate, in accordance with the provisions set forth in Section 30.02.
3. Review all applications for site plan approval in accordance with the procedures set forth herein, and make final decisions to grant approval, approval with revisions, conceptual approval, or denial of approval, in accordance with the provisions set forth in Section 30.01.

4. Make and adopt a basic plan as a guide for the development of unincorporated portions of the Township, in accordance with Michigan Public Act 168 of 1959, as amended.
5. Formulate and enforce the zoning ordinance, containing land development regulations and establishing land development districts, in accordance with Michigan Public Act 184 of 1943, as amended.
6. Receive from the Enforcement Officer recommendations as related to the effectiveness of this Ordinance, and report findings and recommendations thereon to the Township Board.
7. Review all applications for Planned Unit Development, hold hearings thereon, and take action as deemed appropriate, in accordance with the provisions set forth in Section 30.03. *(amended 04.10.86)*

### **Section 29.03 – Zoning Board of Appeals** *(amended 08.15.11)*

- A. Creation – **This section repealed on 7/5/11 by Ordinance 117.**
- B. Membership – **This section repealed on 12/16/96 by Ordinance 117.** *(amended 10.05.87)*
- C. Payment of Members – **This section repealed on 7/5/11 by Ordinance 117.**
- D. Meetings and Rules – **This section repealed on 7/5/11 by Ordinance 117.**
- E. Jurisdiction.

The Zoning Board of Appeals is hereby vested with the following jurisdiction and authority:

1. To hear and decide on all matters referred to it, upon which it is authorized to act under the provisions of this Ordinance.
2. To interpret the Ordinance text and map and all matters relating thereto whenever a question arises in the administration of this Ordinance as to the meaning and intent of any provision or part of this Ordinance. Any interpretations shall be consistent with the intent and purpose of this Ordinance and zoning map, and commonly accepted rules of construction for ordinances and laws in general.
3. To hear and decide appeals where it is alleged there is error of law in any order, requirement, or determination made by the Enforcement Official or his designated assistants in the enforcement of this Ordinance, in accordance with the provisions set forth in Section 30.06.
4. To authorize the Enforcement Officer to grant temporary use permits and Certificates of Occupancy, subject to the conditions specified in Sections 27.02, 30.11, and 30.13 of this Ordinance.
5. To hear and pass upon the applications for variances from the terms provided in Section 30.07 of this Ordinance in the manner prescribed by and subject to the standards established herein.
6. Decisions of the Township Board pertaining to special land uses shall not be subject to ZBA review.

- F. Required Vote.

A concurring vote of the majority of the ZBA shall be necessary to reverse any order, requirement, decision, or determination of the Enforcement Officer or Planning Commission, or to decide in favor of the applicant on any matter upon which it is authorized by this Ordinance to render a decision.

- G. Finality of Decision of the Zoning Board of Appeals.

All decisions and findings of the ZBA on any appeal, or any application for a variance, after a public hearing, shall, in all instances, be the final administrative decision and shall be subject to judicial review as by law may be provided. However, the ZBA may decide to re-hear a previously determined matter upon submission of an application with new evidence within thirty (30) days of the original decision.

H. Valid Period of ZBA Actions.

1. Permit to Construct.

No order of the ZBA permitting the erection or alteration of a building shall be valid for a period longer than one (1) year from the date of such order, unless a building permit for such erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

2. Use Permit.

No order of the ZBA permitting a use of a building or premises shall be valid for a period longer than one (1) year from the date of such order unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building, such order shall continue in force and effect if a building permit for said erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit.

### **Section 29.04 – Enforcement Officer**

A. Appointment by Township Board.

The provisions of this Ordinance shall be administered and enforced by the Orion Township Board through the Zoning Ordinance Enforcement Officer (hereafter called Enforcement Officer), and such other employees, inspectors, and appointees as the Township Board shall determine. In carrying out their designated duties, the Enforcement Officer and assistants shall not make changes in this Ordinance or vary the terms of this Ordinance.

The Enforcement Officer, as well as others involved with the administration and enforcement of this Ordinance, shall be appointed by the Township Board, upon the recommendation of the Township Supervisor, for such term and subject to such conditions and at such rate of compensation as the Township Board shall determine.

B. Jurisdiction and Duties.

The Enforcement Officer, and such deputies or assistants as shall be duly appointed, shall enforce this Ordinance and any additions thereto, and in furtherance of such authority, shall perform the following functions:

1. Record of Nonconformities.

The Enforcement Officer, and such assistants as shall be duly appointed, shall make a record of all nonconforming uses, structures, and lots existing on the effective date of this Ordinance.

This record shall be updated as conditions affecting nonconforming status change. The original copy of the record of all nonconformities shall be filed with the Orion Township Clerk. Other copies shall be kept in the Building Department, the Assessing Department, and the office of the Township Supervisor.

2. Maintain Records of this Ordinance.

The Enforcement Officer shall have possession of and maintain permanent and current records of this Ordinance, including, but not limited to, all maps, amendments, conditional uses, variances, appeals, and applications.

3. Provide Information.

The Enforcement Officer shall assist in providing public information relative to this Ordinance.

4. Inspections.

The Enforcement Officer and his designated assistants shall have the power to inspect any and all buildings and premises necessary to determine compliance with the terms of this Ordinance and to carry out their duties in the enforcement of the provisions of this Ordinance.

In the exercise of his duties, the Enforcement Officer, and/or his designated assistants, shall have the right to enter private premises as provided by law.

5. Issue Violation Notices.

The Enforcement Officer, and such assistants as shall be duly appointed, shall have the authority to issue violation notices requiring compliance within a specified time period and advising suspected violators of right of appeal.

Furthermore, the Enforcement Officer and his duly appointed assistants shall have the authority to require that construction or work of any type be stopped when such work is not in compliance with the Ordinance; and revoke any permit which was unlawfully issued, or any permit wherein work not in compliance with this Ordinance has been performed and such work has not been corrected within thirty (30) days of notification of such defects.

6. Issue Permits.

The Enforcement Officer and his designated assistants shall have the authority and responsibility to issue building permits and any other permits covered by the provisions of Section 30.11 and 30.13 of this Ordinance.

However, the Enforcement Officer and his designated assistants shall not approve any plans nor issue any permits for any excavation, alteration, or construction until they have inspected such plans and/or such structures in detail and found them to conform with the provisions of this Ordinance. The Enforcement Officer and his designated assistants shall issue a permit when conditions imposed by this Ordinance have been complied with by the applicant. Possible violation of a contract, such as covenants or private agreements, which may occur upon the granting of the permit shall not be sufficient reason for refusing to issue a permit.

The Enforcement Officer, or his designated assistants, shall issue temporary use permits only as authorized by the Zoning Board of Appeals and subject to the conditions that may be imposed by the Zoning Board of Appeals.

7. Certificates of Occupancy.

The Enforcement Officer and his designated assistants shall have the authority and responsibility to issue Certificates of Occupancy in accordance with Section 30.13, provided all provisions of this Ordinance have been complied with.

C. General Administration.

In the administration of this Ordinance, the Enforcement Officer and his duly appointed assistants shall:

1. Forward to the Planning Commission all applications for site plan approval, special land use approval, and amendments to this Ordinance that are initially filed with the Enforcement Officer.
2. Forward to the Zoning Board of Appeals all applications for appeals, variances, non-listed uses, or other matters on which the Board of Appeals is required to act under this Ordinance.

3. Forward to the Township Board all recommendations of the Planning Commission on zoning ordinance amendments.
4. Enforce all orders of the Zoning Board of Appeals.

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