

155.270 Article 14 Powers and Duties of Boards and Departments

155.271 City Council

- (A) **Powers and Duties.** The City Council shall have the following powers and duties prescribed under this Zoning Code:
- (1) Zoning Ordinance Text Amendments. Review petitions and Planning Commission recommendations for text amendments to this Zoning Code and take final action to approve, approve with conditions or deny such petitions.
 - (2) Zoning Map Amendments (Rezoning). Review petitions and Planning Commission recommendations for amendments to the Zoning Map and take final action to approve or deny such petitions.
 - (3) Planned Unit Development Rezoning. Review petitions and Planning Commission recommendations for amendments to the Zoning Map and take final action to approve, approve with conditions or deny such petitions.
 - (4) Planned Unit Development Site Plan Submission. Review applications and Planning Commission recommendations for site plan and condominium documents and take final action to approve, approve with conditions or deny such preliminary site plans and condominium documents.
 - (5) Special Condition Use. Review applications and Planning Commission recommendations and take action to approve, approve with conditions or deny such petitions.
 - (6) Regulated Uses. Review applications and Planning Commission recommendations and take action to approve with conditions or deny such petitions.

155.272 City Planning Commission

- (A) **Establishment.**
The City Planning Commission is hereby designated as the zoning commission specified in Section 4 of Act 207 of the Public Acts of 1921, and shall perform the duties of said zoning commission as provided in the statute in connection with the amendment of this chapter. (1968 Code, § 9-189) (Ordinance 500, passed 1-5-1976)
- (B) **Powers and Duties.** The Planning Commission shall have the following powers and duties as prescribed under this Zoning Code:
- (1) Zoning Ordinance Text Amendments. Submit petitions or provide recommendations on submitted petitions to City Council.
 - (2) Zoning Map Amendments (Rezoning). Submit petitions or provide recommendations on submitted petitions to the Zoning Map to City Council.
 - (3) Planned Development Rezoning. Provide recommendations on submitted petitions for amendments to the Zoning Map to City Council.

- (4) Planned Development Submission . Review applications and provide recommendations for site plan and condominium documents to City Council.
- (5) Special Condition Uses. Review applications and provide recommendations to City Council.
- (6) Site Plan Submission. The City Planning Commission has the power and authority to review and approve, approve with conditions or deny site plans as specified in 155.287 Standards for Site Plan Review in addition to the following guidelines:
 - (a) In cases where the City Planning Commission is empowered to approve specific land uses or site plans under the provisions of this Zoning Code, the applicant shall furnish surveys, plans or other information as required by 155.286 Site Plan Review to permit the Planning Commission proper consideration of the matter.
 - (b) The Planning Commission shall investigate the circumstances of each case and shall notify such parties who may, in its opinion, be affected thereby of the time and place of any hearing which may be held relative thereto as required under its rules of procedure and 155.291 Public Hearing Notification, when applicable.
 - (c) The Planning Commission may impose such conditions or limitations in granting approval as may in its judgement be necessary to fulfill the spirit and intent of this chapter.
 - (d) Any approval given by the Planning Commission under which premises are not used or work is not started within 6 months, or when such use or work has been abandoned for a period of 6 months, shall lapse and be revoked.

155.273 Community Development Department

(A) Powers and Duties.

The Community Development Department (CDD) shall have the following powers and duties as prescribed under this Zoning Code:

- (1) Application Procedure. The CDD shall distribute applications for site plan review on a form approved by City Administration, as may be amended periodically by City Council. The CDD shall receive completed applications and applicable fees. CDD personnel shall review applications, site plan submissions and other required or requested information for completeness. Submissions deemed incomplete will not be processed and returned with written explanation to the applicant.
- (2) Pre-Application Planning Meetings. The CDD shall meet with an applicant to provide guidance when requested. Consultants may be included and invoiced to the applicant for their time and expenses.
- (3) Recommendations of Other Departments, Agencies and Consultants. The CDD shall distribute information on specific submissions to

appropriate departments, agencies and consultants for review when deemed advisable. The CDD shall collect necessary information and reviews and distribute to the Planning Commission or City Council, when applicable. CDD personnel may provide a summary. The CDD Director has the authority to utilize engineering, planning, legal and other consultants when deemed necessary.

- (4) Administrative Site Plan Review. The CDD shall review and take final action to approve, approve with conditions or deny site plans as empowered in 155.286 Site Plan Review.
- (5) Written Interpretations. Provide written interpretations of the text of this Zoning Code.
- (6) Master Plan. The CDD shall serve as the keeper of the official City Master Plan.

155.274 Building Department

(A) Powers and Duties

The Building Department shall have the following powers and duties as prescribed under this Zoning Code:

- (1) Applications for Permits and Certificates of Occupancy. The Building Department shall review applications for permits and certificates of occupancy, including temporary certificates, and act to approve, approve with conditions or deny such applications. Applications deemed incomplete will not be processed and returned with written explanation to the applicant.
- (2) Temporary Use Permits. Review applications for temporary use permits and act to approve, approve with conditions or deny such applications. Applications deemed incomplete will not be processed and returned with written explanation to the applicant.
- (3) Final Site Plan Approval. The Building Department shall review final site, architectural and engineering plans and shall not issue permits or certificates of occupancy until such plans meet approvals and conditions imposed by the Planning Commission, City Council and Board of Zoning Appeals and other reviewing agencies.
- (4) Enforcement. The Building Official or other official responsible for code enforcement shall have the authority to inspect and enforce provisions of this Zoning Code as empowered in this Code, other applicable City codes and State statutes.

155.275 Board of Zoning Appeals

(A) Establishment

The Board of Zoning Appeals is hereby established as permitted in Section 5 of Act 207 of the Public Acts of 1921, as amended, and shall perform the duties as provided in the statute and in such manner as to observe the spirit, intent and objectives of this Zoning Code. In performing such duties, the Board shall secure public safety and provide justice.

(B) Membership

The City Council shall appoint at least 5 members. One member may be appointed from the City Planning Commission for a term coinciding with the Planning Commission appointment. Appointment shall be made for 1, 2 and 3 years, respectively, so as nearly as possible to provide for an equal number of appointments each year. After the initial appointments, each officer shall hold office for a full 3 year term.

The City Council may appoint not more than 2 alternate members for the same term as the regular members. The alternate members may be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member, having been appointed, shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Board of Zoning Appeals.

(C) Appeals Taken by Board

An appeal may be taken by a person, corporation, partnership, unincorporated association or similar entity aggrieved by any order, requirements, decision or determination made by an administrative official or body charged with the enforcement of the provisions of this Zoning Code, or by an officer, department, board or bureau of the City. An appeal shall be taken, within such time as prescribed by the Board of Zoning Appeals by general rule, by filing with the Building Official or other official responsible for code enforcement and the Board of Zoning Appeals a notice of appeal specifying the grounds for the appeal. The Building Official or other official responsible for code enforcement from whom the appeal is taken shall immediately transmit to the board all papers constituting the record upon which the action was taken.

An appeal, under this section, stays all proceedings in furtherance of the action appealed from unless the Building Official or other official responsible for code enforcement from whom the appeal was taken certifies to the Board, after the notice is filed, that by reason of facts stated in the certificate, a stay, in the opinion of the Building Official or other official responsible for code enforcement, would cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order which may be granted by Circuit Court.

(D) Notice

The Board shall fix a reasonable time and place for hearing of an appeal and give due notice to the appeal to the persons to whom real property within 300 feet of the subject premises as assessed, and to the occupants of single- and two-family dwellings within 300 feet. The notice shall be delivered personally or by mail addressed to the respective owners and tenants at the address given in the latest assessment role. If the tenant's name is not known, the term "occupant" may be used. Upon the setting of a hearing, a party may appear in person or by agent or attorney. The notice shall follow public notification on requirements as specified in Section 155.291 Public Hearing Notification.

(E) **Powers and Duties**

The Board of Zoning Appeals shall hear and decide appeals from and review any order, requirements, decision or determination made by an administrative official or body charged with the enforcement of the provisions of this Zoning Code. The Board shall also hear and decide matters referred to the Board or upon which the Board is required to pass under a code of the City Council adopted under this act.

The Board may reverse or affirm, wholly or partly, or may modify an order, requirement, decision or determination appealed from and shall make an order, requirement, decision, or determination in the matter, and to that end shall have all the powers of the officer or body from whom the appeal is taken. If there are practical difficulties or unnecessary hardship in carrying out the strict letter of the Zoning Code, the Board may vary or modify any rules or provisions relating to the construction, structural changes in, equipment, or alteration of buildings or structures or the use of land, buildings or structures so that the spirit and intent of the Zoning Code shall be observed, public safety secured and substantial justice done.

The Board shall hear and decide upon requested interpretations of the Zoning Map fixing use districts and street location. The decision of the Board shall be final.

(F) **Decision**

The concurring vote of a majority of the members of the Board shall be necessary to reverse an order, requirement, decision or determination of an administrative official or body, or to decide in favor of the applicant a matter which the Board is required to pass an ordinance, or to effect a variation in a provision of this Zoning Code. However, a concurring vote of 2/3 of the members of the Board shall be necessary to grant a variance from uses of land as permitted in this Zoning Code.

(G) **Appeals of Board Decisions**

A person, corporation, partnership, unincorporated association or similar entity affected by a decision of the Board may appeal to the circuit court.

(H) **Fees**

The City Council shall establish application and review fees by resolution, which may be amended from time to time.