

**155.280 Article 15 Administration, Enforcement and Penalties**

**155.281 Enforcement Authority**

Except where herein otherwise stated, the provisions of this chapter shall be administered and enforced by the Building Official or other official responsible for code enforcement, Community Development Director or other official(s) as may be designated by City Council.

**155.282 Duties of the Building Official or other official responsible for code enforcement**

The Building Official or other official responsible for code enforcement shall:

- (A) Have the authority to grant occupancy permits;
- (B) Not approve any site or engineering plans or issue any permits or certificates of occupancy for any excavation or construction until he has inspected such plans in detail and found them to conform to this Zoning Code, conditions of site plan approval and other applicable codes and ordinances.
- (C) Inspect buildings or premises as necessary to carry out duties in the enforcement of this Zoning Code. The Building Official or other official responsible for code enforcement shall not change or vary the terms of this Zoning Code in carrying out his duties as Building Official or other official responsible for code enforcement.
- (D) Issue a permit when conditions imposed by this chapter are complied with by the applicant despite violations of private contracts, such as covenants, deed restrictions or other private agreements, which may occur upon the granting of said permit.

**155.283 Plot Plan**

The Building Official or other official responsible for code enforcement shall require that all applications for single-family residential building permits shall be accompanied by plans and specifications including a plot plan, in duplicate, drawn to scale, showing the following:

- (A) The actual shape, location and dimensions of the lot.
- (B) The shape, size and location of all buildings or other structures to be erected, altered or moved, and of any building or other structures already on the lot.
- (C) The existing and intended use of the lot and or all such structures upon it, including, in residential areas, the number or dwelling units the building is intended to accommodate.
- (D) Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this chapter are being observed.
- (E) Plot plans may be required of other construction permit applications.

**155.284 Permit Requirements**

The following requirements shall apply in the issuance of any permit:

- (A) Compliance required. 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 provisions of this chapter.

- (B) Permits for new use of land; certificate of occupancy required. No land heretofore vacant shall hereafter be used or an existing use of land be hereafter changed to a use of a different class or type unless a certificate of occupancy is first obtained for the new or different use.
- (C) Permits for new use of buildings. No building or structure or part thereof shall be changed to or occupied by a use of a different class or type unless a building permit is first obtained for the new or different use.
- (D) Permits required. No building or structure or part thereof shall be hereafter erected, altered moved or repaired unless a building permit shall have been first issued for such work. The terms altered and repaired shall include any changes in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of egress and ingress, or other changes affecting regulated by the Building Code, Housing Law of Michigan, or this chapter, except for minor repairs of changes not involving any of the aforesaid features.

**155.285 Certificate of Occupancy**

No land, building or part thereof shall be occupied by or for any use unless and until a certificate of occupancy shall have been issued for such use. The following shall apply in the issuance of any certificate:

- (A) Compliance required. No certificates of occupancy pursuant to the Building Code of the city shall be issued for any building, structure or part thereof, or for the use of any land, which is not in accordance with all the provisions of this chapter.
- (B) Certificates required. No building or structure or part thereof which is hereafter erected or altered shall be occupied or used or the same caused to be done unless and until a certificate of occupancy shall have been issued for such building or structure.
- (C) Certificates including zoning. Certificates of occupancy as required by this chapter for new buildings or structures or parts thereof, or for alterations to or changes of use of existing buildings or structures, shall also constitute certificates of occupancy as required by this chapter.
- (D) Certificates for existing buildings. Certificates of occupancy shall be issued for existing buildings, structures or parts thereof, or existing uses of land, if, after inspection, it is found those such buildings, structures or parts thereof, or such use of land, are in conformity with the provisions of this chapter.
- (E) Temporary certificates. Nothing in this chapter shall prevent the issuance of a temporary certificate of occupancy for a portion of a building or structure in process of erection or alteration, provided that such temporary certificate shall not be effective for a period of time in excess of 6 months, and provided further that such portion of the building, structure or premises is in conformity with the provisions of this chapter.
- (F) Records of certificates. A record of all certificates issued shall be kept on file in the office of the Department of Building Inspection, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.

- (G) Certificates for dwelling accessory buildings. Buildings accessory to dwellings shall not require separate certificates of occupancy but may be included in the certificate of occupancy for the dwelling when shown on the plot plan and when completed at the same time as such dwellings.

- (H) Application for certificates.

Application for certificates of occupancy shall be made in writing to the Department of Building Inspection on forms furnished by that Department, and such certificates shall be issued within five days after receipt of such application if it is found that the building or structure or part thereof, or the use of land, is in accordance with the provisions of this chapter.

If such certificate is refused for cause, the applicant therefor shall be notified of such refusal and cause thereof within the aforesaid five-day period.

**155.286 Site Plan Review (all districts)**

- (A) **Intent**

The site plan review procedures and standards set forth herein provide a consistent and uniform method for review of proposed development plans, to ensure full compliance with the standards contained in this Zoning Code, other applicable local ordinances, standard engineering practices, and county, state, and Federal rules, and laws. The procedures set forth herein are further intended to:

- (1) Achieve efficient use of the land;
- (2) Strengthen and maintain vibrant residential neighborhoods and business districts;
- (3) Provide a mechanism for review of new development and redevelopment or reuse of existing sites to ensure compliance with current standards;
- (4) Minimize adverse impacts on adjoining or nearby properties;
- (5) Protect the natural environment; and,
- (6) Encourage cooperation and consultation between the City and the applicant to facilitate development in accordance with the City's land use objectives.

- (B) **Site Plan Review Applicability and Type**

A building permit shall not be issued until a site plan is approved in accordance with the procedures and standards set forth herein, compliance with the land division, subdivision and other City ordinances and all necessary review, inspection, and permit fees have been fully paid. The extent of site plan review for various types of projects is classified into four types below.

- (1) Exempt: Projects include new or expanded single-family homes on individual lots in a residential zoning district, change in commercial business use without utility improvements, exterior site, building or structural alteration.
- (2) Administrative Review: These projects are required to provide a site plan and may not require review by the Planning Commission; but shall

undergo a formal review for approval by the Community Development Department. Projects include:

- (a) Increase in parking or loading area up to 20% of existing area;
- (b) Change in building height that does not add floor area;
- (c) Building additions to non-single family uses that do not affect parking and meet all Zoning Code requirements.
- (d) Accessory buildings and structures for non-single family uses;
- (e) Architectural design changes to non-residential uses;
- (f) Sidewalks or pathways;
- (g) Screens or fences for non-one-family uses;
- (h) Modifications to one-family or multiple-family dwellings to comply with ADA or other barrier-free regulations;
- (i) Sign relocation or replacement;
- (j) Site improvements meeting Zoning Code standards; and,
- (k) Waste storage relocation or installation of screening around receptacle.
- (l) Minor deviations of site plans previously approved by the Planning Commission, which shall comply with all applicable city regulations. Minor deviations are defined as changes that shall not cause any of the following:
  - (i) A change in character of the development.
  - (ii) An increase in the ratio of gross floor area to zoning-lot area.
  - (iii) An increase in coverage by structure unless justified by changes in other factors.
  - (iv) A reduction in approved open space or off-street parking and loading space unless justified by changes in other factors.
  - (v) The creation of or increase in injurious effects to adjacent or contiguous land uses.
- (3) Full Site Plan: The most involved process for larger and more intense residential and all non-residential projects not included in the other classifications. All special condition uses shall be subject to full site plan review.
- (4) Planned Unit Development: Site plans for planned unit developments shall follow the procedure as provided in Section 155.152 Planned Unit Development. Site condominiums shall be required to meet the same design standards as required in Section 155.151 Condominium Development.

(C) **Planning Commission Site Plan Review Procedures and Requirements**

Site plans must be submitted in accordance with the following procedures and requirements. The Community Development Director performs an administrative review. Subsequently, the Planning Commission reviews and determines if the site plan is approved, conditionally approved, or denied.

- (1) **Applicant Attendance:** The owner of an interest in the land for which site plan approval is sought, or the designated agent of said owner shall submit the application. The application shall contain current written proof of ownership or current ownership option in the property. The applicant or a designated representative must be present at all scheduled review meetings or consideration of the plan shall be tabled due to lack of representation. Absence at two consecutive meetings without prior notice to the City Planner shall result in denial of the application. The City Planner may recommend to the Planning Commission Chairperson that the applicant's architect and/or engineer be present at the meeting in order to address technical matters related to the application.
- (2) **Pre-Planning Meeting:** The applicant is encouraged to schedule a meeting with the Community Development Director to discuss the project, submittal requirements and review procedures. The purpose of this meeting is to discuss applicable standards and technical issues, and to determine the appropriate type of review process. If the project is determined to be eligible for administrative approval, the procedures of this section shall be followed; in other cases, the process shall proceed as described below.
- (3) **Preliminary Site Plan Submittal:** The applicant shall submit 4 copies (5 if in the Downtown Development Area) of the following items to the Community Development Department for Administrative Review at least 2 weeks prior to the scheduled Planning Commission meeting for the subject site plan:
  - (a) A complete application form supplied by the City.
  - (b) A complete site plan that includes the information listed in subsection (E) Submittal Requirements of this section.
  - (c) Any additional information the Planning Commission finds necessary to make the determinations required herein.
- (4) **Technical (Staff) Review:** The Community Development Department shall forward the application and site plan(s) to the City's Public Safety officials, Department of Public Works and applicable consultants, All reviews shall be submitted back to the Community Development Department.  
  
Upon completion of the Technical Review, the applicant shall submit 11 copies of the above documents, including possible changes by the Planning Commission and/or Community Development Department to the Planning Commission for final review.
- (5) **Planning Commission Consideration of Preliminary Site Plan:** Following technical review and comment, and compliance with administrative

procedures, the site plan shall be placed on the agenda of the Planning Commission. The Planning Commission shall review the application for site plan approval, together with the reports and recommendations from staff, consultants and other reviewing agencies, as appropriate. The Planning Commission shall then make a determination based on the requirements and standards of this Zoning Code. The Planning Commission is authorized to postpone, grant approval, approve subject to revisions or deny as follows:

- (a) **Postpone:** The application may be postponed if it is determined to be incomplete, the applicant has not fully responded to deficiencies identified in the technical review, code interpretation is needed from the Board of Zoning Appeals, or that revisions are necessary to bring the site plan into compliance with applicable standards and regulations. The Planning Commission shall direct the applicant to prepare additional information, revise the site plan or direct the City staff to conduct additional analysis. The applicant shall be required to prepare revised plans accompanied by a complete list of all changes, certified as such by the applicant's design professional. Full sets of plans must be resubmitted.
- (b) **Approval:** Upon determination that all requirements for site plan approval, as set forth herein, are met and a recommendation has been forwarded to the Planning Commission by all reviewing agencies of the City, approval shall be granted subject to the applicant providing copies of all required outside agency approvals. In those instances where approval authority is vested with the City Council, the Planning Commission shall make a recommendation to City Council.
- (c) **Approval Subject to Revisions:** Upon determination that a site plan is in compliance except for minor revisions, said revisions shall be identified and the applicant shall be given the opportunity to correct the site plan prior to applying for final site plan approval. The applicant shall submit, with the final site plan, a complete list of all changes, certified by the applicant's design professional, to the Community Development Department for final approval after said revisions have been completed. At its discretion, the Planning Commission may require the right to review the revised final site plan.
- (d) **Denial of Approval:** Upon determination that a site plan does not comply with standards and regulations set forth in this Zoning Code, requires extensive revision in order to comply with said standards and regulations, or the applicant has not satisfactorily addressed all reasons for postponing action, site plan approval shall be denied. The applicant must revise the plans and resubmit if still interested in pursuing the project. A re-submittal shall be considered a new site plan and be required to re-initiate the full site plan review process.

- (6) Effect of Site Plan Review Action: Any preliminary site plan approved under this provision shall expire after 1 year from the date of such approval. If construction has not commenced within 1 year of site plan approval by the Planning Commission or the City Community Development Department (as applicable), approval becomes null and void and a new application for site plan review shall be required. The applicant may request a 6 month extension by the Planning Commission or the Community Development Department (as applicable), provided a written request is received before the expiration date and the site plan complies with current standards (i.e. any amendments to the Zoning Code since the site plan was approved). Applicant or designated representative of the applicant shall appear in front of the appropriate body to be eligible to receive an extension. This limitation shall not apply to preliminary Planned Development site plans accompanying approved Planned Development rezoning.
- (7) Final Site Plans (detailed construction, landscape and engineering plans): Except where otherwise set forth in this ordinance, final site plan approval may be given administratively when all conditions set forth herein for final site plans are complied with, except the Planning Commission may, at the time of preliminary site plan approval, require final site plan approval by the Commission as well. The Community Development Department shall grant final site plan approval where the following requirements are met:
- (a) All local, county and state requirements as may apply to the proposed use are met. The applicant shall be required to obtain all other necessary agency permits from the Michigan Department of Environmental Quality, Wayne County Road Commission, Drain Commission, Environmental Department and Health Department, and all applicable utility companies. Copies of applications and approvals from all applicable outside agencies shall accompany submission of the application and final site plan to the City.
  - (b) All applicable engineering requirements are met. Complete engineering plans shall be submitted to the Department of Public Service for approval.
  - (c) The design shown on the final site plan shall remain unchanged from the approved preliminary site plan. Upon determination that the final site plan does not comply with the conditions of preliminary site plan approval or that required engineering plan revisions alter the site plan configuration approved by the Planning Commission, the applicant shall be required to revise the site plan and engineering plans and resubmit the site plan to the body that approved the site plan for review and approval as an amended site plan.
- (8) Final site plan approval, except as specifically permitted in subsections 1 and 2 below, shall not be given until all the above requirements are met. No work shall commence on any site, except as specifically

permitted herein, or any buildings requiring site plan approval and no permits shall be issued until after final site plan approval is granted.

- (a) Upon request, the City may permit, when justifiable conditions are found to exist, and after preliminary site plan approval has been given, the movement of soil on the site, prior to final site plan approval, provided:
  - (i) A grading and soil erosion and sedimentation control plan, drawn to local specifications and, when necessary, to county specifications, has been reviewed and approved; and,
  - (ii) A soil erosion permit, when required, has been secured.
- (b) Upon request of the applicant, the City may permit the layout of footings and the construction of foundation walls prior to final site plan approval, provided:
  - (i) When justifiable conditions are found to exist;
  - (ii) Preliminary site plan approval has been given;
  - (iii) A grading and soil erosion and sedimentation control plan, drawn to local specifications and, when necessary, to county specifications, has been reviewed and approved;
  - (iv) A soil erosion permit, when required, has been secured;
  - (v) Detailed engineering plans for all above ground and below ground utilities have been submitted for review and approval; and,
  - (vi) Footing and foundation design plans have been approved by all applicable state, county, local departments and consultants.
- (9) Completion of Site Design In Accordance with Approved Site Plan
  - (a) Following approval of the site plan and final approval of the engineering plans by the City Department of Public Services and the Community Development Department, a building permit may be obtained. It shall be the responsibility of the applicant to obtain all other applicable City, County, State, Federal or utility permits prior to issuance of a building permit.
  - (b) The approval of any site plan under this provision, other than subdivisions (subdivisions shall follow the procedures of the Land Division and Subdivision Acts), shall expire 6 months after the date of such approval, unless actual construction and development has commenced in accordance with the site plan. If construction and development is commenced within the 6 month period, then the approval shall continue for a period of 6 months from the approval date. However, a lapse of more than 6 months in continuous substantial construction and development shall cause the approval to expire. The Building Official or other official responsible for code enforcement shall not issue a building

permit for any type of construction on the basis of the approved site plan after the approval has expired unless the plan has received an extension from the Planning Commission or City Council. Fees for review of an expired site plan may be waived or reduced in those instances where no substantial change in conditions of the site plan or of abutting uses has taken place. In those instances where substantial conditions have changed, the fee for review of an expired site plans shall be the same as for the initial submittal.

- (c) 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 basis until the property is razed, or until new zoning regulations supersede the regulations upon which site approval was based, or until a new site design approval is sought. Such maintenance shall include all building and site elements depicted on the site plan including parking configuration, lighting and landscaping. Any property owner who fails to maintain a site as approved shall be deemed in violation of the applicable use provisions of this Zoning Code and shall be subject to penalties.
- (d) A development agreement with suitable guarantee and performance bond may be required by the City to assure compliance with an approved final site plan.

**(D) Administrative Plan Review**

For uses and projects eligible for administrative review, the following procedure shall apply:

- (1) Submittal Requirements: 5 copies of the site plan that contains the information listed in subsection (E) Submittal Requirements shall be submitted to the Community Development Department.
- (2) Review: The Community Development Department shall review and either approve the site plan, approve the site plan with a condition that certain revisions be made, or deny the site plan.
- (3) Appeal: Either the Community Development Department, Building Department or applicant shall have the option to request site plan review by the Planning Commission.
- (4) Issuance of Building Permit: A building permit shall be issued following review and approval of any engineering or construction plans by the Building Department or Community Development Department, as appropriate.

**(E) Submittal Requirements**

The following information shall be included with and as part of a site plan submitted for review. The Planning Commission, upon recommendation of the City Planner, shall not review applications considered to be incomplete by the Community Development Department. The Planning Commission may waive information considered not applicable to the proposed site plan.

- (1) Application Form

Including written proof of property ownership or option to purchase (with specified time limit) and signed authorization designating a representative.

- (2) Site Plan Description and Identification Data:
  - (a) Site plans shall consist of an overall plan for the entire development, drawn to an engineer's scale of not less than 1 inch = 50 feet for property less than 3 acres, or 1 inch = 100 feet for property 3 acres or more in size. Sheet size shall be at least 24 x 36 inches. If a large development is shown in sections on multiple sheets, then one overall composite sheet shall be included;
  - (b) Written project description, including proposed use, building(s) and site improvements;
  - (c) Title block with sheet number/title; name, address and telephone number of the applicant and firm or individual who prepared the plans; and date(s) of submission and any revisions (month, day, year);
  - (d) Scale and north-point;
  - (e) Location map drawn to a separate scale with north-point, showing surrounding land, water features, zoning and streets within a quarter mile;
  - (f) Legal and common description of property;
  - (g) Identification and seal of architect, engineer, land surveyor, or landscape architect who prepared drawings;
  - (h) Zoning classification of petitioner's parcel and all abutting parcels;
  - (i) Proximity to section corner and major thoroughfares; and,
  - (j) Net acreage (minus rights-of-way) and total acreage.
- (3) Site Analysis:
  - (a) Survey of existing lot lines, building lines, structures, parking areas and other improvements on the site and within 100 feet of the site;
  - (b) Surrounding land uses and zoning;
  - (c) All existing easements;
  - (d) Existing roadways and driveways within 100 feet of the site;
  - (e) Existing sidewalks and non-motorized pathways;
- (4) Site Plan:
  - (a) Proposed lot lines, lot dimensions, property lines and setback dimensions;
  - (b) Structures, and other improvements;
  - (c) Proposed easements;

- (d) Location of exterior lighting (site and building lighting) in accordance with site lighting standards;
- (e) Location of trash receptacle(s) and transformer pad(s) and method of screening;
- (f) Extent of any outdoor sales or display area;
- (5) Access and Circulation:
  - (a) Dimensions, curve radii and centerlines of existing and proposed access points, roads and road rights-of-way or access easements;
  - (b) Opposing driveways and intersections within 100 feet of site;
  - (c) Cross section details of proposed roads, driveways, parking lots, sidewalks and non-motorized paths illustrating materials and thickness;
  - (d) Dimensions of acceleration, deceleration, and passing lanes;
  - (e) Dimensions of parking spaces, islands, circulation aisles and loading zones;
  - (f) Dimensions and details of wall and sidewalk protection;
  - (g) Calculations for required number of parking and loading spaces;
  - (h) Designation of fire lanes;
  - (i) Traffic regulatory signs and pavement markings;
  - (j) Location of existing and proposed sidewalks/pathways within the site or right-of-way;
  - (k) Location, height, and outside dimensions of all storage areas and facilities.
- (6) Landscape Plans:
  - (a) Location of existing and proposed lawns and landscaped areas;
  - (b) Planting plan, including location and type of all proposed shrubs, trees, and other live plant material;
  - (c) Planting list for proposed landscape materials with caliper size or height of material, method of installation, botanical and common names, and quantity;
  - (d) Proposed dates of plant installation;
  - (e) Description of methods to preserve existing plant materials;
  - (f) Landscape maintenance schedule; and,
  - (g) A bond held in escrow may be required for up to three years to ensure landscape health and maintenance.
- (7) Building and Structure Details:
  - (a) Location, height, and outside dimensions of all existing and proposed buildings or structures;

- (b) Building floor plans and total floor area;
  - (c) Details on accessory structures and any screening;
  - (d) Location, size, height, and lighting of all proposed site and wall signs;
  - (e) Location, size, height and material of construction for all obscuring walls, berms and fences with cross-sections, where required;
  - (f) Building facade elevations for all sides, drawn at an appropriate scale;
  - (g) Description of exterior building materials and colors (samples may be required).
- (8) Drainage, Soil Erosion, Sedimentation Control and Utilities:
- (a) Location and size of existing and proposed storm sewers;
  - (b) Soil erosion and sedimentation control measures;
  - (c) Location of existing and proposed sanitary sewers;
  - (d) Location and size of existing and proposed water mains, well sites, water service and fire hydrants;
  - (e) Location of existing and proposed gas, electric and telephone lines, above and below ground;
  - (f) Location of transformers and utility boxes; and,
  - (g) Assessment of potential impacts from the use, storage, processing, or movement of hazardous materials or chemicals, if applicable.
- (9) Lighting Plan
- (a) Location and height of all freestanding, building-mounted and canopy light fixtures on the site plan and building elevations;
  - (b) Photometric grid overlaid on the proposed site plan indicating the overall light intensity throughout the site (in foot-candles);
  - (c) Specifications and details for the type of fixture being proposed including the total lumen output, type of lamp and method of shielding; and,
  - (d) Use of the fixture proposed.
- (10) Additional Information may be required as determined by the City Building Department, Planning Commission and other applicable City departments and codes, to properly review an application.

**155.287 Standards for Site Plan Approval**

Site plan approval shall be granted only if the site plan meets all applicable standards set forth in this Zoning Code as outlined below:

**(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 use(s)

and structure(s). All sheets must be consistent. The Planning Commission, upon recommendation of the City Planner, has the right to waive any of the submittal requirements if not applicable to the proposed project.

(B) **Site Design Characteristics**

All elements of the site design shall be designed and organized in relation to scale, character and architectural features of the adjoining properties, the size and type of subject property, the type and size of buildings and environmentally sensitive areas. The property shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted by this Zoning Code. The site shall be designed to conform to all provisions of the Zoning Code. Redevelopment of existing sites shall be brought into conformance with all site improvement provisions of the Zoning Code which are relative to and proportionate to the extent of redevelopment, as determined by the Planning Commission.

(C) **Buildings**

Buildings and structures will meet or exceed setback standards, build-to lines, height and other dimensional standards, and placed to preserve environmentally sensitive areas. Redevelopment of existing structures shall meet or exceed all standards for which a variance has not been obtained.

(D) **Architecture**

All proposed development subject to site plan approval shall utilize sensitive design and quality architecture materials to ensure that buildings are compatible with surrounding uses, protects the investment of adjacent landowners, blends harmoniously into the streetscape, and maintains a positive image for the City.

(E) **Materials and Colors**

Building and sign materials and colors shall relate well and not deviate from the surrounding area. Subtle earth tone colors shall be used for building and roofing material. The Planning Commission or City Council, if applicable, may require a color rendering.

(F) **Scale and Compatibility**

Buildings shall possess architectural variety, but enhance the overall cohesive community character. Buildings shall consider the scale and proportion of existing structures in the area. Roof shape and materials shall be architecturally compatible with adjacent buildings and enhance the predominant streetscape.

(G) **Architectural Features**

All buildings are encouraged to provide architectural features, details and ornaments such as archways, colonnades, cornices, peaked rooflines or towers. Building walls over 100 feet in length shall be broken up with varying building lines, windows, architectural accents and trees. Building entrances are encouraged to have windows, canopies and awnings; provide unity of scale, texture, and color; and provide a distinct exterior entry area between a building and access lanes or parking areas.

(H) **Equipment Screening**

All rooftop HVAC and other mechanical equipment shall be screened.

(I) **Privacy**

The site design shall provide reasonable visual and sound privacy for dwelling units located therein and adjacent thereto. Fences, walks, barriers, buffers and plantings shall be used, as appropriate, for the protection and enhancement of property and the privacy of its occupants.

(J) **Emergency Vehicle Access**

All buildings or groups of buildings shall be arranged so as to permit emergency vehicle access.

(K) **Ingress and Egress**

Safe, convenient, and well-defined vehicular and pedestrian circulation within and to the site shall be provided. Drives, streets, parking and other elements shall be designed to discourage through-traffic, while promoting safe and efficient traffic operations within the site and at its access points. Access to the site shall be designed to minimize conflicts with traffic on adjacent streets.

(L) **Non-Motorized Circulation**

The site plan shall provide a non-motorized circulation system that is insulated as completely as is reasonably possible from the vehicular circulation system.

(M) **Vehicular, Pedestrian and Bicycle Circulation Layout**

The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian or bicycle pathways in the area. The width of streets and drives shall be appropriate for the volume of traffic they will carry, on-street parking, where appropriate, and the desired character of the streetscape and neighborhood or district.

(N) **Soil Erosion**

The proposed development shall include measures to prevent soil erosion and sedimentation.

(O) **Exterior Lighting**

Exterior lighting shall be designed so that it is deflected away from adjacent properties, does not impede the vision of drivers on public streets and meets the intent of this Zoning Code.

(P) **Public Services**

The scale and design of the proposed development shall facilitate acceptable and adequate provision of services currently furnished by or that may be required of the City or other public agencies including, but not limited to, fire and police protection, stormwater and sanitary sewage removal and treatment, water supply, traffic control and administrative services.

(Q) **Hazardous Materials**

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 surface water bodies.

(R) Consistency with the City Master Plan and any applicable subarea or corridor plans.

**155.288 Procedures for Special Condition Use Review**

(A) **Application**

Applications for special condition use permits authorized by this Zoning Code shall be submitted to the Community Development Director on a form provided by the City. In addition to a complete application form, the applicant is required to submit a preliminary site plan meeting the requirements of Site Plan Review Section 155.286 Site Plan Review, The Community Development Director shall not accept incomplete submittals.

(B) **Effect of Approval**

Approval of a preliminary site plan by the City shall only be valid if approved in conjunction with approval of a special condition use and shall indicate general acceptance of the proposed layout of buildings, streets and drives, parking areas, other facilities and overall character of the proposed development. Following approval of a special condition use and preliminary site plan, the applicant shall be required to submit a final site plan in accordance with Section 155.286 Site Plan Review.

(C) **Procedures**

The procedures set below shall be followed by the Planning Commission upon the scheduling of a public hearing, as specified in Section 155.291 Public Hearing Notification Requirements.

- (1) The Community Development Director shall review the proposed application and preliminary site plan to determine if all required information has been supplied, and forward the completed application, preliminary site plan, and supporting data to the Planning Commission for a recommendation.
- (2) The Planning Commission shall conduct a public hearing as required in Section 155.291 Public Hearing Notification Requirements. The Commission shall review the special condition use application and preliminary site plan following the close of the public hearing, and shall within a reasonable period of time make a recommendation to City Council to either approve, approve with conditions, or deny the proposed special condition use. Any such recommendation to approve or approve with conditions shall not constitute approval of the preliminary site plan.
- (3) The City Council, within a reasonable period of time after receiving Planning Commission recommendation, shall approve, approve with conditions, or deny a request for a special condition use. The City Council decision shall be incorporated in a statement of conclusions relative to the special condition use under consideration. Any decision that denies a request or imposes conditions upon its approval shall specify the basis for the denial or the conditions imposed.

(D) **Conditions**

The City Council may impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, and for insuring that the purposes of this Ordinance and the general spirit and purpose of the district in which the special use is proposed will be observed.

**155.289 Standards for Special Condition Use Approval**

- (A) Basis of Determinations. The City Council and Planning Commission shall review the proposed special use in terms of any specific requirements stated within this Zoning Code and shall establish that such use and the proposed location:
- (1) Will be harmonious and in accordance with the goals, policies and actions of the Master Plan;
  - (2) Will be designed, constructed, operated, and maintained so as to be visually and physically harmonious and appropriate in appearance with the existing or intended character of the general vicinity and not change the essential scale and character of the area;
  - (3) Will be a visual, physical and economic improvement in relation to property in the immediate vicinity and to the City as a whole;
  - (4) Will be served adequately by essential public services and facilities or that the persons responsible for the establishment of the proposed use will adequately provide any such service or facility;
  - (5) Will not detract from the desirability and orderly function of residential or business uses. Discretion shall be given to the impact of the proposed use upon existing uses, which may relate to traffic generation, sound, artificial lighting, odors, emission of exhaust gases, pedestrian traffic, hours and days of operation, creation of a public or private nuisance, opportunity for crime or criminal activity, congregation of individuals for purposes other than intended by the proposed use, and similar factors generated by the proposed use. The factors stated herein are not intended as a limitation upon the possible considerations and are by way of example only.
  - (6) Will not erode or reduce the economic viability of other existing land uses. Consideration shall be given to the compatibility of other existing uses with the proposed use and maintaining land values within the City;
  - (7) Will not impose additional service demands upon the City or its anticipated future resources.
  - (8) Will further and enhance the health, safety, welfare, morals, character, comfort, convenience, and policies of the City, will not create excessive additional public costs or be detrimental to the economic welfare of the City.
  - (9) Will be consistent with the intent and purposes of this Zoning Code, and comply with all specific standards as established for said use by this Ordinance.
- (B) Duration, Voiding and Extensions of Special Condition Use Permit. Unless otherwise specified by the City Council, any special condition use permit granted under this section shall be null and void unless the proposed development shall have its first building inspection within 1 year from the date of the granting of the permit. If an extension is needed, the applicant may request an extension from the City Council. This request shall be made prior to the expiration of their current permit. The City Council may grant an extension thereof for good cause for a period not to exceed 1 year.

- (C) The Community Development Director may suspend or revoke a permit issued under the provisions of this Zoning Code whenever the permit is issued erroneously on the basis of incorrect information supplied by the applicant or his agent and is in violation of any of the provisions of this Zoning Code and other ordinances or regulations of the City.
- (D) Reapplication. No application for a special use permit which has been denied wholly or in part shall be resubmitted until the expiration of 1 year or more from the date of such denial, except on grounds of newly discovered evidence or change of conditions found to be sufficient to justify reconsideration by the Planning Commission and City Council.

**155.290 Special Meetings**

The City may schedule special meetings per an applicant’s request and availability of Planning Commissioners, necessary staff and professional consultants. The applicant is required to pay associated fees with the application.

**155.291 Public Hearing Notification Requirements**

**(A) Zoning Ordinance Adoption and Amendments**

- (1) The Planning Commission shall hold at least one public hearing prior to issuing a recommendation to the City Council for the adoption of a new zoning ordinance or zoning amendment. The City Council may hold additional hearings if considered necessary.
- (2) The city shall notify the general public of the time and place of the public hearing at least 15 days prior to such hearing. The notice shall be published in an official paper or paper of general circulation within the city.
- (3) The city shall notify each public utility company and railroad company owning or operating any public utility or railroad within the district or zone affected of the time and place of the public hearing and at least 15 days prior to such hearing. The notice shall be delivered via mail to the name and address as registered with the City Clerk. An affidavit of the mailing shall be maintained.
- (4) Following adoption of a zoning ordinance or subsequent amendments, 1 notice of the adoption shall be published in newspaper of general circulation in the city within 15 days of adoption. The following information shall be provided in the notice:
  - (a) For a newly adopted zoning ordinance, the statement shall read; “A zoning ordinance regulating the development and use of land has been adopted by the City Council of the City of Inkster.
  - (b) For an amendment to the existing ordinance, the statement shall either summarize the regulatory affect of the amendment including the geographic area affected or contain the amendment text.
  - (c) The effective date of the ordinance or amendment.
  - (d) The place and time where a copy of the ordinance may be purchased or inspected.

**(B) Special Condition Uses or Discretionary Decisions**

- (1) The Planning Commission shall hold at least one public hearing prior to issuing a recommendation to the City Council for an application for a special condition use or other discretionary decision relating to this zoning ordinance. The City Council may hold additional hearings if considered necessary.
- (2) Prior to any public hearing, one notice shall be published in at least 1 newspaper of general circulation within the City. In addition, notice shall be mailed or personally delivered to the owners of the property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet. If the name of the occupant is not known, the term "occupant" may be used. Notification need not be given to more than 1 occupant of a structure, except that if a structure contains more than 1 dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses, or organizations, 1 occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than 4 dwelling units or other distinct 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 shall be requested to post the notice at the primary entrance to the structure.
- (3) The notice shall be given not less than 5 and no more than 15 days before the date of the public hearing. The notice shall:
  - (a) Describe the nature of the request;
  - (b) Describe the property which is the subject of the request;
  - (c) State when and where the public hearing will be considered;
  - (d) Describe when and where written comments will be received concerning the request;
  - (e) Indicate that a public hearing has been scheduled at the initiative of the appropriate board.

**(C) Appeals to the Zoning Board of Appeals**

The Board of Zoning Appeals shall provide public notification for all appeals as required in Section 155.275 (D) Notice.

**(D) Regulated Uses**

An application for waiver from location restrictions shall be decided upon following the public hearing procedure as required for special condition uses in subsection (B) of this section.

**(E) Wireless Communications Facilities**

An application for special condition uses shall follow notification requirements of Section 155.214 (K) and Section 155.291 (B).

**155.292 Fee Structure**

- (A) The City Council shall establish a schedule of fees and a collection procedure for site plan, rezoning and other reviews, building permits, certificates of occupancy, inspections, appeals, and other matters pertaining to this Zoning Code. The City shall have the authority to include fees for the use of engineering, planning, legal or other special consultants. No permit, certificate, special condition use approval, or variance shall be issued until such fees have been paid in full.
- (B) The Planning Commission may recommend adjustments in the fee schedule for the site plan review process to City Council for formal adoption.

**155.293 Performance Guarantee**

- (A) The Planning Commission, or City Council when applicable, may require an applicant to deposit a performance guarantee as set forth herein to ensure compliance and completion of improvements with these Zoning Code provisions. Improvements include, but not limited to, streets, parking, lighting, utilities, sidewalks, drainage, fences, screens, walls, and landscaping.
- (B) A performance guarantee, as used herein, shall mean a cash deposit, certified check, irrevocable bank letter of credit or corporate surety bond in the amount of the estimated cost of the improvements to be made as determined by the City in consultation with the applicant. The City is authorized to review cost estimates and conduct periodic inspections of the progress of improvements.
- (C) A performance guarantee shall be deposited with the City prior to the issuance of a building permit for the development and use of the land. Upon the deposit of the performance guarantee the City shall issue the appropriate building permit.
- (D) The Planning Commission, or City Council when applicable, shall set the period of time completion of improvements in relation to the required performance guarantee. The period will begin from the date of the issuance of the building permit.
- (E) The Community Development Director, upon the written request of the applicant, shall rebate portions of the performance guarantee upon determination that the improvements for which the rebate has been requested have been satisfactorily completed. The portion of the performance guarantee to be rebated shall be in the same amount as stated in the itemized cost estimate for the applicable improvement.
- (F) The City shall return to the applicant the performance guarantee deposited and any interest earned thereon upon the satisfactory completion of the improvement, as determined by the City, for which the performance guarantee was required. However, the City is not required to deposit the performance guarantee in an interest-bearing account.
- (G) In the event the applicant defaults in making the improvements for which the performance guarantee was required within the time period established by the City, the City shall have the right to use the deposited performance guarantee and any interest earned to complete the improvements through contract or otherwise, including specifically, the right to enter upon the subject property to make the improvements.

- (H) If the performance guarantee is not sufficient to allow the City to complete the improvements, the applicant shall be required to pay the City any additional costs incurred in completing the improvements. Should the City use the performance guarantee, or a portion thereof, to complete the required improvements, any amounts remaining after said completion shall first be applied to the City's administrative costs including, without limitation, attorney fees, planning consultant fees, and engineering consultant fees in completing the improvement with any balance remaining being refunded to the applicant.
- (I) If the applicant has been required to post a performance guarantee or bond with another governmental agency other than the City to ensure completion of an improvement, the applicant shall not be required to deposit with the City a performance guarantee for that specific improvement. At the time the performance guarantee is deposited with the City and prior to the issuance of a building permit, the applicant shall enter an agreement incorporating the provisions hereof with the City regarding the performance guarantee.

**155.294 Changes and Amendments**

The City Council may from time to time, on recommendation from the City Planning Commission or on petition, amend, supplement or change the district boundaries or the regulations herein, or subsequently established herein, pursuant to the authority and procedure established in Act 207 of the Public Acts of 1921 as amended.

**155.295 Final Inspection**

The holder of every building permit for the construction, erection, alteration, repair or moving of any building, structure or part thereof shall notify the Building Department immediately upon the completion of the work authorized by such permit, for final inspection.

**155.296 Public Nuisance and Abatement**

Any building or structure which is erected, altered or converted, or any use of premises or land which is begun or changed, subsequent to the time of passage of this chapter and in violation of any of the provisions thereof, is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

**155.297 Owner's Liability to Punishment**

The owner of any building, structure or premises or part thereof, where any condition in violation of this chapter shall exist or shall be created, and who has assisted knowingly in the commission of such violation shall be guilty of a separate offense and, upon conviction thereof, shall be liable to the fines and imprisonment herein provided in this Zoning Code.

**155.298 Cumulative Rights and Remedies**

The rights and remedies provided in this chapter are cumulative and in addition to any other remedies provided by law.

**155.299 Penalty**

- (A) Any person, firm or corporation violating any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than \$500, the costs of prosecution and/or punished by imprisonment in the county jail for a period not to exceed 90 days for each offense, or by both such fine and imprisonment in the discretion of the court, together with the costs of such prosecution.

- (B) A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

**155.300 Imposition of Penalty does not Exempt Compliance with Requirements**

Imposition of any sentence shall not exempt the defendant from compliance with the requirements of this subchapter.

**155.301 Severability**

This Ordinance and the various parts, sections, and clauses thereof are hereby declared to be severable. Should any part, section, paragraph, sentence, clause, or phrase be declared unconstitutional or invalid for any reason, it is hereby provided that the remainder of the Ordinance shall not be affected thereby.

**155.302 Savings**

All proceedings pending and all rights and liabilities existing and acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law in force when they are commenced.

**155.303 Validity**

Should any section, clause, or paragraph of this Ordinance be declared by a court of competent jurisdiction to be invalid, the same will not affect the validity of the Ordinance as a whole or part thereof other than the part declared to be invalid.

**155.304 – 155.319 Reserved**