

Article 12: Administration & Enforcement

12.1 ZONING ADMINISTRATOR

A Zoning Administrator shall be hired by the City Manager and on such terms as shall be determined by the City Council. The duties of the Zoning Administrator may be delegated by the City Manager to another employee of the City or a consultant approved by the City Council.

12.1.1 Duties

It shall be the duty of the Zoning Administrator to:

- A. Receive applications for land use permits and issue or deny them.
- B. Inspect buildings or structures in order to determine compliance with the land use permits issued in compliance with this Ordinance.
- C. Be in charge of the enforcement of this Ordinance. The City Manager may, at their discretion, instruct the Zoning Administrator to make efforts to obtain voluntary compliance with this Ordinance. The City Manager may instruct the Zoning Administrator, in writing, to initiate a criminal complaint or other legal action. Under no circumstances is the Zoning Administrator permitted to make changes in this Ordinance or to vary its terms in carrying out the Zoning Administrator's duties.
- D. Perform pre-application conferences, completeness reviews, and technical reviews for all applications that include a site plan review.

12.2 FEES

The fees for applications, permits and other requests shall be established by the City Council. Fees must be paid before any review of an application is performed or a permit is issued. Certain applications, permits and requests are subject to the City of Petoskey Escrow Policy, as defined in that policy.

12.3 PERFORMANCE GUARANTEES

To ensure compliance with the Ordinance and any conditions imposed, the Planning Commission may require that a cash deposit, irrevocable letter of credit, certified check, or surety bond acceptable to the City covering the estimated cost of improvements be deposited with the City Clerk to ensure faithful completion of the improvements. The performance guarantee shall be deposited at the time of the issuance of the building permit. The City shall not require the deposit of the performance guarantee until it is prepared to issue the zoning permit. If requested by the applicant of the site plan review, the City shall rebate any cash deposits in reasonable proportion to the ratio of work completed on the required improvements as work progresses.

41 12.4 TAXES

42 When the City receives an application for any new or amended land use or zoning permit, site plan review,
43 special land use permit, any other application, or any request for a permit or approval required by this Zoning
44 Ordinance, the applicant shall be required to present a signed statement from the City Treasurer that all real
45 and personal property taxes, fees, penalties, fines, assessments, general assessments and other monies
46 owed to the City are current and paid up to date. The City Treasurer’s signed statement shall cover the
47 accounts of all named applicants and all properties upon which the application or request is made. The City
48 shall take no action on any application or request until the applicant or requesting party acquires the City
49 Treasurer’s signed statement that all of the above monies owed are current and paid up to date. The City
50 shall make no final decision on any application or request if any of the above monies owed become
51 delinquent or remain unpaid during consideration.

52
53 12.5 PUBLIC HEARINGS

54 The body charged with conducting a public hearing required by this Ordinance shall, upon receipt of a
55 completed application, select a reasonable time and place for such hearing. Such hearings shall be held in
56 accordance with the Michigan Zoning Enabling Act, Public Act 110 of 2006, as amended), and the following:
57

58 12.5.1 Public Notice

59 A. Notice of the public hearing shall be:

- 60
- 61 1. Posted by the City Clerk at the place the hearing will be held.
- 62
- 63 2. Published in a newspaper of general circulation in the City not less than fifteen (15) days
- 64 before the date of the public hearing.
- 65
- 66 3. Sent by mail or personal delivery not less than fifteen (15) days before the date of the
- 67 public hearing to:
- 68
- 69 a. The applicant, owner(s) of property for which approval is being considered, and all
- 70 persons to whom real property is assessed within three hundred (300) feet of the
- 71 boundary of the property in question.
- 72
- 73 b. All occupants of structures within three hundred (300) feet of the boundary of the
- 74 property in question. If the name of the occupant is not known, the term “occupant”
- 75 may be used to make the notification. Notification need not be given to more than
- 76 one (1) occupant of a structure, except that one (1) occupant of each unit or spatial
- 77 area shall receive notice if a structure contains more than one (1) dwelling unit or
- 78 spatial area owned or leased by different individuals, partnerships, businesses, or
- 79 organizations. In the case of a single structure containing more than four (4) dwelling
- 80 units or other distinct spatial areas owned or leased by different individuals,
- 81 partnerships, businesses, or organizations, notice may be given to the manager or
- 82 owner, who shall post the notice at the primary entrance to the structure.

83
84 B. The notice shall include all of the following:
85

- 86 1. Describe the nature of the request.
- 87
- 88 2. Indicate the property that is the subject of the request. The notice shall include a listing
- 89 of all existing street addresses within the property. Street addresses do not need to be
- 90 created and listed if no such addresses currently exist within the property. If there are no
- 91 street addresses, other means of identification may be used.
- 92
- 93 3. State when and where the request will be considered.
- 94
- 95 4. Indicate when and where written comments concerning the request will be received.
- 96

97 12.6 ZONING PERMITS

98 12.6.1 General

99 No person shall erect, alter, move, or demolish a structure to the extent of more than one hundred
100 (100) square feet of floor area or establish a new use or change in use for any parcel without a zoning
101 permit. The Zoning Administrator shall issue a zoning permit if the proposed structure or use is in
102 compliance with the provisions of this Ordinance. The applicant shall furnish permits or approvals,
103 if required, from the Petoskey Department of Public Works, a soil erosion and sedimentation permit
104 from the Emmet County Planning, Zoning and Construction Resources Department, the Michigan
105 Department of Transportation, Michigan Department of Natural Resources, and any other applicable
106 agency, before the Zoning Administrator may issue a permit. A copy of each zoning permit will be
107 retained by the Zoning Administrator as a part of the city's permanent records. The Zoning
108 Administrator shall promptly inform the applicant of the denial of a zoning permit if the proposed
109 structure or use does not comply with the provisions of this Ordinance. Issuance of a zoning permit
110 or approval of a site plan for a permitted use or special zoning permit does not waive the
111 requirements to comply with all applicable local, state, and federal codes and statutes, including,
112 but not limited to, State Construction Code, Electrical Code, Property Maintenance Code,
113 Mechanical Code, and Fire Prevention Code.

114 12.6.2 Application

115 Each application for a zoning permit shall include the following minimum requirements:

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- 117
- 118 A. Plot Plan: If the proposed location of the improvement is more than three (3) feet from any
- 119 required zoning setback lines, the Zoning Administrator may waive the survey requirement
- 120 and only require a plot plan. The Plot Plan shall be drawn to scale illustrating:
- 121
- 122 1. The actual shape, location, and dimensions of the lot.
- 123
- 124 2. The shape, size, and location of all buildings or other structures to be erected, altered, or
- 125 moved, and if any building or other structure is already on the lot.
- 126
- 127 3. The existing and intended use of the lot and of all such structures upon it, including
- 128 residential areas and the number of dwelling units that the building is intended to
- 129 accommodate.
- 130

131 4. Such other information concerning the lot or adjoining lots may be essential to
132 determining that the provisions of this Ordinance are being observed.
133

134 B. Site Plan: If the proposed location of the improvement is less than three (3) feet from any
135 required zoning setback lines, the Zoning Administrator may require a survey that includes
136 the following information:
137

- 138 1. The actual shape, location, and dimensions of the lot.
- 139
- 140 2. The shape, size, and location of all buildings or other structures to be erected, altered, or
- 141 moved, and if any building or other structure is already on the lot.
- 142
- 143 3. The existing and intended use of the lot and of all such structures upon it, including
- 144 residential areas and the number of dwelling units that the building is intended to
- 145 accommodate.
- 146
- 147 4. Such other information concerning the lot or adjoining lots may be essential to
- 148 determining that the provisions of this Ordinance are being observed.
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150 C. Property Boundaries: In cases where property boundaries are not clearly indicated by corner
151 markers or other means, the Zoning Administrator may require, at the applicant’s expense,
152 the property to be located by a registered surveyor. In cases on properties located along Lake
153 Michigan, if there is any question of the location of the ordinary high water mark, the Zoning
154 Administrator may also require this level to be set and marked by a registered surveyor.
155

156 D. Evidence of Ownership: All applications for zoning permits under the provisions of this
157 Ordinance shall include the land owner’s signature authorizing the application for the permit
158 and be accompanied by proof of ownership of all property affected by the coverage of the
159 permit. Proof of ownership shall be established by one of the following means: current title
160 policy or commitment, abstract or attorney’s opinion of title, or such other evidence of
161 ownership as the Zoning Administrator determines acceptable.
162

163 E. Supporting Documentation: In the event that the Zoning Administrator feels additional
164 information is required before determining the suitability of an application for a zoning
165 permit, the Zoning Administrator may request that the applicant submit such additional
166 information as surveys, deed descriptions, soil suitability tests, erosion control surveys,
167 easements, and permits from other governmental agencies.
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169 12.6.3 Voiding Permit

170 Any permit granted under this Section shall become null and void after one (1) year from the date of
171 granting such permit unless the development proposed shall have passed its first construction code
172 inspection. The applicant shall have the option of extending the permit by a maximum of six (6)
173 months upon written notice to the Zoning Administrator. Said notice shall be filed no later than five
174 (5) working days following the expiration of the permit. If a zoning permit expires, the applicant will
175 have to reapply as a new application.
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177 12.6.4 Inspection

178 The developer of the property is solely responsible for meeting the conditions and terms of the zoning
179 permit and this Ordinance. The City reserves the right to be compensated by the land owner for on-
180 site inspection services based on the City’s planning and zoning fee schedule.

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182 12.7 VIOLATIONS AND PENALTIES

183 12.7.1 Nuisance Per Se

184 Any land, dwellings, buildings, or structures, including tents and trailer coaches, used, erected,
185 altered, razed, or converted in violation of this Ordinance or in violation of any regulations,
186 conditions, permits, or other rights granted, adopted, or issued pursuant to this Ordinance are
187 hereby declared to be a nuisance per se.

188
189 12.7.2 Municipal Civil Infraction

190 Any person, partnership, corporation, or association who creates or maintains a nuisance per se as
191 defined above or who violates or fails to comply with any provision of this Ordinance or any permit
192 issued pursuant to this Ordinance shall be responsible for a municipal civil infraction. Every day that
193 such violation continues shall constitute a separate and distinct offense under the provisions of this
194 Ordinance. Nothing in this Section shall exempt the offender from compliance with the provisions of
195 this Ordinance.

196
197 12.7.3 Penalties

198 Any person, partnership, corporation, or association who shall violate any provision of this
199 Ordinance in any particular, or who fails to comply with any of the regulatory measures or conditions
200 of the Zoning Board of Appeals adopted pursuant hereto, shall, upon conviction thereof, be fined not
201 to exceed five hundred dollars (\$500.00), and each day such violation continues shall be deemed a
202 separate offense or shall be punished by imprisonment in jail for a period not to exceed ninety (90)
203 days, or both such fine and imprisonment at the discretion of the court.

204
205 12.7.4 Zoning Administrator

206 The Zoning Administrator or other designated city representative is hereby designated as the
207 authorized City official to issue municipal civil infraction citations directing alleged violators of this
208 Ordinance to appear in court.

209
210 12.7.5 Nuisance Abatement

211 In addition to enforcing this Ordinance as a municipal civil infraction, the City may initiate
212 proceedings in the Circuit Court to abate or eliminate the nuisance per se or any other violation of
213 this Ordinance.