

**CHAPTER 1262**  
Administration, Enforcement and Penalty

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**CROSS REFERENCES**

Board of Appeals - see M.C.L.A. Sec. 125.585; P. & Z. Ch. 1278  
 City zoning ordinances; public hearing, notice; report of Planning  
 Commission; amendment; vote required - see M.C.L.A. Sec. 125.584  
 Conflicting laws; governing law - see M.C.L.A. Sec. 125.586  
 Violations; nuisance per se; abatement - see M.C.L.A. Sec. 125.587  
 Appeals - see P. & Z. 1278.06

**1 1262.0 ZONING ADMINISTRATION.**

This Zoning Code shall be administered and enforced by the Zoning Administrator or by such deputies as the Administrator may delegate to enforce this Zoning Code.

(Ord. 275. Passed 9-23-03.)

**1262.02 DUTIES.**

The Zoning Administrator shall:

- (a) Receive and review for completeness all applications for site plan review and special land uses which the Planning Commission is required to decide under this chapter and refer such applications to the Planning Commission for determination.
- (b) Receive and review for completeness all applications for appeals, variances, or other matters which the Zoning Board of Appeals is required to decide under this chapter and refer such applications to the Zoning Board of Appeals for determination.
- (c) Receive and review for completeness all applications for amendments

to this chapter and refer such applications to the Planning Commission and City Council for determination.

- (d) Make periodic site inspections to determine ordinance compliance, and answer complaints on Zoning Code violations.
- (e) Implement the decisions of the Planning Commission and City Council.  
(Ord. 275. Passed 9-23-03.)

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**1262.03 SPECIAL LAND USES.**

(a) Applications for a special land use authorized in this Zoning Code shall be submitted to the Zoning Administrator. A fee as determined by the City Council shall be charged to the applicant to defray the cost of the notification requirements of this Zoning Code associated with the proceedings required on the application. Approvals of special land use requests will be at the discretion of the Planning Commission.

(b) When the Zoning Administrator receives an application for a special land use, the following procedures shall be followed:

- (1) One (1) notice indicating that a request for a special land use has been received shall be published in a newspaper of general circulation within the city. Notices shall also be sent by mail or personal delivery to the owners of property for which approval is being considered.
- (2) Notices indicating that such a request has been received will also be 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 for which a special land use has been requested. Notices will also be sent by mail or personal delivery to the occupants of structures located within three hundred (300) feet of the property in question. If the name of an occupant is not known, the term "Occupant" may be used in making notification. Notices to property owners and occupants shall not be given less than five (5) days or more than fifteen (15) days before the special land use application is considered by the Planning Commission.
- (3) Notification referred to in paragraph (b)(2) hereof need not be given to more than one (1) occupant of a structure. However, 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. In the case of a single structure containing more than four (4) dwelling units or other district spatial areas owned or leased by different individuals, partnerships, businesses or organizations, notice may be given to the manager or owner of the structure who then shall be requested to post the notice at the primary entrance to the structure. The notice shall:
  - A. Describe the nature of the special land use request;
  - B. Indicate the property that is the subject of the special land use request;
  - C. State when and where the special land use public hearing

will be held; and  
D. Indicate when and where written comments will be received concerning the request.

(c) A public hearing shall be held by the Planning Commission for all special land use requests. Notification as required in division (b) hereof, shall be provided before a decision is made on the special land use request.

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(d) The Planning Commission may deny, approve, or approve with conditions, requests for special land use. The decision on a special land use shall be incorporated in a statement of conclusions relative to the special land use under consideration. The decision shall specify the basis for the decision and any conditions imposed.

(e) The Planning Commission shall review the proposed special land use in terms of the standards stated within this division and shall establish that such use and the proposed location comply with the following criteria:

- (1) Will be harmonious and in accordance with the general objectives or any specific objectives of the Master Plan;
- (2) 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;
- (3) Will not be hazardous or disturbing to existing or future nearby uses;
- (4) Will be an improvement in relation to property in the immediate vicinity and to the community as a whole;
- (5) Will be served adequately by essential public services and facilities or that the person responsible for the establishment of the proposed use will provide adequately any such service or facility;
- (6) Will not create excessive additional public costs and will not be detrimental to the economic welfare of the community; and
- (7) Will be consistent with the intent and purposes of this Zoning Code.

(f) The Planning Commission may impose additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights and for ensuring that the purposes of this Zoning Code and the general spirit and purpose of the district in which the special land use is proposed will be observed.

(g) Any special land use approval given by the Commission, shall become null and void unless construction and/or use is commenced within one (1) year. Any special land use that has been commenced but abandoned for a period of one (1) year, shall lapse and cease to be in effect.

(Ord. 275. Passed 9-23-03.)

#### **1262.04 SITE PLAN REVIEW.**

Site plan review and approval of all development proposals within specific zoning districts shall be required as provided in this section. The intent of this section is to provide for consultation and cooperation between the developer and the Planning Commission so that both parties might realize maximum utilization of land and minimum adverse effect upon the surrounding land uses. Through the application of the following provisions, the attainment of the Master Plan will be assured and the city will develop in an orderly fashion.

- (a) Site plan review required. A site plan shall be submitted to the Commission for review and approval for the following:
  - (1) Any permitted use or special land use within the city, except one-family detached and two-family dwellings and their accessory buildings and uses;

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- (2) Any use or development for which the submission of a site plan is required by any provision of the city's ordinance.
  - (3) Any change and/or conversion of use as permitted and regulated by this chapter that may result in a modification to off-street parking, traffic circulation, services, facilities or other physical conditions on the site;
  - (4) Any use or development subject to the Michigan Condominium Act, Act 59 of the Public Acts of 1978, as amended; and
  - (5) Any addition to an existing principal or accessory building within the city, except one-family detached dwellings and their accessory buildings and uses.
- (b) Site plan review standards. The site plan shall be reviewed in accordance with the following standards:
- (1) The proposed design will not be injurious to the surrounding neighborhood or impede the normal and orderly development of surrounding property for uses permitted by the city's ordinance.
  - (2) The location, design and construction materials of all buildings and structures will be compatible with the topography, size and configuration of the site, and the character of the surrounding areas.
  - (3) There will be a proper relationship between streets, sidewalks, service drives, driveways and parking areas protecting the safety of pedestrians and motorists.
  - (4) The location of buildings, outside storage receptacles, parking areas, screen walls and utility areas is such that the adverse effects of such uses will be minimized for the occupants of that use and the occupants of surrounding areas.
  - (5) City requirements and standards for streets, lighting, driveway approaches, grading, surface drainage, storm sewers, storm water retention facilities, water mains, sanitary sewers and necessary easements will be met.
  - (6) All buildings or groups of buildings will be so arranged as to permit emergency vehicle access by some practical means to all sides.
  - (7) Appropriate site design measures have been taken which will preserve and protect the landscape, existing topography, natural resources and natural features such as lakes, ponds, streams, wetlands, steep slopes, groundwater recharge areas and woodlands.
  - (8) Sites which include storage of hazardous materials or waste, fuels, salt or chemicals will be designed to prevent spills and

discharges of polluting materials to the surface of the ground, ground water or nearby water bodies.

(9) Landscaping, including greenbelts, trees, shrubs and other vegetative materials, is provided to maintain and improve the aesthetic quality of the site and the area.

(10) The proposed use is in compliance with the city's ordinances and any other applicable standards and laws.

(c) Information required on site plan. A site plan submitted for review shall contain all of the following data prior to its submission to the Commission for review and approval:

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(1) General information.

- A. Plans drawn to a scale of not less than one (1) inch equals fifty (50) feet for property less than three (3) acres or not less than one (1) inch equals one hundred (100) feet for property three (3) acres or more;
- B. The proprietors', applicants' and owner's names, addresses and telephone numbers;
- C. The date (month, day, year), scale and north arrow;
- D. The signed professional seal, name and address of the architect, engineer, surveyor, landscape architect or planner responsible for the preparation of the plan;
- E. The zoning district classification of the petitioner's parcel and all abutting parcels;
- F. Pertinent area, height, lot coverage and setback requirements of the zoning district in which the parcel is located; and
- G. A legal description, including a gross acreage figure.

(2) Physical features.

- A. Existing and proposed lot lines, building lines, structures and parking areas on the parcel and within one hundred (100) feet of the site;
- B. The location of existing and proposed traffic and pedestrian circulation facilities, including;
  - 1. Centerline and existing and proposed right-of-way lines of abutting streets;
  - 2. Access drives;
  - 3. Service drives;
  - 4. Fire lanes;
  - 5. Street intersections;
  - 6. Acceleration, deceleration and passing lanes and approaches;
  - 7. Sidewalks and pedestrian paths; and
  - 8. Curbing.
- C. The location of existing and proposed service facilities above and below ground, including;
  - 1. Chemical and fuel storage tanks and containers;
  - 2. Storage, loading and disposal areas of chemicals, hazardous substances, salt and fuels;
  - 3. Water mains, hydrants, pump houses, standpipes and building services and sizes;
  - 4. Sanitary sewers and pumping stations;

5. Stormwater control facilities and structures, including storm sewers, swales, retention/detention basins, drainage ways and other facilities, including calculations for sizes.
  6. Existing and proposed easements; and
  7. Sidewalks and pedestrian paths; and
- D. Dimensioned floor plans, finished floor elevations, typical elevation views and specifications of building materials of all buildings;
1. Dimensioned parking spaces and calculations, drives and type of surfacing; Exterior lighting locations, type of light and illumination patterns;

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2. The location and description of all existing and proposed landscaping, berms, fencing and walls;
  3. The trash receptacle pad location and the method of screening;
  4. The transformer pad and the method of screening;
  5. Sign locations, height and size; and
  6. Any other pertinent physical features.
- (3) Natural features.
- A. For parcels of more than one (1) acre, existing and proposed topography with a maximum contour interval of two (2) feet on the site and beyond the site for a distance of one hundred (100) feet in all directions.
  - B. The location of existing drainage courses and associated bodies of water, on and off site, and their elevations; and
  - C. The location of natural resource features, including wetlands and woodlands.
- (4) Additional requirements for R-M districts.
- A. Density calculations by type of unit;
  - B. Designation of units by type and number of units in each building;
  - C. Carport locations and details where proposed; and
  - D. Details of community building and recreational facilities.
- (5) Additional requirements for 0-1, CBD, B-1, B-2, B-3, 1-1 and 1-2 districts.
- A. Loading/unloading areas
  - B. Total and usable floor area; and
  - C. Number of employees, customers, clients or patients in peak usage.
- (d) Application procedure. An application for site plan review shall be processed in the following manner:
- (1) All site plans shall be submitted to the Zoning Administrator and must contain the following to be accepted:
    - A. A completed application signed by the owner. If the owner is not the applicant, the signature of the owner required on the application shall constitute authorization for representation by the applicant. If the owner is a corporation, the application must be signed by a corporate officer. If the owner is a partnership, the application must be signed by a general partner. If the owner is an individual, each individual owner must sign the application.
    - B. Sufficient copies of the site plan as determined by the

- Administrator as well as all of the required fees.
- C. All items required by division (c) hereof.
- (2) Upon receipt of the site plan, the following shall apply:
- A. Zoning Administrator shall forward a copy of the site plan and application to the appropriate City Departments;
  - B. Prior to submission to the Commission, the Zoning Administrator shall schedule a meeting with the applicant and applicable staff; and
  - C. The Zoning Administrator shall place review of the site plan on the next available Planning Commission agenda.

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- (e) Planning commission review. The Planning Commission shall consider the application for approval, conditional approval or denial at the scheduled meeting.
- (1) Upon a determination by the Commission that a site plan is in compliance with the city's ordinances, Planning Commission shall grant approval. In this case, the basis for the decision shall be indicated in the official minutes from the proceedings.
  - (2) Upon a determination by the Commission that a site plan is in compliance, except with minor revisions, the Commission may grant conditional approval. In this case, the basis for the decision shall be indicated in the official minutes from the proceedings.
  - (3) If the site plan does not comply with the provisions of the city's ordinances, it shall be denied. In this case, the basis for the action shall be indicated in the official minutes from the proceedings.
  - (4) The Commission may further require landscaping, fences, walls or other improvements pursuant to the standards set forth in division (b) hereof and the same shall be provided and maintained as a condition of the establishment and the continued maintenance of any use to which they are appurtenant.
- (f) Effect of approval. When an applicant receives final site plan approval, he or she must develop the site in complete conformity with the approved site plan. If the applicant has not obtained a building permit and commenced construction within one (1) year of site plan approval, the site plan approval becomes null and void and the developer shall make a new application for approval.
- (g) Amendment of a site plan. If an applicant seeks an amendment to an approved site plan or seeks an extension of time in which to commence building from an approved site plan, the approved site plan shall be amended or the time extension granted only upon the mutual agreement of the Planning Commission and the applicant.
- (h) Administrative review. In the following cases, the Zoning Administrator shall have the authority to approve a site plan without submission to the Planning Commission, but subject to all the criteria set forth in divisions (a) to (c) hereof.
- (1) Where applicable.
    - A. Accessory uses incidental to a conforming existing use where said use does not require any variance or further site modifications;
    - B. The conversion of an existing building from one permitted use to another permitted use within the same district, provided there is no substantial modification necessary to

- the building or the site;
- C. Expansion and/or addition of five hundred (500) square feet or less to an existing conforming structure or use; and
  - D. Provision for additional loading/unloading spaces and landscape improvements as required by this section.
- (2) Information required. The Zoning Administrator shall require all applicable criteria set forth in divisions (a) to (c) hereof to be met and shall have the authority to waive information required in division (c) hereof which is not necessary to determine whether site plan review requirements have been met. The Zoning Administrator shall also

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have the authority to refer any site plan eligible for administrative review under division (h)(1) hereof to the Planning Commission and/or any consultants employed by the city for the purposes of site plan review.

(Ord. 275. Passed 9-23-03.)

### **1262.05 SITE CONDOMINIUM AND CONDOMINIUM PROJECT REGULATIONS.**

(a) Intent. Pursuant to the authority conferred by the Condominium Act, site condominiums and condominium projects shall be regulated by the provisions of this chapter and approved by the Planning Commission.

(b) General requirements.

(1) Each condominium lot shall be located within a zoning district that permits the proposed use.

(2) Each condominium lot shall front on and have direct access to a public street or a private street approved by City Council.

Approval for a private street may be conferred by City Council prior to site plan approval by the Planning Commission. An approved private street shall comply with the same standards for public subdivision streets and sidewalks as set forth in Chapter 1244 and 1246.

(3) For the purposes of this section, each condominium lot shall be considered equivalent to a single lot and shall comply with all regulations of the zoning district in which it is located.

(c) Site plan approval required. Approval of the site plan by the Planning Commission shall be required to construct, expand or convert a condominium project.

(1) Site plan approval.

A. A site plan pursuant to the standards and procedures set forth in section 1262.04 shall be submitted to the Planning Commission for review.

B. In the interest of insuring compliance with this chapter and protecting the health, safety and welfare of the residents of the city, the Planning Commission, as a condition of approval of the site plan, may require the applicant to deposit a performance guarantee for the completion of improvements associated with the proposed use.

(2) Condominium document/engineering plan approval.

A. Following site plan approval, the applicant shall submit the

condominium documents to the City Attorney and other appropriate staff and consultants for review. The condominium documents shall be reviewed with respect to all matters subject to regulation by the city, including, without limitation: ongoing preservation and maintenance of drainage, retention, wetland and other natural and/or common areas; maintenance of private roads if any; and maintenance of stormwater, sanitary and water facilities and utilities. All review comments shall be submitted to the City Attorney, who shall compile the findings.

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- B. Following receipt of site plan approval, the applicant shall also submit to the Zoning Administrator engineering plans in sufficient detail for the city, along with appropriate consultants, to determine compliance with applicable laws, ordinances and standards for construction of the project. All review comments shall be submitted to the Zoning Administrator, who shall compile the findings.
  - C. Condominium documents and/or engineering plans shall conform to the site plan approval by the Planning Commission. No permit shall be issued until the Condominium documents and Engineering Plans have been approved by the city.
- (3) Information required prior to occupancy. Prior to the issuance of occupancy permits for any condominium units, the applicant shall submit the following to the city:
- A. A copy of the recorded condominium documents (including any exhibits);
  - B. A copy of any recorded restrictive covenants;
  - C. A copy of the site plan; and
  - D. Evidence of the completion of improvements associated with the proposed use, including two (2) copies of an "as-built survey."
- (4) Revision of the site condominium or condominium plan. If the site condominium or condominium subdivision plan is revised, the site plan shall be revised accordingly and submitted for review and approval or denial by the Planning Commission before any building permit may be issued, where such permit is required.
- (5) Amendment of condominium documents. Any amendment to a master deed or bylaws that affects the approved site plan, or any conditions of approval of a site plan, shall be reviewed and approved by the City Attorney and Planning Commission before any building permit may be issued, where such permit is required. The Planning Commission may require its review of an amended site plan if, in its opinion, such changes in the master deed or bylaws require corresponding changes in the original site plan.  
(Ord. 275. Passed 9-23-03.)

#### **1262.06 USE OF CONSULTANTS.**

From time to time, at the cost of the applicant, the city may employ planning, engineering, legal, traffic or other special consultants to assist in the review of special use permits, site plans, rezonings or other matters related to

the planning and development of the city.  
(Ord. 275. Passed 9-23-03.)

**1262.07 BUILDING PERMITS.**

(a) The Zoning Administrator shall require that all applications for building permits be accompanied by plans and specifications, including a plot plan or site plan (where applicable), in duplicate, drawn to scale.

(b) 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 this Zoning Code and all applicable Building Codes.

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(c) No building or structure, or part thereof, shall be constructed, altered, added to, demolished or moved, or any equipment installed or altered which is regulated by the chapter unless a building permit has first been issued for such work. Ordinary repairs to a structure shall be excluded from requiring a building permit; however, ordinary repairs exclude the following: cutting away any wall, partition or portion thereof, the removal or cutting of any structural beam or load bearing support, or the removal or change of any requirements of egress, or rearrangement of parts of a structure affecting the egress requirements. Nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

(d) Prior to the issuance of a permit, a preliminary inspection shall be completed by the Building Official if deemed necessary to examine or cause to be examined all buildings, structures and site for which an application has been filed.

(e) Permits shall not be required for nonstructural alterations unless otherwise required by other codes or ordinances of the city or laws of the state. (Ord. 275. Passed 9-23-03.)

#### **1262.08 FEES.**

The City Council shall establish a schedule of fees, charges, and expenses, and a collection procedure, for all zoning and building permits, appeals and other matters pertaining to the Zoning Code. The city shall have the authority to include fees for the use of engineering, planning, legal or other special consultants. The schedule of fees shall be posted in the City Offices, and may be altered or amended only by the City Council. No permit, certificate, special use approval, or variance shall be issued unless or until such costs, charges, fees, or expenses have been paid in full, nor shall any action be taken on proceedings before the Board of Appeals, unless or until preliminary charges and fees have been paid in full.

(Ord. 275. Passed 9-23-03.)

#### **1262.99 PENALTY.**

(EDITOR'S NOTE: See Section 202.99 for general Code penalty if no specific penalty is provided.)

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