

CHAPTER 17.60 ADMINISTRATION AND ENFORCEMENT

17.60.010 ENFORCEMENT

The provisions of this title shall be administered and enforced by the Building Official, and other duly authorized employees, inspectors and officials.

17.60.020 DUTIES OF BUILDING OFFICIAL

The Building Official shall have the power to grant building permits, certificates of occupancy and other related permits, to make inspections of buildings or premises necessary to carry out the duties in the enforcement of this title. It shall be unlawful for the Building Official to approve any plans or issue a building permit for any excavation or construction until he has inspected such plans in detail and found them to be in conformity with this title. To this end, the Building Official shall require that every application for a permit for excavation, construction, moving or alteration or change in type of use or the type of occupancy be accompanied by written statements and plans or plats drawn to scale, in duplicate, and showing the following in sufficient detail to enable the Building Official to ascertain whether the proposed work or use in conformance with this title:

- A.** The actual shape, location and dimension of the lot;
- B.** The shape, size and location of all buildings or other structures to be erected, altered or moved, and of any buildings or other structures already on the lot;
- C.** The existing and intended use of the lot and of all such structures upon it, including, in the residential areas, the number of dwelling units the building is intended to accommodate; and
- D.** Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this title are being observed.
- E.** If the proposed excavation, construction, moving or alteration, or use of land as set forth in the application are in conformity with the provisions of this title, the Building Official shall issue a permit. If any application for such permit is not approved, the Building Official shall state in writing on the application the cause for such disapproval. Issuance of a permit shall in no case be construed as waiving any provisions of this title.
- F.** The Building Official is under no circumstances permitted to grant exceptions to the actual meaning of any clause, order or regulations contained in this title to any person making application to excavate, construct, move, alter or use either buildings, structures or land within the city.
- G.** The Building Official is under no circumstances permitted to make changes to this title nor to vary the terms of this title in carrying out the duties as Building Official.

17.60.030 PERMITS

A. PERMITS REQUIRED

1. It shall be unlawful for any person to commence excavation for, or construction of any building or structure, moving of an existing building, or structural changes or repairs in any existing building or structure without first obtaining a building permit from the city. No permit shall be issued for the construction, alteration or remodeling of any building or structure until an application has been submitted in accordance with the provisions of this title, showing that the construction proposed is in compliance with the provisions of this title and with Chapter 15.04, *Building Code*, of the *Hazel Park Municipal Code*.
2. No plumbing, electrical, drainage or other permit shall be issued until the Building Official has determined that the plans and designated use indicate that the structure and premises, if constructed as planned and proposed, will conform to the provisions of this title.
3. "Alteration" or "repair" of an existing building or structure shall include any changes in structural members, stairways, basic construction type, kind or class of occupancy, light or ventilation, means of egress and ingress, or any other changes affecting or regulated by Chapter 15.04, *Building Code*, of the *Hazel Park Municipal Code*, the housing law of the State of Michigan, or this title, except for minor repairs or changes not involving any of the aforesaid provisions.

B. PERMITS FOR NEW USE OF LAND. With the exception of owner occupied dwelling units, a license is required prior to utilizing any property within the City. See Title 5, *Business Licenses and Regulations*. At the time of license application, the Building Official shall determine whether the proposed use complies with the use regulations in this title.

17.60.040 CERTIFICATES OF COMPLIANCE

It shall be unlawful to use or permit the use of any land, building or structure for which a building permit is required, and to use or permit to be used any building or structure hereafter altered, extended, erected, repaired or moved, until the Building Official shall have issued a certificate of compliance stating that the provisions of this title have been complied with.

- A. CERTIFICATE VALIDITY.** The certificate of compliance as required for new construction of or renovations to existing buildings and structures in Chapters 15.04, *Building Code*, and 15.09, *Property Maintenance Code*, of the *Hazel Park Municipal Code* shall also constitute certificates of compliance as required by this title.
- B. CERTIFICATES FOR EXISTING BUILDINGS.** Certificates of compliance shall be issued for existing buildings, structures or parts thereof, or existing uses of land if after inspection it is found that such buildings, structures or parts thereof, or such use of land are in conformity with the provisions of this title.
- C. TEMPORARY CERTIFICATES.** Temporary certificates of compliance may be issued for a part of a building or structure prior to the occupation of the entire building or structure; provided, that such temporary certificate of compliance shall not remain in force more than 6 months, nor more than 5 days after the building or structure is fully completed and ready for

occupancy; and provided further, that such portion of the building or structure is in conformity with the provisions of this title.

- D. RECORDS OF CERTIFICATES.** A record of all certificates of compliance shall be kept in the office of the Building Official, and copies of such certificates of compliance shall be furnished upon request to a person or persons having a proprietary or tenancy interest in the property involved.
- E. APPLICATION FOR CERTIFICATE.** Certificates of compliance shall be applied for in writing to the Building Official on forms provided by the Building Official, and shall be issued within 5 days after the 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 title, and Chapters 15.04, *Building Code*, and 15.09, *Property Maintenance Code*, of the *Hazel Park Municipal Code*. If such certificate is refused for cause, the applicant therefore shall be notified of such refusal and the cause thereof within the aforesaid 5 day period.

17.60.050 FEES

Fees for inspections and the issuance of permits or certificates or copies thereof required or issued under the provisions of this title shall be collected by the Building Official in advance of the issuance of such permits or certificates. The amount of such fees shall be established by resolution of the City Council and shall cover the cost of inspection and supervision resulting from the enforcement of this title.

17.60.060 AMENDMENTS

The City Council may, after recommendation from the Planning Commission, amend the regulations or the district boundaries of this title pursuant to the authority and procedure set forth in Act 207 of the Public Acts of 1921, as amended. Any applicant desiring to have any change made in this title shall, with his petition for such change, deposit such fee as established by resolution of the City Council, with the City at the time that the petition is filed to cover the publication and other miscellaneous costs for said change. No fee shall be charged for amendments initiated by the City Council, Planning Commission, or Building Official.

- A. APPLICATION.** An amendment to this title, except those initiated by the City Council, Planning Commission, or Building Official, shall be initiated by submission of a completed application on a form supplied by the City, including an application. In the case of an amendment to the official Zoning Map, the following information shall accompany the application form:
1. A completed application form and fee.
 2. A legal description and street address of the subject property, together with a map identifying the subject property in relation to surrounding properties.
 3. The name and address of the owner of the subject property, and a statement of the applicant's interest in the subject property if not the owner in fee simple title.

4. The existing and proposed zoning district designation of the subject property; or in the case of a text amendment to this title, a general description of the proposed amendment shall accompany the application form.
5. A written description of how the requested amendment meets the criteria stated in this section.
6. A traffic, environmental, or public service impact study if required by the Planning Commission or City Council.

B. AMENDMENT PROCEDURE

1. Upon initiation of an amendment, a public hearing to consider the proposed amendment shall be scheduled before the Planning Commission. Notice of the hearing shall be published in a local newspaper not less than 15 days prior to the public hearing. Notices shall also be sent by mail or personal delivery to the owners of property for which approval is being considered. Notice shall also be sent to all persons to whom real property is assessed within 300 feet of the property regardless of whether the property of occupant is located in the zoning jurisdiction. If the name of the occupant is unknown, the term "occupant" may be used in making notification.
 - A. The notice shall do all of the following:
 - a. Describe the nature of the request.
 - b. Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. If there are not street addresses, other means of identification may be used.
 - c. State when and where the request will be considered.
 - d. Indicate when and where written comments will be received concerning the request.
 - B. If an individual property or 10 or fewer adjacent properties are proposed for rezoning, the Planning Commission shall give notice of the proposed rezoning in the same manner as provided in Sub-Section 1 and 1A above.
 - C. If 11 or more adjacent properties are proposed for rezoning, the Planning Commission shall give a notice of the proposed rezoning the same manner as required in Sub-Section 1 and 1A above except for the requirement of notice to be sent to the owners of property for which approval is being considered and all persons or occupants within 300 feet of the property. Further, no individual address of properties are required to be listed as required under Sub-Section 1A above.
 - D. Notice of the time and place of the public hearing shall also be given by mail to each electric, gas, and pipeline public utility company and each telecommunication service provider operating within the district or zone affected, that registers its name and mailing address with the City Clerk for the purpose of receiving the notice of public hearing. The notices required under this section shall include the places and times which the proposed text and any maps of the zoning ordinance may be examined.

2. Following the public hearing, the Planning Commission shall identify and evaluate all factors relevant to the petition and shall transmit a summary of comments received at the hearing and its proposed zoning ordinance, including any zoning maps and recommendations, to the City Council.
 3. Following receipt of the findings and recommendation of the Planning Commission, the City Council shall consider the proposed amendment. In the case of an amendment to the text of this title, the City Council may modify or revise the proposed amendment prior to enactment. In the case of an amendment to the official Zoning Map, the City Council shall approve or deny the amendment, based upon its consideration of the criteria contained in this section.
 4. If no construction has commenced and been diligently pursued within one year from the effective date of any rezoning, the Planning Commission may initiate action to rezone such land back to the designation which existed prior to such rezoning in the manner provided herein for amending this title.
 5. Amendment to a zoning ordinance by the City is subject to a protest petition as provided in Section 17.60.060 F.
 6. After receiving a zoning ordinance or an amendment the City Council may hold a public hearing if it considers it necessary. The City Council shall grant a hearing on a proposed ordinance provision to a property owner who requests a hearing by certified mail, addressed to the City Clerk
 7. The City Council may refer any proposed amendments to the Planning Commission for consideration and comment within a time specified by the City Council.
 8. An approved zoning ordinance shall take effect upon the expiration of 10 days after publication and shall be published in a newspaper of general circulation the city within the 15 days after adoption.
- C. AMENDMENTS REQUIRED TO CONFORM TO COURT DECREE.** Any amendment for the purpose of conforming to a decree of a court of competent jurisdiction shall be adopted by the City Council and published, without necessity of a public hearing or referral thereof to any other commission, board or agency.
- D. CRITERIA FOR AMENDMENT TO THE OFFICIAL ZONING MAP.** An amendment to the zoning district boundaries contained on the official Zoning Map may be initiated by the City Council, the Planning Commission, the Building Official, or by the owner or owners of property which is the subject of the proposed amendment. In considering any petition for an amendment to the official Zoning Map, the Planning Commission and City Council shall consider the following criteria in making its findings, recommendations and decision:

1. The consistency with the goals, policies and future land use map of the Master Plan, including any sub area or corridor studies. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area shall be considered.
 2. Evidence the applicant cannot receive a reasonable return on investment through developing the property with one or more of the uses permitted under the current zoning.
 3. Compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values.
 4. The capacity of city's utilities and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety and welfare of the city.
 5. The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district. A traffic impact study shall be provided if the proposed rezoning district permits uses that could generate 50 or more directional trips during the peak hour, or at least 1,000 more trips per day than the majority of the uses that could be developed under current zoning.
 6. The apparent demand for the types of uses permitted in the requested zoning district in the city in relation to the amount of land in the City currently zoned and available to accommodate the demand.
 7. The boundaries of the requested rezoning district are reasonable in relationship to surroundings and construction on the site will be able to meet the dimensional regulations for the requested zoning district.
 8. If a rezoning were appropriate, would another zoning district be more appropriate.
 9. If the request is for a specific use, rezoning the land is considered to be more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use.
 10. The requested rezoning will not create an isolated and unplanned spot zone.
 11. The request has not previously been submitted within the past one year, unless conditions have changed or new information has been provided.
 12. Other factors deemed appropriate by the Planning Commission and City Council.
- E. CRITERIA FOR AMENDMENTS TO ZONING ORDINANCE TEXT.** Amendments to the provisions of this title may be initiated by the City Council, the Planning Commission, or the Building Official. The Planning Commission and City Council shall consider the following criteria for initiating amendments to the text of this title or responding to a petitioner's request to amend the text of this title.

1. The proposed amendment would correct an error in this title.
2. The proposed amendment would clarify the intent of this title.
3. Documentation has been provided by the Building Official, or the Board of Zoning Appeals indicating problems and conflicts in implementation or interpretation of specific sections of this title.
4. The proposed amendment would address changes to state or federal legislation.
5. The proposed amendment would address potential legal issues or administrative problems with the this title based on recent case law or opinions rendered by the Attorney General of the State of Michigan.
6. The proposed amendment would promote compliance with changes in other city ordinances and county, state or federal regulations.
7. The proposed amendment is supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements and similar technical items.
8. Other criteria as determined by the Planning Commission or the City Council which would protect the health and safety of the public, protect public and private investment in the city, promote implementation of the goals and policies of the Master Plan and any amendments thereto, and enhance the overall quality of life in the city.

F. PROTEST PETITIONS

1. An amendment to a zoning ordinance by the City is subject to a protest petition. If a protest petition is filed, approval of the amendment to the zoning ordinance shall require 2/3 vote of the City Council. The protest petition shall be presented to the City Council before final legislative action and shall be signed by 1 or more of the following:
 - a) The owners of at least 20% of the area of land included in the proposed change.
 - b) The owners of at least 20% of the area of land included within an area extending outward 100 feet from any point on the boundary of the land included in the proposed change.
2. Publicly owned land shall be excluded in calculating the 20% land area requirement under subsection (1).

17.60.070 SPECIAL LAND USE APPROVAL

- A. PURPOSE.** It is deemed necessary for the preservation of health, safety and welfare that certain uses set forth in this title be specially controlled because they serve an area, interest or purpose considerably beyond the borders of the city, or create particular problems of control in relation to adjoining uses, districts, public health, safety and welfare. These uses, because of their unique characteristics or effects upon public health, safety and welfare are deemed to be impractical to be permitted without special use approval, and then only as specifically allowed.
- B. AUTHORIZATION.** The special approval of specific land uses and activities, as listed in this title may be authorized by the City Council after Planning Commission public hearing and recommendation to City Council, provided that the Council deems that the requirements of this section and other applicable sections of this title have been satisfied.
- C. APPLICABILITY.** Where a use is classified as a special use under this title and exists as a special use or permitted use at the date the ordinance from which this chapter is derived, it shall be considered to be a legal special use for as long as the recorded reason of condition or permit exists.

D. STANDARDS. The Planning Commission and City Council shall review each case individually as to its applicability and shall find affirmatively to each of the following standards for the proposed use if it is to be approved. The findings of the Commission and Council as to each standard shall be stated in the motion either approving or disapproving the application.

1. The proposed use will promote the use of land in a socially and economically desirable manner.
2. The proposed use is necessary for the public convenience at that location.
3. The proposed use is compatible with adjacent land uses.
4. The proposed use is designed so that the public health, safety, and welfare shall be protected.
5. The proposed use will not cause injury to other property in the neighborhood.

E. REVIEW PROCESS

1. An application for special use shall be submitted to the City on such forms and containing such information that the City shall prescribe.
2. No special use application shall be accepted unless a complete site plan approval application has also been submitted. See Section 17.60.080.
3. The application shall be placed on the next available Planning Commission meeting for a public hearing.
4. Notice of hearing shall be published in a local newspaper not less than 15 days prior to the public hearing. Notices shall also be sent by mail or personal delivery to the owners of property for which approval is being considered.
 - A. If the special use involves less than 11 adjacent properties notice shall also be sent by mail or personal delivery to all person to whom real property is assessed within 300 feet of the property(ies) which is the subject of the special land use request regardless of whether the owner and property is located in the zoning jurisdiction or not.
 - B. If the special use involves 11 or more adjacent properties than subsection a, above shall not apply.
 - C. If the name of the occupant is unknown the term "occupant" may be used in making notification.
 - D. If the special land use request involves less than 11 adjacent properties then a listing of all existing street addresses within the property(ies) which is(are) subject of the special land use request. (Street addresses do not need to be created and listed if no such addresses currently exist. If there are no street addresses another means of identifying the property(ies) shall be used.

5. The notice shall do all of the following:
 - a) Describe the nature of the request.
 - b) Indicate the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the property. If there are include a listing of all existing street addresses within the property. If there are not street addresses, other means of identification may be used.
 - c) State when and where the request will be considered.
 - d) Indicate when and where written comments will be received concerning the request.
 - e) The notice shall indicate that a public hearing on the special land use request may be requested by any property owner or the occupant of any structure located within 300 feet of the property or occupant is located in the zoning jurisdiction.
6. Following the hearing, or public hearing, if requested, the Planning Commission shall review the request and make a recommendation to the City Council incorporating a statement of findings and conclusions relative to the special land use which specifies the basis for the recommendation and any conditions imposed.
7. If the Planning Commission requires additional information, the application may be postponed to a date certain until such information has been received.
8. Following the review and recommendation of the Planning Commission, the application shall be forwarded to the City Council at its next scheduled meeting. The City Council shall consider the request, along with the recommendation of the Planning Commission and approve, approve with conditions, or deny the application. The City Council shall incorporate into its decision a statement of findings and conclusions relative to the special use which specifies the basis for the decision and any conditions imposed.
9. Each action taken with reference to special use approval shall be duly recorded in the minutes of the Planning Commission and City Council.
10. Special use approval and any performance guarantee required shall be provided prior to issuance of a building permit or business license.

F. CONDITIONS.

The City Council may impose such conditions or limitations in granting approval as may be permitted by state law and this title which it deems necessary to fulfill the spirit and purpose of the law. The City Council further, may specify the hours of operation of the business or land use which may become a condition of approval so as to afford a limiting impact upon abutting and other residential uses in the vicinity that could arise by virtue of the nature of the operation of the special approval use. The conditions may include those necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, to insure safe and efficient circulation of vehicles and pedestrians, and to promote the use of land in a socially and economically desirable manner. The conditions imposed shall be recorded in the record of the approval action. The City shall maintain a record of changes of conditions granted.

G. VARIANCES. Once a special use has been approved, no Zoning Board of Appeals variance requests shall be permitted.

H. CONFORMITY

1. When an applicant receives special use approval, the site shall be developed in complete conformity with the application and the conditions placed upon it. The special use approval shall be valid for a period of one year. If no building permit is issued or no business license is issued regarding the request, the approval shall expire. No time extension to special use approval shall be granted.
2. In approving a special use, the City Council may require that a cash deposit, letter of credit, or other financial guarantee acceptable to the City be furnished by the applicant, to ensure compliance with such requirements.
3. Conditions and requirements stated as part of the special use approval authorization shall be a continuing obligation of the property owner. Continuance of a special use approval shall be withheld only upon a determination by the Building Official that violations of conditions pertaining to the granting of the permit continue to exist more than 30 days after an order to correct has been issued.
4. Should a special use cease to operate for a period of 6 months, the special use approval shall expire.

17.60.080 SITE PLAN REVIEW

A. PURPOSE. The site plan review procedures and standards in this section are intended to provide a consistent and uniform method of review of proposed development and redevelopment plans, to ensure full compliance with the standards contained in this title and other applicable local ordinances and state and federal laws, to achieve efficient use of the 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, as stated in the Master Plan.

B. SITE PLAN REQUIRED. Submission of a site plan shall be required in conjunction with any of the following:

1. Any proposal to construct a new building, or move, relocate, convert, or structurally alter an existing building that would create additional floor area.
2. Any proposal to change to a use that requires site plan approval.
3. Any proposal to construct, expand, decrease, or pave off-street parking, or a change in circulation or access.
4. Any proposal to fill, excavate, or grade land.
5. All nonresidential uses permitted in single-family districts such as, places of worship, schools, and public facilities.

6. Any use requiring special use approval, in accordance with Section 17.60.070, *Special Land Use Approval Review*.
 7. Development of any condominium project, including any site condominium development.
 8. Any proposal to construct, move, or make modifications to a building or site, subject to the requirements of Section 17.60.080, *Administrative Review*, of this chapter.
- C. SITE PLAN NOT REQUIRED.** Submission of a site plan shall not be required for any proposal to construct, move, relocate, convert, or structurally alter a single-family detached dwelling in an RA-1, RA-2, RA-3, RB, RC, or RC-1 district, or a two-family dwelling in an RC or RC-1 district, including customarily incidental accessory structures.
- D. PROCEDURES AND REQUIREMENTS.** Site plans shall be submitted in accordance with the following procedures and requirements:
1. **APPLICANT.** The application shall be submitted by the owner of an interest in land in which site plan approval is sought, or by the owner's designated agent. The applicant or a designated agent shall be present at all scheduled review meetings, or consideration of the plan may be postponed due to lack of representation.
 2. **APPLICATION FORMS AND DOCUMENTATION.** The application for site plan review shall be made on the forms and according to the guidelines provided by the City.
 3. **SITE PLAN PREPARATION.** The site plan shall be prepared in the manner specified in this section and on the site plan application form. A site plan which does not meet the stipulated requirements shall be considered incomplete and shall not be eligible for formal review.
 4. **SUBMISSION OF COMPLETED PLAN.** The application materials, required fees, and sufficient copies of the completed site plan (as specified on the application form) shall be submitted to the City no less than 30 days prior to the Planning Commission meeting at which review is desired. The site plan shall be placed on the Planning Commission agenda for review, except where Planning Commission review is not required as described in subsection K of this section, and except where the Building Official determines a site plan application is incomplete and not eligible for formal review.
 5. **DISTRIBUTION OF PLANS.** The site plan and application shall also be distributed to appropriate city officials for review.
 6. **REVIEW BY CITY.** The city administration shall review the site and application materials, if requested, and prepare written reviews which shall specify any deficiencies in the site plan and make recommendations as appropriate.
 7. **PLANNING COMMISSION CONSIDERATION.** The Planning Commission shall review the site plan in relation to applicable standards and regulations and in relation to the intent and purpose of this section. The Commission shall consider the comments and recommendations from City Administration. If the Planning Commission determines that revisions are necessary to bring the site plan into compliance with applicable standards

and regulations, the applicant shall be given the opportunity to submit a revised site plan.

- 8. SITE PLAN REVISION AND SUBMISSION OF REVISED PLAN.** The applicant shall revise the site plan based on the requirements and recommendations set forth in the written review. The applicant shall then submit sufficient copies of the revised plan (as specified on the application form) for further review. If the applicant does not submit revised plans to the City within 6 months of receiving the written review, the City may forward the application onto the Planning Commission for formal denial.

When Planning Commission review is required, the revised site plan and application materials shall be submitted at least 15 days prior to the Planning Commission meeting which review is desired. If the site plan is in compliance with required revisions, as determined by the Building Official, the revised site plan shall be placed on the Planning Commission agenda for further review and possible action.

- E. DETERMINATION.** The Planning Commission shall make a determination on a final plan based on the requirements and standards in this section. The Planning Commission is authorized to grant approval, grant approval subject to conditions, reject a site plan, or postpone a site plan as follows:

- 1. Approval.** Upon determination that a site plan is in compliance with the standards and requirements of this section and title, and other applicable ordinances and laws, the Planning Commission shall approve the plan.
- 2. Approval Subject to Conditions.** Upon determination that a site plan is in compliance except for minor modifications, 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 approvals from other agencies.
- 3. Denial or Postponement.** Upon determination that a site plan does not comply with the standards and regulations set forth in this section title, or requires extensive revisions in order to comply with said standards and regulations, the Planning Commission may postpone or deny the site plan.

- F. RECORDING OF SITE PLAN REVIEW ACTION.** Each action take with reference to site plan review and approval shall be duly recorded in the Planning Commission minutes and shall state the grounds for the action taken upon each site plan submitted for its approval.

- G. APPLICATION FOR BUILDING PERMIT.** Prior to issuance of a building permit, the applicant shall submit proof of the following:

Final approval of the site plan.

Final approval of the engineering plan.

Acquisition of all other applicable city, county, state or federal permits.

A building permit shall not be issued until a site plan has been approved.

- H. EXPIRATION OF SITE PLAN.** If a building permit has not been issued within 12 months of final approval of a site plan, the site plan approval becomes null and void and a new application for site plan approval shall be required.

- I. PERFORMANCE GUARANTEES.** The Planning Commission or Building Official may require that a performance guarantee be deposited with the city as a condition of site plan approval to assure faithful completion of improvements in accordance with the requirements of Section 17.04.100, *Performance Guarantee*.
- J. PROPERTY MAINTENANCE AFTER APPROVAL.** It shall be the responsibility of the owner of the property for which site plan approval has been granted to maintain the site in accordance with the approved site plan on a continuing basis until the property is razed, or until amended regulations of this title supersede the regulations upon which site plan approval was based, or until a new site plan is approved. This maintenance requirement applies to use, buildings, landscaping, walls, fences, pavement, pavement markings, signs, building materials and facades, drainage facilities, and all other elements of the site. Any property owner who fails to maintain an approved site plan shall be in violation of the use provisions of this title and shall be subject to the same penalties appropriate for a use violation. This shall also apply to site condominium projects.
- K. ADMINISTRATIVE REVIEW**
- 1. Applicability.** Administrative review may be required instead of Planning Commission review for site plans that involve only minor modifications to a building or site. Proposals involving minor modifications may be reviewed and approved by the Building Official. Minor modifications are proposed alterations to a building or site that do not substantially affect the character or intensity of the building or site, including:
 - a. An addition to an existing building that does not increase or decrease the total floor area by more than 10 percent or 1,000 square feet, whichever is less.
 - b. Changes to building height that do not add an additional floor area.
 - c. Additions or alterations to the landscape plan or landscape materials that are in conformance with Chapter 17.48, *Landscaping Standards*, of this title.
 - d. An increase or decrease in the amount of paving on a site.
 - 2. Determination.** The Building Official shall determine if the proposed modifications deemed minor are minor in accordance with the guidelines of this section. If the modifications are not deemed minor by the Building Official, then site plan review and approval by the Planning Commission shall be required.
 - 3. Application Requirements and Procedures.** The application requirements and procedures for administrative review of site plans shall be the same as for Planning Commission site plan review, as outlined in subsection D, *Procedures and Requirements*, of this chapter; except that the Building Official is authorized to grant approval, grant approval subject to conditions, or deny a site plan in accordance with subsection E, *Determination*, of this Section.
 - 4. Report to Planning Commission.** The Building Official shall make a report of all administratively approved site plans and minor revisions made to site plans approved by the Planning Commission on a regular basis.
- L. REVISIONS TO APPROVED PLANS.** A site plan approved in accordance with the provisions in this section may be subsequently modified, subject to the following requirements:

1. **Revisions Initiated by the Developer.** Revisions to an approved site plan that are initiated by the developer and other revisions which are not considered minor in nature, based on criteria cited in this section, shall be reviewed by the Planning Commission in accordance with the site plan review procedures set forth in subsection D, *Procedures and Requirements*, of this chapter.
 2. **Minor Revisions.** Minor revisions to an approved site plan may be reviewed by the Building Official. Minor revisions 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 and may include the following:
 - a. Revisions made necessary by unusual conditions on a site uncovered during the course of construction.
 - b. Revisions made necessary by agencies or professionals (such as by county agencies) who are required to review site plans after they have received approval by the city.
 3. **Review of Minor Revisions.** The review of minor revisions shall follow the procedures for administrative review in subsection K, *Administrative Review*, of this Section.
- M. APPLICATION DATA REQUIREMENTS.** The following information shall be included with all site plan applications:
1. **Application Form.** The application form shall contain the following information:
 - a. Applicant's name, address, telephone and facsimile numbers.
 - b. Name and address of property owner, if different from applicant.
 - c. Common description of property and complete legal description.
 - d. Dimensions of land and total acreage.
 - e. Existing zoning.
 - f. Proposed use of land and name of proposed development, if applicable.
 - g. Proposed buildings to be constructed including square feet of gross and usable floor area.
 - h. Proof of property ownership or option to purchase.
 2. **Site Plan 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 equals 20 feet of property less than one acre, and one inch equals 100 feet for property one acre or more in size. Sheet size shall be at least 24 inches by 36 inches. The following information shall be included on all site plans:
 - a. Applicant's name, address, and telephone number.
 - b. Name of the development.
 - c. Scale and north arrow.
 - d. Dates of preparation and revisions (month, day, year).
 - e. General location map.
 - f. Legal and common description of the property.
 - g. Area and dimensions of site.
 - h. Name, address, telephone number and seal of architect, engineer

- i. Written description of proposed land use(s).
- j. Existing zoning and the surrounding zoning designations
- k. Proximity to driveways serving adjacent parcels.
- l. Total acreage (less any rights-of-way), to the nearest one-tenth (1/10) acre.

3. Site Data.

- a. All existing and proposed buildings, structures, and any other improvements on the site and within 100 feet of the site.
- b. Setback dimensions and the dimensions of all proposed buildings
- c. Name and dimensions of all streets and alleys
- d. Location and dimensions of all driveways, parking areas, parking spaces, aisles, loading zones, and fire lanes
- e. Location and dimensions of all existing and proposed sidewalks and walkways
- f. Type and location of all exterior lighting
- g. Location of proposed trash receptacles and transformer pads
- h. Total number of parking spaces required and
- i. Type of pavement proposed, including a cross section
- j. Landscaping Plan: type, number, and location of plants, shrubs, and trees.
- k. Site maintenance plan and agreement in written form separate from the site plan drawing, in sufficient detail acceptable to the Planning Commission and a form recordable with the Oakland County Register of Deeds, to assure long term maintenance by owner and occupant.
- l. Location and description of all easements for public rights-of-way, utilities, access, shared access, and drainage.
- m. The location of any outdoor storage materials and the manner by which it will be screened.

4. Building and Structure Details.

- a. Location, height, number of stories, outside dimensions, and gross floor area for all proposed buildings
- b. Building floor plans.
- c. Location, size, height, and lighting of all proposed signs.
- d. Proposed fences and walls, including typical cross-section, materials and height above the ground on both sides.
- e. Elevations of the proposed building
- f. Type, material and color of all building materials and architectural features

5. Utilities, Drainage, and Related Issues.

- a. Topography of the site at 2 foot intervals
- b. Schematic layout of existing and proposed sanitary sewers; water mains and water service leads; hydrants for public safety personnel to service the site; storm sewers and drainage facilities; and the location of gas, electric, and telephone lines.
- c. Site grading and drainage patterns, including proposed finished grades on the site of all buildings, driveways, walkways, and parking lots.
- d. Soil erosion and sedimentation control measure.
- e. Assessments of potential impacts from the use, processing, or movement of hazardous materials or chemicals, if applicable.

6. Other Required Data. Other data may be required if deemed necessary by the Building Official or the Planning Commission to determine compliance with the provisions in this

section. Such information may include traffic studies, market analysis, environmental assessments, and evaluation of the demand on public facilities and services.

N. STANDARDS FOR SITE PLAN APPROVAL. The following criteria shall be used as a basis upon which site plans will be reviewed and approved:

1. Site design, architecture, signs, orientation, and materials are consistent with the City's Master Plan objectives and the design of the neighboring sites and buildings.
2. Lighting, landscaping, and other site amenities are present and will benefit not only the proposed site, but the neighboring properties as well.
3. The proposed development meets the requirements of the City Code of Ordinances.
4. The proposed development does not create adverse effects on public utilities, roads, or sidewalks.
5. The proposed development properly provides for pedestrian and vehicular activity with roads, sidewalks, and the like.

17.60.090 SITE CONDOMINIUM PROJECTS

Pursuant to the authority conferred by the Condominium Act, MCL 559.101, et. seq., site plans shall be regulated by the provisions of this title and approved by the Planning Commission for site condominium projects.

A. GENERAL REQUIREMENTS

1. Each condominium lot shall be located within a zoning district that permits the proposed use.
2. Each condominium lot shall front on and have direct access to a public street approved by the city.
3. For the purpose of this title, each condominium lot shall be considered equivalent to a single lot and shall comply with all regulations of the zoning district in which located, and the provisions of any other statutes, laws, ordinances, and/or regulations applicable to lots in subdivisions.
4. In the case of a site condominium containing single-family detached dwelling units, not more than one dwelling unit shall be located on a condominium lot, nor shall a dwelling unit be located on a condominium lot with any other principal structure or use. Required yards shall be measured from the boundaries of a condominium lot.

B. SITE PLAN APPROVAL REQUIREMENTS. Approval of the site plan and approval of condominium documents and engineering plans by the Planning Commission shall be required as a condition to the right to construct, expand or convert a site condominium project. No permits for erosion control, building construction, grading, or installation of public water or sanitary sewerage facilities shall be issued for property in a site condominium development until approval of the condominium documents and engineering plans has been

granted by the Planning Commission and is in effect. Site plan and approval of the condominium documents and engineering plans shall not be combined.

C. SITE PLAN APPROVAL. A site plan pursuant to the standards and procedures set forth in Section 17.60.080, *Site Plan Review*, of this chapter shall be submitted to the Planning Commission for review and action.

D. APPROVAL OF CONDOMINIUM DOCUMENTS AND ENGINEERING PLANS.

1. Following site plan approval, the applicant shall submit condominium documents to the city for the review by the City Attorney and other appropriate staff. The condominium documents shall be reviewed with respect to all matters subject to regulation by the city.
2. The applicant shall also submit engineering plans in sufficient detail for the city to determine compliance with applicable laws, ordinances and design standards for construction of the project.
3. Upon completion of the review of the condominium documents and engineering plans and receipt of the recommendations and findings from the applicable departments of the city, the engineering plan and associated documents shall be submitted to the Planning Commission for final review.
4. If the condominium documents and engineering plans conform in all respects to applicable laws, ordinances and design standards, final approval shall be granted by the Planning Commission.
5. If the condominium documents and engineering plans fail to conform, final approval shall be denied by the Planning Commission.

E. REQUIRED IMPROVEMENTS

1. All design standards and required improvements that apply to a subdivision, under Title 16, Subdivisions, of the Hazel Park Municipal Code, shall apply to any condominium development.
2. Each condominium unit shall be connected to the public water, sanitary and storm sewers.
3. Monuments shall be set as all boundary corners and deflection points and at all road right-of-way intersection corners and deflection points. Lot irons shall be set at all condominium lot corners and deflection points of condominium lot lines.
4. The city may grant a delay in the setting of required monuments or irons for a reasonable time, but not to exceed one year, on condition that the developer deposit with the City Clerk cash, a certified check, or an irrevocable bank letter of credit running to the city, whichever the developer selects, in an amount as determined from time to time by resolution of the City Council. Such deposit shall be returned to the developer upon receipt of a certificate by a surveyor registered in the State of Michigan that the monuments and irons have been set as required, within the time specified. If the developer defaults, the City Council shall promptly require a registered surveyor to set

the monuments and irons in the ground as shown on the condominium site plans, at a cost not-to-exceed the amount of the security deposit.

5. Road rights-of-way shall be described separately from individual condominium lots, and shall be accurately delineated by bearings and distances on the site plan. The right-of-way shall be for roadway purposes and for the purposes of locating, installing, maintaining, and replacing of public utilities. The developer shall declare easements to the city for all public water and sanitary sewer lines and appurtenances.

F. INFORMATION REQUIRED PRIOR TO OCCUPANCY. Prior to the issuance of occupancy permits for any condominium units, the applicant shall submit the following to the Building Official:

1. A copy of the recorded condominium documents (including exhibits).
2. A copy of any recorded restrictive covenants.
3. A copy of the site plan on laminated photostatic copy or mylar sheet.
4. Evidence of completion of improvements associated with the proposed use including 2 copies of an "as-built survey."

G. REVISION OF SITE CONDOMINIUM PLAN. Any revision to the final site plan shall be revised accordingly and submitted for review and action by the Planning Commission before any building permit may be issued.

H. AMENDMENT OF CONDOMINIUM DOCUMENTS. Any amendment to a master deed or bylaws that affects the approved site plan, or any conditions or approval of a site plan, shall be reviewed and approved by the City Attorney and Planning Commission before any building permit may be issued. The Planning Commission may require its review of an amended site plan if, in its opinion, such changes in the master deed or bylaws require corresponding changes in the site plan.

I. RELOCATION OF BOUNDARIES. Relocation of boundaries between adjoining condominium units, if permitted in the condominium documents and provided for in the Condominium Act, as amended, shall comply with all regulations of the zoning district in which located and shall be approved by the Building Official. These requirements shall be made part of the bylaws and recorded as part of the master deed.

J. SUBDIVISION OF CONDOMINIUM LOT. Each condominium lot that results from a subdivision of another condominium lot, if such subdivision is permitted by the condominium documents and provided for in the Condominium Act, as amended, shall comply with all regulations of the zoning district in which located, and shall be approved by the Building Official. These requirements shall be made part of the recorded condominium documents.