

CITY OF MADISON HEIGHTS
OAKLAND COUNTY, MICHIGAN
ORDINANCE ADOPTED AT MEETING OF THE COUNCIL HELD ON THE

13th DAY OF October, 1980

ORDINANCE No. 659

ORDINANCE NUMBER 659

AN ORDINANCE TO AMEND ORDINANCE NUMBER 571 BEING AN ORDINANCE CODIFYING AND ADOPTING A NEW CODE OF ORDINANCES FOR THE CITY OF MADISON HEIGHTS BY REPEALING (SECTIONS 10.801 AND 10.803 OF THE ZONING ORDINANCE AND ADOPTING NEW SECTIONS TO PROVIDE FOR THE CREATION AND MEMBERSHIP OF THE ZONING BOARD OF APPEALS AND PROCEDURES FOR TAKING APPEALS IN THE CITY OF MADISON HEIGHTS).

THE CITY OF MADISON HEIGHTS ORDAINS:

SECTION 1. Sections 10.801 and 10.803 of the Zoning Ordinance of the City of Madison Heights are hereby repealed in their entirety.

SECTION 2. A new Section 10.801 is hereby adopted to read as follows:

Section 10.801. Creation and membership.

There shall be established and appointed by the City Council of the City of Madison Heights, in accordance with Act 180 of the Public Acts of 1979, as amended, a Zoning Board of Appeals. The Zoning Board of Appeals shall consist of nine (9) members, who shall be appointed by the Council for terms of three (3) years each. Council may also appoint, in accordance with the procedure specified in the Zoning Ordinance, not more than two alternate members for the same term as regular members of the Board of Appeals. The alternate members may be called as specified in the Zoning Ordinance to sit as regular members of the Board of Appeals in the absence of a regular member if a regular member is absent from or unable to attend two or more consecutive meetings of the Board of Appeals or for a period of more than thirty consecutive days. An alternate member may also 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 Appeals. The Board of 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 an Ordinance adopted pursuant to this Ordinance. The Board of Appeals shall also hear and decide matters referred to it or upon which it is required to pass under an Ordinance of the legislative body adopted pursuant to this Ordinance. In the first instance, three (3) of said members shall be appointed for

a one (1) year term, three (3) of said members shall be appointed for a two (2) year term and three (3) of said members shall be appointed for a three (3) year term, except that the term of any elected officer who may be appointed to the Board shall expire upon the expiration of his term in office, or the expiration of his term upon the Board of Appeals, whichever event is first. All members of the Board of Appeals appointed to said Board prior to the enactment of this Ordinance shall continue in office for the remaining portion of their term. All of the members of the Board shall be citizens of the United States and residents of the City of Madison Heights for a full two-year period prior to appointment. Members of the Board may be removed only as provided in Section 5.4 of the Charter. Any vacancy in the Board shall be filled by the Council for the remainder of the unexpired term.

SECTION 3. A new Section 10.803 is hereby adopted as follows:

Section 10.803. Appeals; how taken.

An appeal to the Zoning Board of Appeals based in whole or in part on the provisions of this Ordinance may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, board or bureau affected by the decision of the Building Inspector. Such appeal shall be taken by filing a notice of appeal with the Board of Zoning Appeals on appropriate forms provided by the Building Inspector, payment of the required fee, and shall specify the grounds for such appeal. The Building Inspector shall transmit all papers constituting the records of such appeal to the Board. The Board may require the applicant to furnish such surveys, plans or other information as may be reasonably required for the proper consideration of the matter. Upon a hearing before the Board, any person or party may appear in person, or by agent, or by attorney.

The Board of Appeals shall fix a reasonable time for the hearing of the appeal and give due notice thereof to all persons to whom any real property within 500 feet of the premises in question shall be assessed, and to the occupants of all single and 2-family dwellings within 500 feet of the subject property; such notice to be delivered personally or by mail, and decide on the same within a reasonable time. Provided, further, however, that notice of such hearing together with a short resume of the petition coming before the Board shall be published at least ten (10) days prior to such hearing in a newspaper qualified to accept legal publications and of general circulation in the City. The Board may reverse or affirm wholly or partly or may modify the order, requirement, decision or determination as, in its opinion, ought to be made in the premises and, to that end, shall have all the powers of the officer from whom the appeal is taken. The concurring decision of a majority of the members of the Board shall be necessary to reverse an

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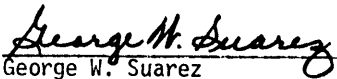
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order, requirement, decision or determination of an administrative officer or body, or to decide in favor of the applicant a matter upon which they are required to pass under an Ordinance, or to effect a variation in an Ordinance, except that a concurring vote of two-thirds of the members of the Board shall be necessary to grant a variance from uses of land permitted in an Ordinance. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Building Inspector certified to the Board of Zoning Appeals after notice of appeal shall have been filed with him that by reason of facts stated in the certificates a stay would cause imminent peril to life and property, in which case the proceedings shall not be stayed otherwise than by a restraining order which shall be granted by the Zoning Board of Appeals or by the Circuit Court on application, on notice of the Building Inspector and on due cause shown.

SECTION 4. All Ordinances and parts of Ordinances in conflict with the provisions herewith are hereby repealed to the extent of such conflict.

SECTION 5. Should any section, clause or phrase of this Ordinance be declared by the Courts to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof other than the part so declared to be invalid.

SECTION 6. This Ordinance shall take effect ten (10) days after its adoption and upon publication as provided for by the Charter of the City of Madison Heights.


George W. Suarez
Mayor


Dorothy McGuire Lents
City Clerk

CERTIFICATION:

I, the duly authorized City Clerk of the City of Madison Heights, do hereby certify that the foregoing is a true and correct copy of an ordinance adopted by the Madison Heights City Council on October 27, 1980.


Dorothy McGuire Lents
City Clerk

ADOPTED: October 27, 1980
PUBLISHED: October 30, 1980
EFFECTIVE: November 6, 1980