

CHAPTER 21 ADMINISTRATION

SECTION 21.1 ORDINANCE ADMINISTRATOR

Except where herein otherwise stated, the provisions of this Ordinance shall be administered by the Ordinance Administrator, or such other official or officials as may be appointed by the Village Council. The Ordinance Administrator shall have the power to:

- A. Grant Certificates of Occupancy.
- B. Make inspections of buildings and premises necessary to carry out the duties of administration and enforcement of this Ordinance.
- C. Issue and serve appearance tickets on any person with respect to any violation of this Ordinance where there is reasonable cause to believe that the person has committed such an offense.
- D. Perform such other functions necessary and proper to enforce and administer the provisions of this Ordinance.

SECTION 21.2 PERMITS

- A. Zoning Permits.
 - 1. No building, structure, or sign shall be erected, altered, or moved unless a Zoning Permit shall have been first issued for such work.
 - 2. No Zoning Permit shall be issued for the erection, alteration, or use of any building or structure, or for the use of any land which is not in accordance with all provisions of this Ordinance and any conditions of approval imposed on the particular use.
 - 3. A record of all Zoning Permits issued shall be kept on file in the office of the Ordinance Administrator and copies shall be furnished upon request to any person owning or renting the property which is the subject of the Permit.
 - 4. No vacant land shall be used and no existing use of land shall be changed to a different class of use unless a Zoning Permit is first obtained for the new or different use.
- B. Building Permits and Certificates of Occupancy.
 - 1. No Building Permit for the construction, erection, alteration, repair, or moving of any building or structure shall be issued until a Zoning Permit, or Zoning approval for such work has been issued by the Ordinance Administrator.
 - 2. No building or structure which is hereafter erected or altered shall be occupied or used unless and until a Certificate of Occupancy shall have been issued for such building or structure.

3. Certificates of Occupancy, as required by the currently adopted Building Code for the Village of Maybee, shall also constitute certification of compliance with the Zoning Ordinance.
 4. A record of all Certificates of Occupancy issued shall be kept on file in the office of the Building Official, and copies shall be furnished upon request to any person owning or renting the property which is the subject of the Certificate.
- C. Fees for the inspection and issuance of Permits or Certificates of Occupancy, or copies required or issued under the provisions of this Ordinance, may be collected by the Village in advance of issuance. The amount of such fees shall be established by resolution of the Village Council and shall cover the cost of inspection and supervision resulting from the enforcement of this Ordinance.

SECTION 21.3 VIOLATIONS - PENALTY

- A. **Public Nuisance Per Se.** Any violation of the provisions of this Ordinance is hereby declared to be a nuisance per se. The court shall order such nuisance abated and the person, persons, firm or corporation or anyone acting on behalf of the same violating said provisions shall be adjudged guilty of maintaining a nuisance per se.
- B. **Penalties for Violation.** Any person, persons, firm or corporation or anyone acting on behalf of the same, who shall violate, neglect, or refuse to comply with or who resists the enforcement of any provisions of the Ordinance or conditions of the Planning Commission, the Zoning Board of Appeals or the Village Council adopted pursuant thereto, shall be guilty of a misdemeanor, and conviction thereof, shall be subject to punishment by a fine not to exceed five hundred dollars (\$500.00) and the costs of prosecution or by ninety (90) days imprisonment in the County jail or by both such fine and imprisonment in the discretion of the court, together with the costs of such prosecution.
- C. **Each Day a Separate Offense.** Each day on which any violation of this Ordinance or continues a separate offense and shall be subject to penalties or sanctions as a separate offense.

SECTION 21.4 PERFORMANCE GUARANTEES

- A. As a condition of approval of a site plan review, special land use, or planned unit development, the Planning Commission or Village Council, whichever is designated as the approving authority, may require a financial guarantee of sufficient sum to assure the installation of those features or components of the approved activity or construction which are considered necessary to protect the health, safety, and welfare of the public and of users or inhabitants of the proposed development. Such features or components, hereafter referred to as "improvements," may include, but shall not be limited to, roadways, curbing, landscaping, fencing, walls, screening, lighting, drainage facilities, sidewalks, driveways, utilities, and similar items.
- B. Performance guarantees shall be processed in the following manner:

1. Prior to the issuance of a Certificate of Occupancy, the applicant shall submit an itemized estimate of the cost of the required improvements which are subject to the performance guarantee, which shall then be reviewed by the Ordinance Administrator. The amount of the performance guarantee shall be one hundred (100) percent of the cost of purchasing materials and installing the required improvements, plus the cost of necessary engineering and a reasonable amount for contingencies, not to exceed a total of one hundred twenty-five percent (125%) of the cost of construction and materials.
2. The required performance guarantee may be in the form of a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Village.
3. Upon receipt of the required performance guarantee, the Ordinance Administrator shall issue a building permit for the subject development or activity, provided it is in compliance with all other applicable provisions of this Ordinance and other applicable Ordinances of the Village.
4. The Ordinance Administrator, upon the written request of the obligor, 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 improvements.
5. When all of the required improvements have been completed, the obligor shall send written notice to the Ordinance Administrator of completion of said improvements. Thereupon, the Ordinance Administrator shall inspect all of the improvements and approve, partially approve, or reject the improvements with a statement of the reasons for any rejections. If partial approval is granted, the cost of the improvement rejected shall be set forth. Where partial approval is granted, the obligor shall be released from liability pursuant to relevant portions of the performance guarantee, except for that portion sufficient to secure completion of the improvements not yet approved.
6. A record of authorized performance guarantees shall be maintained by the Ordinance Administrator.

SECTION 21.5 CHANGES AND AMENDMENTS

- A. **Amendments.** The Village Council may, from time to time by Ordinance, amend, supplement or change the boundaries of districts, designation of districts, or regulations herein established, in accordance with the State law.
- B. **Initiation of Amendments.** Amendment to this Ordinance will be directed to the Planning Commission for review and may be initiated by the Village Council by resolution, by the Planning Commission, by motion, or by any interested person or persons by petition to the Ordinance Administrator.
- C. **Amendment Petition.** All petitions for amendment to this Ordinance shall be in writing, signed and filed in triplicate with the Ordinance Administrator for presentation to the Planning Commission. Such petitions shall include the following:

1. The petitioner's name, address and interest in the petition, as well as the name, address, and interest of every person having a legal or equitable interest in any land which is to be rezoned.
2. The nature and effect of the proposed amendment.
3. The alleged error in the Ordinance which would be corrected by the proposed amendment, with a detailed explanation of such alleged error and detailed reason why the proposed amendment will correct the same.
4. The changed or changing conditions in the area or in the Village that make the proposed amendment reasonably necessary to the promotion of the public health, safety and general welfare.
5. All other circumstances, factors, and reasons which the petitioner offers in support of the proposed amendment.
6. If the proposed amendment would require a change in the Zoning Map:
 - a. A fully dimensioned map showing the land which would be affected by the proposed amendment.
 - b. A legal description of such land.
 - c. The present zoning district of the land.
 - d. The zoning district of all abutting lands.
 - e. All public right-of-way easements bounding and intersecting the land to be rezoned.

D. **Procedure.** The Planning Commission shall hold at least one (1) public hearing on all Zoning Ordinance amendments, supplements, changes to the boundaries of districts, designation of districts, or regulations.

1. Public Hearing shall be published according to *Section 21.6, Publications*.
2. The Planning Commission may adjourn the public hearing or may call upon the assistance of the Village departments or experts in the performance. It shall be the duty of such departments to render assistance to the Planning Commission as may be reasonably required.
3. The Planning Commission shall take action by concurring vote of a majority of the Planning Commission. The Planning Commission shall reduce its action on each to a written summary recommendation to the Village Council. This written summary recommendation shall:

- a. Indicate the vote of each member upon this question;
 - b. Summarize the pertinent facts particular to the issue; and
 - c. List any recommended changes to the proposed change or amendment as presented.
4. The Planning Commission shall expeditiously transmit its recommendation to the Village Council. The Village Council, upon receipt of the Planning Commission's recommendation, shall act upon the proposed changed or amendment by Ordinance, in accordance with State law and Village Charter.
- E. **Protest Petition.** Upon presentation of a protest petition meeting the requirements of this section, an amendment to the Zoning Ordinance, which is the subject of the petition, may only be passed by at least a two-thirds (2/3) vote of the Village Council. The protest petition presented to the Village Council shall be signed by at least one (1) of the following:
1. The owners of at least twenty percent (20%) of the area included in the proposed change.
 2. The owners of at least twenty percent (20%) of the area of land within an area extending outward one hundred (100) feet from any point on the boundary of the land included in the proposed change.
 3. For purposes of this subsection, publicly owned land shall not be included in the calculation of the twenty percent (20%) land area requirement.
- F. **Publication.** Following adoption by the Village Council of a Zoning Ordinance and subsequent amendments, one (1) notice of adoption shall be published in a newspaper of general circulation within the Village within fifteen (15) days after adoption. The notice shall include the following information:
1. In the case of a newly adopted Zoning Ordinance, the following statement: "A Zoning Ordinance regulating the development and use of land has been adopted by the Village Council of the Village of Maybee."
 2. In the case of an amendment to an existing Ordinance, either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment.
 3. The effective date of the Ordinance.
 4. The place and time where a copy of the Ordinance may be purchased in accordance with the Village's fee schedule, or inspected.

SECTION 21.6 PUBLICATIONS

In instances where a public hearing is required under this Ordinance, it shall be published as follows:

- A. **Notice Content.** The notice shall do all of the following:
1. Describe the nature of the request.
 2. Indicate the property that 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.
 3. State when and where the request will be considered.
 4. Indicate when and where written comments will be received concerning the request.
- B. **Notice Publication and Mailing.** No less than fifteen (15) days prior to the public hearing, notice shall be given as follows:
1. Notice shall be published in a newspaper of general circulation in the Village.
 2. Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered.
 3. Notice shall be sent to all persons to whom real property is assessed within three hundred (300) feet of the subject property and to the occupants of all structures within three hundred (300) feet of the subject property regardless of whether the property or structure is located in the zoning jurisdiction, as follows:
 - a. 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. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.
 - b. Notice 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.
 4. Notice of the time and place of the public hearing shall also be given by mail to each electric, gas, and pipeline public utility company, each telecommunication service provider, each railroad operating within the district or zone affected, and the airport manager of each airport, that registers its name and mailing address with the clerk of the legislative body for the purpose of receiving the notice of public hearing.

C. **Exceptions.**

1. **Text Amendments and Multi-Parcel Rezoning.** Public hearings for an amendment to the Zoning Ordinance text, or the zoning map that affects eleven (11) or more adjacent properties shall only require notice in a newspaper, and no individual notices shall be required.
2. **ZBA Interpretations and Appeals.** Public hearings for ordinance interpretations and appeals of administrative decisions by the Zoning Board of Appeals shall only require notice in a newspaper, unless it involves a specific property, in which case notice shall also be given to the person bringing the appeal.