

**ARTICLE 4
ADMINISTRATION AND ENFORCEMENT**

SECTION 4.1: PURPOSE

4.1.1 Purpose: The purpose of this Article is to establish specific regulations and guidelines for the administration and enforcement of the Village of Port Sanilac Zoning Ordinance.

4.1.2 Enabling Authority: This Zoning Ordinance has been prepared for and adopted by the Village Council of the Village of Port Sanilac under the authority of the Michigan Zoning Enabling Act (Public Act 110 of 2006, as amended), following compliance with all procedures required by this Act.

SECTION 4.2: ENFORCEMENT

4.2.1 Enforcement: The provisions of this Ordinance shall be administered and enforced by the Zoning Administrator or by such deputies of his/her department as the Zoning Administrator may delegate to enforce the provisions of this Ordinance.

SECTION 4.3: DUTIES OF THE ZONING ADMINISTRATOR

4.3.1 The Port Sanilac Zoning Administrator shall be appointed by, and serve at the pleasure of, the Village President upon the approval of the Village Council. It shall be the responsibility of the Zoning Administrator or his/her deputies, or such other official or officials as may be designated by the Village Council to be thoroughly versed in the provisions of this Ordinance and to enforce the provisions of this Ordinance, and in so doing shall perform the following duties:

4.3.2 Official Copies: The Zoning Administrator shall be responsible for the maintenance and revision of the official Zoning Map kept at the Village Hall.

A. The Zoning Administrator shall ensure there is a procedure in place that results in the publication of a map showing the location of each property for which a public hearing is to be held under this Ordinance along with the official public hearing notice for that property in a newspaper of general circulation in the Village. The map shall serve as a substitute for publishing a legal description of the property.

4.3.3 Issue Permits: All applications for land use permits, temporary land use permits, Special Land Use Permits, Planned Unit Development permits, variances, appeals, requests for Ordinance interpretation and requests for changes to a nonconforming use shall be submitted to the Village Clerk. The Zoning Administrator shall issue such permits when all applicable provisions of this Ordinance have been met and approval has been granted by the proper body or official.

A. The Zoning Administrator shall investigate all applications for zoning compliance permits and land removal and filing permits and prepare a written report of findings for his/her issuance or denial of such permit applications.

4.3.4 File of Applications: The Zoning Administrator shall maintain files of all permit applications, and shall keep a record of all permits issued. These shall be filed in the office of the Zoning Administrator and shall be open for public review.

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4.3.5 Inspections: The Zoning Administrator shall not approve any plans or issue any permits for any excavation or construction until he/she has reviewed such plans in detail and found them to conform to this Ordinance. The Zoning Administrator shall be empowered to make inspections of buildings or premises in order to carry out the enforcement of this Ordinance. The Zoning Administrator shall seek a search warrant through the Village Attorney any time a property owner refuses access to a property in order to make an inspection to determine compliance with this Ordinance.

4.3.6 Record Keeping:

- A. The Zoning Administrator shall keep a record of every complaint of a violation of any of the provisions of this Ordinance, and of the action taken consequent to each complaint; such records shall be open for public review.
- B. The Zoning Administrator shall investigate, record, and report in writing every instance of non-compliance, non-conforming or apparent illegal use of any land or structure in the Village.
- C. Such reports shall be reviewed by the Planning Commission with a determination made in each instance. The results of each determination shall be forwarded by the Zoning Administrator to the owners of property which is the subject of the investigation and determination.
- D. The Zoning Administrator shall maintain a log of all special exceptions requested under this Ordinance. The log shall include the request, the applicable section of the Ordinance under which authority for the special exception is found, the decision, and the rationale for the decision. A list of special exceptions granted shall be transmitted once each month to the Village President and Village Planning Commission for the first three (3) months of the tenure of a new Zoning Administrator, and for as long thereafter as requested by either the Village President or Village Planning Commission.
- E. The Zoning Administrator shall establish notebooks or other records for listing each decision, special exception, interpretation, or enforcement action made under this Ordinance. This record shall be organized for easy reference by date and decision to help ensure consistency of future decisions.
- F. The Zoning Administrator shall record all known nonconforming uses existing at the effective date of this Ordinance.

4.3.7 Violations and Enforcement: Enforcement actions may be initiated by a complaint, or by the Zoning Administrator independently anytime he/she identifies a violation.

- A. The Zoning Administrator shall be the principal Ordinance enforcement officer. He/she shall ensure conformance with issued permits, investigate alleged Ordinance violations, issue tickets and violation notices, appear in court or other judicial proceedings, and undertake such other enforcement activities as may be delegated by the Village Council or Planning Commission. Other individuals may be hired for this purpose, or the task may be delegated to others who work under the supervision of the Zoning Administrator.
- B. The Zoning Administrator shall assist the Village Attorney in the investigation, preparation and presentation of evidence for Ordinance enforcement or other litigations.

4.3.8 Assist Review and Decision Making Bodies: The Zoning Administrator shall assist the Planning Commission or the Board of Appeals by investigating and reporting on

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all applications for rezoning, special land uses and variances.

- A. The Zoning Administrator and/or Building Inspector shall submit each month a written summary of the preceding month's activities to the Planning Commission.
- B. The Zoning Administrator shall periodically prepare, maintain and/or update forms, procedure manuals and guidelines for the smooth administration of the Zoning Ordinance. All such forms, manuals and guidelines shall be reviewed and approved by the Planning Commission.

4.3.9 Limit on Zoning Administrator Authority:

- A. Under no circumstances is the Zoning Administrator permitted to make changes in this Ordinance, nor to vary the terms of this Ordinance while carrying out the duties prescribed herein.
- B. The Zoning Administrator shall not refuse to issue a permit when conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said permit, unless such contracts, covenants or private agreements are with the Village, County, State of Michigan, or federal government, or one of their agencies.
- C. Appeals: Any decision of the Zoning Administrator may be appealed to the Zoning Board of Appeals (see Section 5.4). All written records of the Zoning Administrator related to an appeal shall be provided to the Zoning Board of Appeals. The Board shall review the decision in light of the applicable procedures and standards in the Ordinance and overturn the decision of the Zoning Administrator only where the facts do not support the decision made.
- D. Notification of Michigan Department of Environmental Quality (MDEQ): The Zoning Administrator shall inform the Michigan Department of Environmental Quality (MDEQ) if the appeal involves a 100-year floodplain issue at the time an appeal is filed.

4.3.10 Relief from Personal Responsibility: The Zoning Administrator, officer or employee charged with the enforcement of this Ordinance, while lawfully acting within the scope of the Zoning Administrator's duties for the Village of Port Sanilac, shall not thereby render himself/herself liable personally, and he/she is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any lawful act required or permitted in the discharge of his/her official duties. Any suit instituted against the Zoning Administrator or any officer or employee acting on behalf of the office of the Zoning Administrator, because of a lawful act performed by the employee in the lawful discharge of his/her duties and under the provisions of the Ordinance shall be defended by the Village Attorney, or other legal representative of the Village, until the final termination of the proceedings. In no case shall the Zoning Administrator or any of his/her subordinates be liable for costs in any action, suit or proceeding that may be instituted in pursuance of the provisions of the Ordinance.

SECTION 4.4: DUTIES OF THE PLANNING COMMISSION

4.4.1 Duties of the Planning Commission: The Planning Commission shall perform the following duties:

- A. Adopt forms, rules, procedures and guidelines for the proper administration and enforcement of the Ordinance;
- B. Act as a policy board on matters of enforcement and administration of the Ordinance not covered by adopted rules or guidelines;
- C. Conduct public hearings;
- D. Make comprehensive review and recommend changes to the Zoning Ordinance as

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- deemed necessary, but not less than once every five (5) years.
- E. Review all proposed requests for Special Land Use Permits and/or amendments to the Zoning Ordinance for compliance with requirements of the Ordinance based Articles 16 and 17, and thence recommend appropriate action to the Village Council for approval, disapproval, or modification;
 - F. Those duties prescribed in the Michigan Planning Enabling Act (Public Act 33 of 2008), as amended, and the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended.

SECTION 4.5: PERMITS REQUIRED

4.5.1 Intent and Purpose: It is the intent and purpose of this Section to create a review and approval process for the issuance of zoning compliance permits (also identified as a Land Use Permit) and building permits. No land clearing, filling, nor excavation for any building or structure shall be commenced; nor erection of, addition to, alteration of, or moving of any building or structure shall be undertaken; nor any land used; nor any existing land use changed to a different type or class; nor the use or occupancy of any building or premises, or part thereof, shall be undertaken without the issuance of the proper and appropriate certificates and permits pursuant to the requirements of Sections 4.6 and 4.7 of this Ordinance. Except upon written order of the Zoning Board of Appeals, no zoning compliance permit shall be issued for any building or use of land where the construction, addition, alteration, or use thereof would be in violation of this Ordinance.

4.5.2 Zoning Compliance Permits:

- A. *When Required:* No land filling or excavation shall be initiated, no building shall be erected, altered, moved or structural alterations initiated until a zoning compliance permit has been issued, except as otherwise permitted in this Ordinance.
- B. *Expiration of Permit:* Any permit granted under this Section shall become null and void after twelve (12) months from the date of granting such permit unless the development proposed or activity authorized shall have passed its first building inspection. Before voidance is actually declared, the Zoning Administrator shall notify the applicant of the pending voiding action by sending a notice to the applicant at the address indicated on the permit application at least ten (10) days before such voidance is effective. The permit may be renewed for not more than two (2) additional months upon reapplication but without payment of the original fee, subject to the provisions of all Ordinances in effect at the time of renewal.
- C. *Revocation:* The Zoning Administrator shall have the power to revoke or cancel any zoning compliance permit in case of failure or neglect to comply with any provisions of this Ordinance, or in the case of any false statement or misrepresentation made in the application. The owner or his/her agent shall be notified of such revocation in writing. Upon such revocation, all further construction activities and usage shall cease upon the site, other than for the purpose of correcting the violation. Cancellation of a permit issued for a special approval land use, planned unit development or variance shall not occur before a hearing by the body which granted the permit. The Zoning Administrator may issue a stop work order to halt all construction activities and usage pending a decision on revocation of said permit.
- D. *Issuance:* Whenever the buildings, structures, and uses as set forth in any application are in conformity with the provisions of this Ordinance, or a variance granted by the Zoning Board of Appeals, the Zoning Administrator shall issue a zoning compliance permit. In any case where a permit is denied, the reasons shall be stated in writing to the applicant to the extent required by law.

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- E. *Relation to Nonconforming Uses:* It shall not be necessary for an owner of a legal nonconforming structure or use existing on the effective date of this Ordinance to obtain a Zoning Permit in order to maintain its legal, nonconforming status. However, no nonconforming building, structure, or use shall be renewed, changed, or extended pursuant to Article 6 "Nonconforming Use Regulations" until a zoning compliance permit has been issued by the Zoning Administrator. In such cases, the permit shall state specifically how the nonconforming building, structure, or use differs from the provisions of this Ordinance.
- F. *Withholding Permit:* The Zoning Administrator may withhold any zoning compliance permit pending verification that an applicant has received required Village, County, State or Federal permits including, but not limited to: sanitary sewer and water tap-in permits, septic and water well permits, soil erosion and sedimentation control permits, wetlands permits, floodplain, culvert, driveway or building permits. Likewise, wherever this Ordinance authorizes permit approval by the Village Planning Commission or Village Council, the Village Planning Commission or Village Council may condition final approval of the requested development activity upon the receipt of any of the above mentioned Village, County, State or Federal approvals and/or direct the Zoning Administrator not to issue a zoning compliance permit until said permits from other agencies have been obtained.
- G. *Performance Guarantee:* A performance guarantee may be required as a condition to the issuance of any zoning compliance permit in order to ensure compliance with the requirements of this Ordinance. See Section 4.8.
- H. *Relationship to Building Permits:* No building permit shall be issued for a new building or structure, one moved, altered, or repaired, or for the expansion of an existing building or structure before a determination of zoning compliance has been made by the Zoning Administrator. The terms "altered" and "repaired" shall include any changes in structural parts, stairways, type of construction, class, type, or kind of occupancy, light or ventilation, means of egress and ingress, or other changes affecting or regulated by any part of this Ordinance or the Code of Ordinances of the Village of Port Sanilac, except for minor repairs or changes not involving any of the aforesaid features. No building permit shall be issued for the erection, alteration, or use of any building or structure or part thereof, or for the use of any land which is not in accordance with all provisions of this Ordinance. All Building Code requirements shall have been met as determined by the Building Inspector.

4.5.3 Land Use Permit Forms: Application forms shall be available at the office of the Village Clerk. The Land Use Permit form shall include the following:

- A. Show the name and address of the owner (and of the applicant if other than the owner).
- B. Be accompanied by plans and specifications including a scaled site plan and, where applicable (See Section 3.22), an Environmental Impact Statement.
- C. Delineate 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.
- D. Whether the present use is conforming or non-conforming and whether the proposed use is a permitted or special approval use.
- E. The approval and authorized signature of the Zoning Administrator or another authorized agent.
- F. Such other information concerning the lot or adjoining lots and structures as may be essential to establish compliance with the provisions of this Ordinance are being observed (e.g. elevations describing nautical and historical community motif).
- G. No land use permit shall be required for any construction which does not increase the

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area of the buildings in question or for sidewalk construction.

- H. Request for outdoor assembly, concerts, revival meetings, circuses and carnivals, special approval shall be accompanied by a statement of the time period requested and shall give detailed information on the type of activity and anticipated size of audience. Provisions for public safety and sanitary facilities and site cleanup shall also be included and when deemed necessary a performance bond may be required as a condition of approval.

4.5.4 Temporary Land Use Permits:

- A. *Application:* An application may be approved, modified, conditioned, or denied by the Zoning Administrator. The Zoning Administrator may refer the application to the Village Planning Commission.
- B. *Permits:* A written permit will be issued for all temporary uses and shall contain the following information:
1. The applicant's name;
 2. The location and effective dates of the temporary use;
 3. Conditions specified by which the permit was issued, such as:
 - a. Use and placement of signs;
 - b. Provision for security and safety measures;
 - c. Control of nuisance factors;
 - d. Submission of performance guarantee, if required.
- C. *Conditions of Approval:*
1. The nature and intensity of the temporary use and the size and placement of any temporary structure shall be planned so that the temporary use or structure will be compatible with existing development.
 2. The use shall not be typically located within a permanent building or structure.
 3. The parcel shall be of sufficient size to adequately accommodate the temporary use or structure.
 4. The location of the temporary use or structure shall be such that adverse effects on surrounding properties will be minimal, particularly regarding the traffic generated by the temporary use or structure.
 5. Off-street parking areas are of adequate size for the particular temporary use or structure and properly located and the entrance and exit drives are laid out so as to prevent traffic hazards and nuisances.
 6. Signs shall conform to the provisions of Article 7 "Sign Regulations."
 7. Any lighting shall be directed and controlled so as to not create a nuisance to neighboring property owners.
 8. The Zoning Administrator may impose conditions with the issuance of the permit which is designed to ensure compliance with the requirements of this Ordinance. The Zoning Administrator may revoke a permit at any time for nonconformance with the requirements of this section and a permit issued hereunder.
 9. Permits which are renewable shall have an application filed for renewal at least fifteen (15) days prior to the expiration date of the current permit, except that applications for renewal or extension of a permit for less than fifteen (15) days may be applied for no later than three (3) Village business days prior to the expiration date of the current permit.
- D. *Revocation:* Upon expiration or revocation of a permit for a temporary land use, the temporary land use shall cease and all temporary structures, dwellings or buildings shall be removed from the parcel of land. Cancellation of a permit issued for a temporary land use shall not occur before a hearing by the body which granted the permit. A permit may be revoked or modified by the Zoning Administrator if any one

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of the following findings can be made:

1. That circumstances have changed;
 2. The permit was obtained by misrepresentation or fraud;
 3. One (1) or more of the conditions of the have not been met; and
 4. The use is in violation of any statute, Ordinance, law, or regulation.
- E. *Appeal*: An appeal of a decision by the Zoning Administrator relative to denial of a for a temporary use or renewal thereof may be taken to the Zoning Board of Appeals pursuant to Section 5.4.6 of this Ordinance.
- F. *Performance Guarantee*: The Zoning Administrator may require a performance guarantee pursuant to the standards of Section 4.8.

4.5.5 Building Construction Permit: Any structure or building constructed, altered, moved, or demolished shall require a building permit in accordance with the provisions of the State Building Code, issued by the Sanilac County building and Land Use department. While residences must comply with the residential building code requirements, all other structures shall comply with the State Building Code requirements for the district in which they are located.

4.5.6 Building Occupancy Permit: No buildings, structures, or additions thereto shall be occupied until an occupancy permit has been issued by the County Buildings Inspector.

- A. The occupancy permit shall indicate that all required building code inspections have been made.
- B. In certain cases, the County Inspector may approve a temporary certificate of occupancy for a period not to exceed six months, if approved by the Village Council, who may require a cash bond to be posted to insure compliance with the reasons for the time extension.

4.5.7 Land Removable and/or Land Fill Permit: Before any land in the Village is stripped, excavated, quarried, removed or stockpiled or before any land filling operations are conducted a permit shall be obtained from the Zoning Administrator in accordance with procedures hereinafter provided. Permits will not be required for agricultural practices or operations incidental thereto, nor will a land removal or filling permit be required when such operations are incidental to a construction project covered by a Building Permit. It is the intent of this provision to regulate any filling or excavating in the public right of way or on any private lands where the results of such filling or excavating will cause unsafe conditions, soil erosion or drainage problems. An application for a Land Removal or a Land Fill Permit shall be made to the Zoning Administrator containing the following information:

- A. Names and addresses of parties of interest in the property effected, with a statement of each party's interest.
- B. A description of the property.
- C. Detailed statement of the type of operation, equipment to be used and estimated period of time operation will be in effect.
- D. A statement of the proposed method of restoring the property when the operation is completed.
- E. A site plan scaled at no more than 200 feet to the inch of the area of operation (maximum 10 acres) with existing contour lines at not more than five (5) foot intervals, additionally, a drawing shall be submitted showing the proposed contours for the property upon completion.
- F. A soil erosion permit, where required by Part 91 (Soil Erosion and Sedimentation

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Control) of the Natural Resources and Environmental Protection Act (Public Act 451 of 1994), as amended, shall be obtained from Sanilac County Soil Erosion and Sedimentation Control Agency and a copy thereof filed with the Zoning Administrator before final approval of any land removal or filling permit.

- G. Such additional information as may be required by the Zoning Administrator.
- H. A permit fee deposit in the amount set annually by resolution, half of which will be used to cover the cost of interim and final inspections when the operation has been completed and the balance of which will be used to cover Village expenses for administrative and engineering review. Any portion of the deposit, except the inspection fee, that is unused will be returned to the applicant. Should expenses exceed the deposit the outstanding balance shall be paid by the Applicant.
- I. In cases where certain operations are to be conducted in the public right of way and a Village Ordinance has been adopted for the purposes of regulation, all provisions of said Ordinance not in conflict with those provisions, shall also apply.

SECTION 4.6 FINAL INSPECTION

4.6.1 Final Inspection: The holder of every building permit for the construction, erection, alteration or moving of any building, structure or part thereof, shall notify the Zoning Administrator immediately upon the completion of the work authorized by such permit, for a final inspection.

SECTION 4.7: FEES

4.7.1 Fees: Fees for inspection and the issuance of permits or certificates or copies thereof required or issued under the provisions of this Ordinance may be collected by the Zoning Administrator in advance of issuance, the amount of such fees shall be established by resolution of the Village Council and shall cover the costs of inspection and supervision resulting from enforcement of this Ordinance.

- A. A fee is required for any application for approval of a Site Plan, Special Land Use, Planned Unit Development, variance, or other use or activity requiring a permit under this Ordinance, except for projects proposed by the Village of Port Sanilac or one of its agencies, or by any other public agency if the fee is waived by the Village Planning Commission. Either the Zoning Administrator or the Village Planning Commission may require the deposit of fees to be held in escrow in the name of the applicant. An escrow fee shall be required for any project with more than ten (10) dwelling units, or more than ten thousand (10,000) square feet of enclosed space, or which requires any more than twenty (20) parking spaces, or is within three hundred (300) feet of Lake Huron. An escrow fee may be requested for any other project which may, in the discretion of the Zoning Administrator or Village Planning Commission, create an identifiable and potentially negative impact on public infrastructure or services, or on adjacent properties and because of which, professional input is desired before a decision to approve, deny or approve with conditions is made.
- B. The escrow shall be used to pay professional review expenses of engineers, community planners, and any other professionals whose expertise the Village values to review the proposed application and/or site plan of an applicant. Professional review shall result in a report to the Village indicating the extent of conformance or nonconformance to this Ordinance and to identify any problems which may create a threat to public health, safety or the general welfare. Mitigation measures or alterations to a proposed design may be identified where they would serve to lessen or eliminate identified impacts. The applicant will receive a copy of any professional review hired

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by the Village and a copy of the statement of expenses for the professional services rendered.

- C. No application for approval for which an escrow fee is requested will be processed until the escrow fee is deposited with the Village Treasurer. The amount of the escrow fee shall be established based on an estimate of the cost of the services to be rendered by the professionals contacted by the Zoning Administrator. The applicant is entitled to a refund of any unused escrow fees at the time a permit is either issued or denied in response to the applicant's request.
- D. If actual professional review costs exceed the amount of an escrow, the applicant shall pay the balance due prior to receipt of any Zoning Permit or other permit issued by a representative of the Village in response to the applicant's request. Failure of the applicant to make timely payment of any balance due will entitle the Village to place a lien or a stop work order or both on the subject property.

**SECTION 4.8: PERFORMANCE GUARANTEES AND PERFORMANCE BONDING
FOR COMPLIANCE**

4.8.1 Requirements: In authorizing any Zoning Compliance Permit, Temporary Zoning Compliance Permit, Special Land Use Permit, Planned Unit Development, site plan approval or variance, the body or official which approves the respective request, as designated by this Ordinance, may require that a performance guarantee or bond be furnished: (1) to ensure compliance with the requirements, specifications and conditions imposed with the grant of such approval, permit or variance; (2) to ensure the discontinuance of a temporary use by a stipulated time; and (3) to provide sufficient resources for the Village to complete required improvements or conditions in the event the permit holder does not.

4.8.2 Improvements Covered: Improvements that shall be covered by the performance guarantee or bond include, but are not necessarily limited to: streets and other roadways, utilities, fencing, screening, landscaping, common open space improvements, lighting, drainage and sidewalks. The performance guarantee shall meet the following requirements:

- A. *Form:* The performance guarantee shall be in the form of cash, certified check, irrevocable bank letter of credit, surety bond, or similar instrument acceptable to the Village Treasurer, which names the property owner as the obligor and the Village as the obligee.
- B. *Time when Required:* The performance guarantee or bond shall be submitted at the time of issuance of the permit authorizing the activity of the project. If appropriate, based on the type of performance guarantee submitted, the Village shall deposit the funds in an interest bearing account in a financial institution with which the Village regularly conducts business.
- C. *Amount:* The amount of the performance guarantee or bond should be sufficient to cover the estimated cost of the improvements or conditions. Additional guidelines for establishing the amount of a performance guarantee or bond may be prescribed by resolution of the Village Council. If none are specified or applicable to the particular use or development, the Village Council shall, by resolution, establish a guideline which it deems adequate to deal with the particular problem, while ensuring the protection of the Village and its residents.

4.8.3 Return of Performance Guarantee or Bond: The Zoning Administrator, upon the written request of the obligor, and pursuant to the procedure in the next subsection, shall

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rebate portions of the performance guarantee, plus any accrued interest, 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 improvement or condition, plus any accrued interest.

4.8.4 Withholding and Partial Withholding of Performance Bond: As required improvements are completed, or when all of the required improvements have been completed, the obligor shall send written notice to the Zoning Administrator of completion of said improvements. Thereupon, the Zoning Administrator shall inspect all of the improvements and shall transmit recommendation to the Village Planning Commission and Village Council indicating approval, partial approval, or rejection of the improvements or conditions with a statement of the reasons for any rejections. If partial approval is indicated, the cost of the improvement or condition rejected shall be set forth.

A. The Village Planning Commission, or on a planned unit development the Village Council, shall either approve, partially approve or reject the improvements or conditions with the recommendation of the Zoning Administrator's written statement and shall notify the obligor in writing of the action of the Village Planning Commission within thirty (30) days after receipt of the notice from the obligor of the completion of the improvements. Where partial approval is granted, the obligor shall be released from liability pursuant to relevant portions of the performance guarantee or bond, except for that portion adequately sufficient to secure provision of the improvements not yet approved.

B. Should installation of improvements begin and fail to meet full completion based on the approved Site Plan, or if the project area is reduced in size and improvements are only partially completed or conditions only partially met, the Village may complete the necessary improvements or conditions itself or by contract to an independent developer, and assess all costs of completing the improvements or conditions against the performance guarantee or bond. Any unused balance remaining would be returned to the applicant, any excess expense would be recorded as a lien on the property.

4.8.5 Record of Performance Guarantees: A record of authorized performance guarantees shall be maintained by the Zoning Administrator.

SECTION 4.9: ZONING APPROVAL AND INTERPRETATION

4.9.1 Zoning Approval Runs with the Land: The approval to engage in any land use activity or to construct a building or structure that is bestowed by a zoning compliance permit or other permit issued under the authority of this Ordinance, or any variance granted by the Zoning Board of Appeals, runs with the land, just like a nonconforming use right, and not with the owner. Thus, any person who relies on a valid permit or approval granted under the terms of this Ordinance may sell the property to another person who will enjoy the same rights, privileges and restrictions as the seller, provided that the sellers use of the property was not in violation of the Ordinance prior to the sale.

4.9.2 Interpretation: In interpreting and applying this Ordinance, the provisions of this Ordinance shall be held to be the minimum requirements adopted for the protection of the public health, morals, safety, comfort, convenience or general welfare, It is not intended by this Ordinance to repeal, abrogate, annul, or in any way to impair or interfere with any existing provisions of law or Ordinance other than the above-described zoning Ordinance, or with any rules, regulations or permits previously adopted or issued, or which shall be

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adopted or issued pursuant to the law relating to the use of buildings or premises; provided, however, that where this Ordinance imposes a greater restriction than is required by existing Ordinance or by rules, regulations or permits, the provisions of this Ordinance shall control.

4.9.3 Conditional Approvals:

- A. As provided in the Section 504 of the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended, site plans for special land uses, Planned Unit Developments or other discretionary approvals may be approved with reasonable conditions.
- B. The conditions may include conditions necessary to ensure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner.
- C. A site plan shall be approved if it contains the information required and is in compliance with this Zoning Ordinance and with the conditions imposed pursuant to this Ordinance, other applicable Ordinances, and State and Federal statutes.
- D. Decisions rejecting, approving, or conditionally approving a site plan shall be based upon requirements and standards contained in this Zoning Ordinance, other applicable Ordinances, and State and Federal statutes.
- E. Once the site plan is approved and properly signed, any necessary special land use permit, Planned Unit Development permit, zoning compliance permit, or building permit may be issued.
- F. Recording Conditions with Register of Deeds: At the direction of the body or official making the final decision to approve or approve with conditions a Planned Unit Development, special approval land use, variance or other discretionary approval authorized by this Ordinance, or as otherwise may be specified by this Ordinance, or at the discretion of the Zoning Administrator, the approval or approval with conditions may be recorded with the Sanilac County Register of Deeds. The following requirements shall be met with each set recording:
 - 1. The applicant shall record an affidavit with the Sanilac County Register of Deeds containing the full legal description of the project site, specifying the date of final Village approval, and declaring that all improvements will be carried out in accordance with the approved site plan or variance unless an amendment thereto is adopted by the Village. In addition, all deed restrictions and easements associated with the property shall be duly filed with the Register of Deeds and copies of all recorded documents shall be presented to the Zoning Administrator.
 - 2. All documents to be recorded with the Sanilac County Register of Deeds shall be first reviewed and approved as to form and content by the Village Attorney.

SECTION 4.10: PUBLIC HEARINGS AND PUBLIC NOTIFICATION

4.10.1 Public Notification: All applications for development approval requiring a public hearing shall comply with the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended, and the other provisions of this Section with regard to public notification.

- A. Responsibility: When the provisions of this Ordinance or the Michigan Zoning Enabling Act require that notice be published, the Zoning Administrator shall be responsible for preparing the content of the notice, having it published in a newspaper of general circulation in the Village of Port Sanilac and mailed or delivered as provided in this Section.

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- B. Content: All mail, personal and newspaper notices for public hearings shall:
1. *Describe the nature of the request*: Identify whether the request is for a rezoning, text amendment, special approval use, planned unit development, variance, appeal, Ordinance interpretation or other purpose.
 2. *Location*: Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject 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, such as a tax parcel identification number, identifying the nearest cross street, or including a map showing the location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an Ordinance interpretation not involving a specific property.
 3. *When and where the request will be considered*: Indicate the date, time and place of the public hearing(s).
 4. *Written comments*: Include a statement describing when and where written comments will be received concerning the request. Include a statement that the public may appear at the public hearing in person or by counsel.
 5. *Handicap access*: Information concerning how handicap access will be accommodated if the meeting facility is not handicap accessible.
- C. Personal and Mailed Notice:
1. *General*: When the provisions of this Ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:
 - a. The owners of property for which approval is being considered, and the applicant, if different than the owner(s) of the property;
 - b. Except for rezoning requests involving eleven (11) or more adjacent properties or an Ordinance interpretation request that does not involve a specific property, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of the Village of Port Sanilac. If the name of the occupant is not known, the term "occupant" may be used in making notification. 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 individuals, partnerships, businesses, or organizations, one (1) occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four (4) dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses or organizations, 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;
 - c. All neighborhood organizations, public utility companies, railroads and other persons which have requested to receive notice pursuant to Section 4.10.2.
 2. *Notice by mail/affidavit*: Notice shall be deemed mailed by its deposit in the United States mail, first class, properly addressed, postage paid. The Zoning Administrator shall prepare a list of property owners and registrants to whom notice was mailed, as well as of anyone to whom personal notice was delivered.
- D. Timing of Notice: Unless otherwise provided in the Michigan Zoning Enabling Act (Public Act 110 of 2006), as amended, or this Ordinance where applicable, notice of a public hearing shall be provided as follows:
1. *For a public hearing on an application for a rezoning, text amendment, special*

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approval land use, planned unit development, variance, appeal, or Ordinance interpretation: Not less than fifteen (15) days before the date the application will be considered for approval.

4.10.2 Registration to Receive Notice by Mail:

- A. *General:* Any neighborhood organization, public utility company, railroad or any other person may register with the Zoning Administrator to receive written notice of all applications for development approval pursuant to Section 4.10.1(C)1.c above, or written notice of all applications for development approval within the zoning district in which they are located. The Zoning Administrator shall be responsible for providing this notification. Fees may be assessed for the provision of this notice, as established by the Village Council.
- B. *Requirements:* The requesting party must provide the Zoning Administrator information on an official form to ensure notification can be made. All registered persons must re-register bi-annually to continue to receive notification pursuant to this Section.

