

ARTICLE 26
ADMINISTRATION AND ENFORCEMENT

Sec. 26.01 Authority of Building Official/Zoning Administrator

Except where herein otherwise stated, the provisions of this section shall be administered by the Building Official/Zoning Administrator, or such other official or officials as may be designated by the City Council. The Building Official/Zoning Administrator shall have the power to:

- a. Grant certificates of zoning compliance.
- 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.

Sec. 26.02 Certificates of Zoning Compliance

- a. No building permit shall be issued for the construction, erection, alteration, expansion, moving or repair of any building or other structure until a certificate of zoning compliance has been issued therefore. Issuance of such a certificate shall indicate that the use and plans for which the permit is requested comply with this ordinance.
- b. It shall be unlawful to use or occupy or permit the use or occupancy of any building, structure or premises, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure, as permitted under the terms of this ordinance, until a certificate of zoning compliance shall have been issued hereunder by the Building Official/Zoning Administrator. The certificate shall state that the building, structure, and lot and use thereof, conform to the requirements of this ordinance.
- c. The Building Official/Zoning Administrator shall maintain a record of all certificates of zoning compliance.
- d. Certificates of zoning compliance authorize only the use, arrangement and construction set forth in the application and any appended plans, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance. Any change in approved plans shall occur only as provided for in this ordinance and shall require the issuance of an amended certificate of zoning compliance.
- e. The types of buildings and structures subject to a building permit or zoning compliance permit are generally described in the following table. The building official will make the final determination of the applicability of a building permit and/or zoning compliance permit, based on the information submitted by the applicant and subject to applicable legislation, including this chapter.

CITY OF FENTON ZONING ORDINANCE

Buildings and Structures Subject to Building Permits	Buildings and Structures Subject to Zoning Compliance Permits
<ol style="list-style-type: none"> 1. All principal structures 2. Accessory structures two stories in height or taller, regardless of floor area 3. Attached accessory structures 4. Accessory structures that have a floor area of 120 square feet or greater 5. Fences greater than six feet in height 6. Retaining walls greater than four feet in height 	<ol style="list-style-type: none"> 1. Change of use, including operations for current occupants 2. Landscape changes; entrance features 3. Lighting 4. Utility relocation 5. One story detached accessory structures that have a floor area less than 120 square feet 6. Fences less than six feet in height 7. Retaining walls less than four feet in height 8. Window awnings that are supported by an exterior wall 9. Sidewalks and driveways 10. Home occupations

Sec. 26.03 Performance Guarantees

- a. As a condition of approval of a site plan, special land use or planned unit development, the Building Official/Zoning Administrator 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, curbs, landscaping, fences, walls, screens, lighting, drainage facilities, sidewalks, driveways, parking areas, utilities, and similar items.
- b. Performance guarantees shall be processed in the following manner:
 1. Prior to the issuance of a certificate of zoning compliance or occupancy permit, the applicant shall submit an itemized estimate of the cost of the required improvements, which shall then be reviewed by the Building Official/Zoning Administrator. The amount of the performance guarantee shall be no greater than one hundred percent (100%) of the cost of installing the required improvements, plus the cost of necessary engineering and a reasonable amount for contingencies.
 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 City.
 3. Upon receipt of the required performance guarantee, the Building Official/Zoning Administrator shall issue a certificate of zoning compliance for the subject development or activity, provided it is in compliance with all other applicable provisions of this ordinance.
 4. The Building Official/Zoning Administrator, upon the written request of the obliger, 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 proportion as stated in the itemized cost estimate for the applicable improvement.
 5. When all of the required improvements have been completed, the obliger shall send written notice to the Building Official/Zoning Administrator of completion of such improvements. Thereupon, the Building Official/Zoning Administrator shall inspect all of the improvements and shall recommend to the City Council approval, partial approval, or rejection of the improvements with a statement of the reasons for any rejections. If partial approval is recommended, the cost of the improvement rejected shall be set forth.
 6. The City Council shall either approve, partially approve, or reject the improvements. The Building Official/Zoning Administrator shall notify the obliger in writing of the action of the Council within thirty (30) days after receipt of the notice from the obliger of the completion of the improvements. Where partial approval is granted, the obliger 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.
 7. A record of authorized performance guarantees shall be maintained by the Building

Official/Zoning Administrator.

Sec. 26.04 Floodplain Management Administrative Duties

- a. With regard to the National Flood Insurance Program, and the regulation of development within the flood hazard area overlay zone as prescribed in *SECTION 24.02 FLOOD HAZARD AREA OVERLY ZONE*, the duties of the Building Official/Zoning Administrator shall include, but are not limited to:
 - 1. Notification to adjacent communities and the Department of Environmental Quality of the proposed alteration or relocation of any watercourse, and the submission of such notifications to the Federal Insurance Administration.
 - 2. Recording of written notification to all applicants to whom variances are granted in a flood hazard area overlay zone indicating the terms of the variance, the potential increased danger to life and property, and that the cost of flood insurance will increase commensurate with the increased flood risk. A record of all variance notifications and variance actions shall be maintained together with the justification for each variance.
- b. All records and maps pertaining to the National Flood Insurance Program shall be maintained in the office of the Building Official/Zoning Administrator and shall be open for public inspection.
- c. It shall be the responsibility of the Building Official/Zoning Administrator to obtain and utilize the best available flood hazard data for purposes of administering this Ordinance in the absence of data from the Federal Insurance Administration.

Sec. 26.05 Public Hearings

Unless otherwise required, notices for all public hearings shall be given as follows:

- a. The notice shall:
 - 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. Except as required in c. and d., below, notices for all public hearings shall be given as follows:
 - 1. Notice of the hearing shall be not less than fifteen (15) days before the date of the public hearing
 - 2. Notice of the hearing shall be published in a newspaper of general circulation
 - 3. Notice shall be sent by mail or personal delivery to the owners of property for which approval is being considered.
 - 4. Notice shall also be sent by mail to all persons to whom real property is assessed within three hundred (300) feet 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. If the name of the occupant is not known, the term "occupant" may be used in making notification under this subsection.
- c. Newspaper publication as required in b. above shall be the only notice required for an amendment to the Zoning Ordinance or the zoning map that affects eleven (11) or more properties.

d. Zoning Board of Appeals

1. For ordinance interpretations and appeals of administrative decisions by the Zoning Board of Appeals notice shall be only to the applicant and by newspaper publication, as required in b.2. above.
2. If the interpretation or appeal of an administrative decision involves a specific property, notice shall be given to the person bringing the appeal and as required in b.1.-3., above.

Sec. 26.06 Violations

Whenever by the provisions of this chapter the performance of any act is required, or the performance of any act is prohibited, or whatever regulation, dimension or limitation is imposed on the use of, or upon any land, or on the erection or alteration or the use or change of use of a structure or the uses within such structure, a failure to comply with such provisions of this chapter shall constitute a violation of this chapter. Every day on which a violation exists shall constitute a separate violation and a separate offense.

Sec. 26.07 Penalties

Any person who violates this chapter shall be responsible for a civil infraction violation, subject to the fines and penalties set forth in the City of Fenton Code of Ordinances.