

Article XXII

ADMINISTRATION AND ENFORCEMENT

Section 22.01 PURPOSE

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

Section 22.02 ADMINISTRATION

The provisions of this Ordinance shall be administered by the Zoning Administrator, or their designee, to enforce the provisions of this Ordinance. The Zoning Administrator shall be appointed by the City Council. When the position of Zoning Administrator is vacant the City Manager shall act as Zoning Administrator until such time a Zoning Administrator is appointed by the City Council.

Section 22.03 DUTIES AND POWERS OF THE ZONING ADMINISTRATOR

The Zoning Administrator shall have the following duties and powers.

- A. The Zoning Administrator shall enforce all provisions of this Ordinance and shall issue all necessary notices or orders to ensure compliance with said provisions.
- B. The Zoning Administrator shall receive applications for and issue certificates of zoning compliance in accordance with this Ordinance. Certificates of Occupancy are issued by the Washtenaw County Building Department. It is the applicant's responsibility to submit a copy of the Certificate of Occupancy to the Zoning Administrator upon receipt.
- C. The Zoning Administrator shall make all inspections required by this Ordinance, and all inspections necessary to enforce this Ordinance, and may engage the assistance of the City Fire Chief, Engineer, Attorney, and applicable outside agencies as deemed necessary, in making such inspections. The Zoning Administrator may engage other expert opinion to assist in making such inspections subject to the approval of the City Council.
- D. The Zoning Administrator shall identify and process violations of this Ordinance. The Zoning Administrator shall be responsible for making periodic inspection of the City or parts thereof for the purpose of finding violations of this Ordinance.

- E. The Zoning Administrator shall keep official records of applications received, certificates issued, fees collected, reports of inspections, and notices and orders issued.
- F. The Zoning Administrator shall submit to the City Council a quarterly report in which a summary of the activities of the office is presented.

Section 22.04 ZONING COMPLIANCE PERMIT

A. **Purpose.** A Zoning Compliance Permit must first be obtained by the Zoning Administrator prior to all of the following actions;

- 1. Procurement of a building permit from the Washtenaw County Building Department.
- 2. Attaining a Certificate of Occupancy from the Washtenaw County Building Department.
- 3. A change in use of a lot or structure.
- 4. Extending a use on a lot where there is a non-conforming use or structure.

B. **Requirements.**

- 1. Applications for certificates of zoning compliance shall be made to the Zoning Administrator. Each application shall include a description of the proposed use, specifications including a dimensional plot plan or site plan as required in Section 21.08 herein, or any other information requested by the Zoning Administrator necessary to determine zoning compliance. The Zoning Administrator may waive information requirements that do not affect compliance with the Ordinance. The Zoning Administrator shall retain the original documents in accordance with the City's document retention policy.
- 2. A certificate of zoning compliance shall be issued for a use or structure and the lot on which situated in which one or more legal non-conformities exist. In such case, the certificate of zoning compliance shall clearly list each legal non-conformity. A certificate of zoning compliance shall not be issued for any use or structure and the lot on which situated if any illegal non-conformity exists thereon.
- 3. Application for a certificate of zoning compliance may be made by the owner or lessee of the structure or lot, or agent, or by the licensed engineer or architect employed in connection with the proposed work or operation. If the application is made by a person other than the property owner, the application shall either be signed by the property owner or, it shall be accompanied by a letter from the property owner stating they give authorization to the applicant to make such application. The full names and

addresses of the owner, lessee, applicant, and of the responsible officers, if the owner or lessee is a corporate body, shall be stated in the application.

4. Subject to the limitations of this section, amendments to a plan, application, or other records accompanying the same may be filed at any time before completion of the work for which the zoning compliance is issued. Such amendments shall be deemed part of the original application and shall be filed therewith.
- C. **Issuance of a Certificate.** The Zoning Administrator shall examine or cause to be examined all applications and required supplemental materials for a certificate of zoning compliance and amendments thereto within seven days after filing. If the application or the plans do not conform to all requirements of this Ordinance, the Zoning Administrator shall reject such application in writing and state the reasons therefore. If the application or plans do so conform, the Zoning Administrator shall issue a certificate of zoning compliance as soon as possible. The Zoning Administrator shall attach his/her signature to every certificate, or may authorize a subordinate to affix such signature thereto. The Zoning Administrator shall stamp or endorse all sets of corrected and approved plans submitted with such applications as "Approved".
- D. **Voiding of a Certificate.** An application for a certificate of zoning compliance shall be deemed to have been abandoned six months after the date of filing unless such application has been diligently prosecuted or a building permit shall have been issued, or a certificate of occupancy shall have been issued for a use not requiring a building permit. The Zoning Administrator may, for reasonable cause, grant one or more extensions of time for additional periods not exceeding 90 days each. Any certificate issued shall become invalid if the authorized work is suspended or abandoned for a period of six months after time of commencing the work.

The Zoning Administrator may revoke a certificate of zoning compliance in case of any false statement or misrepresentation of fact in the application or on the plans on which the certificate was based.

Section 22.05 BUILDING PERMITS

No building permit shall be issued for the erection, alteration, moving or repair of any structure or part thereof which does not comply with all provisions of this Ordinance and unless a certificate of zoning compliance has been issued therefore by the Zoning Administrator and is in effect. No structure shall be erected, moved, added to, or structurally altered unless a building permit shall have been issued therefore by the Zoning Administrator.

Section 22.06 CERTIFICATES OF OCCUPANCY

- A. **General Requirement.** It shall be unlawful to use or occupy or to permit the use of any structure or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of final zoning compliance has been issued by the Zoning Administrator. A certificate of final zoning compliance shall not be approved until it has been signed by the Zoning Administrator, signifying compliance with all provisions of this Ordinance. A certificate of occupancy shall be obtained from the Washtenaw County Building Department, following issuance of final zoning compliance, as cited herein. Failure to obtain a certificate of occupancy when required shall be a violation of this Ordinance and punishable under Section 22.11, herein.
- B. **Change in Use.** A structure or part thereof shall not be changed to or occupied by a use different from that existing at the effective date of this Ordinance if a building permit is required, unless a certificate of occupancy is first issued for the different use.
- C. **Existing Structure and Use.** A certificate of occupancy shall be issued upon the request of the owner for an existing structure or part thereof, or for an existing use of land, including legal non-conforming uses and structures if, after inspection of premises, it is found that such structures or uses comply with all provisions of this Ordinance, or otherwise have legal non-conforming status. All legal non-conformities shall be clearly described on the certificate of occupancy. A certificate of occupancy shall not be issued for any premises on which illegal non-conformities exist.
- D. **Accessory Structures.** An accessory structure shall require a separate certificate of occupancy, unless included in the certificate of occupancy issued for the principal structure, when such accessory structure is completed under the same building permit as the principal structure.
- E. **Application.** Application for certificates of occupancy shall be made in writing to Washtenaw County on forms therefore furnished. Upon receipt a copy shall be forwarded to the Zoning Administrator.
- F. **Certificate to Include Zoning.** Certificates of occupancy as required by the County Building Code for new buildings or structures, or parts thereof, or for alterations or repairs to existing buildings or structures shall also constitute certificates of occupancy as required by this ordinance.
- G. **Temporary Certificates.** Where permitted under the County Building Code, a temporary certificate of occupancy may be issued by the County subject to a recommendation of approval by the Zoning Administrator.

Section 22.07 RECORDS

The Zoning Administrator shall maintain records of all certificates and permits issued under this ordinance and said records shall be open for public inspection.

Section 22.08 NOTICES

Except as otherwise provided below, notices of hearings regarding zoning amendments, special land uses, and matters before the Zoning Board of Appeals shall be provided as required by the Zoning Enabling Act as follows:

- A. **Newspaper Notice.** A notice shall be published in a newspaper of general circulation in the City not less than 15 days before the hearing.
- B. **Notice Requirements.** At least 15 days before the hearing, notices shall be mailed or hand-delivered to the following:
 - 1. The applicant and the owner(s) of the property, if the applicant is not the owner.
 - 2. All persons to whom real property is assessed within 300 feet of the property for which approval has been requested, as shown by the latest assessment roll, regardless of whether the property is located within the City.
 - 3. The occupants of any structures within 300 feet of the boundary for the property for which the approval has been requested, regardless of whether the owner and property is located within the City, except as set forth in Section 22.08 B.4.
 - 4. Notification need not be given to more than one occupant of a structure, except that if a structure contains more than one dwelling unit or spatial area owned or leased by different persons, one occupant of each unit or spatial area shall be given notice. If a single structure contains more than four dwelling units or other distinct spatial areas owned or leased by different persons, 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.
 - 5. The notice under this section is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States Postal Service, or other public or private delivery service. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice.
- C. **Exemption.** Actions exempt from notification:
 - 1. Requirements for individual notice to property owners shall not apply to

Ordinance text amendments.

2. Requirement for individual notice as set forth in Section 22.08.B. does not apply to any group of adjacent properties numbering 11 or more that are proposed for rezoning.

D. **Content of Notice.** The notices shall:

1. Describe the nature of the request.
2. Identify any property that is the subject of the request. The notice shall include a listing of all existing street addresses and/or parcel ID numbers within the property. If there are not street addresses, other means of identification (including illustrations) may be used.
3. State when and where the request will be considered.
4. Indicate when and where written comments will be received concerning the request.

Section 22.09 FEES

The City Council shall establish a schedule of fees, by resolution, for administering this Ordinance. The schedule of fees shall be posted on public display in the Office of the Zoning Administrator and may be altered or amended only by the City Council. No permit, certificate, space land use approval, or variance shall be issued unless or until such costs, charges, fees, or expenses listed in this Ordinance have been paid in full, nor shall any action be taken on proceedings before the Zoning Board of Appeals, unless or until charges and fees have been paid in full.

Section 22.10 COMPLIANCE WITH PLANS AND APPLICATIONS

Building permits and certificates of occupancy issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this ordinance and punishable as provided in Section 22.11, herein.

Section 22.11 VIOLATIONS

- A. A violation of this Ordinance shall be a Municipal Civil Infraction and shall be subject to the penalties established under the Municipal Civil Infraction Ordinance of the City of Dexter (Section 22-9). The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance nor

prevent the City from seeking injunctive relief or any other remedy available under the law. It shall be the responsibility of the Zoning Administrator to initiate the procedure for removing or abating a violation of the Zoning Ordinance. Upon verification that a Zoning Ordinance violation exists, the Zoning Administrator shall:

1. Give notice of violation by mail or in person to the property owner and the property possessor/occupant (if any). Such notice shall identify the subject property, identify the nature of the violation and the applicable parts of the Zoning Ordinance, direct the discontinuance of the violation, and specify the time period, which will be allowed for abatement of the violation. Or,
2. Issue a "Stop Work Order" if any one of the following apply:
 - a. A zoning compliance permit has not been issued.
 - b. Work in progress does not comply with the plan of the corresponding zoning compliance permit.

The stop work order shall contain the same information required for the notice of violation (paragraph A.1., above). In addition the stop work order shall contain the time of day that the order is issued, shall order all persons to stop work immediately, and shall state that failure to comply with the order or removal of the posted order may result in criminal prosecution. If work is progressing at the time of issuance of the stop work order, the order shall be shown to all persons performing work. A copy of the order shall be posted on the property at a point visible from the street and shall be of a distinctive bright color.

The Zoning Administrator shall cancel a notice of violation or remove and cancel a stop work order when his/her re-inspection confirms that the violation originally cited has been abated and that no new violation exists. A copy of the cancellation will be mailed or hand delivered to the property owner and the occupant if different from the owner.

- B. If work continues after posting of the stop work order or the noted violation has not been rectified within the time period afforded, the Zoning Administrator is authorized to issue a Municipal Civil Infraction violation notice per Section 22-9 of the City of Dexter General Code. Any person who violates any provision of this section shall be responsible for a municipal civil infraction, subject to payment of a civil fine as set forth in Section 22-9 of the City of Dexter General Code.
- C. **Public Nuisance Per Se.** Any structure which is erected, altered, or converted, or any use of any structure or lot which is commenced or changed after the effective date of this Ordinance, in violation of any of the provisions herein, is declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

Section 22.12 DEVELOPMENT AGREEMENTS

- A. **Development Agreement Requirement.** Following the approval of a planned unit development or conditional rezoning, an applicant shall execute a development agreement, in a form approved by the City, specifying all the terms and understandings relative to the proposed development. Development agreements following the approval of site plans or special land uses shall be at the City's discretion. All costs incurred by the City, including attorney fees, in drafting and approving the development agreement shall be paid by the applicant.
- B. **Minimum Terms.** The content of the agreement shall outline the specifics of the proposed development, but shall at a minimum provide the following terms:
1. A survey of the acreage involved in the proposed development.
 2. A description of the ownership of the subject property.
 3. A land use description, including a specific description of the proposed uses, density, lot dimensions, setbacks, and other dimensional standards.
 4. Proposed method of dedication or mechanism to protect areas designated as common areas, open spaces, or conservation areas.
 5. Description of required improvements to common areas, recreational facilities, and non-motorized pathways.
 6. General description of any improvements to roads or utilities.
 7. Mechanisms to ensure the continued maintenance of common areas, including but not limited to roadways, sidewalks, lighting, landscaping, utilities, and other site improvements.
 8. Provisions assuring that open space areas shown on the plan for use by the public or residents of the development will be irrevocably committed for that purpose. The City may require conveyances or other documents to be placed in escrow to accomplish this.
 9. Provisions for the future financing of any improvement shown on the plan as site improvements, open space areas, and common areas, which are to be included within the development, and that maintenance of such improvements is assured by means satisfactory to the City.
 10. Provisions to ensure adequate protection of natural features.
 11. Financial assurances in accordance with Section 22.12 Performance Guarantee, to guarantee the completion of all site improvements.

12. Requirements that the applicant maintain insurance coverage during development in amounts established by the City, naming the City as an additional insured, and required insurance provisions after the development is completed.
13. The site plan, special land use, planned unit development, or conditional rezoning shall be incorporated by reference and attached as an exhibit.
14. Description of the timing to complete the development of the project. If the project is to be developed in phases, a timeline to complete the construction of each phase.
15. An acknowledgement by the applicant that the terms and conditions of the approval are fair, reasonable, and equitable, and that the terms and conditions do not violate any constitutional rights, and that the applicant freely agrees to be bound by each condition and provision of the development agreement.