

**ARTICLE 3**

**ADMINISTRATION AND ENFORCEMENT**

5    **SECTION 3.01     INTENT**

The provisions of this ordinance shall be administered and enforced by the Zoning Administrator and/or Building Official, or by any employee, inspector, or official of the Township Board may delegate to enforce the provisions of this ordinance.

10   **SECTION 3.02     DUTIES OF ZONING ADMINISTRATOR**

The Zoning Administrator has the power to act on matters as provided in this Ordinance. The Zoning Administrator is authorized to make inspections of buildings and premises as necessary to carry out the duties in enforcement of this Ordinance.

15   **SECTION 3.03     DUTIES OF THE BUILDING OFFICIAL**

The Building Official has the power to act on matters as provided in this Ordinance and Chapter 20   7 of the Highland Charter Township Code. The Building Official is authorized to make inspections of buildings and premises as necessary to carry out the duties in enforcement of this Ordinance.

25   **SECTION 3.04     LAND USE PERMIT**

- 25    A.    The Zoning Administrator shall require that every new use or change of use for a building, structure or land obtain a Land Use Permit. The purpose of the Land Use Permit is to ensure that a proposed use is permissible within the subject Zoning District and that other requirements of the Zoning Ordinance have been met. A further purpose is to ensure that the site conditions comply with any site plan approved by the Planning Commission.
- 30    B.    Applications for Land Use Permits for uses other than single-family dwellings shall be accompanied by a site plan approved by the Planning Commission or by a sketch plan meeting the requirements of Table 5.2, Site Plan and Sketch Plan Submittal Requirements, as appropriate.
- 35    C.    Applications for Land Use Permits for single family homes and accessory structures and uses (including, but not limited to, accessory structures such as sheds, pools, fences and the like) shall be accompanied by a plot plan drawn to scale, providing the following information:
- 40    1.    The actual shape, location and dimensions of the lot.
- 45    2.    The shape, size and location of all buildings or other structures to be erected, altered, or moved and of any building or other structures already on the lot.

3. The location of drives, access ways, easements, septic tanks, wells, overhead and underground utilities, and drain fields.
- 5 4. The location of water bodies and water courses including the ordinary high water mark and floodplain elevations, where applicable.
- 10 5. The existing and intended use of the lot and of all such structures upon it, including in residential areas, the number of dwelling units the building is intended to accommodate. The Zoning Administrator may require floor plans and elevations.
- 15 6. The Zoning Administrator may require a field survey to establish location of improvements.
7. Such additional information as may be required to review the application for conformance with this ordinance and to determine that the provisions of Article 5 Site Plan Review are not applicable.
- 20 D. No Land Use Permit shall be issued unless the Zoning Administrator has first determined that the use is allowable within the Zoning District.
- E. No Land Use Permit shall be issued unless the Zoning Administrator has first determined the minimum level of improvements necessary to bring a site into compliance with applicable zoning regulations and with any site plan approved by the Planning Commission.
- 25

**SECTION 3.05 BUILDING PERMITS**

- 30 A. No building permit shall be issued for the erection or alteration or use of any building or structure or part thereof unless a Land Use Permit has first been issued.
- B. No building, structure, or part thereof shall be erected, altered, moved or repaired unless a building permit is first issued for such work. The terms "altered" and "repaired" shall include any changes in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of egress and ingress or any other changes affecting or regulated by the Township, except for minor repairs or changes not involving any of these features.
- 35
- 40 C. Any building permit granted under this section may become null and void in accordance with the building code unless the proposed development shall have passed its first building inspection and shown substantial progress within one (1) year from the date of the granting of the permit. Any building permit may be renewed in accordance with the provisions for building permit renewal set forth in the duly adopted building code of the Township.
- 45

**SECTION 3.06 CERTIFICATES OF OCCUPANCY**

- 5 A. No building or part thereof shall be occupied by or for any use unless and until a certificate of occupancy shall have been issued by the Building Official.
  
- B. The Building Official may issue a temporary certificate of occupancy if the following conditions are satisfied:
  - 10 1. The applicant has posted a financial surety, in accordance with Section 3.08, Permit Fees and Performance Guarantees, to guarantee completion of all improvements required by ordinance, including but not limited to earthwork, paving, utilities, landscape or the approved site plan.
  - 15 2. The applicant and/or builder has completed the work items required by the Building Official and Zoning Administration to ensure safety.
  
- C. A Certificate of Occupancy shall not be issued until a land use permit has been issued, all site plan improvements are completed or the appropriate surety is posted as required in  
20 Section 3.08, Permit Fees and Performance Guarantees.

**SECTION 3.07 INSPECTIONS**

25 The construction authorized by any permit shall be subject to periodic inspections at intervals and upon completion of specific phases as determined by the Building Official. The Building Official has authority to enter the building at any reasonable time. It shall be the duty of the permit holder to notify the Building Official when the construction is ready for inspection. Failure to provide proper notice shall be grounds for canceling a permit.

30 **SECTION 3.08 PERMIT FEES AND PERFORMANCE GUARANTEES**

- A. **Fee Requirements.** Fees shall be assessed and collected before permits are issued and work commences on a project to cover administration and inspection costs. These fees shall also include an escrow deposit for the inspection of all site improvements by the  
35 Building Official, Township Engineer, Township Planning Consultant and/or other designee and for refuse collection on single-family homes.
  
- B. **Performance Guarantees.**
  - 40 1. **Form of Guarantee.** The Township shall require that a cash deposit, certified check, or irrevocable bank letter of credit covering the estimated cost of improvements be deposited with the Township. The guarantee shall be provided after a final site plan is approved but prior to the issuance of a land use permit.
  - 45 2. **Amount of Guarantee.** The guarantee shall cover site improvements as shown on the approved final site plan. Site improvements shall mean streets and drives,

parking lots, sidewalks, grading, required landscaping, required screening, storm drainage, and exterior lighting and utilities. The applicant shall provide a cost estimate of the improvements to be covered by the guarantee and such estimate shall be verified as to the amount by the Township. The guarantee shall be provided in an amount equal to fifty percent (50%) of the estimated cost of the site improvements. Prior to the issuance of a temporary certificate of occupancy the applicant shall provide an updated cost estimate of the remaining, incomplete site improvements. The guarantee shall be provided in an amount equal to one hundred twenty five percent (125%) The form of the guarantee and expiration date shall be approved by the Township.

**3. Right to Enter Property and Complete Improvements.** If the applicant shall fail to provide any site improvements according to the approved plans within the time period specified in the guarantee, the Township shall be entitled to enter upon the site and complete the improvements. The Township may defray the cost thereof from the deposited financial surety.

**4. Proportional Rebates.** If a cash deposit or irrevocable bank letter of credit is used, the applicant may request that a rebate be made when a reasonable proportion of the work is completed, as determined by the Township. No more than ninety percent (90%) of the original guarantee amount shall be released until the final improvements are completed.

**SECTION 3.09 COMMENCEMENT AND COMPLETION OF CONSTRUCTION**

A. Construction shall be commenced within two (2) years following final approval of a site plan, planned cluster development or planned unit development and substantial construction commenced in conformance with the schedule set forth by the applicant in the Development Agreement, as set forth in Section 3.11, Development Agreements. Initial site preparation such as clearing and grading shall not constitute substantial construction commenced. If construction is not commenced within two (2) years following final approval, approval of the project shall expire and be null and void, provided, an extension for a specified period may be granted by the Township Board upon good cause shown if such request is made to the Township Board prior to the expiration of the initial period.

B. Moreover, in the event approval of a planned unit development has expired, the Township Board, based on a recommendation from the Planning Commission, shall be authorized to rezone the property pursuant to the normal zoning procedures.

**SECTION 3.10 PUBLIC HEARING NOTICE**

In instances where a public hearing is required under state law with the Township Board, Planning Commission, or the Zoning Board of Appeals, written notice of the public hearing shall be as follows:

- 5 A. A notice of public hearing shall be published in a newspaper of general circulation in the Township, and shall be sent by mail or personal delivery to the owners of the property for which approval is being considered and all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property and to the occupants of all structures within three hundred (300) feet of the property regardless of whether the property or occupant is located in the zoning jurisdiction. 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 persons, one (1) occupant of each unit or spatial area shall be given notice. If a single structure contains more than four (4) 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.
- 10
- 15 B. The notice under subsection A. 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. The notice shall be given not less than fifteen (15) days before the date the request will be considered. If the name of the occupant is not known, the term “occupant” may be used for the intended recipient of the notice.
- 20 C. The notice shall do all of the following:
1. Describe the nature of the request.
  - 25 2. Identify the property which is the subject of the request. The notice shall include a listing of all existing street addresses within the 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.
  - 30 3. State the date, time, and place of the public hearing where the request will be heard.
  4. Indicate when and where written comments will be received concerning the request.
- 35 D. Public hearings for an amendment to the zoning ordinance or the zoning map that affects more than ten (10) properties shall require only notice in a newspaper. The notice need not be mailed to individual properties.

### **SECTION 3.11 DEVELOPMENT AGREEMENTS**

- 40 A. Prior to approval of a site plan, planned cluster development, planned unit development, site specific relief or a conditional rezoning, an applicant shall execute a development agreement, in a form approved by the Township, specifying all the terms and understandings relative to the proposed development. All costs incurred by the Township, including attorney fees, in drafting and approving the development agreement shall be paid by the applicant.
- 45

B. 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 Township 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 Township;
10. Provisions to ensure adequate protection of natural features;
11. Financial assurances in accordance with Section 3.08.B Performance Guarantees to guarantee the completion of all site improvements;
12. Requirements that the applicant maintain insurance coverage during development in amounts established by the Township, naming the Township as an additional insured, and further, required insurance provisions after the development is completed;
13. The site plan, PCD plan, PUD plan, site specific relief or conditional rezoning sketch plan 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;

5 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 and every condition and provision of the development agreement.

10 **SECTION 3.12 VIOLATIONS**

Any person who violates any provision of this Ordinance, or who fails to comply with any of the regulatory measures or conditions of the Zoning Administrator, Building Official, Planning Commission or the Township Board issued pursuant to this Ordinance, is responsible for a municipal civil infraction. The sanction of a violation includes payment of a civil fine as specified in Section 1.10 of the Highland Charter Township Code, plus costs and other sanctions for each infraction. Each day such violation continues shall be deemed a separate offense. Repeat offenses shall be subject to increased fines as provided by Section 1.10 of the Highland Charter Township Code.

20

**SECTION 3.13 PUBLIC NUISANCE PER SE**

Any building or structure which is erected, altered or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this ordinance and in violation of any of the provisions thereof is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

25

**SECTION 3.14 FINES**

The owner of any building, structure or premises or part thereof, where any condition in violation of this ordinance shall exist or shall be created, and who has assisted knowingly in the commission of such violation shall be guilty of a separate municipal civil infraction and shall be sanctioned accordingly.

30

**SECTION 3.15 RIGHTS AND REMEDIES ARE CUMULATIVE**

35

The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.