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# Article 6.0 Development Procedures



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**Article 6.0 Development Procedures**

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# 6.0 Development Procedures

## 6.1 SITE PLAN REVIEW

The site plan review requirements in this article are intended to provide a consistent and uniform method of review of proposed development plans, to ensure full compliance with the regulations of this article and other applicable ordinances and state and federal laws, to achieve efficient use of land, to protect natural resources, and to prevent adverse impact on adjoining or nearby properties. It is the intent of these provisions to encourage cooperation and consultation between the city and the applicant to facilitate development in accordance with the city's land use objectives.

### 1. Site plan approval.

- A. Planning commission approval. Planning commission approval of a site plan is required prior to establishment, construction, expansion, or structural alteration of any structure or use, as follows:
  - i. All special uses, conditional zoning, and planned development requests subject to the provisions of this article.
  - ii. All residential uses, single- and multiple-family, except the following:
    - a. Construction, moving, relocating or structurally altering a single- or two-family home, including any customarily incidental accessory structure by the homeowner. All necessary building permits are required.
    - b. Family day care homes, as licensed by the State of Michigan and as defined in Section 2.2.
  - iii. All office, commercial, and industrial uses, subject to the provisions of this article.
  - iv. All other uses, not specifically mentioned in subsection B.
  - v. Construction, expansion or alteration of a condominium, as defined by state law, shall be subject to the procedures and standards of this section.
  - vi. Construction, expansion or alteration of a planned development (PD) project shall be subject to development plan approval in accordance with the procedures and standards of this Zoning Ordinance.

- vii. Essential services and public utilities and facilities.
- viii. Development of a non-single-family residential use in a single-family district.
- ix. Any excavation, filling, soil removal, mining or landfill, or creation of ponds, except as otherwise specified in subsection B., following.
- x. Any development that proposes a new means of ingress and egress onto a public or private road.
- xi. Vacation of a road easement.

- B. Administrative site plan review. Projects eligible for administrative approval include development projects, uses, and activities, which have been determined to be appropriate for an administrative site plan review and approval by the building official, city administrator, and city planner. In the case of reuse or expansion of an existing development, an approved site plan must be on file at the city to be eligible for administrative review. Projects eligible for administrative approval include the following:

- i. Minor changes during construction due to unanticipated site constraints or outside agency requirements, and minor landscaping changes or species substitutions, consistent with an approved site plan.
- ii. Minor building modifications that do not alter the facade beyond normal repairs, height or floor area of a multiple-family or nonresidential building.
- iii. For a multiple-family or nonresidential uses, construction of accessory structures or fences or construction of a wall around a waste receptacle, or installation of a fence around a mechanical unit or other similar equipment.
- iv. Changes to a site required by the building official to comply with state construction code requirements.
- v. Sidewalk or pedestrian pathway construction or relocation, or barrier-free access improvements.
- vi. Construction of an addition to an existing building or expansion of an

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existing, conforming use, subject to the following:

- a. No variances to the requirements of this article are required.
- b. The proposed addition or expansion shall not increase the total square footage of the building or area occupied by the use by more than 25 percent or 1,000 square feet, whichever is less, provided further that no other expansion has occurred within the past three years.
- vii. Reuse or reoccupancy of an existing building that has been vacant for more than 90 days, subject to the following:
  - a. No variances to the requirements of this article are required.
  - b. The proposed use shall be conducted within a completely enclosed building.
  - c. The proposed use shall not require additional parking demands, access changes or other substantial modifications and improvements to the existing site or building.
- viii. Any excavation, filling, soil removal, mining or creation of ponds not to exceed 2,500 square feet, provided that such activity is not related to a residential, office, commercial or industrial development project.
- ix. Family day care homes (less than six children), as licensed by the State of Michigan.
- x. Temporary construction building and uses.
- xi. Accessory structures and uses specified in article 2 (accessory buildings, structures and uses).
- xii. Mobile Food Vending, as a temporary land use, subject to the following conditions:
  - a. Location. Mobile food vending is permitted in the Village Center district on private property that is vacant or used for non-residential purposes. The vendor must provide approval of the property owners. Mobile food vending units shall be located and maintained on a dust-free surface and shall not be placed on existing landscaped areas.
  - b. Number of Vendors. There is no limit on the number of mobile food vendors allowed on a site, provided that all of the requirements of this section are met. However, if there are more than two mobile food vending units on a parcel at any one time, the following shall apply: 1) a designated on-site manager is required to direct traffic flow and maintain the site as described in this section, and 2) a restroom shall be provided within 200 ft of the vending area.
  - c. Duration. A mobile food vending unit may be allowed to park at an approved location for up to 3 days per year. The Zoning Administrator may grant two additional 3-day periods if the applicant has satisfied all of the requirements of this section. A vendor may seek a new approval for a location on a different property in the City within the same calendar year.
  - d. Goods available. Mobile food vending units may only sell food and non-alcoholic beverages. Sales of alcoholic beverages are prohibited. No others goods or services may be sold from a mobile food vending unit.
  - e. Trash and upkeep. Mobile food vending units and the area upon which they are temporarily located shall be kept in good repair and free of refuse and debris. A trash receptacle shall be provided and emptied daily, or more frequently to meet demand.
  - f. Hours of operation. Mobile food vending units shall not be in operation between the hours of 10 p.m. and 7 a.m. The Zoning Board of Appeals may extend operating hours upon finding that such extension will not negatively impact adjacent uses.
  - g. Parking. Mobile food vending units shall not occupy any parking spaces required for the existing use of the property. The City may



take into consideration seasonal variation in parking demand and building occupancy when making this determination. There shall be at least three parking spaces for the mobile food vending unit provided and maintained on a dust-free surface.

- h. Site amenities permitted. Mobile food vending units may provide seating for up to twelve customers within 30 ft of the mobile food vending unit. Such seating shall not occupy any required parking spaces and shall be kept in good repair. One additional parking space shall be provided for every two seats.
- i. Signage. Mobile food vending units may be painted with signage but shall not have any signs or otherwise objects that otherwise attract attention projecting from the unit. No additional site signage is permitted.
- j. Sound. Sound amplifying equipment is prohibited. The decibel level of any equipment used in association with the mobile food vending unit, including generators, shall not exceed 70 decibels (dbA) as measured at the property lines.
- k. Lighting. Mobile food vending units shall be lit with available site lighting. No additional exterior lighting is permitted unless permitted by the zoning board of appeals upon finding that proposed exterior lighting mounted to the mobile vending unit will not spill over on to adjacent residential uses as measured at the property line.
- l. Temporary restroom facilities. Temporary restroom facilities, if provided, shall only placed on the subject property from one day before until one day after the approved mobile vending dates. Any temporary restroom facility shall be placed a minimum of 100 ft from a single family residential use, as measured from the property line.

m. Permits. Administrative approval is valid for the duration of the mobile food vending in the approved location, but in no case greater than 3 days, unless granted an extension of the site plan for two additional 3-day periods in one calendar year. The mobile food vendor shall comply with all additional required permits and licenses as applicable.

- xiii. The city planner, city administrator, building official or applicant shall have the option to request planning commission review of a project otherwise eligible for administrative site plan approval.

A sketch plan, rather than a complete site plan package, shall be required for projects eligible for administrative approval involving a legally existing and conforming use and building, and where proposed alterations to a building or site that do not result in expansion or substantially affect the character or intensity of the use, vehicular or pedestrian circulation, drainage patterns, the demand for public infrastructure or services, significant environmental impacts or increased potential for hazards.

2. Site plan review applications and procedures.

- A. Optional pre-application conference. In order to facilitate processing of a site plan in a timely manner, the applicant may request a pre-application site plan conference with the city planner and city administrator or designee. The purpose of such a conference is to provide information and guidance to the applicant that will assist in preparation of the site plan. The applicant need not present drawings or site plans at a pre-application conference, but even if drawings or site plans are presented, no formal action shall be taken on a site plan at a pre-application conference. The city planner's fee for any such pre-application conference shall be paid by the applicant if such charges are not covered by the city's monthly retainer.
- B. Optional conceptual review by planning commission. An applicant may file a written request for conceptual review of a preliminary site plan by the planning commission, prior to submission of a site plan for formal review. A site plan



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submitted for conceptual review shall be drawn to scale, and shall show site development features in sufficient detail to permit the planning commission to evaluate the following:

- i. Relationship of the site to nearby properties;
  - ii. Density;
  - iii. Adequacy of landscaping, open space, vehicular drives, parking areas, drainage, and proposed utilities; and
  - iv. Conformance with city development policies and standards.
  - v. Conceptual review fees shall be paid according to the fee schedule established by the city council. No formal action shall be taken on a site plan submitted for conceptual review, and neither the applicant nor the planning commission shall be bound by any comments or suggestions made during the course of the conceptual review.
- C. Submission of site plan for final review. In order to initiate formal review by the planning commission, the applicant is required to submit the following material to the city hall:
- i. Three completed and signed copies of the application for site plan review;
  - ii. Fourteen individually folded copies of the site plan;
  - iii. Proof that the plan has been submitted for review to governmental agencies that have jurisdiction over any aspect of the project, including, but not limited to; the county road commission, county drain commission, county health division, Michigan Department of Transportation, Department of Natural Resources and Environment, and other agencies deemed appropriate by the planning commission or city council; and
  - iv. The required review fee.
- Site plan materials must be submitted in complete form to the city at least 21 days prior to the planning commission or city council at which the review is requested.
- D. Distribution of plans. The site plans and application shall be distributed, as necessary, to the city planner, city

engineer, city attorney and other city consultants and staff for review.

- E. Determination of compliance. The city consultants and staff shall review the plans to determine compliance with city ordinances and regulations. The applicant may be required to complete revisions and submit the plans for further review prior to review of the plans by the planning commission or city council. All required revisions must be completed or the site plan may not be placed on the planning commission or city council agenda for review.
3. Review and action.
- A. Planning commission final action and recommendation. The planning commission shall review the site plan proposal together with any public hearing findings and any requested reports and recommendations from the building official and other reviewing agencies. The planning commission is authorized to take the following action on the plan, subject to guidelines in the zoning ordinance: approval, approval with conditions, denial, or table the site plan, as follows:
    - i. Approval. Upon determination that a site plan is in compliance with the standards and requirements of this article and other applicable ordinances and laws, approval shall be granted.
    - ii. Approval subject to conditions. Upon determination that a site plan is in compliance except for minor modification, the conditions for approval shall be identified and the applicant shall be given the opportunity to correct the site plan. The conditions may include the need to obtain variances or obtain approvals from other agencies. If a plan is approved subject to conditions, the applicant shall submit a revised plan with a revision date, indicating compliance with the conditions.

The applicant may resubmit the site plan to the planning commission for final approval after conditions have been met. The planning commission may waive its right to review the revised plan, and instead authorize the city planner or building official to review and approve the site plan after



- all required conditions have been addressed.
- iii. Denial. Upon determination that a site plan does not comply with the standards and regulations set forth in this section or elsewhere in this article, or requires extensive revision in order to comply with said standards and regulations, site plan approval shall be denied.
  - iv. Tabling. Upon determination that a site plan is not ready for approval or rejection, or upon a request by the applicant, the planning commission may table consideration of a site plan until a future meeting.
- B. City council review of single-family developments. Any site plan involving a single parcel that is proposed to include two or more sites for single-family detached dwellings (including, but not limited to; single-family site condominiums) shall require city council review and approval. In this case the planning commission's action shall be considered a recommendation and the decision by the city council shall become final. In the case of a condominium project, the master deed and condominium bylaws shall also be subject to city council review and approval. The city council shall approve, approve with conditions, deny, or table the site plan in accordance with the guidelines described previously in subsection E.
- C. Recording of site plan review action. Each action taken with reference to a site plan review shall be duly recoded in the minutes of the planning commission as appropriate. The grounds for action taken upon each site plan shall also be recorded in the minutes.
- After the planning commission has taken final action on a site plan and all steps have been completed, three copies of the application and approved plans shall be stamped "APPROVED" and signed by the city planner. One marked copy will be returned to the applicant and the other two copies will be kept on file in the city hall.
- D. Procedure after site plan approval.
- i. Application for building permit. Following final approval of the site plan and the engineering plans, the applicant may apply for a building

- permit. It shall be the responsibility of the applicant to obtain all other applicable city, county, or state permits prior to issuance of a building permit.
- A building permit for a structure in a proposed condominium project shall not be issued until evidence of a recoded master deed has been provided to the city. However, the building official may issue permits for site grading, erosion control, installation of public water and sewage facilities, and construction of roads, prior to recording the master deed. No permit issued or work undertaken prior recording of the master deed pursuant to this section shall grant any rights or any expectancy interest in the approval of the master deed.
- ii. Expiration of site plan approval. If construction has not commenced within 12 months of final approval of the site plan, or if construction has not been completed within 12 months after it was commenced, the site plan approval becomes null and void and a new application for site plan review shall be required. The city council, after recommendation from the planning commission, may grant an extension of up to 12 months, upon written request from the applicant, if it finds that the approved site plan adequately represents current conditions on and surrounding the site and provided that the site plan conforms to the current zoning ordinance standards.
  - iii. Application for certificate of occupancy. Following completion of site work and building construction, the applicant may apply for a certificate of occupancy or a temporary certificate of occupancy from the building official in accordance with the procedures set forth in the zoning ordinance. It shall be the applicant's responsibility to obtain these required certificates to any occupancy of the property.
  - iv. Property maintenance after approval. It shall be the responsibility of the owner of a property for which site plan approval has been granted to maintain the property in accordance with the approved site design on a continuing

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basis until the property is razed, or until new zoning regulations supersede the regulations upon which site plan approval was based, or until a new site design is approved. Any property owner who fails to so maintain an approved site design shall be deemed in violation of the use provisions of this article and shall be subject to the same penalties appropriate for a use violation.

With respect to condominium projects, the master deed shall contain provisions describing the responsibilities of the condominium association, condominium owners, and public entities, with regard to maintenance of the property in accordance with the approved site plan on a continuing basis. The master deed shall further establish the means of permanent financing for required maintenance and improvement activities which are the responsibility of the condominium association. Failure to maintain an approved site plan shall be deemed in violation of the use provisions of this article and shall be subject to the same penalties appropriate for a use violation.

- v. Recorded and as-built condominium documents. Upon approval of the site plan for condominium project involving new construction, the condominium project developer or proprietor shall furnish the city with the following:
  - a. One copy of the recorded master deed; and
  - b. One copy of any condominium bylaws and restrictive covenants.

Upon completion of the project, the condominium project developer or proprietor shall furnish the city with the following:

- a. Two copies of an "as-built survey"; and
- b. One copy of the site plan on a Mylar sheet of at least 13 × 16 inches with an image not to exceed ten and one-half × 14 inches.

The as-built survey shall be reviewed by the city engineer for compliance with city ordinances. Fees for this

review shall be established by the city council.

- E. Revocation. Approval of a site plan may be recommended to be revoked by the planning commission if construction is not in conformance with the approved plans. In such case, the site plan shall be placed on the agenda of the planning commission for consideration and written notice shall be sent to the applicant at least ten days prior to the meeting. The building official, applicant, and any other interested persons shall be given the opportunity to present information to the planning commission and answer questions. If the planning commission finds that a violation exists and has not been remedied prior to the hearing, then it shall recommend that it revoke the approval of the site plan to the city council.
- F. Modification to approved plan. A site plan approved in accordance with the provisions in this section may be subsequently modified, subject to the following requirements:
  - i. Review of minor modifications. Minor modifications to an approved site plan may be reviewed by the city building official.
    - a. *Minor modification defined.* Minor modifications are changes that do not substantially affect the character or intensity of the use, vehicular or pedestrian circulation, drainage patterns, the demand for public services, or the vulnerability to hazards. Examples of minor modifications include:
      - (1) An addition to an existing commercial or industrial building that does not increase or decrease the floor space by more than 25 percent or 3,000 square feet, whichever is less.
      - (2) Re-occupancy of a vacant building that has been occupied for less than 12 months.
      - (3) Changes to building height that do not add an additional floor.





- (4) Additions or alterations to the landscape plan or landscape materials.
- (5) Relocation or screening of the trash receptacle.
- (6) Alterations to the internal parking layout of an off-street lot.

The construction of a new building or structure, adding or deleting parking or the addition of curb cuts onto a public road are examples of modifications which are not considered minor.

- b. Determination of minor modifications. The building official shall determine if the proposed modifications are minor in accordance with the guidelines in this section. In order to make the determination, the building official shall solicit comments and recommendations from the planner, engineer, and public safety officials, as deemed necessary.
- ii. Modifications not deemed "minor" If the modifications are not deemed minor by the building official, then approval by the planning commission shall be required. Planning commission review shall be required for all site plans that involve a request for a variance, a special land use, a proposal that involves a discretionary decision, or a proposal that involves a nonconforming use or structure. City council review and approval shall be required for all modified site plans which originally required city council approval.
- iii. Recording of action. Each action related to modification of a site plan shall be duly recorded in writing on a copy of the approved plan, and shall be kept on file in the office of the building official. The planning commission shall be advised of all minor site plan modifications approved by the building official and such modifications shall be noted on the site plan and in the minutes of the planning commission.

4. Required information on all site plans.

The following information shall be included on all site plans, where applicable:

- A. Application form. The application form shall contain the following information:
  - i. Applicant's name and address.
  - ii. Name and address of property owner, if different from applicant.
  - iii. Common description of property and complete legal description including the tax identification number.
  - iv. Dimensions of land and total acreage.
  - v. Existing zoning.
  - vi. Proposed use of land and name of proposed development, if applicable.
  - vii. Proposed buildings to be constructed, including square feet of gross floor area.
  - viii. Proof of property ownership.
  - ix. Employment opportunities created, if applicable.
  - x. Names, addresses, and telephone numbers of engineers, attorneys, architects, and other professionals associated with the project.
- B. Descriptive and identification data. Site plans shall consist of an overall plan for the entire development, drawn to a scale of not less than one inch = 20 feet for property less than one acre, one inch = 30 feet for property larger than one acre but less than three acres, and one inch = 50 feet for property larger than three acres. Sheet size shall be at least 24 inches by 36 inches. The following descriptive and identification information shall be included on all site plans:
  - i. Applicant's name and address, and telephone number.
  - ii. Title block indicating the name of the development.
  - iii. Scale.
  - iv. Northpoint.
  - v. Dates of submission and revisions (month, day, and year).
  - vi. Location map drawn to scale without northpoint.
  - vii. Legal and common description of property.
  - viii. The dimensions of all lots and property lines, showing the relationship of the

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site to abutting properties. If the site is a part of a larger parcel, the plan should indicate the boundaries of total land holding.

- ix. A schedule of completing the project, including the phasing or timing of all proposed developments.
  - x. Identification and seal of architect, engineer, land surveyor, or landscape architect who prepared plan.
  - xi. Written description of proposed land use.
  - xii. Zoning classification of applicant's parcel and all abutting parcels.
  - xiii. Proximity to driveways serving adjacent parcels.
  - xiv. Proximity to section corner and major thoroughfares.
  - xv. Notation of any variances which have or must be secured.
  - xvi. Net acreage (minus right-of-way) and total acreage, to the nearest one-tenth acre.
- C. Site data.
- i. Existing lot lines, building lines, structures, parking areas, and other improvements on the site and within 100 feet of the site.
  - ii. Front, side, and rear setback dimensions.
  - iii. Topography on the site and within 100 feet of the site at two-foot contour intervals, referenced to a U.S.G.S. benchmark.
  - iv. Proposed site plan features, including buildings, roadway widths and names, and parking areas.
  - v. Dimensions and centerlines of existing and proposed roads and road rights-of-way.
  - vi. Acceleration, deceleration, and passing lanes, where required.
  - vii. Proposed location of driveway entrances and on-site driveways.
  - viii. Typical cross-section of proposed roads and driveways.
  - ix. Location of existing drainage courses, floodplains, lakes and streams, with elevations.

- x. Location and dimensions of wetland areas. If deemed necessary because of site or soil conditions or because of the scope of the project, a detailed hydrology study may be required.
  - xi. Location of sidewalks within the site and within the right-of-way.
  - xii. Exterior lighting locations and method of shielding lights from shining off the site.
  - xiii. Trash receptacle locations and method of screening, if applicable.
  - xiv. Transformer pad location and method of screening, if applicable.
  - xv. Parking spaces, typical dimensions of spaces, indication of total number of spaces, drives, and method of surfacing.
  - xvi. Information needed to calculate required parking in accordance with zoning ordinance standards.
  - xvii. The location of lawns and landscaped areas, including required landscaped greenbelts.
  - xviii. Landscape plan, including location, size, type and quantity of proposed shrubs, trees and other live plant material.
  - xix. Location, sizes, and types of existing trees five inches or greater in diameter, measured at one foot off the ground, before and after proposed development.
  - xx. Cross-section of proposed berms.
  - xxi. Location and description of all easements for public right-of-way, utilities, access, shared access, and drainage.
  - xxii. Designation of fire lanes.
  - xxiii. Loading/unloading area.
  - xxiv. The location of any outdoor storage of materials and the manner by which it will be screened.
- D. Building and structure details.
- i. Location, height, and outside dimensions of all proposed buildings or structures.
  - ii. Indication of the number of stores and number of commercial or office units contained in the building.
  - iii. Building floor plans.



- iv. Total floor area.
  - v. Location, size, height, and lighting of all proposed signs.
  - vi. Proposed fences and walls, including typical cross-section and height above the ground on both sides.
  - vii. Building facade elevations, drawn to a scale of one inch equals = four feet, or another scale approved by the building official and adequate to determine compliance with the requirements of this article. Elevations of proposed buildings shall indicate type of building materials, roof design, projections, canopies, awnings and overhangs, screen walls and accessory building, and any outdoor or roof-located mechanical equipment, such as air conditioning units, heating units, and transformers, including the method of screening such equipment. Such equipment shall be screened from view of adjacent properties and public rights-of-way. Such screening shall be designed to be perceived as an integral part of the building design.
- E. Information concerning utilities, drainage, and related issues.
- i. Schematic layout of existing and proposed sanitary sewers and septic systems; water mains, well sites, and water service leads; hydrants that would be used by public safety personnel to service the site; and, the location of gas, electric, and telephone lines.
  - ii. Location of exterior drains, dry wells, catch basins, retention/detention areas, sumps and other facilities designed to collect, store, or transport stormwater or wastewater. The point of discharge for all drains and pipes should be specified on the site plan.
  - iii. Indication of site grading and drainage patterns.
  - iv. Types of soils and location of floodplains and wetlands, if applicable.
  - v. Soil erosion and sedimentation control measures.
  - vi. Proposed finish grades on the site, including the finish grades of all buildings, driveways, walkways, and parking lots.
- vii. Listing of types and quantities of hazardous substances and polluting materials which will be used or stored on-site at the facility in quantities greater than 25 gallons per month.
  - viii. Areas to be used for the storage, use, loading/unloading, recycling, or disposal of hazardous substances and polluting materials, including interior and exterior areas.
  - ix. Underground storage tanks locations.
  - x. Delineation of areas on the site which are known or suspected to be contaminated, together with a report on the status of site cleanup.
- F. Information concerning residential development.
- i. The number, type and location of each type of residential unit (one-bedroom units, two-bedroom units, etc.).
  - ii. Density calculations by type of residential unit (dwelling units per acre).
  - iii. Lot coverage calculations.
  - iv. Floor plans of typical buildings with square feet or floor area.
  - v. Garage and carport locations and details, if proposed.
  - vi. Pedestrian circulation system.
  - vii. Location and names of roads and internal drives with an indication of how the proposed circulation system will connect with the existing adjacent roads. The plan should indicate whether proposed roads are intended to be private or dedicated to the public.
  - viii. Community building location, dimensions, floor plans, and facade elevations, if applicable.
  - ix. Swimming pool fencing detail, including height and type of fence, if applicable.
  - x. Location and size of recreation open areas.
  - xi. Indication of type of recreation facilities proposed for recreation area.
- G. Additional information.
- i. Information related to condominium development. The following information shall be provided with all

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site plans including condominium development:

- a. Condominium documents, including the proposed master deed, restrictive covenants, and condominium bylaws.
  - b. Condominium subdivision plan requirements, as specified in section 66 of Public Act 59 of 1978, as amended, and Rule 401 of the Condominium Rules promulgated by the Michigan Department of Commerce, Corporation and Securities Bureau.
- ii. Items not applicable. If any of the items listed are not applicable to a particular site, the following information should be provided on the site plan:
- a. A list of each item considered not applicable.
  - b. The reason(s) why each listed item is not considered applicable.
- iii. Other data which may be required. Other data may be required if deemed necessary by the city administrative officials, planning commission, or city council to determine compliance with the provisions in this article. Such information may include traffic studies, market analysis, environmental assessment and evaluation of the demand on public facilities and services.
- H. Transportation impact studies.
- i. Developments requiring a transportation impact study (TIS). A TIS shall be required prior to approval of any of the following types of projects:
    - a. Fast-food restaurants, convenience and party stores, and businesses that have drive-up or drive-through service.
    - b. Residential projects containing 50 or more dwelling units in the total project.
    - c. Commercial, office, industrial, warehouse, institutional, entertainment, and mixed-use development proposals involving 30,000 square feet or more in gross floor area.

On multi-phase projects, a TIS shall be required if the entire project exceeds the threshold levels cited above, even if one or more phases of the project do not meet the threshold levels.

The planning commission may require a TIS for a proposed development even though it does not meet the criteria listed above where there is evidence that the traffic that would be generated by the development would cause or aggravate unsafe traffic conditions. In making this determination, the planning commission may consider the design of proposed roads, driveways, and parking lots as well as conditions that exist on or around the site that may contribute to traffic safety concerns.

- ii. Qualifications of person preparing the TIS. The TIS shall be prepared by a traffic or transportation engineer or community planner who has a minimum of three years of experience preparing traffic impact studies. The resume and qualifications of the person who prepared the TIS shall be included in the study.

The full cost of the TIS shall be paid for by the applicant. The city may require funds to be placed in escrow to cover costs for review of the TIS by the City's traffic engineer.

- iii. Contents of the TIS. The TIS shall contain the following elements, at minimum:
  - a. Description of project. A description of the project and site plan shall be provided, showing the location of buildings, driveways, parking, adjoining roads, nearby intersections, and driveways on adjacent parcels. The project description should identify the proposed use, the gross and net square footage, and the number of parking spaces proposed.
  - b. Existing conditions. Maps and narrative shall be used to identify all roads within the impact area of



the project, the number of lanes and right-of-way of each road, the most recent a.m. and p.m. peak hour traffic counts, and average daily traffic (ADT) counts on each road as are available from the road commission for Oakland County.

The historical growth rate of traffic on adjacent roads shall be determined by examining traffic counts over the past three to five years. The growth rate shall be used to project background growth for the next five years or for the number of years to complete the proposed project, whichever is longer. Where information is available from the city planner, trips from proposed projects in the impact area shall be included in the background growth projections.

Where existing traffic counts are more than three years old, new counts shall be taken. Traffic counts shall be taken during average or higher than average volume conditions, generally on a Tuesday, Wednesday or Thursday of a non-holiday week. For commercial development, additional Saturday counts shall also be taken.

The description of existing conditions shall also include accident history within 500 feet of the site and for any intersection that is expected to experience a traffic volume increase of at least five percent per 24-hour period or during peak hour due to the proposed project.

- a. Projections. Maps and narrative shall be used to estimate the impact of the proposed project on traffic. Morning and evening peak hour and average daily traffic shall be forecast for the proposed development, based on the data and procedures outlined in the most recent edition of the Institute of Transportation Engineers Trip Generation Manual. The preparer may use other commonly accepted sources of data or supplement the

ITE data with empirical data from similar projects in Michigan.

The directional distribution of the projected traffic shall be distributed onto the existing road network (inbound v. outbound, left turn v. right turn) to project turning movements at major site access points, intersections, and interchange ramps. The rationale for the directional distribution shall be provided. If the forecast development generates 75 or fewer trips during the a.m. or p.m. peak hour, analysis may be limited to site access points only.

- iv. Analysis of data. The TIS shall contain the following analysis, at minimum:
  - a. Capacity analysis. The impact of the projected traffic on the capacity of roads serving the proposed development shall be analyzed, using procedures outlined in the most recent edition of the Highway Capacity Manual published by the Transportation Research Board. Pre- and post-construction capacity analysis shall also be performed at all street intersections and expressway ramps where the expected traffic will comprise five percent or more of the existing intersection capacity.
  - b. Gap analysis. A "gap study" shall be completed to analyze the frequency and duration of gaps in the flow of through traffic.
  - c. Access analysis. Maps and narrative shall be used to:
    - (1) Identify the location and design of proposed access driveways and new road intersections;
    - (2) Identify sight distance limitations;
    - (3) Determine the distance of adjacent driveways and intersections; and
    - (4) Provide sufficient evidence that the design and number of driveways proposed is the fewest necessary, that the driveways will provide safe



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and efficient movement of traffic, and that all driveways comply with the sight distance requirements of the Road Commission for Oakland County.

- v. Mitigation measures. The TIS shall identify realistic public and private mitigation measures needed to accommodate the projected traffic including the following, at minimum:
  - a. The TIS shall identify improvements to intersections and roads to accommodate future volumes and provided adequate capacity.
  - b. Using Road Commission for Oakland County standards, the TIS shall identify taper lanes, turn lanes, and passing lanes necessary to provide safe and adequate ingress and egress to the site.
  - c. The TIS shall identify opportunities to accommodate bicyclists and pedestrians.
  - d. The TIS shall identify opportunities to coordinate development and access with adjoining sites so as to alleviate the impact of increased traffic on public roads.
- i. Sketch plan requirements for administrative approval. The sketch plan for administrative approval shall contain the following information:
  - i. Name, address, telephone and fax numbers of the applicant (and property owner, if different from applicant) and firm or individual preparing the plan.
  - ii. The property location (address, lot number, tax identification number).
  - iii. Site plan shall be drawn to an engineer's scale.
  - iv. Size and dimensions of proposed structures, including gross and usable floor areas, number of stories, and overall height.
  - v. Dimensions of all property lines, showing the relationship of the site to abutting properties. If the site is part of a larger parcel, the plan should indicate the boundaries of total land holding.

- vi. Existing site features, including natural and historical features, structures, driveways, fences, walls, signs, and other improvements.
- vii. Location, dimensions, setback distances, and use(s) of all proposed improvements.
- viii. Location and description of all existing and proposed easements and rights-of-way for utilities, access, and drainage.
- ix. Other information as requested by the reviewer to verify that the site and use are in accordance with the purpose and intent of this article and the city's master plan.

5. Standards for site plan approval.

The following criteria shall be used as a basis upon which site plans will be reviewed and approved:

- A. Adequacy of information. The site plan shall include all required information in sufficiently complete and understandable form to provide an accurate description of the proposed uses and structures.
- B. Site design characteristics. All elements of the site design shall be harmoniously and efficiently organized in relation to topography, the size and type of parcel, the character of adjoining property, and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted by this article.
- C. Appearance. Landscaping, earth berms, fencing, signs, walls, and other site features shall be designed and located on the site so that the proposed development is aesthetically pleasing and harmonious with nearby existing or future developments.
- D. Compliance with district requirements. The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, open space, density and all other requirements set forth in Section 3.1, unless otherwise provided in this article.
  - i. Site condominiums. In the case of site condominiums, these regulations shall be applied by requiring the site condominium unit and a surrounding limited common element to be equal in



size to the minimum lot size and lot width requirements for the district in which the project is located. The site condominium unit shall be equivalent to the area of the lot where a principal building can be constructed and there shall be a limited common element associated with each site condominium unit which shall be at least equivalent to the minimum yard area requirements.

- ii. Detached condominiums. In the case of detached condominiums, these regulations shall be applied by requiring that the detached condominium units comply with the requirements governing minimum distance between buildings, attachment of buildings, and other applicable requirements for the district in which the project is located. Furthermore, proposed detached condominium projects shall not exceed the maximum permitted density for the district in which the project is located.
- E. Preservation of natural areas. The landscape shall be preserved in its natural state as much as possible, by minimizing tree and soil removal, alteration to the natural drainage course and the amount of cutting, filling, and grading.
- F. Privacy. The site design shall provide reasonable visual and sound privacy. Fences, walls, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and the safety and privacy of occupants and uses.
- G. Emergency vehicle access. All buildings or groups of buildings shall be so arranged as to permit convenient and direct emergency vehicle access.
- H. Ingress and egress. Every structure or dwelling unit shall be provided with adequate means of ingress and egress via public streets and walkways.
- I. Pedestrian circulation. The site plan shall provide a pedestrian circulation system which is insulated as completed as is reasonably possible from the vehicular circulation system.
- J. Vehicular and pedestrian circulation layout. The arrangement of public and common ways for vehicular and pedestrian

circulation shall respect the pattern of existing or planned streets or pedestrian or bicycle pathways in the vicinity of the site. The width of streets and drives shall be appropriate for the volume of traffic they will carry. In order to insure public safety and promote efficient traffic flow and turning movements, the applicant may be required to limit street access points or construct a secondary access road.

- K. Drainage. Appropriate measures shall be taken to insure that the removal or drainage of surface waters will not adversely affect adjoining properties or the capacity of the public or natural storm drainage system. Provisions shall be made for a feasible storm drainage system, the construction of stormwater facilities, and the prevention of erosion. Surface water on all paved areas shall be collected at intervals so that it will not obstruct vehicular or pedestrian traffic and will not create nuisance ponding in paved areas. Final grades may be required to conform to existing and future grades of adjacent properties. Grading and drainage plans shall be subject to review by the city engineer.
- L. Soil erosion and sedimentation. The proposed development shall include measures to prevent soil erosion and sedimentation during and upon completion of construction, in accordance with currently county and city standards.
- M. Exterior lighting. Exterior lighting shall be designed so that it is deflected away from adjoining properties and so that it does not impede vision of drivers along adjacent streets.
- N. Public services. Adequate services and utilities, including water, sewage disposal, sanitary sewer, and stormwater control services, shall be available or provided, and shall be designed with sufficient capacity and durability to properly serve the development.
- O. Screening. Off-street parking, loading and unloading areas, outside refuse storage areas, and other storage areas that are visible from adjacent homes or from public roads, shall be screened by walls or landscaping of adequate height.
- P. Danger from hazards. The level of vulnerability to injury or loss from incidents involving hazardous materials or processes



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shall not exceed the capability of the city to respond to such hazardous incidents so as to prevent injury and loss of life and property. In making such an evaluation, the city shall consider the location, type, characteristics, quantities, and use of hazardous materials or processes in relation to the personnel, training, equipment and materials, and emergency response plans and capabilities of the city.

Sites which include storage of hazardous materials or waste, fuels, salt or chemicals shall be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater, or nearby water bodies.

- Q. Health and safety concerns. Any use in any zoning district shall comply with applicable federal state, county, and local health and pollution laws and regulations with respect to noise; dust, smoke and other air pollutants; vibration; glare and heat; fire and explosive hazards; gases; electromagnetic radiation; radioactive materials; and, toxic and hazardous materials.
- R. Sequence of development. All development phases shall be designed in logical sequence to insure that each phase will independently function in a safe, convenient and efficient manner without being dependent upon subsequent improvements in a later phase or on other sites.
- S. Coordination with adjacent sites. All site features, including circulation, parking, building orientation, landscaping, lighting, utilities, common facilities, and open space shall be coordinated with adjacent properties.
- T. The approving body shall review the site plan for compliance with the design guidelines applicable to the zoning district in which the property is located, as follows: Village Center District Design Guidelines (as adopted the 15 day of October, 2012, and as may be amended from time to time).

## 6.2 SPECIAL USE PROCEDURES AND STANDARDS

1. Application of article. The special land uses and activities eligible for approval consideration are specified elsewhere in this ordinance by the regulations applicable to the various districts. This article sets forth the procedures and supporting materials required for application, review, and approval of all special land uses which are permitted in various zoning districts only after review and approval. It also sets forth the general requirements and standards upon which decisions on requests for special land use approval shall be based which shall be in addition to any others specified elsewhere in this ordinance as to specific special uses.
2. Approving authorities. The city council shall be the approving authority and shall be responsible for review and approval of special land uses. All special land use decisions of the city council shall be administratively final and subject to appeal only to courts of competent jurisdiction.
3. Application and site plan. All persons desiring a special use approval shall file with the building official a written detailed application setting forth the nature and extent of the proposed use, the proposed manner of operation (including hours of operation, occupancy loads, parking adequacy data, neighborhood and community impact data, and any other information which the applicant deems to be relevant to a determination as to the use should be approved). The application shall be accompanied by a site plan prepared in conformity with Section 6.1. The application and site plan should affirmatively show that the use, as proposed, will comply with all of the other applicable provisions of this ordinance.
4. Preliminary examination. The building official shall examine the application and obtain from the applicant, in writing, such additional representations and other information as to the proposed use as are reasonably related to its impact on adjacent properties and the community at large and which the building official reasonably deems to be relevant to a determination as to whether the use is eligible for approval. When the application and supporting materials are complete, the building official shall make a notice of request of a public hearing to the city clerk.





5. Notice of request. A notice that a request for a special land use public hearing has been received shall be given as provided in 6 and 7 below.
6. Notice, how given. The public hearing notice requirements as set forth in Section 7.6 shall be applicable.
7. Notice, contents. The public hearing requirements set forth in Section 7.6 shall be applicable.
8. Public hearings.
  - A. For all special land uses provided in this ordinance, and for all other like uses where reference is made in this ordinance to Section 6.2, as a prerequisite to approval of the use there shall be a public hearing with notice as provided in this article.
  - B. All such public hearings shall be conducted by the Planning Commission.
  - C. Public hearings on special land use approval shall be held in conformity with the procedures and requirements of applicable statutory and constitutional provisions, but the proving authority shall have the widest lawful range of discretion in adopting rules and making rules in the course of conducting hearings and otherwise performing the duties of an administrative tribunal.
  - D. When a public hearing is continued at the request of the applicant, the Planning Commission shall require additional notice of the continued hearing to be sent by mail to those persons entitled to notice under Section 7.2.6. The applicant shall be required to bear the cost of such re-notice.
9. Decisions. The approving authority may, in the exercise of sound and lawful discretion, deny, approve, or approve with conditions, requests for special land use approval. All such decisions shall be incorporated in a statement of conclusions relative to the special land use under consideration, shall specify the basis for the decision, and shall specify any conditions imposed. Any conditions may be imposed which are deemed necessary and appropriate to assure that the use will be conducted as represented and will continue to meet the requirements and standards established for initial approval of the use. All decisions shall be made within a reasonable time after the expiration of any applicable notice or hearing periods.
10. General standards for approval. The approving authority shall approve special land uses when it determines that the proposed use does and will conform to any special requirements specified elsewhere for that specific use and also meets the following general requirements and standards:
  - A. The use must be a "reasonable use" (as defined in Section 2.2) as and where proposed to be located.
  - B. The use must conform to all of the other regulations of this ordinance and the other ordinances of this city.
  - C. The location, intensity, and periods of operation of the use must be such as to eliminate any reasonable likelihood that it will be, cause, or create a public or private nuisance in fact.
  - D. The use, as and where proposed, must not be inconsistent with the spirit and purpose of this ordinance nor contrary to the principles of sound community planning.
  - E. The use must be of such character and be so arranged on the site so as not to cause or create adverse effects on neighboring properties or the community at large be [by] reason of noise, dust, dirt, glare, odor, fumes, pedestrian or vehicular traffic, or other factors discernible to the human senses beyond those customarily resulting from other uses permitted in the same district in this city.
  - F. The use must not diminish the fair market value of neighboring lands or buildings to any substantial or significant degree.
  - G. The site design and proposed manner of operation of the use must provide for the maximum reasonable and feasible enhancement of the environment of the surrounding area. In determining whether this standard has been met, the approving authority shall consider any provisions for buffering, landscaping, or other site amenities over and above the minimum requirements of this ordinance.
  - H. Standards for Approval. For establishments involving the manufacture or sale of any alcoholic beverages controlled by the Michigan Liquor Control Act, Public Act No.58 of 1998 (MCL 436.1101 et seq.) the applicant must demonstrate a quantifiable need for the proposed use within either the City of Lathrup Village or the surrounding area. Upon demonstration of such need

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the proposed use will then be evaluated under the standards set forth in Chapter 18, Article III of the Lathrup Village Code of Ordinances, as well as the special use standards found in this section

- 11. Effect of decision. Every special land use approval shall permit the applicant and its successors in occupancy of the premises to use the premises in conformity with the decision and not otherwise. In the event the user desires to change the manner of conducting a special use, a new application shall be made and processed, provided however, a special use may be changed to an expressly permitted, fully conforming use without further special use proceedings.
- 12. Modification of approvals. The approving authority may reopen, review, and/or modify any special land use approval decision on application of any person entitled to notice under Section 6.2.6 if and when it determines, pursuant to a public hearing after notice given pursuant to Section 6.2.6 and Section 6.2.7, that any of the conditions to initial approval have not been met or are being violated and that the use, as actually being conducted, does not meet the requirements and standards for initial approval. A special use approval may also be suspended or revoked, after like notice and hearing, whenever the approving authority determines that any of the causes exist which are grounds for a suspension or revocation of a certificate of occupancy.

