

Village of Lake Isabella - Codified Ordinances

Article XII – Planning & Zoning

Chapter 1312 – Administration

Adopted August 4, 1998 – Ordinance 1998-01

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1312.01 ZONING OFFICIAL

The Village of Lake Isabella shall employ a Zoning Administrator to act as its officer to effect proper administration of this code. The Village Council shall establish the term of employment, rate of compensation, and any other conditions of employment. Unless otherwise adopted via ordinance of the Village Council; the Village Manager shall act as the Zoning Administrator and Chief Code Enforcement Officer.

1312.03 ZONING PERMIT REQUIRED

No structure, or part thereof, shall be erected, raised, moved, reconstructed, extended, or enlarged without first applying for and obtaining a zoning permit from the Zoning Administrator, unless otherwise exempted from doing so by a provision of this zoning code. No structure or land shall be used or occupied in nonconformance with the provisions of this code. The Zoning Administrator shall not issue any permit for a parcel where there is an outstanding violation of the zoning code, except for any legally existing non-conformity. Unless otherwise stated, work permitted under a zoning permit shall be valid for 1 year from the date of approval.

1312.05 INSPECTIONS & CERTIFICATES OF ZONING COMPLIANCE

The development of all structures which require the issuance of a zoning permit per the codified ordinances of the Village of Lake Isabella are subject to inspection as a condition of the approval. Inspections shall occur in the following manner and sequence unless otherwise deemed not applicable by the Zoning Administrator:

1. New Structures or Alterations to Existing Structures:
 - A. The site shall be inspected prior to the issuance of a zoning permit.
 - B. If the site shall be re-inspected once the footings, foundation, or slab have been erected.

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- C. The site and completed structure shall be inspected before occupancy. This inspection shall occur no later than 1 year after the date of issue of the permit, unless an extension has been granted for the completion of the structure.
 - D. Once the development has been completed and inspected per the conditions of the codified ordinances of the Village of Lake Isabella, the Zoning Administrator shall issue a Certificate of Zoning Compliance to the property owner if the conditions of the permit and codified ordinances are satisfied.
2. Changes in Use or Occupancy to Business, Commercial, or Industrial Properties:
- A. An inspection or review shall be made by the Zoning Administrator or his/her designee in order to confirm that the change in use is in conformance with the provisions of the zoning code of the Village of Lake Isabella.
 - B. Upon completion of this required review, if the change in use or occupancy is deemed to be in conformance with the codified ordinances of the Village of Lake Isabella, the Zoning Administrator shall issue a Certificate of Zoning Compliance to the property owner if the conditions of the permit and codified ordinances are satisfied.

1312.07 FEES

- 1. Fees charged in order to cover the costs of administering this zoning code shall be established by resolution of the Village Council. No application shall be accepted or permit approved unless such fee has been paid in full. For the construction of any new dwelling after the effective date of this ordinance, there shall be an additional pro-rated fee added to the zoning application to cover the costs of any recycling or solid waste program being operated within the Village. This pro-rated fee shall be set by resolution of the Village Council.
- 2. A person undertaking and commencing a use without the proper permit is subject to all the penalties in this Chapter. In lieu of commencing prosecution, the zoning official shall have the option to issue a zoning permit and to charge a double fee therefore.
- 3. Fees shall be established by the Village Council for the following:
 - A. Special Land Use Permits (Chapter 1262)
 - B. Rezoning Requests (Chapter 1322)
 - C. Site Plan Review (Chapter 1214)
 - D. Variance Applications (Chapter 1302)
 - E. Appeals (Chapter 1302)
 - F. Zoning Permits (Chapter 1312)
 - G. Certificates of Occupancy (Chapter 1312)
 - H. Other appropriate fees as determined by the Village Council. Nothing contained herein shall prevent the Zoning Administrator or the Planning Commission from recommending adjustments to current fees charged by the Village, or the creation of new fees to be used to cover the costs associated with administering the zoning code of the Village.

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4. Additional fees for special public hearings or meetings of the Planning Commission that are requested by applicants of rezoning or special use requests, shall be charged to cover the costs of required notices and membership per diem for the meetings or hearing.
5. To ensure compliance with the zoning code of the Village and any conditions imposed by the Planning Commission or Zoning Board of Appeals a performance guarantee may be required as part of the approval of any site plan or permit. This performance guarantee shall be in the form of a cash deposit, certified check, irrevocable letter of credit, or surety bond accepted to the Village Clerk that covers the estimated costs of improvements in order to ensure the faithful completion of the improvements. The performance guarantee shall be deposited at the time of the issuance of the permit authorizing the activity or project. The Village shall not require the deposit of the performance guarantee until the Village has approved issuing the permit. The Village Council may adopt procedures that establish how any monies are to be refunded on a pro ratio scale as construction progresses on any given project with a performance guarantee. Upon completion of the project, the applicant shall submit to the Village written notice of such completion and the Village shall review the finished work and notify the applicant of additional work needed for completion, complete the work itself with any monies from the performance guarantee, or refund the remaining balance of the performance guarantee.

1312.09 TIME

The Planning Commission shall determine the length of time required for the following applications to be submitted in advance prior to being considered by the Village. An application shall not be accepted if the Zoning Administrator determines it to be incomplete in any manner.

1. Appeal.
2. Site Plan Review
3. Special Land Use
4. Variance
5. Zoning Application/Rezoning
6. Zoning Permit

1312.11 VIOLATIONS AND PENALTIES

1. Municipal Civil Infraction. Any owner, agent, contractor, lesser or occupant of any parcel or structure where a violation of the provisions of this code has been committed or exists may be held responsible for such by a municipal civil infraction and prosecuted in accordance with the Municipal Civil infractions Ordinance, chapter 222 of the codified ordinances of the Village of Lake Isabella, as amended. Fines shall be established and imposed as set forth as provided by the Municipal Civil Infractions Ordinance, as amended, Chapter 222 of the codified ordinances of the Village of Lake Isabella. Each day that a violation is permitted to exist shall constitute a separate offense.

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2. The owner or tenant of any structure, or part thereof; parcel, or part thereof; architect, builder, contractor, agent or other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.
3. Nothing here contained shall prevent the Village from taking such other lawful action as is necessary to prevent or remedy any violation, nor shall the imposition of any fine or jail sentence, or both, exempt the violator from compliance with the provisions of this code.

1312.13 ADDITIONAL REMEDIES

In addition to the above remedies, the following additional remedies may be instituted.

1. The Zoning Administrator may institute any appropriate action or proceedings to prevent any erection, construction, alteration, repair, maintenance or use of any building or premises constituting a violation of any of the provisions of this ordinance; to restrain, correct or abate such violation; to prevent any unlawful act, business activity or other use in or about such premises.
2. The Zoning Administrator, or any code enforcement officer, is specifically authorized and empowered to issue and serve notices of violations, warnings, and tickets based on probable cause, to any person, business, or organization in violation of any of the provisions of this zoning ordinance and for which a fine, imprisonment or both may be levied as a result of such violation..

1312.15 PUBLIC NOTICE PROCEDURES

All applications for development approval requiring a public hearing shall comply with the Michigan Zoning Enabling Act Public Act 110 of 2006, as amended, and other provisions of this zoning code, the Open Meetings Act Public Act 276 of 1976, as amended, the Charter of the Village of Lake Isabella, and other applicable laws of the State of Michigan.

- A. When the provisions of the codified ordinances of the Village of Lake Isabella or the laws of the State of Michigan require that notice be published, the Zoning Administrator shall be responsible for preparing the content of the notice, having the notice published in an official paper of general circulation in the Village of Lake Isabella and also mailed or personally delivered as required by state statute.
- B. As required by the Village Charter, no zoning ordinance may be adopted without a public hearing of the Village Council, the posting and notice requirements for that hearing shall be done as a separate notification from the posting and publishing requirements for any public hearing of the Planning Commission.

1312.17 TEMPORARY ZONING PERMITS

1. Activities, uses, and structures permissible under the zoning code that are of a temporary nature, including those items listed in §1212.29, shall only occur after a Temporary Zoning Permit has been issued by the Zoning Administrator pursuant to the terms and conditions applicable to the permit for the temporary use or structure unless otherwise exempted by the zoning code.

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2. Any such temporary use/structure that also requires a permit or license from the local Health Department, State of Michigan, or Federal government shall be treated as a temporary conditional use and may occur only upon the approval of the Planning Commission. The application, review, and approval process for a Temporary Conditional Use shall be the process and requirements used by the Village of Lake Isabella to process and review Site Plans as found in Chapter 1214 of the zoning code.
3. Houses of Worship may acquire a permit for a tent on its own property in any district. Also, all district setback requirements must be complied with as well as accommodating off-street parking for the additional floor area provided.