

ARTICLE 25
ADMINISTRATION AND ENFORCEMENT

Section 25.01 Appointment of Zoning Administrator

The Township Board shall designate and employ a Zoning Administrator to administer and enforce the provisions of this Ordinance. This Administrator may, with the approval of the Board, designate authorized agents to assist in the administration and enforcement of the provisions of this Ordinance.

Section 25.02 Duties of Zoning Administrator

(Amendment 104-05-09-05; Effective November 25, 2009)

The Zoning Administrator shall:

1. Receive and review all applications for land use permits and zoning compliance certificates, and approve or disapprove such applications based on compliance or noncompliance with the provisions of this Ordinance and such other laws, codes, and ordinances which are applicable to land use and occupancy, and issue certificates when there is compliance with this Ordinance.
2. Receive all applications for site plan review and special use permits which the Planning Commission is required to decide under this Ordinance and implement the decisions of the Planning Commission.
3. Receive all applications for appeals, variances, or other matters, which the Zoning Board of Appeals is required to decide under this Ordinance and refer such applications to the Zoning Board of Appeals for determination.
4. Receive all applications for amendments to this Ordinance and refer all such applications to the Planning Commission.
5. Maintain a map or maps showing the current zoning classifications of all land in the Township, which will conform to the true copy maintained by the Township Clerk.
6. Maintain written records of all actions taken by the Zoning Administrator *shall attend all Planning Commission meetings.*
7. Be responsible for forms required by the Planning Commission, Township Board, or Zoning Board of Appeals, as required by this Ordinance, and be responsible for information necessary on such forms for the effective administration of this Ordinance, subject to the general policies of the Township Board, Planning Commission, and Zoning Board of Appeals.

8. Make periodic site inspections of the Township to determine Ordinance compliance, answer complaints of Ordinance violations, and provide monthly reports to the Township Board and Planning Commission.
9. The Zoning Administrator has the power to grant land use permits and zoning compliance certificates and to inspect buildings or premises necessary to carry out his/her duties in the enforcement of this Ordinance.
10. It shall be unlawful for the Administrator to approve any plans, issue any permits or *zoning compliance certificates* until he/she has inspected such plans or *premises* in detail and found them to conform to the requirements of this Ordinance.
11. Under no circumstances is the Zoning Administrator permitted to make changes to this Ordinance or to vary the terms of this Ordinance in carrying out his/her duties as the Administrator.

Section 25.03 Land Use Permits

1. Requirement

Excavation for, erection of, addition to, alteration, or moving of any building or structure, or the grading, leveling, recontouring of land, or the removing of trees in connection with these activities shall not be undertaken, nor shall any activity or change of use be commenced until the proper permit has been issued by the Administrator. Except upon a written order of the Zoning Board of Appeals, no such land use permit or zoning compliance certificate shall be issued for any building or structure where the construction, addition, alteration, or use thereof would be in violation of any of the provisions of this Ordinance.

Permits shall not be required for temporary structures, or for alterations or repairs costing five hundred dollars (\$500.00), or less, which are made to existing structures, or the wrecking of buildings and structures of less than one thousand (1,000) cubic feet capacity.

2. Application Requirements

Application for a land use permit shall be made to the Zoning Administrator, signed by the person, firm, partnership, or corporation requesting the same, or by the duly authorized agent of such person, firm, partnership, or corporation. For those uses requiring a site plan, the Zoning Administrator shall not issue a land use permit until the provisions of Article 21, Site Plan Review Procedures, have been satisfied. For those uses not requiring a site plan, there shall be submitted with all applications for building and land use permits, two (2) copies of a drawing, drawn to scale showing:

- a. The location, shape, area, and dimensions for the lot, lots, or acreage.
 - b. The location of the proposed construction, alteration, or repair upon the lot, lots, or acreage affected, along with existing structures, wells, and disposal systems.
 - c. The dimensions, height, bulk of structures, and setback lines.
 - d. The nature of the proposed construction, alteration, or repair, and the intended uses.
 - e. The present use being made of any existing structure affected and any proposed change in the use thereof.
 - f. Any other information deemed necessary by the Administrator to determine compliance with this Ordinance and to provide for its enforcement.
3. Evidence of Ownership

All applicants for building and land use permits shall have available, for the Administrator's inspection, evidence of ownership of all property affected by the permit and shall submit the same upon the request of the Administrator.

4. Issuance of Permit

If the Administrator finds the application conforms to the requirements of this Ordinance and other laws, codes and ordinances pertaining to use, he/she shall mark all copies of the application approved over his/her signature, one copy of which shall be retained by him/her, and another copy shall be returned to the applicant, stating the extent of the work authorized. The approval of the application and the issuance of the permit shall not be binding upon the Township Board or the Zoning Board of Appeals, in case it is subsequently discovered that the plans or the completed building do not conform to the requirements of this Ordinance.

5. Revocation of Permit

Any land use permit granted under this section shall be null and void unless the development proposed shall have its first zoning inspection within six (6) months of the date of granting the permit. The Zoning Administrator shall give notice by certified mail to the holder of a permit that is liable for voiding action before voidance is actually declared. Said notice shall be mailed to the permit holder at the address indicated on said permit application. The Zoning Administrator may suspend or revoke a permit issued under the provisions of this Ordinance whenever the permit is issued erroneously on the basis of incorrect information

supplied by the applicant or his/her agent, or is in violation of any of the provisions of this Ordinance or of any other laws, codes, or ordinances pertaining to use or occupancy.

6. Inspection

The construction or use covered by any land use permit shall be subject to the following inspections:

- a. At the time of staking out of lot corners and building foundations at all building corners.
- b. Upon completion of the work authorized by the permit, it shall be the duty of the holder of every permit to notify the Zoning Administrator when the construction is ready for inspection. Failure to make proper notification of the time for inspection shall automatically cancel the permit, and require issuance of a new permit before construction may proceed or occupancy may be permitted.
- c. All normal inspections required by the current building code in effect in the County.
- d. At the time a land use activity is commenced.

Section 25.04 Zoning Compliance Certificates

It shall be unlawful to use or permit the use or occupancy of any land, building, or structure for which a land use permit is required, and to use or permit to be used any building or structure hereafter altered, extended, erected, repaired, or moved, until the Zoning Administrator shall have issued a zoning compliance certificate stating that the provisions of this Ordinance have been complied with.

1. Zoning compliance certifications shall be issued for existing buildings, structures, or parts thereof, if, after inspection, it is found that same is in conformity with the provisions of this Ordinance.
2. Temporary zoning compliance certificates may be issued for part of a building or structure, prior to the entire development being completed. To be issued a temporary zoning compliance permit, the portion of the building or structure to be occupied shall be in conformance with the provisions of this Ordinance and such other laws, codes, and ordinances pertaining to occupancy. Temporary zoning compliance certificates are to be in force not more than one hundred twenty (120) days, shall be renewable in thirty (30) day increments, and shall not be in effect more than five (5) days after the building or structure is fully completed and ready

for occupancy.

3. Buildings or uses accessory to dwellings shall not require a separate zoning compliance certificate, but may be included in the certificate for the dwelling when shown correctly on the plot plan and when completed at the same time as said dwelling.

Section 25.05 Temporary Dwelling Permits

The Zoning Administrator may issue temporary dwelling permits for buildings, including mobile homes, subject to the following limitations and procedures:

1. During construction of a new single-family dwelling, or when a dwelling is destroyed by fire, collapse, explosion, act of God, or acts of a public enemy to the extent that it is no longer safe for human occupancy, as determined by the Building Inspector, a temporary dwelling permit may be issued by the Zoning Administrator to allow a mobile home to be placed on the property upon the request of the owner. Said permit shall be in effect for no more than one (1) year. Any extension must be approved by the Zoning Administrator who may grant the same for a period of not more than one (1) year, during which time a permanent dwelling shall be erected on the property.
2. A temporary dwelling permit shall not be granted, for any reason except as provided under Subsection 1, unless the Zoning Administrator finds that the following requirements are satisfied:
 - a. Evidence that the proposed location of the temporary dwelling will not be detrimental to property within three hundred (300) feet.
 - b. Proposed water supply and sanitary facilities have been approved by the Grand Traverse County Health Department.
 - c. All applicable dimensional requirements within said district are met by the temporary dwelling.
 - d. A performance guarantee in an amount sufficient to remove the dwelling shall be required from the property owner prior to establishing the temporary dwelling, to ensure removal of the dwelling at the termination of the permit.

Section 25.06 Temporary Use Permits

(Amendment 107-05-12-03; Effective 12-04-12)

The Zoning Administrator shall have the power to grant permits authorizing temporary land uses for:

- a. *Seasonal sales of firewood, fireworks, or Christmas trees, and similar*

uses.

- b. The location of temporary uses and structures in undeveloped portions of the Township, except farm markets, for a period not to exceed sixty (60) days, with granting of not more than three (3), sixty (60) day extensions per calendar year.*
- c. Uses which do not require the erection of any capital improvement of a structure of any nature, not otherwise permitted in any district (such as art fairs, carnivals, and civic festival events), for a period not-to-exceed sixty (60) days.*

If a use is determined to not require capital improvement, the Zoning Administrator shall determine that the structures are either demountable and related to the permitted use of land; or structures which do not require foundations, heating systems, or sanitary connections.

- d. The granting of the temporary use shall be in writing, stipulating all conditions as to time, nature of development permitted, and arrangements for removing the use at the termination of said temporary permit.*
- e. Prior to taking any action on the temporary use permit, the Zoning Administrator may seek the review and recommendation of the Planning Commission.*
- f. A temporary use permit shall be granted only if the Zoning Administrator determines that the proposed use, including the erection of any temporary building or structure, will:*

- 1) Provide adequate light and ventilation between buildings and structures.*
- 2) Provide adequate automobile and pedestrian traffic flow and adequate off-road parking.*
- 3) Provide adequate lot access for fire protection purposes.*
- 4) Not adversely affect the stability and integrity of the zoning plan prescribed by this Ordinance or otherwise interfere with the protection of public health, safety, and general welfare.*
- 5) Not be incompatible with, or otherwise adversely affect, the physical character of the community and, in particular, the surrounding area within a distance of one thousand (1,000) feet.*

- g. When the proposed temporary use is to be conducted on an otherwise vacant or unused lot, the use shall comply with all applicable zoning regulations for the district in which the temporary special use is to be located, including all requirements pertaining to lot size, height, setback, open space ratio, maximum percentage of covered lot area, and off-road parking.*

Section 25.07 Records

Complete applications and permits shall be furnished to any person having a proprietary or tenancy interest on the payment to the Township Treasurer of a fee determined by the Board.

Section 25.08 Required Fees

The Board shall, by resolution, determine and set the fees to be charged for all permits, certificates, and copies thereof, fees for appeals to the Zoning Board of Appeals, fees for application to the Planning Commission for special approval uses or site plan review, fees for rezoning applications, and fees for all other applications and services provided for in this Ordinance.