
IOSCO TOWNSHIP ZONING
ARTICLE 3
ADMINISTRATION AND ENFORCEMENT

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APPENDIX

A

DESCRIPTION

Zoning Compliance Certificate

IOSCO TOWNSHIP ZONING

ARTICLE 3

ADMINISTRATION AND ENFORCEMENT

Section 3.1 Purpose and Intent

The Administration and Enforcement policies of Iosco Township are intended to provide a means of facilitating development in Iosco Township by providing clear policies regarding both applicant and Township responsibilities with regards to Zoning Compliance Certificates for Permitted and Special Uses.

Section 3.2 Zoning Administration.

The Township Board shall designate and employ a Zoning Administrator to administer and enforce the provisions of this Ordinance. Unless otherwise noted all applications and fees are to be submitted to the Township Zoning Administrator.

Section 3.3 Duties of the Zoning Administrator

The Zoning Administrator shall:

- 3.3.1 Issue Zoning Compliance Certificates (previously known as Land Use Permits/Special Use Permits) based on the procedures outlined in this Ordinance and as subject to the general policies of the Township Board, Planning Commission, and Zoning Board of Appeals.
- 3.3.2 Maintain written records of all actions taken by the Zoning Administrator and meet with the Planning Commission upon request.
- 3.3.3 Make periodic site inspections of the Township to determine Ordinance compliance, answer complaints on Zoning Ordinance violations, and file monthly reports to the Township Board and Planning Commission.

- 3.3.4 Review all applications for Site Plan Review and Special Uses within this Ordinance, and provide input to the Planning Commission and Board as part of the review process.
- 3.3.5 Review all applications for appeals, variances, or other matters that the Zoning Board of Appeals is required to decide under this Ordinance, review such findings with the Planning Commission and refer such applications with Planning Commission recommendations to the Zoning Board of Appeals for determination.
- 3.3.6 Review all applications for amendments to this Ordinance and report to the Planning Commission all such applications together with recommendations.
- 3.3.7 Maintain a map or maps showing the current zoning classifications of all land in the Township, which will conform to the true copy to be maintained by the Township Clerk.
- 3.3.8 Be responsible for providing forms required by the Planning Commission, Township Board, or Zoning Board of Appeals, as required by this Ordinance and be responsible for information necessary on such forms for the effective administration of this Ordinance, subject to the general policies of the Township Board, Planning Commission, and Zoning Board of Appeals.

Section 3.4 Zoning Compliance Certificate (Previously known as Land Use / Special Use Permit)

- 3.4.1 Before beginning or undertaking any work, it shall be the duty of all architects, contractors, subcontractors, builders and other persons having charge of the establishment of any use of land or the erecting, altering, changing or remodeling of any building or structure, to see that a proper Zoning Compliance Certificate and proper building permit have been granted and the such work and land use is in conformity with the provisions of the ordinance.
- 3.4.2 Zoning Compliance Certificates are required of all structures, uses, erected, used, or created after the effective date of this Ordinance. In addition, zoning Compliance Certificates are required for any change in existing uses or structures.
- 3.4.3 Applications for Zoning Compliance Certificates regarding uses listed as “Special Uses” within Township Ordinances shall meet the specific requirements in Section 3.7 “Special Uses”.

- 3.4.4 Applications for Zoning Compliance Certificates shall be made to the Zoning Administrator. Each application shall include all information necessary to determine and implement the proper zoning compliance process per this Ordinance.
- 3.4.5 All plans to be submitted to the Livingston County Building Department for a Building Permit shall first be submitted to the Zoning Administrator for review by the appropriate Township authority, with respect to the requirements of the Township Ordinances. The Livingston County Building Department will not issue a building permit unless presented an Approved Application for a Zoning Compliance Certificate.
- 3.4.6 A Zoning Compliance Certificate shall not be issued for any use or structure unless said use or structure and the lot upon which it is situated meets all the requirements of this Ordinance. A Zoning Compliance Certificate may be issued for a legally existing non-conforming use, structure, or lot; so long as the use does not increase the amount of non-conformance. In such case, the Zoning Compliance Certificate shall clearly list each and every legal non-conformity. A Zoning Compliance Certificate shall not be issued for any use, structure, or lot if any illegal non-conformity exists thereon.
- 3.4.7 Application for a Zoning Compliance Certificate may be made by the owner or lessee of the structure or lot, or agent of either, or by the licensed engineer or architect employed in connection with the proposed work or operation. If the application is made by a person other than the owner in fee, it shall be accompanied by a duly verified affidavit of the owner or the qualified person making the application that the proposed work or operation is authorized by the owner in fee and that the applicant is authorized to make such application. The full names and addresses of the owner, lessee, applicant, and of the responsible officers, if the owner or lessee is a corporate body, shall be stated in the application.
- 3.4.8 Subject to the limitations of Section 3.4.9, herein, amendments to a plan, application or other records accompanying the same may be filed, with the Zoning Administrator, at any time before completion of the work for which Application Approval of a Zoning Compliance Certificate was granted. Such amendments, as approved per procedures outlined in this Ordinance, shall be deemed part of the original application and shall be filed therewith. The Zoning Administrator or appropriate approving Township body shall stamp or endorse all sets of corrected and approved plans as "Approved".
- 3.4.9 The Zoning Administrator shall examine or cause to be examined all applications for a Zoning Compliance Certificate and amendments thereto

within a reasonable time after filing. If the application or the plans do not conform to all requirements of this ordinance, the Zoning Administrator shall reject such application in writing, stating the reasons therefore. If the application or plans do so conform, the Zoning Administrator shall continue with the process of such application per the appropriate Township procedure.

- 3.4.10 An application for a Zoning Compliance Certificate shall be deemed to have been abandoned six (6) months after the date of filing unless Application Approval of such application has been diligently pursued. The Township may, for reasonable cause, grant one or more extensions of time for additional periods not exceeding ninety (90) days each.
- 3.4.11 A Zoning Compliance Certificate with Application Approval only, shall be deemed to have been abandoned six (6) months after the date of the Application Approval, unless completion has been diligently pursued, including but not limited to the issuance of a Building Permit. The Township may, for reasonable cause, grant one or more extensions of time for additional periods not exceeding ninety (90) days each. Any Zoning Compliance Certificate with Application Approval only, shall become invalid if the authorized work is suspended or abandoned for a period of six (6) months after time of commencing the work. If extensions are permitted and specified under other Township ordinances that address a specific requested use, then the terms of the granting of extensions in the specific ordinance shall overrule this Section.
- 3.4.12 In case of any false statement or misrepresentation of fact in the application, the plans, the final as built plans, or any non-conformance between the final approved plans, the application conditions of approval, or the physical as built site on which the Application Approval and/or Compliance Verification Inspection of a Zoning Compliance Certificate was based, any Zoning Compliance Certificate issued pursuant thereto, shall be deemed null and void at the discretion Township authority which granted approval.
- 3.4.13 No Application Approval of a Zoning Compliance Certificate shall be granted until the required fees have been paid.
- 3.4.14 The signature of the Zoning Administrator or other approving Township body shall be attached to every Zoning Compliance Certificate, or a subordinate may be authorized to affix such signature thereto, subject to the following conditions:
 - A) No Application Approval shall be granted prior to complete conformance of such application to the Ordinances of Iosco Township.

- B) No Zoning Compliance Verification Inspection shall be granted prior to all work or use conforming to the approved application and plans for which the Zoning Compliance Certificate has been issued and any approved amendments thereof are complete.

Section 3.5 Use Classifications Definitions

3.5.1 Allowed Uses

Allowed uses are those that do not require a Zoning Compliance Certificate, but that are still bound by Township Ordinances that may impact them, such as, but not limited to set backs, height restrictions, etc...

3.5.2 Permitted Uses and Special Uses

Permitted Use's and Special Use's require application for a Zoning Compliance Certificate and review per the appropriate following process per this Ordinance:

Permitted Use Zoning Compliance Certificate

Permitted with Zoning Administrator review and approval only.

Special Use Zoning Compliance Certificate

Permitted with Board approval following Planning Commission review and comment.

Specific uses and their Use Classifications may be found in Article 4 "Zoning Districts and Schedule of Uses".

Section 3.6 Permitted Use Zoning Compliance Certificate Application Process

3.6.1 Application Requirements

A Permitted Use Zoning Compliance Certificate application shall be submitted to the Township Zoning Administrator with all appropriate fees as established by the Township along with the following minimum informational requirements:

- A) The applicant's name, address, and telephone number
- B) The names and addresses of all owners of record and proof of ownership.

- C) The applicant's interest in the property, and if not the fee simple owner, a signed authorization from the owner(s) for the application
- D) Two (2) copies of a plot plan drawn to scale and including all regulations and requirements as may be outlined in the Article 5 “General and Supplemental Regulations” as well as the following information:
 - i) Scale, date, and north arrow
 - ii) Location, shape, dimensions of the lot, and rights-of-way
 - iii) Dimensioned location, outline, and dimensions of all existing and proposed structures and the location and extent of all uses not involving structures
- E) A detailed description of the proposed use, including all regulations and requirements as may be outlined in the Article 5 “General and Supplemental Regulations”

Additional information may be requested at the discretion of the Zoning Administrator during the review process in helping to determine whether the application is in compliance with all zoning ordinances

3.6.2 **Review Procedure**

The Zoning Administrator shall review the application and plot plan to determine if all required information has been provided, and take one of the following actions:

- A) If the application information is not complete, the application, fees and information shall be returned to the applicant for updating and resubmission at a later date.
- B) If the application information is determined to be complete, the Zoning Administrator will accept the application and review it for compliance with all appropriate zoning ordinances.

3.6.3 Final Determination

Upon completion of review, the Zoning Administrator shall take one of the following actions regarding the application:

- A) If all zoning ordinance regulations are met, then the Zoning Administrator shall provide Application Approval for the Zoning Compliance Certificate.
- B) If there is conflict with existing zoning ordinances, the Zoning Administrator shall return the application and information to the applicant, along with written explanation of the zoning ordinance conflict, for updating and possible resubmission at a later date. Any fees shall not be refundable.

3.6.4 Verification of Zoning Compliance

Upon project completion of a Zoning Compliance Certificate with Application Approval only, the Zoning Administrator shall review the site with respect to the approved application to make a determination of conformance and take one of the following actions:

- A) If the site work completed conforms to the Township Ordinances and the stipulations of the approved application, then Zoning Compliance Verification will be granted as indicated by the Zoning Administrator's signature along with the date signed, being added to the Zoning Compliance Certificate in the area designated as: Zoning Compliance Verification Inspection.
- B) If site work is found to be in conflict with existing zoning ordinances or the approved application, the Zoning Administrator shall respond to the applicant in writing with explanation of the conflict, requesting response as to timing for correction. Such application shall be deemed in conflict with the Township Zoning Ordinances until all conflicts are corrected and the Zoning Administrator provides Zoning Compliance Verification per Section 3.6.4.A.

Section 3.7 Special Use Zoning Compliance Certificate Application Process

Who May Apply- Any person with a legal interest in a lot may apply for preliminary site plan approval.

Preliminary Plan Submission – The applicant shall submit 13 copies of the preliminary site plan, a completed application form and all applicable fees to the Township Zoning Administrator a minimum of fourteen (14) days prior to the next regularly scheduled Iosco Township Planning Commission meeting.

3.7.1 **Site Plan Requirements** – Per Article 9 “Site Plans”

A Special Use Zoning Compliance Certificate application shall be submitted to the Township Zoning Administrator a minimum of fourteen (14) days prior to the next regularly scheduled Iosco Township Commission meeting and shall include a preliminary site plan per Article 9 “Site Plans” and all appropriate fees.

3.7.2 **Zoning Administrator Review Procedure**

A) The Zoning Administrator shall review the proposed application and preliminary site plan to determine if all required information has been provided, and take one of the following actions:

- i) If the application information is not complete, the application, fees and information shall be returned to the applicant for updating and resubmission at a later date.
- ii) If information is complete, the Zoning Administrator will accept the application and forward it within the Township for review and action as outlined below.

B) The Zoning Administrator shall submit the application and all documentation to the Planning Commission Chairman at least 7 days prior to the next regularly schedules Planning Commission meeting.

3.7.3 **Planning Commission Review Procedure**

A) The Planning Commission Chairman shall bring the application before the Planning Commission at the next regularly scheduled meeting for review, where comment shall be taken from the Applicant and/or the Applicant’s representative.

B) The Planning Commission may, at their discretion, elect to refer the application and plans to the Township Engineer or Planner or any other appropriate consultant(s) for review and comment. Any feedback from such review process shall be in writing to the Planning Commission and shall

include the status of compliance to the Township Ordinance(s) and may also include any suggested conditions to be attached to the approval of an application necessary to achieve the intent of the Township Ordinance(s).

- C) If required, the preliminary plan shall be noticed for public hearing as a proposed zoning amendment before the Planning Commission in accordance with the notification requirements described hereafter.
- i) A notice of the public hearing shall be published in at least one (1) newspaper of general circulation and sent by mail or personal delivery 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. If the name of the occupant is not known, the term “occupant” may be used in making notification.
 - ii) The notice shall indicate that a public hearing on the special use request may be requested by any property owner or the occupant of any structure located within 300 feet of the property being considered for a special use regardless of whether the property or the occupant is located in the zoning jurisdiction.
 - iii) The notice shall provide description and location of the proposed special use request.
 - iv) The notice shall be given not less than fifteen (15) days before the date that the public hearing will be held.
 - v) The Applicant and/or the Applicant’s representative shall be present at such hearing for comment and public input shall be taken by the Planning Commission.
 - vi) At the request of the Board, the public hearing may be a joint meeting with the Board and the Planning Commission present to hear public comment.

3.7.4 **Planning Commission Review**

- A) The Planning Commission shall consider the application, all Township consultant reports and all other relevant information as part of the review process prior to forwarding the application to the Township Board for further review and determination.

- B) The Township Planning Commission may recommend or require additional conditions as part of the review process, as deemed necessary to achieve the intent and objectives of the Township Ordinances in considering such things as, but not limited to whether the use:
- i) Application includes all required information, including requirements of Articles 11 and 9 as well as other Articles or General Ordinances that may apply.
 - ii) Will be compatible with existing and future adjacent uses of land, promote the use of land in a socially and economically desirable manner and will be harmonious and in accordance with the general objectives or any specific objectives of the Iosco Township Master Plan.
 - iii) Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area.
 - iv) Will not be hazardous or disturbing to existing or future nearby uses.
 - v) Will be served adequately by essential public services and facilities or that the persons responsible for the establishment of the proposed use will provide adequately any such service or facility and that such facility or service is adequately coordinated with neighboring or adjacent developments.
 - vi) Will not create excessive additional public costs and will not significantly decrease property values of surrounding properties.
 - vii) Will meet all the requirements and standards of this Ordinance and any other applicable laws, standards, Ordinances, and/or regulations.
 - viii) Will preserve natural/unique resources to the maximum feasible extent, not cause soil erosion or sedimentation, respect natural topography and minimizes the amount of cutting and filling required.
 - ix) Leaves organic, wet or other soils which are not suitable for development undisturbed, or modified in an acceptable manner and respects floodways, floodplains and natural drainage of the subject property and the surrounding properties.

- x) Does not include outdoor lighting that will adversely affect adjacent or neighboring properties, or traffic on adjacent streets.
 - xi) Includes requirements that all outdoor storage of garbage or refuse shall be contained, screened from view and located so as not to be a nuisance to the subject property of neighboring properties.
 - xii) Provides a parking layout that will not adversely affect the flow of traffic within the site or to and from the adjacent streets.
 - xiii) When constructed in phases, is completed in a logical sequence so that any phase does not depend upon a subsequent phase for adequate access, public utility, drainage, or erosion control.
- C) Upon completion of review, the Planning Commission shall forward the application and all applicable supporting documentation and reports to the Township Board for additional review and determination.

3.7.5 Township Board Preliminary Site Plan Review and Determination

- A) The Township Board shall consider the application, all Township consultant reports and all other relevant information in determining whether to approve the Preliminary Site Plan.
- B) The Township Board may impose additional conditions on the approval of the site plan as deemed necessary to achieve the intent and objectives of the Township Ordinances in considering such things as, but not limited to those items outlined on Section 3.7.4.
- C) Upon completion of review, the Township Board shall take one of the following actions:
 - i) Grant approval of the preliminary plan and authorize applicant to proceed with preparation of final site plan as presented
 - ii) Grant approval of the preliminary site plan with conditions attached.
 - iii) Deny approval of the application with written documentation as to the reason for the rejection. Fees shall not be refundable in the case of rejection, other than the return of any balance of any moneys that may have been placed into escrow accounts per the requirements of Township Ordinances. No further review or action shall be taken on the

part of the Township on such application unless the application process is started over.

3.7.6 **Township Board Final Site Plan Review and Determination**

- A) Upon Granting of approval of a preliminary plan or approval of a preliminary plan with conditions attached, the applicant shall submit 9 copies of the Site Plan per requirements of preliminary approval conditions and Article 9 “Site Plans” to the Township Clerk a minimum of fourteen (14) days prior to the next regularly scheduled Iosco Township Board meeting. If a final plan is not submitted by the applicant for final review within six (6) months, the application shall become null and void and the application process must start over.
- B) The Township Clerk shall bring the application before the Board at the next regularly scheduled meeting for review, where comment shall be taken from the Applicant and/or the Applicant’s representative.
- C) The Board may, at their discretion, elect to refer the application and plans to the Township Engineer or Planner or any other appropriate consultant(s) for final review and comment. Any feedback from such review process shall be in writing to the Board and shall include the status of compliance to the Township Ordinance(s) and may also include any suggested conditions to be attached to the approval of an application necessary to achieve the intent of the Township Ordinance.
- D) The Township Board may require additional conditions as part of the final review process, as deemed necessary to achieve the intent and objectives of the Township Ordinances in considering such things as, but not limited to whether the Final Plan:
 - i) Conforms to the Preliminary Site Plan as approved.
 - ii) All required information is provided.
 - iii) Complies with all the applicable zoning and general ordinances.
 - iv) Includes all specifications.
 - v) Meets the objectives from the Preliminary Site Plan Review and Determination process.

3.7.7 Township Board – Final Determination

Upon completion of the final review, the Township Board shall take one of the following actions:

- A) Grant Application Approval of the Zoning Compliance Certificate and Final Plan as presented.
- B) Grant Application Approval of the Zoning Compliance Certificate and Final Plan with conditions.
- C) Deny approval of the application with written documentation as to the reason for the rejection. Fees shall not be refundable in the case of rejection, other than the return of any balance of any moneys that may have been placed into escrow accounts per requirements of Township Ordinances.

3.7.8 Approval Notification Procedure –

Upon approval of a final site plan, the applicant and owner(s) of record, or a legal representative thereof, and the Township Supervisor, shall each sign three (3) copies of the approved site plan and three (3) copies of the Township Site Plan Approval Letter that includes any conditions attached to such approval. The Township Clerk shall transmit the signed plans and approval letters as follows: one (1) to the Zoning Administrator, one (1) copy to the applicant, and one copy to the Township Clerk that will be permanently filed in the Township records. If the final site plan is rejected, the Township Clerk shall notify the applicant in writing of such action and reasons therefore, within fourteen (14) days following such action.

3.7.9 Expiration of Approval

Approval of a final site plan shall expire and be of no effect one (1) year following the date of approval unless construction has begun on the property and is diligently pursued in conformance with the approved final site plan and construction schedule. Extensions may be requested per Section 3.9

Section 3.8 Inspections and Verification of Zoning Compliance

- 3.8.1 The applicant, developer, the developers design engineers and/or the developers independent inspectors shall be responsible for inspecting all improvements for conformance with the approved final site plan. All sub-grade improvements such as utilities, sub-base installations for drives and parking lots, and similar improvements shall be inspected and approved prior to covering. The applicant shall be responsible for requesting the necessary inspections.
- 3.8.2 Inspection assistance may be requested from the local Fire Chief, the County Building Inspector and the Township Engineering and Planning Consultant(s), where applicable. The applicant shall notify the Zoning Administrator, in writing, when a development for which a final site plan is approved has passed any and all inspections with respect to the approved final site plan.
- 3.8.3 The Zoning Administrator shall notify the Township Board and the Planning Commission, of any development for which a final site plan was approved, which does not pass inspection with respect to the approved final site plan, and shall advise the Township Board and Planning Commission, of steps taken to achieve compliance. In such case, the Zoning Administrator shall periodically notify the Township Board of progress towards compliance with the approved final site plan and when compliance is achieved.
- 3.8.4 Upon project completion of a Zoning Compliance Certificate with Application Approval only, the following verifications are required to be completed:
- A) The applicant and/or representative shall submit three (3) copies of as built site plans per Article 9 “Site Plans” to the Zoning Administrator.
 - B) The Zoning Administrator, Township Engineer or other Township consultant assigned, shall provide written report with regards to in progress inspections conducted and final as built site inspection for compliance to Township Ordinances and stipulations of the approved application.

The Zoning Administrator shall provide written confirmation of findings to the Board to be acted on per one of the following actions:

- i) If the site work completed conforms to the Township Ordinances and the stipulations of the approved application, then Zoning Compliance Verification will be granted as indicated by the Township Clerk’s signature and the date signed being added to the Zoning Compliance Certificate, along with documentation of approval in the Board meeting minutes.

- i) If site work is found to be in conflict with existing zoning ordinances or the approved application, the Board shall respond to the applicant in writing, via the Township Clerk, with explanation of the conflict, requesting response as to timing for correction. Such application shall be deemed in conflict with the Township Zoning Ordinances until all conflicts are corrected and the Board provides Zoning Compliance Verification per Section 3.7.8.A

Section 3.9 Minor Amendment of Approved Site Plans

- 3.9.1 An applicant or property owner who has been granted site plan approval shall notify the Zoning Administrator of any proposed amendment to such approved site plan.
- 3.9.2 Minor changes may be approved by the Zoning Administrator upon certification in writing to the Township Board that the proposed revision does not alter the basic design, compliance with the standards of Article 9, other applicable Ordinances, nor any specified conditions of the plan as agreed upon by the Board. In considering such a determination, the Zoning Administrator shall consider the following to be a minor change:
 - A) For residential buildings, the size of structures may be reduced, provided that the overall density of units does not increase and the minimum size is not in conflict with any other Township zoning restrictions.
 - B) The proposed addition constitutes less than 1,000 square feet or not more than 20 percent of the existing floor area.
 - C) Square footage of non-residential buildings may be decreased up to ten percent (10%).
 - D) Change of building height may be altered by up to five percent (5%), but in no case shall height limitations be exceeded.
 - E) Movement of a building or buildings by no more than five (5) feet provided required setbacks are met.
 - F) The modification or change of use does not require additional off-street parking.
 - G) The building or site modification does not encroach upon an existing parking lot or loading areas.

- H) The building or site modification is not adjacent to single-family properties, or properties in residential use.
 - I) Designated "Areas not to be disturbed" may be increased.
 - J) Plantings approved in the Final Site Plan landscape plan may be replaced by similar types and sizes of landscaping which provides a similar screening effect on a one-to-one or greater basis.
 - K) Improvements to site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc.
 - L) Changes in floor plans which do not alter the character of the use.
 - M) Slight modification of sign placement or reduction of size, with movement restricted to ten (10) feet and only if movement is not toward any road right-of-way or easement.
 - N) Relocation of sidewalks and/or refuse storage stations.
 - O) Internal rearrangement of a parking lot which does not affect the number of parking spaces or alter access locations or design. This shall assume that all parking regulations are met.
 - P) Changes required or requested by the Sheriff or local fire department for safety reasons which do not affect site layout shall be considered a minor change.
- 3.9.3 Should the Zoning Administrator and/or Planning Consultant determine that the requested modification to an approved plan is not minor as listed above, the Township Board shall be notified in writing that the site plan has been suspended and if construction has been initiated, a stop work order shall be issued for the section of the project deemed not to be in compliance. Thereafter, the applicant may revise the final site plan; and submit it to the Zoning Administrator for re-submission to the Board.
- 3.9.4 Should the Board determine that the modifications to the site plan significantly alter the intent of the site plan, a new submittal shall be required in accordance with final site plan review, Section 3.6 or 3.7 as applicable.
- 3.9.5 Changes not specifically listed as minor changes above require review and approval of the Township Board.

Section 3.10 Additional Stipulations

- 3.10.1 **Conditions and Safeguards.** The Planning Commission or Township Board may impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, and for insuring that the purposes of this Ordinance and the general spirit and purpose of the district in which the special use is proposed will be observed. Such conditions shall conform to the standards found in the MZEA, PA 110, Public Acts of 2006 as the same may be amended or superseded from time to time. Special Use Zoning Compliance Certificates may be issued for specific time periods as determined by the Board.
- 3.10.2 **Voiding of Certificate.** The Zoning Administrator may suspend or revoke, by his/her own authority or by direction of the Township Board, a Zoning Compliance Certificate issued under the provisions of this Ordinance, whenever the Certificate is issued erroneously on the basis of incorrect information supplied by the applicant or his agent and is in violation of any of the provisions of this Ordinance or of any other ordinances or regulations of the township.
- The Zoning Administrator shall give notice by certified mail to the holder of a Certificate that is liable for voiding action before voidance is actually declared. Said notice shall be mailed to the Certificate holder at the address indicated in said Certificate. Within thirty (30) days of mailing of notice of voiding of the Certificate, the applicant shall have the right to request an extension of the Certificate from the Planning Commission.
- 3.10.3 **Extensions.** The Township Board may grant an extension on applications and Certificates for good cause, for a period not to exceed six (6) months.
- 3.10.4 **Re-Application.** No application for a Special Use Zoning Compliance Certificate, which has been denied, wholly or in part, by the Iosco Township Board, shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on grounds of newly discovered evidence or change of conditions found to be sufficient to justify reconsideration by the Board. All resubmissions shall require repayment of all associated fees.
- 3.10.5 **Records.** A complete record and copy of each application for each Zoning Compliance Certificate issued pursuant to the provisions of this Ordinance, shall be filed with the Township Clerk and be a part of the Township records.

- 3.10.6 **Building Permits.** No structure shall be erected, moved, added to, or structurally altered unless a building permit shall have been issued therefore by the Livingston County Building Department.
- 3.10.7 **Certificates of Occupancy.** It shall be unlawful to use or permit the use of occupancy of any land, building, or structure for which a Building Permit is required, and to use or permit to be used any building or structure hereafter altered, extended, erected, repaired, or moved, until the Livingston County Building Department shall have issued a Certificate of Occupancy.
- 3.10.8 **Severability.** Should any section, clause or paragraph of this Ordinance be declared by court of competent jurisdiction to be invalid, the same will not affect the validity of the ordinance as a whole or part hereof other than the part declared to be invalid.
- 3.10.9 **Saving Clause.** That nothing in this Ordinance shall be construed to affect any suit or proceeding impending in any court, or any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

Section 3.11 Performance Guarantee Requirements (Special Uses)

- 3.11.1 In the interest of insuring compliance with the Zoning Ordinance provisions, protecting the natural resources and the health, safety, and welfare of the residents of the Township and future users or inhabitants of an area for which a site plan for a proposed use has been submitted, the Township Board shall require the applicant to deposit a performance guarantee as set forth herein. The purpose of the performance guarantee is to insure completion of improvements connected with the proposed use as required by this Ordinance, including but not limited to, roadways, lighting, utilities, sidewalks, safety paths, drainage, fences, screens, walls, landscaping, and widening strips.
- 3.11.2 At the time the performance guarantee is deposited with the Township and prior to the Application Approval of a Zoning Compliance Certificate, the applicant shall enter an agreement incorporating the provisions hereof with the Township regarding the performance guarantee.

- 3.11.3 Performance guarantee as used herein shall mean a cash deposit, certified check, irrevocable bank letter of credit or corporate surety bond in the amount of the estimated cost of the improvements to be made as determined by the applicant and verified by the Township.
- 3.11.4 Where the Township Board requires a performance guarantee, said performance guarantee shall be deposited with the Township Treasurer prior to the Application Approval of a Zoning Compliance Certificate by the Township for the development and use of the land. The Township is not required to deposit the performance guarantee in an interest-bearing account. The application approval per Section 3.7.5 shall not occur until deposit of said performance guarantee.
- 3.11.5 The Application Approval of any Special Use Zoning Compliance Certificate shall also prescribe the period of time within which the improvements for which the performance guarantee has been required are to be completed. The period will begin from the date of the Application Approval.
- 3.11.6 The Township Clerk, upon the written request of the applicant, shall rebate portions of the performance guarantee upon determination, by the Township Clerk, with input from the Zoning Administrator as well as any other appointed or applicable review sources, 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.
- 3.11.7 Upon the satisfactory completion, as determined by the Township, of the improvement for which the performance guarantee was required, the Township shall return to the applicant the performance guarantee deposited.
- 3.11.8 In the event the applicant defaults in making the improvements for which the performance guarantee was required within the time period established by the township:
- A) The township shall have the right to use the performance guarantee deposited and any interest earned thereon to complete the improvements through contract or otherwise, including specifically the right to enter upon the subject property to make the improvements.
 - B) If the performance guarantee is not sufficient to allow the township to complete the improvements for which it was posted, the applicant shall be required to pay the Township the amounts by which the costs of completing

the improvements exceeds the amount of the performance guarantee deposited.

- C) Should the Township use the performance guarantee or a portion thereof, to complete the required improvements, any amounts remaining after said completion shall be applied first to the Township's administrative costs including, without limitation, attorney fees, planning consultant fees, and engineering consultant fees in completing the improvement with any balance remaining being refunded to the applicant.
- D) If the applicant has been required to post a performance guarantee or bond with another governmental agency other than the Township to insure completion of an improvement associated with the proposed use prior to the Township granting Application Approval, the applicant shall not be required to deposit with the Township a performance guarantee for that specific improvement.

Section 3.12 Fees.

The Township Board shall, by resolution, establish a schedule of fees for administering this Article. The schedule of fees shall be posted for public display in the Township Hall, and may be amended from time to time by the Township Board, by Resolution. No Zoning Compliance Certificate shall be issued unless the required fee has been paid in full.

Section 3.13 Compliance with Ordinances.

Certificates of Occupancy and Verification of Zoning Compliance shall be granted upon the basis of the plans and per the approved application, respectively, by the Livingston County Building Department and the Township Clerk, and such certificates authorize only the use, construction, development, and configuration of structures set forth in such approved application and plans, and no other use, construction, development, or configuration of structures shall be allowed. Any development, use, or construction at variance with that authorized herein shall be deemed a violation of this Ordinance and punishable as provided by Section 3.14, herein.

Section 3.14 Enforcement

- 3.14.1 **Violations.** Any and all violations of Iosco Township Zoning Ordinances shall be deemed a municipal civil infraction, subject Article 22 “Municipal Civil Infractions”.

3.14.2 **Rights and Remedies.** The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

3.14.3 **General Responsibility.** The Township Board or its duly authorized representative is hereby charged with the duty of enforcing the Ordinance and said Board is hereby empowered, in the name of said Iosco Township to commence and pursue any and all necessary and appropriate actions and/or proceedings in the Circuit Court of Livingston County, Michigan, or any other court having jurisdiction, to restrain and/or prevent any non-compliance with or violation of any of the provisions of this Ordinance, and to correct, remedy and/or abate such non-compliance or violation.

Iosco Township
2050 Bradley Road-P.O. Box 1079-Fowlerville, MI 48836

Date: _____

Application and Zoning Compliance Certificate

Owner _____ Parcel I. D. No. _____
Address _____ Located on _____ side of _____ road
Phone No. _____ between _____ and _____ roads.
Zoning District Classification _____

Application is for: _____

Permitted Use (Zoning Ordinance Section 3.6).

Size of Building: Width _____ Depth _____ Height _____ Square feet _____
Building Position: _____ feet from front property line, _____ feet from rear line, _____ waterfront.
_____ feet least side _____ feet side line

Size of Building: Width _____ Depth _____ Height _____ Square feet _____
Building Position: _____ feet from front property line, _____ feet from rear line, _____ waterfront.
_____ feet least side _____ feet side line

Special Use (Zoning Ordinance Section 3.7).

This construction lies within a 100 year flood plain: Yes _____ No _____.

All dwellings shall have a roof with at least a 4 in 12 pitch.

This instrument does not convey property rights in either real estate or material, nor does it authorize any injury to private or invasion of public or private rights, nor does it waive the necessity of conforming with all applicable federal, state and local statues and acquiring all other necessary permits from such authorities.

I hereby certify that all information and data attached to and made part of this application are true and accurate to the best of my knowledge and belief. I understand that there may be deed restrictions that may apply to this project. I authorize a Township representative to enter onto my property for the purpose of verification of compliance.

Applicant Signature: _____ **Date:** _____

Zoning Administrator Application Approval _____ Date: _____

Zoning Administrator Application Disapproval _____ Date: _____

Conditions or reason for disapproval _____

Fees: _____ Date Paid: _____

(This permit is non-transferable and void after six months.)

Zoning Compliance Verification Inspection by: _____ Date: _____