

ARTICLE 7.18 - ADMINISTRATION AND ENFORCEMENT

A. ENFORCEMENT:

The provisions of this Ordinance shall be administered and enforced by the Building Inspector or by such deputies of his department as the Building Inspector may delegate to enforce the provisions of this Ordinance.

B. DUTIES OF BUILDING INSPECTOR:

The Building Inspector shall have the power to grant zoning compliance and occupancy permits, to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Building Inspector to approve any plans or issue any permits or certificates of occupancy for any excavation or construction until he has inspected such plans in detail and found them to conform with this Ordinance.

The Building Inspector shall record all nonconforming uses existing at the effective date of this Ordinance for the purpose of carrying out the provisions of 7.17,C.

Under no circumstances is the Building Inspector permitted to make changes to this Ordinance nor to vary the terms of this Ordinance in carrying out his duties as Building Inspector.

The Building Inspector 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.

C. PLOT PLAN:

The Building Inspector shall require that all applications for building permits shall be accompanied by plans and specifications including a plot plan, in triplicate, drawn to scale, showing the following:

1. The actual shape, location and dimensions of the lot.
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 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.
4. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.

D. PERMITS:

The following shall apply in the issuance of any permit:

1. Permits Not to be Issued

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.

2. Permits for New Use of Land

No land heretofore vacant shall hereafter be used or an existing use of land be hereafter changed to a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.

3. Permits for New Use of Buildings

No building or structure, or part thereof, shall be changed to or occupied by a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.

4. Permits Required

No building or structure, or part thereof, shall be hereafter erected, altered, moved or repaired unless a building permit shall have been 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 other changes affecting or regulated by the City of Lapeer Building Code, Housing Law or this Ordinance, except for minor repairs or changes not involving any of the aforesaid features.

5. Deposit of Guarantee

Any guarantee required under this Ordinance shall be deposited with the City Clerk prior to the issuance of permits.

E. CERTIFICATES:

No land, building, or part thereof, shall be occupied by or for any use unless and until a certificate of occupancy shall have been issued for such use. The following shall apply in the issuance of any certificates:

1. Certificate Not to be Issued

No certificates of occupancy shall be issued for any building, structure or part thereof, or for the use of any land, which is not in accordance with all the provisions of this Ordinance.

2. Certificates Required

No building or structure, or part thereof, which is hereafter erected, or altered, shall be occupied or used or the same caused to be done, unless and until a certificate of occupancy shall have been issued for such building or structure. Certificates of occupancy shall be required for any change in occupancy of any building, structure or land in all office-service, business and industrial districts.

3. Certificates Including Zoning

Certificates of occupancy, as required by the City Building Code for new buildings or structures, or parts thereof, or for alterations to or changes of use of existing buildings or structures, shall also constitute certificates of occupancy as required by this Ordinance.

4. Certificates for Existing Buildings

Certificates of occupancy shall be issued for existing buildings, structures, or parts thereof, or existing uses of land if, after inspection, it is found that such buildings, structures, or parts thereof, or such use of land, are in conformity with the provisions of this Ordinance.

5. Record of Certificates

A record of all certificates issued shall be kept on file in the office of the Building Inspector, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.

6. Certificates for Dwelling Accessory Buildings

Buildings or structures accessory to dwellings shall not require separate certificates of occupancy but may be included in the certificate of occupancy for the dwelling when shown on the plot plan and when completed at the same time as such dwellings.

7. Application for Certificates

Application for certificates of occupancy shall be made in writing to the Building Inspector on forms furnished by that Department, and such certificates shall be issued within five (5) days after receipt of such application if it is found that the building or structure, or part thereof, or the use of land is in accordance with the provisions of this Ordinance.

If such certificate is refused for cause, the applicant therefore shall be notified of such refusal and cause thereof, within the aforesaid five (5) day period.

8. Temporary Certificates

Temporary certificates of occupancy for a building or structure may be issued for a period of time not to exceed two (2) months, provided such structure or building is in accord with all provisions of this Ordinance and other City codes and ordinances.

F. FINAL INSPECTION:

The holder of every building permit for the construction, erection, alteration, repair or moving of any building, structure or part thereof, shall notify the Building Inspector immediately upon the completion of the work authorized by such permit, for a final inspection.

G. FEES:

Fees for site plan review, 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 Building Inspector in advance of issuance. The amount of such fees shall be established by resolution of the City Commission and shall cover the cost of inspection and supervision resulting from enforcement of this Ordinance. Publication costs for advertisement of public hearings and for mailing of notices as required under the provisions of this Ordinance shall be charged to the applicant in the amount of such actual cost.

H. GUARANTEE:

Guarantee in the form of a cash deposit, certified check, irrevocable bank letter of credit or surety bond shall be provided in a form acceptable to the City. The amount of such guarantee shall cover all improvements not normally covered in the building permit, i.e., berms, walls, landscaping, lighting, surfacing of drives, parking, service drives, acceleration/deceleration lanes, bypass lanes and other traffic control devices, etc. The guarantee shall include a schedule of costs assigned to the different improvements. Monies may be released to the applicant in proportion to work completed on the different elements after inspection of work and approval of the Building Inspector. Any partial release of funds shall be less than ten (10) percent which shall be retained by the City until all work has been completed and subsequently inspected and approved by the Building Inspector.

If more than one bond or guarantee is involved in construction of the improvements required in this section, each such assurance shall be treated as a separate agreement

and the ten (10) percent holdback may be released upon satisfactory completion of such phase of construction and approval of the Building Inspector.

In instances where all improvements, as required in this Section, are not completed, and a temporary certificate of occupancy is requested, the estimated cost of such improvement shall be verified by the Building Inspector, particularly with respect to any delay to another construction season. The Building Inspector, in evaluating the adequacy of the financial guarantees, may request any necessary input from the City Engineer, Planner and Landscape Architect. If the estimated cost has changed, then a revised guarantee, acceptable to the City, shall be filed with the Clerk covering such improvements.

I. PUBLIC HEARINGS:

Whenever any Section of this Ordinance refers to this ARTICLE 7.18, Section I, notice of public hearing shall be given in accordance with Public Act 110 of 2006, as amended as follows:

1. Hearings for Uses Permitted Subject to Special Conditions:

- a. Notice that a request for a Use Permitted Subject To Special Conditions shall be published in a newspaper of general circulation in the city and shall be sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property in question, and to the occupants of all structures within three hundred (300) feet regardless of whether the property or occupant is located in the City of Lapeer. The notice shall be given not less than fifteen (15) days before the application will be considered. 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. The notice shall:

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- (1) Describe the nature of the use request of the Use Permitted Subject To Special Conditions.
- (2) Indicate the property which is the subject of the use request. The notice shall include a listing of all existing street addresses within the property, or other means of identification if no street addresses exist within the property.

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- (3) State when and where the use request will be considered.
 - (4) Indicate when and where written comments will be received concerning the request.
 - (5) Indicate that a public hearing on the use request may be requested by a property owner or the occupant of a structure located within three hundred (300) feet of the boundary of the property being considered for a Use Permitted Subject To Special Conditions.
- b. At the initiative of the City, or upon the request of the applicant for the use authorization, or a property owner or the occupant of a structure located within three hundred (300) feet of the boundary of the property being considered for a Use Permitted Subject To Special Conditions, a public hearing with notification as required for a notice of a request as provided in a. above, shall be held before a decision on the use request which is based on discretionary grounds. A decision on a Use Permitted Subject To Special Conditions, which is based on discretionary grounds, shall not be made unless notification of the request for approval, or notification of a public hearing on a use request is given as required by this Section.

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- c. The Planning Commission may deny, approve, or approve with conditions, requests for Uses Permitted Subject To Special Conditions. The decision on a Uses Permitted Subject To Special Conditions shall be incorporated in a statement of conclusions relative to the Uses Permitted Subject To Special Conditions under consideration. The decision shall specify the basis for the decision, and any conditions imposed.
- d. In addition to the above requirement for any Use Permitted Subject to Special Conditions, the dwelling owners and residents of properties immediately adjacent to the parcel or lot on which such use is proposed to be located shall be notified by registered mail of the date and time of the hearing. The cost of such notification shall be born by the applicant for the proposed use.

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2. Hearing for One-Family Cluster:

- a. The Planning Commission shall hold at least one (1) public hearing on the request. The Planning Commission may request preapplication conferences before submission of a one-family cluster request, and the submission of preliminary site plans before the public hearing. Notification of the public hearing shall be given in the same manner as required by Section 7.18.1.1, a and b for public hearings on Uses Permitted Subject To Special Conditions. Within a reasonable time following the public

hearings, the Planning Commission shall meet for final consideration of the request, and shall deny, approve, or approve with conditions, the request. It shall prepare a report stating its conclusions on the request for a one-family cluster development, the basis for its decision, the decision, and any conditions relating to an affirmative decision. If the Planning Commission denies the one-family cluster request, the procedure outlined in Article 7.15.D.5.c(6) shall be followed, and the report, a summary of comments received at the public hearing, minutes of all proceedings, and all documents related to the one-family cluster development request shall be transmitted to the City Commission for consideration in making a final decision.

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- b. Final approvals may be granted on each phase of a multi-phased one-family cluster development if each phase contains the necessary components to insure protection of natural resources and the health, safety and welfare of the users of the one-family cluster development and the residents of the surrounding area.

3. Hearings for PUD Rezoning:

- a. Notification of the Public Hearings held by the Planning Commission and City Commission on PUD rezonings shall be given in the same manner as required by Section 7.18.I.1.a for public hearings on Uses Permitted Subject To Special Conditions except for item (5) in the list of information required in the notice.

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