

ARTICLE 1

ADMINISTRATION AND ENFORCEMENT

Section 1.01 Intent and Purpose.

This Ordinance has been prepared and adopted for the purpose of providing standards and regulations for land development, for the use of land and buildings, and for all other purposes described in Section 1 of the City and Village Zoning Act (P.A. 207 of 1921, as amended). This Ordinance is based on the City of Sandusky Master Plan, and is intended to carry out the objectives of that Plan.

This Ordinance has further been established for the purposes of:

1. Regulating the intensity of land use to promote and protect the public health, safety and general welfare;
2. Providing for the needs of agriculture, recreation, residence, and commerce;
3. Providing adequate light, air, privacy and convenience of access to property;
4. Promoting healthful surroundings for family life in residential and rural areas;
5. Fixing reasonable standards to which structures and other site improvements shall conform;
6. Prohibiting certain uses or structures within specific zoning districts;
7. Preventing the overcrowding of land by regulating the use, height, location, and bulk of buildings in relation to the surrounding land;
8. Providing for the completion, restoration, reconstruction, extension or substitution of nonconforming uses;
9. Establishing and defining the duties and responsibilities of the Planning Commission and Zoning Board of Appeals under this Ordinance;
10. Designating and defining the powers and duties of the zoning official(s) in charge of the administration and enforcement of this Ordinance;
11. Providing for the payment of fees for zoning permits and approvals required by this Ordinance; and
12. Providing for penalties for the violation of this Ordinance.

Section 1.02 Scope.

The standards and regulations of this Ordinance shall apply to all land, structures, uses, and land development projects established or commenced after the effective date of this Ordinance. Accordingly, no lots or parcels may be created or altered, nor any land use be established, changed or commenced, nor any structure constructed, altered, or extended, except in compliance with this Ordinance.

1. **Minimum requirements.** The provisions of this Ordinance shall be held to be the minimum required for the preservation, protection, and promotion of the public health, safety, convenience, comfort, and general welfare.
2. **Relationship to other ordinances or agreements.** The Zoning Ordinance text adopted by the City of Sandusky City Council on June 4, 1990, and the Zoning Map adopted by the City of Sandusky City Council on June 4, 1990, and all amendments thereto, shall be repealed on the effective date of this Ordinance. The repeal of the above Zoning Ordinance and Zoning Map and their amendments does not affect or impair any act done, offense committed or right accruing, occurred, or acquired, or any liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted, or inflicted. All other ordinances conflicting or inconsistent with the provisions of this ordinance, to the extent of such conflict or inconsistency only, are hereby repealed.

Private deed restrictions or restrictive covenants shall have no effect on the applicability of this Ordinance.

3. **Unlawful structures and uses.** A structure or use not lawfully existing at the time of adoption of this Ordinance shall not be made lawful solely by adoption of this Ordinance.
4. **Vested right.** Nothing in this Ordinance shall be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein. Such rights as may exist through enforcement of this Ordinance are hereby declared to be subject to subsequent amendment, change or modification as may be necessary for the preservation, protection or promotion of the public health, safety, convenience, comfort or general welfare.

Section 1.03 Short Title.

This Ordinance shall be known and may be cited as the City of Sandusky Zoning Ordinance.

Section 1.04 Enabling Authority.

This Zoning Ordinance has been prepared for and adopted by the City Council of the City of Sandusky under the authority of the City and Village Zoning Act (P.A. 207 of 1921, as amended), following compliance with all procedures required by this Act.

Section 1.05 Authority, Duties, and Responsibilities.

The purpose of this Section is to set forth the specific duties, responsibilities, and scope of authority of the following boards, commissions, and persons that are charged with administering, implementing, and enforcing the provisions of this Ordinance:

1. City Council.
2. Planning Commission.
3. Zoning Board of Appeals.
4. City Manager.
5. City Clerk.
6. Designated zoning officials, including the Zoning Administrator, Code Enforcement Officer, and City Planner.

Authority and responsibility for the administration and enforcement of all provisions of this Ordinance shall be as follows:

A. General Limitations.

The Zoning Administrator, Code Enforcement Officer, and any other City officials or representatives as designated and authorized by the City Council shall have the responsibility of carrying out such administrative and enforcement duties as specified in this Ordinance or as directed by the City Council for the purpose of implementing these regulations.

1. All zoning officials shall administer and enforce this Ordinance precisely as written, and shall not modify or vary the terms of this Ordinance nor grant exceptions to the actual meaning of any clause, order or regulation contained in this Ordinance. Under no circumstances shall any zoning official ignore the terms of this Ordinance in carrying out designated duties.
2. It shall be unlawful for a zoning official to approve any plans or issue any permits or other approvals under this Ordinance unless such plans have been determined to conform to all applicable provisions of this Ordinance.
3. Zoning officials shall not refuse to approve a zoning permit upon determination that the permit applicant has complied with all conditions imposed by this Ordinance, despite violations of private contracts, covenants or private agreements that may occur upon the approval of the permit.

B. City Council Authority and Responsibilities.

The City Council shall have the ultimate responsibility for administrative oversight and enforcement of this Ordinance, and shall further have the following responsibilities and authority pursuant to this Ordinance:

1. **Adoption of this Ordinance and any amendments.** In accordance with the intent and purpose of this Ordinance, and the authority conferred by the City and Village Zoning Act (P.A. 207 of 1921, as amended), the City Council shall have the authority to adopt this Ordinance, and its related Official Zoning Map, as well as any subsequent amendments considered in accordance with Section 12.04 (Amendments). Adoption of any change to this Ordinance shall be by an amendatory ordinance.
2. **Review and approval of planned unit developments.** City Council review and approval shall be required for all planned developments, in accordance with Article 14 (Planned Unit Developments).
3. **Setting of fees.** The City Council shall have the authority to set by resolution all fees for permits, applications, and requests for action pursuant to the regulations set forth in this Ordinance, to defray expenses incurred in processing such permits, applications, and requests for action. In the absence of specific action taken by City Council to set a fee for a specific permit or application, the appropriate administrative official shall assess the fee based on the estimated costs of processing and reviewing the permit or application.
4. **Appointment, oversight, and removal of zoning officials.** The City Council shall appoint a Zoning Administrator to act as its officer for the proper administration of this Ordinance; and may appoint a Code Enforcement Officer to act as its officer for the proper enforcement of this Ordinance.
 - a. The Zoning Administrator and Code Enforcement Officer shall be appointed by the City Council for such term, rate of compensation, and employment terms and conditions as the Board shall determine.
 - b. The Zoning Administrator or Code Enforcement Officer may be removed from office by the City Council in accordance with such employment terms and conditions as the Board shall determine.
 - c. The duties and responsibilities of the Zoning Administrator and Code Enforcement Officer positions may be vested in one (1) person; divided among two (2) or more persons; or delegated to designated City consultants, as the City Council may determine.

C. Planning Commission Authority and Responsibilities.

The Planning Commission shall have the authority and responsibilities specified in Article 17 (Planning Commission) of this Ordinance.

D. Zoning Board of Appeals Authority and Responsibilities.

The Zoning Board of Appeals shall have the authority and responsibilities specified in Article 18 (Zoning Board of Appeals) of this Ordinance.

E. City Manager Authority and Responsibilities.

The City Manager, as chief administrative official for the City of Sandusky, shall have the ultimate responsibility for administrative oversight and enforcement of this Ordinance.

F. City Clerk Authority and Responsibilities.

The City Clerk or duly authorized representatives shall have the following responsibilities under this Ordinance:

1. Publish all notices required by these regulations, or verify such publication by the Zoning Administrator.
2. Maintain official records and file all official minutes and documents in an orderly fashion.
3. Perform other related duties required to administer these regulations.

G. Zoning Administrator Duties and Responsibilities.

City of Sandusky shall appoint a Zoning Administrator to act as its officer for the proper administration of this Ordinance. The Zoning Administrator shall be appointed by the City Council for such term, subject to such conditions, and at such rate of compensation as the Board shall determine. The Zoning Administrator shall be responsible for administration of this Ordinance, as follows:

1. The Zoning Administrator shall provide citizens and public officials with information relative to these regulations and related matters, and shall assist applicants in completing appropriate forms and following procedures related to site plan review, rezoning, and other zoning matters.
2. The Zoning Administrator shall periodically report to City Council and Planning Commission on the status of City's zoning administration.
3. The Zoning Administrator shall distribute all applications for zoning or development approval (such as site plan review, special use review, and planned unit development review) to copies of the site plan and application to designated City officials and consultants for review and comment.
4. The Zoning Administrator shall publish all notices required by these regulations, or assist the City Clerk with such publication.
5. The Zoning Administrator shall forward to the City Council, Planning Commission, and Zoning Board of Appeals all materials related to completed applications recommendations, petitions or other matters on which the board or commission is required to act.
6. The Zoning Administrator shall, in consultation with the City Clerk, maintain the current Official Zoning Map of the City and an up-to-date Zoning Ordinance text by recording all adopted amendments.

7. The Zoning Administrator shall review and approve zoning permit applications in compliance with the provisions of this Ordinance.
8. The Zoning Administrator shall initiate investigations into alleged violations of these regulations in consultation with the Code Enforcement Officer and City Council.
9. In carrying out designated duties, the Zoning Administrator shall have the authority to perform such other functions necessary or incidental to the administration of this Ordinance, as directed by the City Council.

H. Code Enforcement Officer Duties and Responsibilities.

The provisions of this Ordinance shall be enforced by the Code Enforcement Officer, deputies of his department, and such other persons as the City Council may designate.

1. The Code Enforcement Officer shall have the authority to investigate complaints of Ordinance violations; issue warnings and citations; and make Inspections of buildings or premises necessary to carry out the enforcement of this Ordinance.
2. If the Code Enforcement Officer shall find that any of the provisions of this Ordinance are being violated, he or she shall notify the person responsible in writing for such violations, indicating the nature of the violation and ordering the action necessary to correct it.
 - a. The Code Enforcement Officer shall order discontinuance of any unlawful work being done; or shall take any other action authorized by this Ordinance to ensure compliance with or prevent violation of Ordinance provisions.
 - b. The Code Enforcement Officer shall be responsible for making periodic inspections of the City or parts thereof for the purpose of finding violations of this Ordinance.

I. City Planner Responsibilities.

The City may employ a City Planner, who may be a member of City staff; or a firm or organization retained on a consulting basis. In addition to specific responsibilities outlined elsewhere in these regulations and upon request from the City Council, Planning Commission or other authorized City body or official, the City Planner may fulfill following responsibilities:

1. Prepare and administer such plans and ordinances as are appropriate for the City and its environs, within the scope of the appropriate Michigan planning and zoning enabling acts.
2. Advise and assist the City Council, Planning Commission, Zoning Board of Appeals, and other authorized City bodies or officials; and be responsible for carrying out the directives of the Planning Commission.

3. Provide citizens and public officials with information relative to these regulations and related matters.
4. At request of the City, review applications for zoning or development approval, administrative appeals, variances, and take any action required under these regulations.
5. At the request of the Planning Commission or City Council, draft amendments to the Zoning Ordinance and other ordinances to accomplish the planning objectives of the City
6. Periodically report to the Planning Commission on the status of City's zoning and planning administration.
7. Perform other related duties, as authorized, to administer these regulations.

Section 1.06 Zoning Permits.

No structure or site shall be used, erected, moved, enlarged, altered or demolished until the owner or occupant has applied for and obtained a zoning permit. No permit shall be issued to use, erect, move, enlarge, substantially alter, or demolish a structure or site unless the request is in conformance with the provisions of this Ordinance. Where a provision of this Ordinance requires approval of a zoning permit, such approval shall be subject to the following:

A. Application.

Zoning permit applications shall be filed with the Zoning Administrator, and shall be accompanied by a written explanation of the proposed improvements. Application materials shall include sufficient detail for the Zoning Administrator to determine whether the proposed improvements conform to the provisions of this Ordinance. The Zoning Administrator may require that submittal of a permit application be accompanied by plans and specifications drawn to scale and showing the following:

1. The location, shape, area, and dimensions of the lot or parcel involved.
2. The size, shape, dimensions, and location of any existing or proposed structures to be situated on the lot or parcel.
3. The existing and proposed use of the lot or parcel and all structures upon it.
4. The location and dimensions of any existing and proposed yard, open space, and parking areas.
5. Proposed setbacks of structures from lot lines, streets, lakes, and streams.
6. Any other information deemed necessary by the Zoning Administrator for the proper enforcement of this Ordinance.

B. Permit Issuance.

Issuance of zoning permits under this Ordinance shall be subject to the following:

1. The Zoning Administrator shall issue a zoning permit within ten (10) business days after determination that the proposed work conforms with all applicable provisions of this Ordinance.
2. It shall be unlawful for the Zoning Administrator to issue a zoning permit for proposed work that does not or has not been determined to conform to all applicable provisions of this Ordinance.
3. No permit shall be issued until the Zoning Administrator has received notification of final approval of a site plan, special use or other necessary approval from the Planning Commission, including any conditions of approval.
4. In all cases where the Zoning Administrator shall refuse to issue a permit, the cause and reasons for such refusal shall be provided in writing to the applicant.
5. Proof of zoning permit approval shall be posted upon the premises.

C. Revocation.

The Zoning Administrator may revoke a zoning permit in the case of failure or neglect to comply with any of the provisions of this Ordinance, or in the case of any false statement or misrepresentation made in the application for the permit. The Zoning Administrator shall notify the owner of such revocation in writing.

D. Duration.

A zoning permit issued by the Zoning Administrator in accordance with this Section shall be valid for a period of 365 calendar days from the date of issuance. If construction is not started within this period, the zoning permit shall become void. Upon written request, the Zoning Administrator may grant one (1) extension of zoning permit approval for up to 180 calendar days.

E. Zoning Inspections.

It shall be the duty of the holder of every permit to notify the City of the time when the work subject to the permit is ready for inspection. It shall be the duty of the Zoning Administrator or Code Enforcement Officer to inspect work performed under an approved zoning permit for compliance with the provisions of this Ordinance.

F. Building Permits.

A separate building permit may be required in accordance with the State Construction Code enforced by the Sanilac County. Issuance of a building permit by the Sanilac County Chief Building Official shall not exempt a building permit holder from compliance with the requirements of this Article and Ordinance.

Section 1.07 Compliance Required.

No structure, site or part thereof shall be constructed, altered or maintained and no new use of any structure or land shall be established, altered or maintained except in conformity with this Ordinance.

Section 1.08 Fees and Performance Guarantees.

The City Council shall, by resolution, establish a schedule of fees for all permit applications required by this Ordinance. These fees shall be used for the purpose of defraying the cost of administering this Ordinance. No action shall be taken on any application or appeal until the application is accurate and complete, and all applicable fees, charges, and expenses have been paid in full. The schedule of fees shall be posted on public display in the City offices, and may be changed only by the City Council.

A. Fees in Escrow for Professional Reviews.

An escrow fee may be required by the Zoning Administrator with any application for approval under this Ordinance, where professional input and review is desired before a final decision is made. The escrow shall be used to pay professional review expenses of engineers, community planners, and any other professionals whose expertise the City values to review the proposed application.

1. 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. Any unused fee collected in escrow shall be returned to the applicant within 90 days of final City action on the applicant's request, or within 90 days of withdraw of the request by the applicant. 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 approval issued by the City.
2. The professional review will result in a written report indicating the extent of conformance or nonconformance with this Ordinance, and identifying any problems that 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 written reports and statement of expenses for the professional services rendered, upon request.

B. Performance Guarantees.

To ensure compliance with this Ordinance and faithful completion of required improvements, the Zoning Administrator may require that the applicant deposit with the City Treasurer a financial guarantee to cover the cost of all improvements required as a condition of such approval. Such guarantees shall be deposited prior to the start of work or issuance of any permits, and shall be subject to the following:

1. The amount of the performance guarantee shall be established based on an estimate of the cost of completing of all required improvements prepared by the applicant or designated City consultants.
2. "Improvements" shall be limited to those features, upgrades and enhancements associated with the project considered necessary by the approving authority to protect natural resources, or the health, safety, and welfare of residents of the City and future users of the project including, but not limited to roadways, lighting, utilities, sidewalks, landscaping and screening, and drainage.

3. The form of the deposit shall be cash, certified check, irrevocable bank letter of credit or other surety acceptable to the City Council.
4. Performance guarantees shall continue until such time as the City notifies the surety that the conditions imposed upon the development have been met. The surety shall not release the performance guarantee until the Zoning Administrator is satisfied that the conditions for such action have been met.
5. As work progresses, the City may rebate cash deposits in reasonable proportion to the ratio of work completed on the required improvements. Ten percent (10%) of the guarantee shall be retained by the City pending a successful final inspection by the Zoning Administrator or Code Enforcement Officer of all required improvements.

Section 1.09 Violation and Penalties.

The standards and requirements of this Ordinance reflect obligations to the community at large. It shall be the duty of the property owner and all persons having responsibility for the establishment of any use or the construction, alteration or demolition of any structure or site to verify that such work is not in violation of this Ordinance. Persons having responsibility for work in violation of this Ordinance shall be deemed responsible for such violations to the same extent as the property owner.

A. Violation.

Failure to comply with any of the provisions of this Ordinance, or provisions of permits or certificates granted in accordance with this Ordinance shall constitute a violation subject to issuance of a municipal civil infraction citation and other measures allowed by law. The imposition of any fine or other penalty by the court shall not exempt the violator from compliance with the provisions of this Ordinance and fines for such infractions as set forth in Appendum F, Annual Fee Resolution, Chapter 10, Civil Infractions.

B. Correction Period.

All violations shall be corrected within 30 days following the receipt of an order to correct from the Zoning Administrator or Code Enforcement Officer. The Zoning Administrator or Code Enforcement Officer may grant an extension of up to 180 days upon determining that the additional time is necessary for correction. The Zoning Administrator or Code Enforcement Officer may require the immediate correction of a violation upon determining that the violation presents an imminent peril to life or property.

C. Penalties.

The violation of any provision of this Ordinance by any firm, corporation, person or persons, or anyone acting on behalf of said person, persons, firm or corporation is a municipal civil infraction, for which the fine shall be not less than \$100.00 nor more than \$500.00 for the first offense and not less than \$500.00 nor more than \$1,000.00 for subsequent offenses, plus costs and other sanctions ordered by the court.

1. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance.
2. For purposes of this Section, the term “subsequent offense” shall mean a violation of the provisions of this Ordinance committed by the same person within 365 calendar days of a previous violation of the same provision for which the person admitted responsibility or was found responsible by the court.
3. Each day that a violation is permitted to exist shall constitute a separate offense. Offenses committed on subsequent days within a period of seven (7) calendar days following the issuance of a citation for a first offense shall all be considered separate first offenses.

D. Public Nuisance.

Any structure which is erected, altered, or converted, or any use of any structure or lot which is established or altered in violation of any of the provisions of this Ordinance is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

