

## CHAPTER 24. ADMINISTRATION AND ENFORCEMENT

- 24.1 **ADMINISTRATION.** It shall be the duty of the Zoning Administrator, appointed by, and on such terms determined by the Village Council, to administer this Article 2 - Zoning Ordinance and to enforce the provisions contained herein.
- 24.2 **LAND USE PERMITS AND PLOT PLANS.** The Village of Vermontville Planning Commission is responsible for approving land use permits as set forth in this Ordinance. A Zoning Administrator may be empowered to issue permits for conforming land uses, act as inspector to determine compliance with this Article, maintain regular office hours, keep a file record of all permits, and prepare summary reports for the Village Council and Planning Commission at reasonable times or when requested. No land use permit will be issued until a plot plan is presented and approved. No construction or authorized use shall commence until the Zoning Administrator issues a land use permit.
- A. It shall be unlawful to change the type of use of land, or to change the type of use, or type of occupancy of any building, or to extend any use on any lot on which there is a nonconforming use until the Zoning Administrator has issued a land use permit.
  - B. All land use permit applications shall be made in writing to the Zoning Administrator on forms provided for that purpose. A record of all such applications shall be kept on file by the Zoning Administrator. Any land use permit issued under the provisions of this Article shall be valid only for a period of one (1) year following the date of issuance thereof and shall be posted during said time on any existing building or lot and in such a manner as to be visible from the highway for inspection.
  - C. When the Zoning Administrator receives an application for a land use permit which requires action by the Zoning Board of Appeals or Planning Commission, such application, along with all supporting information, shall be conveyed by the Zoning Administrator to the Zoning Board of Appeals or the Planning Commission.
  - D. If any application for such permit is not approved, the Zoning Administrator shall state in writing the cause for such disapproval and deliver a copy to the applicant.
  - E. The Zoning Administrator may prior to or after issuance of a land use permit require:
    - 1) Applicant to provide proof of ownership, including an abstract, deed or title insurance commitment or a title history search;
    - 2) A registered survey, if the proposed structure could violate the terms of this Article, including staking for side lot, high water mark and of the proposed site for the building or addition.
  - F. The development or usage proposed by a land use permit shall be subject to an inspection by the Zoning Administrator after trenches are dug and prior to footing construction. Where a permit is issued for a use where a structure is not being constructed, an inspection shall be made prior to occupancy. The permit holder shall

be responsible to notify the Zoning Administrator with at least a two (2) working -day notice regarding the time that the development/construction will be ready for inspection. Failure of the permit holder to make proper notification for inspection shall automatically void the permit, requiring the issuance of a new permit.

- G. The applicant shall bear the entire responsibility to provide the Zoning Administrator with all necessary supporting documentation required pursuant to this Article including the applicants' and owners' address and telephone number, the address of the property proposed for development, a legal description of the property to be developed and the parcel's Village tax number.
- H. Fees for land use permits and inspections shall be established by the Village Council.

**24.3 PLOT PLANS.** As used in this section, a plot plan includes the documents and drawings required by this Article 2 - Zoning Ordinance to insure that a proposed land use or activity is in compliance with this Article, and state and federal statutes.

- A. A plot plan must be submitted to the Zoning Administrator before authorization for a land use or activity regulated by this Article 2 - Zoning Ordinance can be approved.
- B. The plot plan, as approved, shall become part of the record of approval; and subsequent actions relating to the activity authorized shall be consistent with the approved plot plan, unless a change conforming to the zoning ordinance receives the mutual agreement of the landowner and the Zoning Administrator.
- C. Work on land use projects shall be started within one (1) year following date of approved permit, or substantial work, such as building foundations, shall be completed. Otherwise, the permit shall expire and a new permit shall be required. The Administrator may grant a reasonable extension.
- D. A site plan submittal, review and approval by the Planning Commission shall substitute for a plot plan approval under this Section 24.3.
- E. The procedures and requirements for the submission and approval of plot plans shall include all applicable standards that may apply to land use, activity, new construction or improvements; including the following:
  - 1) Land and building measurements
  - 2) General topographical information
  - 3) Map of land areas
  - 4) Building plans
  - 5) Septic system location and capacity
  - 6) Water well location
  - 7) Setback from front, sides and back lot lines

- 8) General type of construction
- 9) Location of accessory buildings
- 10) Number of families to be housed
- 11) Ingress and egress.

**If commercial or industrial, add the following:**

- 12) Type of business
- 13) Number of employees
- 14) Noise pollution factor
- 15) Waste disposal
- 16) Each property shall have adequate number of off-street parking spaces, loading, and access facilities for all occupants, employees, and patrons.
- 17) Any additional information that will assist in the consideration for granting approval.

**24.4 ADDITIONAL PERMITS REQUIRED.** The following permits must be secured before land use development is started:

- A. Eaton County Health Department Permit.
- B. Eaton County Road Commission Driveway Permit.
- C. Soil Erosion Permit - If a proposed earth change is to be located within five hundred (500) feet of lake, or land area over one (1) acre in size.
- D. Eaton County Construction Code Permit.
- E. Any other permits as legally required by the Village, County, State, and/or Federal Governments.

**24.5 VILLAGE PLANNING COMMISSION.**

- A. A. The Village Council shall maintain a Planning Commission composed of not less than five (5) members under provisions of the Municipal Planning Commission Act, Act 285 of 1931. Revised 03-04
- B. The Village Council, by resolution, has transferred all powers and duties of a Zoning Board to the Planning Commission, as outlined in Act 207 of 1921 as amended, and as permitted in Section 12 of the Municipal Planning Commission Act, Act 285 of 1931.
- C. The Village Planning Commission may adopt rules, bylaws and regulations to govern its activities under the terms of this Article.

**24.6 FEES AND ESCROW ACCOUNTS.** Upon the filing of an application for a Land Use Permit, Special Land Use Permit, Planned Unit Development, Zoning Board of Appeals review, variance or rezoning, an administrative fee, as determined by the Village Council, shall accompany said application.

- A. A schedule of fees as established by the Village Council shall be maintained at the office of the Zoning Administrator.
- B. Fees shall be paid to the Zoning Administrator prior to the processing of any application required under this Article.
- C. For any application for site plan approval, a Special Land Use Permit, Planned Unit Development, variance, or other use or activity requiring a permit under this Article, the Planning Commission may require the deposit of fees to be held in escrow in the name of the applicant. An escrow fee shall be required for any project with more than ten (10) dwelling units, or more than ten thousand (10,000) square feet of enclosed space, or which requires more than twenty (20) parking spaces. An escrow fee may be requested for any other project which may, at the discretion of the Zoning Administrator or Planning Commission, create an identifiable and potentially negative impact on public infrastructure or services, or on adjacent properties and because of which, professional input is desired before a decision to approve, deny or approve with conditions is made.
  - 1) The escrow shall be used to pay professional review expenses of engineers, community planners and any other professionals whose expertise the Village values to review the proposed application and/or site plan of an applicant. Professional review will result in a report to the Village indicating the extent of conformance or nonconformance with this Article and to identify any problems which may create a threat to public health, safety or the general welfare. Mitigation measures or alterations to a proposed design may be identified where they would serve to lessen or eliminate identified impacts. The applicant will receive a copy of any professional review hired by the Village and a copy of the statement of expenses for the professional services rendered.
  - 2) No application for approval for which an escrow fee is requested will be processed until the escrow fee is deposited with the Village Treasurer. The amount of the escrow fee shall be established based on an estimate of the cost of the services to be rendered by the professionals contacted by the Zoning Administrator. The applicant shall be entitled to a refund of any unused escrow fees at such time as all outstanding questions and issues with respect to the application have been resolved.
  - 3) If actual professional review costs exceed the amount of an escrow, the applicant shall pay the balance due prior to receipt of any zoning or other permit issued by the Village in response to the applicant's request.

**24.7 NUISANCE PER SE.** Any land, dwellings, buildings, or structures, including tents and trailer coaches, used, erected, altered, razed or converted in violation of this Article or in violation of any regulations, conditions, permits or other rights granted, adopted or issued pursuant to this Article are hereby declared to be a nuisance per se.

**24.8 PENALTIES.**

- A. Any person, partnership, limited liability company, corporation, or association who creates or maintains a nuisance per se as defined in Section 24.8 above or who violates or fails to comply with any provision of this Article or any permit issued pursuant to this Article shall be responsible for a municipal civil infraction. Every day that such violation continues shall constitute a separate and distinct offense under the provisions of this Article. Nothing in this section shall exempt the offender from compliance with the provisions of this Article.
- B. The Village President and the Village Zoning Administrator are hereby designated as the authorized Village officials to issue municipal civil infraction citations directing alleged violators of this Article to appear in court.
- C. In addition to enforcing this Article as a municipal civil infraction, the Village may initiate proceedings in the circuit court to abate or eliminate the nuisance per se or any other violation of this Article.

**24.9 PUBLICATION AND DELIVERY OF NOTICE OF PUBLIC HEARING**

Except where expressly stated otherwise, in this Ordinance, whenever a public hearing on a zoning application is required by this Ordinance or by the Michigan Zoning Enabling Act, notice of the public hearing shall be published and delivered in accordance with the requirements of this Section.

- A. The notice shall be published once, at least 15 days prior to the date of the public hearing, in a newspaper of general circulation in the Village.
- B. For applications involving the rezoning of ten or fewer adjacent properties; for applications to the Zoning Board of Appeals involving a specific parcel; and for all planned unit development and special land use applications, a notice of public hearing shall be mailed by way of U.S. first class mail or personally delivered to the following persons, at least 15 days prior to the date of the public hearing:
  - 1) The applicant;
  - 2) All persons to whom real property is assessed within 300 feet of the property that is the subject to the application; and

- 3) The occupants of all structures within 300 feet of the property that is the subject of the application.
- 4) If a structure contains more than four dwelling units, notice of the hearing may be given to the owner or manager of the structure instead of to each occupant of the dwelling unit.

If the above-described 300-foot radius extends outside of the Village's boundaries, then notice must be provided outside of the Village boundaries, within the 300-foot radius, to all persons in the above-stated categories.

C. The notice of public hearing shall include the following information:

- 1) A description of the nature of the application or request.
- 2) An identification of the property that is the subject of the application or request. The notice shall include a listing of all existing street addresses within the property; provided, however, that street addresses do not need to be created and listed if no such addresses currently exist within the property; and provided further that street addresses do not need to be listed if eleven or more adjacent properties are being proposed for rezoning.
- 3) State when and where the application or request will be considered.
- 4) Identify when and where written comments will be received concerning the application or request.