

## **ARTICLE 19 ADMINISTRATION AND ENFORCEMENT**

### **SECTION 19.01 PURPOSE**

It is the purpose of this Chapter to provide the procedures for the administration of this Ordinance, issuance of permits, inspection of properties, collection of fees, handling of violators, and enforcement of the provisions of this Ordinance and amendments thereto.

### **SECTION 19.02 DUTIES OF ZONING ADMINISTRATOR**

- A. Except when herein otherwise stated, the Zoning Administrator shall administer the provisions of this Ordinance.
- B. The Zoning Administrator shall:
  1. Receive all applications for site plan review and special land uses which the Planning Commission is required to decide under this Ordinance, and implement the decisions of the Planning Commission.
  2. Receive all applications for appeals, variances, interpretations or other matters that the Zoning Board of Appeals is required to decide under this Ordinance and refer the applications to the Board, along with recommendations in accordance with the applicable review standards, if desired by the Board.
  3. Receive all applications for amendments to this Ordinance and refer to the Planning Commission all applications, together with recommendations if desired by the Planning Commission.
  4. Maintain a map or maps showing the current zoning classifications of all land in the Township, which will conform to the true copy to be maintained by the Township Clerk.
  5. Maintain written records of all actions taken by the Zoning Administrator and meet with the Planning Commission, Township Board, or Zoning Board of Appeals, upon request.
  6. Be responsible for providing forms required by the Planning Commission, Township Board, or Zoning Board of Appeals, as required by this Ordinance, and be responsible to ensure that the information necessary on those forms is as complete as possible to allow for the effective administration of this Ordinance, subject to the general policies of the Township Board, Planning Commission, and Zoning Board of Appeals.
  7. Grant zoning compliance permits, temporary dwelling permits, certificates of occupancy and make periodic site inspections of the Township to determine

Ordinance compliance and answer complaints on Zoning Ordinance violations.

### **SECTION 19.03 ZONING COMPLIANCE PERMITS**

#### **A. Issuance of Zoning Compliance Permits**

1. No building or structure, or part thereof, shall hereafter be located, erected, constructed, reconstructed, altered, converted, or enlarged or moved; nor shall any change be made in the use of any building, structure, or land without a Zoning Compliance Permit having been obtained from the Zoning Administrator for the building, structure, or land.
2. A Zoning Compliance Permit application shall be completed and submitted to the Zoning Administrator. The Zoning Administrator may require that all applications for Zoning Compliance Permits be accompanied by plans and specifications including a plot plan in duplicate, drawn to scale, showing the following information:
  - a. The actual dimensions and shape of the lot to be built upon; and
  - b. The exact size and location of existing structures on the lot, if any; and
  - c. The location and dimensions of the proposed structure or alteration.
3. When required, one (1) copy of the plans shall be returned to the applicant by the Zoning Administrator after the copy has been approved or disapproved, and attested to by the Zoning Administrator's signature on that copy. The Zoning Administrator shall retain the original copy, similarly marked, for his files.

B. Whenever the buildings, structures, and uses as set forth in the application are in conformity with the provisions of this Ordinance, the Zoning Administrator shall issue the applicant a Zoning Compliance Permit within ten (10) days of the filing thereof. Where action of the Zoning Board of Appeals, Planning Commission, or Township Board is required as set forth in this Ordinance, the Zoning Administrator shall issue such permit promptly following final action.

C. Any Zoning Compliance Permit granted under this Ordinance shall become null and void and fees forfeited unless construction and/or use is completed within five hundred forty-five (545) days of the date of issuance. A Zoning Compliance Permit shall be renewable upon reapplication and upon payment of the fee, subject however, to the provisions of all ordinances in effect at the time of renewal.

### **SECTION 19.04 CERTIFICATE OF OCCUPANCY**

#### **A. Issuance of Certificate of Occupancy.**

1. No building or structure, or part thereof, shall be occupied by or for any use for which a zoning compliance permit is required by this Ordinance unless and until

a Certificate of Occupancy shall have been issued for that use. The holder of a Zoning Compliance Permit for the construction, erection, or moving of any building, structure or part thereof: for the establishment of a use shall make application to the Zoning Administrator immediately upon the completion of the work authorized by the Zoning Compliance Permit for a final inspection.

2. A Certificate of Occupancy shall be issued by the Zoning Administrator within five (5) days after receipt of application if it is found that the building or structure or part thereof, is in accordance with the provisions of this Ordinance.
- B. Any Certificate of Occupancy granted under this Ordinance may become null and void if the use, buildings, or structure for which the certificate was issued are found by the Zoning Administrator to be in violation of this Ordinance. The Zoning Administrator, upon finding the violation, shall immediately notify the Grass Lake Charter Township Board of the violation and void the Certificate of Occupancy.

### **SECTION 19.05 FEES, CHARGES, AND EXPENSES**

- A. The Grass Lake Charter Township Board shall establish a schedule of fees, charges, and expenses, and a collection procedure for site plans, special land uses, rezonings, Zoning Compliance Permits, Certificates of Occupancy, appeals, temporary dwelling permits and application for variances and appeals and any other matter pertaining to this Ordinance.
- B. The schedule of fees shall be posted in the Township offices, and may be altered or amended only by resolution of the Grass Lake Charter Township Board. No permit, certificate, special land use, temporary dwelling permits, application for appeal, or variance or other action shall be issued unless or until such costs, charges, fees, or expenses listed in this Ordinance have been paid in full.
- C. The Planning Commission, Township Board, or Zoning Board of Appeals may refer any matter pertaining to the administration or enforcement of this Ordinance to one (1) or more expert consultants. The cost of such services shall be borne by the applicant.

### **SECTION 19.06 PUBLIC NOTICE (Section Amended 2010)**

**19.06.01 PUBLIC NOTIFICATION:** All applications for development approval requiring a public hearing shall comply with the Michigan Zoning Enabling Act, PA 110 of 2006, as amended, and the other provisions of this Section with regard to public notification.

- A. Responsibility: When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the Clerk shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in Grass Lake Charter Township and mailed or delivered as provided in this Section.
- B. Content: All mail, personal and newspaper notices for public hearings shall:

1. Describe nature of the request: Identify whether the request is for a rezoning, text amendment, special land use, planned unit development, variance, appeal, ordinance interpretation or other purpose.
2. Location: Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used such as a tax parcel identification number, identifying the nearest cross street, or including a map showing the location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.
3. When and where the request will be considered: Indicate the date, time and place of the public hearing(s).
4. Written comments: Include a statement describing when and where written comments will be received concerning the request. The public may appear at the public hearing in person or by counsel.
5. Handicap access: The meeting facility is handicap accessible.

C. Personal and Mailed Notice

1. General: When the provisions of this Ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:
  - a. The owners of property for which approval is being considered, and the applicant, if different than the owner(s) of the property.
  - b. Except for rezoning requests involving eleven (11) or more adjacent properties or an ordinance interpretation request that does not involve a specific property; to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request and one occupant of all structures within three hundred (300) feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of the Charter Township of Grass Lake. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure.
  - c. All neighborhood organizations, public utility companies, railroads and other persons which have requested to receive notice pursuant to Section 19.06.02, Registration to Receive Notice by Mail.

- d. Other governmental units or infrastructure agencies within One (1) Mile of the property involved in the application.
  2. Notice by mail/affidavit: Notice shall be deemed mailed by its deposit during normal business hours for delivery with the United States postal service or other public or private delivery service. The Clerk shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.
- D. Timing of Notice: Unless otherwise provided in the Michigan Zoning Enabling Act, PA 110 of 2006, or this Ordinance where applicable, notice of a public hearing shall be provided as follows:
1. For a public hearing on an application for a rezoning, text amendment, special land use, planned unit development, variance, appeal, or ordinance interpretation: not less than fifteen (15) days before the date the application will be considered for approval. [THIS MEANS IT MUST BE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION AND FOR THOSE RECEIVING PERSONAL NOTICE, DEPOSITED FOR DELIVERY OR PERSONALLY DELIVERED, NOT LESS THAN 15 DAYS BEFORE THE HEARING.]

#### **19.06.02 REGISTRATION TO RECEIVE NOTICE BY MAIL:**

- A. General: Any neighborhood organization, public utility company, railroad or any other person may register with the Clerk to receive written notice of all applications for development approval pursuant to Section 19.06.01.C.c. Personal and Mailed Notice, or written notice of all applications for development approval within the zoning district in which they are located. The Clerk shall be responsible for providing this notification. Fees may be assessed for the provision of this notice, as established by the legislative body.
- B. Requirements: The requesting party must provide the Clerk information on an official form to ensure notification can be made. All registered persons must re-register bi-annually to continue.

#### **SECTION 19.07 VIOLATIONS AND PENALTIES; NUISANCE PER SE; ABATEMENT**

- A. Notice of Violation - The Ordinance Enforcement Officer (OEO) shall serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension repair, use or occupancy of a structure or lot in violation of this Ordinance, or in violation of a certificate of zoning compliance issued hereunder. The order shall direct the discontinuance of the illegal action or condition, and abatement of the violation.
- B. Stop-Work Order - Upon notice from the Zoning Administrator that work on any structure or premises is being prosecuted contrary to the provisions of this Ordinance, that work shall be immediately stopped. The stop-work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work and shall state the conditions under which the work may be

resumed. The stop-work order shall be posted on the property. Any person who continues any work in or about the structure or premises after having been served with a stop-work order, except any work as the person is directed by the Zoning Administrator to perform in order to remove violations or unsafe conditions, shall be liable for the penalties set forth in paragraph C below.

- C. Violations; Penalties - Any person who violates a provision of this Ordinance or fails to comply with any of its requirements, or who erects, constructs, alters or repairs a structure in violation of an approved plan or directive of the Zoning Administrator, or of a certificate or permit issued under this Ordinance, shall be guilty of a ***municipal civil infraction violation and penalties are covered on the Municipal Ordinance Violations Bureau Ordinance.***
- D. Nuisance Per Se: Any structure which is erected, altered, or converted, or any use of any structure or lot which is commenced or changes after the effective date of this Ordinance, in violation of any of the provisions herein, is declared to be a nuisance per se, and may be abated by order of any court of competent jurisdiction.
- E. Rights and Remedies: The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

#### **SECTION 19.08 PERFORMANCE GUARANTEE REQUIRED**

- A. In the interest of ensuring compliance with the Zoning Ordinance, protecting the natural resources and the health, safety, and welfare of the residents of the township and future users or inhabitants of an area for which a site plan for a proposed use has been submitted, the Township Board, Planning Commission, or Zoning Board of Appeals may require the applicant to deposit a performance guarantee as set forth herein. The purpose of the performance guarantee is to insure completion of improvements connected with the proposed use as required by this Ordinance, including but not limited to, roadways, lighting, utilities, sidewalks, safety paths, drainage, fences, screens, walls, and landscaping.
- B. Performance guarantees, as used herein, shall mean a cash deposit, certified check, irrevocable bank letter of credit or corporate surety bond in the amount of the estimated cost of the improvements to be made as determined by the applicant and verified by the Zoning Administrator.
- C. Where a performance guarantee is required, it shall be deposited with the Township Treasurer prior to the issuance of a building permit by the Township for the development and use of the land. Upon the deposit of the performance guarantee the Township may issue the appropriate building permit.
- D. The approval shall also prescribe the period of time within which the improvements for which the performance guarantee has been required are to be completed. The period

- will begin from the date of the issuance of the building permit.
- E. The Zoning Administrator, upon the written request of the obligated party, shall rebate portions of the performance guarantee upon determination that the improvements for which the rebate has been requested have been satisfactorily completed. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvement.
- F. Upon the satisfactory completion, as determined by the Zoning Administrator, of the improvement for which the performance guarantee was required, the Township shall return to the applicant the performance guarantee deposited and any interest earned thereon. However, the Township is not required to deposit the performance guarantee in an interest-bearing account.
- G. Default
1. In the event the applicant defaults in making the improvements for which the performance guarantee was required within the time period established by the Township, the Township shall have the right to use the performance guarantee deposited, and any interest earned thereon, to complete the improvements through contract or otherwise, including specifically the right to enter upon the subject property to make the improvements.
  2. If the performance guarantee is not sufficient to allow the Township to complete the improvements for which it was posted, the applicant shall be required to pay the Township the amounts by which the costs of completing the improvements exceeds the amount of the performance guarantee deposited.
  3. Should the Township use the performance guarantee or a portion thereof to complete the required improvements, any amounts remaining after the completion shall be applied first to the Township's administrative costs including, without limitation, attorney fees, planning consultants, and engineering consultant fees in completing the improvement with any balance remaining being refunded to the applicant.
  4. If the applicant has been required to post a performance guarantee or bond with another governmental agency other than the Township to insure completion of an improvement associated with the proposed use prior to the Township approval, the applicant shall not be required to deposit with the Township a performance guarantee for that specific improvement. At the time the performance guarantee is deposited with the Township and prior to the issuance of a building permit, the applicant shall enter an agreement incorporating the provisions hereof with the Township regarding the performance guarantee.

## **SECTION 19.09 VESTED RIGHT**

It is hereby expressly declared that nothing in this Ordinance be held or construed to give or

grant to any person, firm, or corporation any vested right, license, privilege or permit.

### **SECTION 19.10 CONFLICT WITH OTHER LAWS**

- A. Conflicting laws of a more restrictive nature are not affected or repealed by this Ordinance. The provisions of this Ordinance shall be considered as minimum. Conflicting laws of a less restrictive nature, or those conflicting in ways other than degree or restrictiveness are hereby repealed.
- B. This Ordinance is not intended to abrogate or annul any easement, covenant or other private agreement provided that where any provision of this Ordinance is more restrictive or imposes a higher standard or requirement that such easement, covenant or other private agreement, it shall be governed by the provisions of this Ordinance.

### **SECTION 19.11 VALIDITY AND SEVERABILITY CLAUSE**

If any court of competent jurisdiction shall declare any part of this Ordinance to be invalid, that ruling shall not affect any other provisions of this Ordinance not included in the ruling. If any court of competent jurisdiction shall declare invalid the application or any provision of this Ordinance to a particular land, parcel, lot, district, use, building or structure, that ruling shall not affect the application of the provision to any other land, parcel, lot, district, use, building or structure not specifically included in that ruling.

### **SECTION 19.12 PERIOD OF EFFECTIVENESS**

This Ordinance shall remain in full force and effect henceforth unless repealed.

### **SECTION 19.13 REPEAL OF ORDINANCE**

The Zoning Ordinance of Grass Lake Charter Township adopted by the Board of Grass Lake Charter Township on November 11, 1994 and all amendments thereto are hereby repealed concurrent with the effective date of this Ordinance.



**SECTION 19.14 EFFECTIVE DATE**

This Ordinance was adopted by the Grass Lake Charter Township Board at a public meeting held on January 10, 2006 and the adopted ordinance is posted on the Grass Lake Charter Township Website at: ([www.grasslakect.com](http://www.grasslakect.com)).

Date: January 10, 2006 Supervisor: James Stormont

Date: January 10, 2006 Clerk: Marjorie A. Clark

Amendment Date: October 14, 2010

Amendment Date: February 11, 2014 - \*Section 3.20 – Maintenance of Animals

Clerk: \_\_\_\_\_

Amendment Date: September 8, 2015 - Section 2.08 – Definitions “F” – Farm, Section 3.08 – Private Swimming Pools, Section 5.04 – District Regulations – AG District Development Requirements, Section 13.04 – PUD Design Requirements – Non-Residential Design Requirements, Section 13.05 - Change– to an Approved PUD, Section 13.06 – Appeals

Clerk: \_\_\_\_\_

Amendment Date: June 27, 2017 - Section 2.15 Definitions “O” Open Air Business, Section 5.03 – added Open Air Business, Section 14.07-AA-corrections 4, 5, 6 and added 7.

Clerk: \_\_\_\_\_

Amendment Date: June 12, 2018 – Chapter 2, Section 2.03 Definitions “A” Agricultural Business, Agricultural Tourism; Chapter 5, Section 5.02-Permitted Uses “Agricultural Tourism”, Section 5.03-Special Land Uses “Agricultural Business”, Chapter 14, Section 14.07 –Special Land Use Specific Requirements “SS – Agricultural Business”.

Clerk: \_\_\_\_\_

Amendment Date: December 11, 2018 - Chapter 2, Section 2.03; Chapter 2, Section 2.16; Chapter 2, Section 2.18; Chapter 2, Section 2.20; Chapter 5, Section 5.02, entitled “Permitted Uses,” is amended to add “Small Solar Energy; Chapter 5, Section 5.03, entitled “Special Land Uses,” is amended to add “Large Solar Energy System” and “Medium Solar Energy System”; Chapter 6, Section 6.02, entitled “Permitted Uses,” is amended to add “Small Solar Energy System”; Chapter 7, Section 7.02, entitled “Permitted Uses,” is amended to add “Small Solar

Energy System"; Chapter 8, Section 8.02, entitled "Permitted Uses," is amended to add "Small Solar Energy System"; Chapter 9, Section 9.02, entitled "Permitted Uses," is amended to add "Small Solar Energy System"; Chapter 10, Section 10.02, entitled "Permitted Uses," is amended to add "Small Solar Energy System"; Chapter 11, Section 11.02, entitled "Permitted Uses," is amended to add "Small Solar Energy System"; Chapter 12, Section 12.02, entitled "Permitted Uses," is amended to add "Small Solar Energy System"; Chapter 12, Section 12.03, entitled "Special Land Uses," is amended to add "Large Solar Energy System" and "Medium Solar Energy System"; Chapter 3, is amended to add Section 3.26, entitled "Solar Energy Systems,"; Chapter 15, Section 15.02 is amended to add the following section, requiring site plan review for any Large Solar Energy Systems or Medium Solar Energy Systems; Chapter 14, Section 14.07;

Clerk: \_\_\_\_\_

Amendment Date: November 12, 2019 – Chapter 13 LI/HC Light Industrial/Highway Commercial District; December 10, 2019 – changed chapter number to Chapter 12A. Chapter 4, Section 4.01 amended to add LI/HC District; Chapter 15, Section 15.02.A.2 amended to add LI/HC District; Chapter 16, Section 16.07.E.1 amended to add LI/HC District and Section 16.07.E.2 amended to add LI/HC District and 12A.04.F; Chapter 17, Section 17.09.1 amended to add LI/HC District, Section 17.11.B amended to add LI/HC District; Functional Index amended to add LI/HC-Light Industrial/Highway Commercial District, Chapter 12A.

Clerk: \_\_\_\_\_

Shared (svr2k8) (G:)Planning Commission/Zoning Ordinance Book