

## **Article 9: Administration and Enforcement**

### **Chapter 1: Site Plan Review**

#### **SECTION 9.1.1 • PURPOSE AND INTENT**

The purposes of site plan review are to determine the following:

- A. Compliance with this Zoning Ordinance;
- B. To promote the orderly development and redevelopment of the Village through an open and predictable review process;
- C. To promote the stability of land values and investments and the general welfare;
- D. To help prevent the impairment or depreciation of land values and development/redevelopment by the erection of structures or additions thereto without proper attention to siting and appearance;
- E. To require the gradual upgrade of existing sites that do not conform with current standards of this Zoning Ordinance; and
- F. To ensure that the arrangement, location, design and materials within a site are consistent with the character of the Village and the goals and objectives of the Master Plan.

#### **SECTION 9.1.2 • SITE PLAN REQUIREMENT**

- A. Submission of a site plan shall be required prior to the erection of any building or structure in any zoning district for any principal permitted use in the Village, any land use requiring special land use approval, or Planned Unit Development approval, other than one single-family residence and accessory buildings and structures thereto, subject to the procedures set forth in this section unless otherwise provided in Section 9.1.3B, below.
- B. A sketch plan, rather than a complete site plan package, may be submitted for minor modifications to a legally existing and conforming use and building which is permitted in the zoning district including alterations to a building or site that do not result in expansion or substantially affect the character or intensity of the use, vehicular or pedestrian circulation, drainage patterns, the demand for public infrastructure or services, significant environmental impacts or increased potential for hazards, as set forth in Section 9.1.3, sub-section B.2. Sketch plans are further subject to the following restrictions:
  - 1. Submittal of a sketch plan shall be limited to proposals eligible for Building Official review and approval.
  - 2. Uses requiring special land use approval, conditional rezoning, and Planned Unit Developments are not eligible for sketch plan review.

- C. Construction, moving, relocating structurally altering a single or two-family home including any customarily incidental accessory structure shall not require a site plan.

### **SECTION 9.1.3 • AUTHORITY TO APPROVE SITE PLANS**

- A. Planning Commission Approval.** Planning Commission approval of a site plan is required prior to establishment, construction, expansion, or structural alteration of any structure or use, as follows:

1. All special land uses and Planned Unit Development requests, subject to the provisions of this Ordinance.
2. All residential subdivision and condominium developments, single and multiple family, subject to the provisions of this Ordinance, except that Planning Commission approval of a site plan is not required for the construction, moving, relocating or structurally altering of a single or two-family home, including any customarily incidental accessory structure.
3. All office, commercial, and industrial developments, subject to the provisions of this Ordinance.
4. All other uses, not specifically mentioned in sub-section B, below, subject to the provisions of this Ordinance.
5. Any construction, expansion or alteration greater than 500 square feet to an existing building or use.
6. Construction, expansion or alteration of a manufactured housing park, as defined in Article 2 (Definitions), shall be subject to the requirements of Section 4.1.20.
7. Construction, expansion or alteration of a condominium, as defined in Article 2 (Definitions).
8. Construction, expansion or alteration of a Planned Unit Development (PUD) project shall be subject to development plan approval in accordance with the procedures and standards of Article 5 (Planned Unit Development).
9. Essential services and public utilities and facilities, subject to the provisions of this Ordinance.
10. Development of a non-single family residential use in a single family district, subject to the provisions of this Ordinance.
11. Any excavation, filling, soil removal, mining or creation of ponds related to a residential, office, commercial or industrial development project, subject to the provisions of this Ordinance.

12. Any development that proposes a new means of ingress and egress onto a public or private road, subject to the provisions of this Ordinance.
13. Vacation of a road or road easement.
14. Any proposal that involves a variance or non-conforming use and/or structure, subject to the provisions of this Ordinance.
15. Modifications to an approved site plan for a special land use and/or Planned Unit Development.
16. Modifications to an approved site plan deemed not minor, in accordance with Section 9.1.9I.

**B. Administrative Review.** Projects eligible for administrative approval include development projects, uses, and activities, which have been determined to be appropriate for an administrative site plan review and approval of the Building Official.

In the case of reuse or expansion of an existing building or structure, an approved site plan must be on file at the Village to be eligible for administrative review. The following provisions shall apply to administrative reviews:

- 1. Review by the Building Official.** Building Official approval of a site plan or sketch plan shall be required prior to the establishment, construction, expansion, or structural alteration of any structure or change of use, as follows:
  - a. Construction, moving, relocating, or structurally altering a single or two-family home, including any customarily incidental accessory structure.
  - b. Construction of an addition to an existing and conforming building or expansion of an existing, conforming use, subject to the following:
    - i. No variances to the requirements of this Ordinance are required.
    - ii. The proposed addition or expansion shall not increase the total square footage of the building or area occupied by the use by more than 500 square feet, provided further that no other expansion has occurred within the past three (3) years.
  - c. Re-use or re-occupancy of an existing and conforming non-residential structure or building, subject to the following:
    - i. The proposed use shall not require substantial modifications and improvements to the existing site or building.

- ii. The proposed use shall not require special land use approval, as set forth in this Ordinance.
- iii. No variances to the requirements of this Ordinance shall be required.
- d. Minor changes during construction due to unanticipated site constraints or outside agency requirements, and minor landscaping changes or species substitutions, consistent with an approved site plan, which do not change the intent of the approved site plan.
- e. Minor building modifications that do not alter the façade beyond normal repairs, height or floor area of a multiple-family or non-residential building.
- f. For a multiple-family or non-residential uses, construction of accessory structures or fences or construction of a wall around a waste receptacle, or installation of a fence around a mechanical unit or other similar equipment, subject to the provisions of this Ordinance.
- g. Changes to a site required by the Building Official to comply with State Construction Code requirements.
- h. Modifications to an approved site deemed minor, in accordance with Section 9.1.8H.
- i. Sidewalk or pedestrian pathway construction or relocation, or barrier-free access improvements.
- j. Accessory structures and uses.
- k. Modifications to an approved site plan for a special land use or Planned Unit Development project are not eligible for review by the Building Official.
- l. The Building Official or applicant shall have the option to request Planning Commission review of a project that would otherwise be eligible for approval by the Building Official, with all costs associated with such review borne by the applicant.

#### **SECTION 9.1.4 • APPLICATION PROCEDURE; REQUIRED INFORMATION**

**A. Application Procedure, Contents.** The following information shall accompany all site plans and sketch plans submitted for all reviews:

1. An application for site plan review by the Planning Commission, supplied by the Village, shall be submitted to the Village, along with the required application fee and fifteen (15) copies of the site plan at the following scales:

- a. A scale of not less than one inch equals twenty feet for property less than one acre;
  - b. One inch equals thirty feet for property larger than one acre but less than three acres;  
and
  - c. One inch equals fifty feet for property larger than three acres.
2. A completed site plan application and site plan materials must be submitted at least 30 days prior to the Planning Commission meeting at which the review is requested. Upon confirmation from the Village Planning Consultant, and other Village consultants, and all other appropriate Village officials, including but not limited to police, fire, and public works, that the site plan substantially meets the requirements of this ordinance, the application shall be placed on the next available Planning Commission agenda. The Commission may prepare forms and require the use of such forms in site plan preparation. A separate escrow deposit may be required for administrative charges to review the site plan submittal.
  3. Current proof of ownership of the land to be utilized or evidence of a contractual arrangement to acquire such land, such as an option or purchase agreement, and a title search or other evidence of any applicable easements or deed restrictions.
  4. An application for sketch plan approval shall be submitted to the Village on forms supplied by the Village along with any required fees and two copies of the sketch plan. The sketch plan shall contain the information required in Section 9.1.6.

## **B. Distribution of Plans.**

1. **Planning Commission Review.** Upon submission of all required application materials, the site plan proposal shall be distributed, to the Village Planning Consultant and all appropriate Village officials, including, but not limited to police, fire, and public works, and other Village consultants, as applicable, for review. Determination of compliance with Village ordinances and regulation shall be made within 15 days of receiving an application for site plan review. Site plans determined to be in substantial compliance proceed to Site Plan Review (9.1.7B). For site plans determined not to be in substantial compliance, the applicant may be required to complete revisions and re-submit the plans for further review prior to final action. Upon receipt of the revised site plans, determination of compliance shall be made within 15 days.
2. **Building Official Review.** If the Building Official or applicant requests a review by the Planning Commission, in accordance with Section 9.1.3, sub-section B.1.1 above, the site plan proposal shall be distributed in accordance with Section 9.1.4 sub-section B.1, above.
3. **DDA Review.** The exterior appearance and placement on the site of any building located within the DDA District has an effect on the desirability of the immediate area and of neighboring areas for business and other purposes. Maintenance of an attractive, compatible and pleasing exterior appearance of such buildings will prevent impairment of the stability of

the value of other real property assets in the area, permit the most appropriate development of the DDA District and prevent attendant deterioration of conditions affecting the general welfare of the property owners of the Village of Oxford. For developments proposed within the geographic boundaries of the DDA District, the Planning Commission shall request comments from the DDA regarding the proposed site plan prior to taking action on the request for site plan approval. All review comments from the DDA shall be transmitted to the Village offices not less than five (5) days prior to the Planning Commission meeting where the site plan will be considered for approval.

#### **SECTION 9.1.5 • REQUIRED SITE PLAN INFORMATION**

Each site plan submitted for review shall have a sheet size of at least twenty four (24) inches by thirty six (36) inches and shall include the following information:

##### **A. Descriptive and Identification Data.**

1. Applicant's name and address, and telephone number.
2. Title block indicating the name of the development.
3. Scale.
4. Northpoint.
5. Dates of submission and revisions (month, day, and year).
6. Location map drawn to scale with northpoint.
7. Legal and common description of property.
8. The dimensions of all lots and property lines, showing the relationship of the site to abutting properties. If the site is a part of a larger parcel, the plan should indicate the boundaries of total land holding.
9. A schedule for completing the project, including the phasing or timing of all proposed developments.
10. Identification and seal of architect, engineer, land surveyor, or landscape architect who prepared plan.
11. Written description of proposed land use.
12. Zoning classification of applicant's parcel and all abutting parcels.

13. Proximity to driveways serving adjacent parcels.
14. Proximity to section corner and major thoroughfares.
15. Notation of any variances which have or must be secured.
16. Net acreage (minus rights-of-way) and total acreage, to the nearest 1/10 acre.

**B. Site Data.**

1. Existing lot lines, building lines, structures, parking areas, and other improvements on the site and within 100 feet of the site.
2. Front, side, and rear setback dimensions.
3. Topography on the site and within 100 feet of the site at two foot contour intervals, referenced to a U.S.G.S. benchmark.
4. Proposed site plan features, including buildings, roadway widths and names, and parking areas.
5. Dimensions and centerlines of existing and proposed roads and road rights-of-way.
6. Acceleration, deceleration, and passing lanes, where required.
7. Proposed location of driveway entrances and on-site driveways.
8. Typical cross-section of proposed roads and driveways.
9. Location of existing drainage courses, floodplains, lakes and streams, with elevations.
10. Location and dimensions of wetland areas. If deemed necessary because of site or soil conditions or because of the scope of the project, a detailed hydrology study may be required.
11. Location of sidewalks within the site and within the right-of-way.
12. Exterior lighting locations and method of shielding lights from shining off the site.
13. Trash receptacle locations and method of screening, if applicable.
14. Transformer pad location and method of screening, if applicable.

15. Parking spaces, typical dimensions of spaces, indication of total number of spaces, drives, and method of surfacing.
16. Information needed to calculate required parking in accordance with Zoning Ordinance standards.
17. The location of lawns and landscaped areas, including required landscaped greenbelts.
18. Landscape plan, including location, size, type and quantity of proposed shrubs, trees and other live plant material, and method of irrigation.
19. Location, sizes, and types of existing trees five (5) inches or greater in diameter, measured at one (1) foot off the ground, before and after proposed development.
20. Cross-section of proposed berms.
21. Location and description of all easements for public right-of-way, utilities, access, shared access, and drainage.
22. Designation of fire lanes.
23. Loading / unloading area.
24. The location of any outdoor storage of materials and the manner by which it will be screened.

**C. Building and Structure Details.**

1. Location, height, and outside dimensions of all proposed buildings or structures.
2. Indication of the number of stores and number of commercial or office units contained in the building.
3. Building floor plans.
4. Total floor area.
5. Location, size, height, and lighting of all proposed signs.
6. Proposed fences and walls, including typical cross-section and height above the ground on both sides.
7. Building facade elevations, drawn to a scale of one (1) inch equals four (4) feet, or another scale approved by the Building Official and adequate to determine compliance with the



requirements of this Ordinance. Elevations of proposed buildings shall indicate type of building materials, roof design, projections, canopies, awnings and overhangs, screen walls and accessory building, and any outdoor or roof-located mechanical equipment, such as air conditioning units, heating units, and transformers, including the method of screening such equipment. Such equipment shall be screened from view of adjacent properties and public rights of way. Such screening shall be designed to be perceived as an integral part of the building design.

#### **D. Information Concerning Utilities, Drainage, and Related Issues.**

1. Schematic layout of existing and proposed sanitary sewers and septic systems; water mains, well sites, and water service leads; hydrants that would be used by public safety personnel to service the site; and, the location of gas, electric, and telephone lines.
2. Location of exterior drains, dry wells, catch basins, retention/detention areas, sumps and other facilities designed to collect, store, or transport stormwater or wastewater. The point of discharge for all drains and pipes should be specified on the site plan.
3. Indication of site grading and drainage patterns.
4. The following information shall be submitted as part of an application for permission to commence any type of development within a flood hazard area:
  - a. The elevation in relation to mean sea level of the floor, including basement, of all structures.
  - b. A description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
  - c. Proof of development permission from appropriate local, state, and federal agencies as required by this Zoning Ordinance, including a floodplain permit, approval, or letter of no authority from the Michigan Department of Environmental Quality under authority of Act 245 of the Public Acts of 1929, as amended by Act 167 of the Public Acts of 1968, the Flood Plain Regulatory Authority.
  - d. Base flood elevation data where the proposed development is subject to Act 288 of the Public Acts of 1967, the Subdivision Control Act, or greater than five (5) acres in size.
5. Additional information which may be reasonably necessary to determine compliance with the provisions of this Zoning Ordinance.
6. Soil erosion and sedimentation control measures.

7. Proposed finish grades on the site, including the finish grades of all buildings, driveways, walkways, and parking lots.
8. Listing of types and quantities of hazardous substances and polluting materials which will be used or stored on-site at the facility in quantities greater than 25 gallons per month.
9. Areas to be used for the storage, use, loading/unloading, recycling, or disposal of hazardous substances and polluting materials, including interior and exterior area.
10. Underground storage tanks locations.
11. Delineation of areas on the site which are known or suspected to be contaminated, together with a report on the status of site cleanup.

**E. Information Concerning Residential Development.**

1. The number, type and location of each type of residential unit (one bedroom units, two bedroom units, etc.).
2. Density calculations by type of residential unit (dwelling units per acre).
3. Lot coverage calculations.
4. Floor plans of typical buildings with square feet of floor area.
5. Garage and carport locations and details, if proposed.
6. Pedestrian circulation system.
7. Location and names of roads and internal drives with an indication of how the proposed circulation system will connect with the existing adjacent roads. The plan should indicate whether proposed roads are intended to be private or dedicated to the public.
8. Community building location, dimensions, floor plans, and facade elevations, if applicable.
9. Swimming pool fencing detail, including height and type of fence, if applicable.
10. Location and size of recreation open areas.
11. Indication of type of recreation facilities proposed for recreation area.

**F. Information Applicable to Mobile Home Parks.**

1. Location and number of pads for mobile homes.
2. Distance between mobile homes.
3. Proposed placement of mobile home on each lot.
4. Average and range of size of mobile home lots.
5. Density calculations (dwelling units per acre).
6. Lot coverage calculations.
7. Garage and carport locations and details, if proposed.
8. Pedestrian circulation system.
9. Location and names of roads and internal drives.
10. Community building location, dimensions, floor plans, and facade elevations, if applicable.
11. Swimming pool fencing detail, including height and type of fence, if applicable.
12. Location and size of recreation open areas.
13. Indication of type of recreation facilities proposed for recreation area.

**G. Additional Information.** Information Related to Condominium Development. The following information shall be provided with all site plans including condominium development:

1. Condominium documents, including the proposed Master Deed, restrictive covenants, and condominium bylaws.
2. Condominium subdivision plan requirements, as specified in Section 66 of Public Act 59 of 1978, as amended, and Rule 401 of the Condominium Rules promulgated by the Michigan Department of Commerce, Corporation and Securities Bureau.

**H. Items Not Applicable.** If any of the items listed are not applicable to a particular site, the following information should be provided on the site plan:

1. A list of each item considered not applicable.
2. The reason(s) why each listed item is not considered applicable.

- I. **Other Data Which May Be Required.** Other data may be required if deemed necessary by the Village administrative officials, Planning Commission, or Village Council to determine compliance with the provisions in this Ordinance. Such information may include traffic studies, market analysis, environmental assessment and evaluation of the demand on public facilities and services.

#### **SECTION 9.1.6 • REQUIRED SKETCH PLAN INFORMATION**

**Sketch Plan Requirements for Administrative Approval.** The sketch plan for administrative approval shall contain the following information:

1. Name, address, telephone and fax number(s), and email address(es) of the applicant(s) (and property owner, if different from applicant) and firm or individual preparing the plan.
2. The property location (address, lot number, tax identification number).
3. Sketch plan shall be drawn to an engineer's scale.
4. Size and dimensions of proposed structures, including gross and usable floor areas, number of stories, and overall height.
5. Dimensions of all property lines, showing the relationship of the site to abutting properties. If the site is part of a larger parcel, the plan should indicate the boundaries of total land holding.
6. Existing site features, including natural and historical features, structures, driveways, fences, walls, signs, and other improvements.
7. Location, dimensions, setback distances, and use(s) of all proposed improvements.
8. Location and description of all existing and proposed easements and rights-of-way for utilities, access, and drainage.
9. Location of existing public or private utilities including, but not limited to water, and sanitary and stormwater sewers.
10. Other information as requested by the reviewer to verify that the site and use are in accordance with the purpose and intent of this Ordinance and the Village's Master Plan.

#### **SECTION 9.1.7 • PLAN REVIEW PROCEDURE AND AUTHORIZATION**

- A. Optional Pre-Application Meeting.** In order to facilitate processing of a site plan in a timely manner, the Village provides opportunities for potential applicants to meet with and discuss development/redevelopment proposals with Village officials, staff, and consultants for the purpose of obtaining information and guidance in the preparation of the required site plan and application materials. No formal action shall be taken on a site plan submitted for Pre-Application Meetings. The applicant may

request an optional pre-application site plan meeting with the Village Planning Consultant and Building Official, and the Village Engineering Consultant, as may be applicable. The applicant need not present drawings or site plans at a pre-application conference, but even if drawings or site plans are presented, no formal action shall be taken on a site plan at a pre-application conference. The Village Planning Consultant's and Village Engineering Consultant's fees for any such pre-application conference shall be paid by the applicant. Optional Pre- application meeting request shall be handled as follows:

1. A request for a pre-application meeting shall be made in writing to the Building Department, and any required fees deposited with the Village.
2. The Village shall distribute a copy of the written request to the Planning Consultant and the Engineering Consultant, in the event the Engineering Consultant's attendance is required.
3. The Village shall coordinate the scheduling of the meeting.

**B. Site Plan Review.** Upon determination that the site plans substantially complies with Village ordinances and regulations, the site plans shall be placed on the next available Planning Commission agenda. All required revisions must be completed prior to the site plan being placed on the Planning Commission agenda for review.

**C. Public Hearings.** A public hearing conducted by the Planning Commission is required for all zoning amendments, and for all site plans involving uses that are subject to Special Land Use Approval, applications for rezoning and planned unit developments, subject to the provisions of Chapter 3 of this Article. After payment of appropriate fees, the Building Official, or his designee shall set the date of the public hearing.

**D. Authorization.** The Planning Commission, or when applicable, the Building Official shall review the site plan proposal together with any public hearing findings and any requested reports and recommendations from the Building Official, Village Planning Consultant, and/or other Village staff and reviewing agencies, as applicable.

1. The Planning Commission or Building Official (as per Section 9.1.3) is authorized to take the following action on the plan, subject to guidelines in the Zoning Ordinance: approval, approval with conditions, denial, or table the site plan, as follows:
  - a. **Approval.** Upon determination that a site plan is in compliance with the standards and requirements of this Ordinance and other applicable ordinances and laws, approval shall be granted.
  - b. **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 variances or obtain approvals from

other agencies. If a plan is approved subject to conditions, the applicant shall submit four copies of a revised plan with a revision date, indicating compliance with the conditions of approval, to the Building Department. Upon subsequent review and approval of the Building Official or Village Planning Consultant, the plans shall be recorded, as provided in sub-section below.

- c. **Denial.** Upon determination that a site plan does not comply with the standards and regulations set forth in this Article or elsewhere in this Ordinance, or requires extensive revision in order to comply with said standards and regulations, site plan approval shall be denied.
- d. **Tabling.** Upon determination that a site plan is not ready for approval or rejection, or upon a request by the applicant, the Planning Commission may table consideration of a site plan until a future meeting.

**E. Recording of Site Plan Review Action.** Each action taken with reference to a site plan review shall be duly recorded in the minutes of the Planning Commission, as appropriate. The grounds for action taken upon each site plan shall also be recorded in the minutes.

1. After the Planning Commission has taken final action on a site plan and all steps have been completed, three copies of the application and approved plans shall be stamped “APPROVED” and signed by the Building Official. One marked copy will be kept on file with the Village, and the other two copies will be returned to the applicant, where one stamped APPROVED plan will be submitted with the application for building permit.
2. The Building Official shall be responsible for final stamp approval for administrative reviews conducted per Section 9.1.3.B.2.
3. If the Planning Commission grants conditional approval of the site plan, the applicant shall submit two copies of the revised plans, indicating compliance with the conditions of approval, to the Building Official.

Upon subsequent review and verification that all conditions of approval have been met, the Building Official shall stamp all four copies of the plans “APPROVED,” and the plans shall be distributed in accordance with Section 9.1.7.F.1 (Recording of Site Plan Action).

4. Once the site plan has been stamped “Approved,” it shall be documented and provided as correspondence at the next Planning Commission meeting.

#### **SECTION 9.1.8 • PROCEDURE AFTER SITE PLAN APPROVAL**

**A. Application for Building Permit.** Following final approval of the site plan, the applicant may apply for a building permit, consistent with Section 9.6.1. It shall be the responsibility of the applicant to obtain all other applicable Village, County, or State permits prior to issuance of a building permit.

A building permit for a structure in a proposed condominium project shall not be issued until evidence of a recorded Master Deed has been provided to the Village. However, the Building Official may issue permits for site grading, erosion control, installation of public water and sewage facilities, and construction of roads, prior to recording the Master Deed. No permit issued or work undertaken prior to recording of the Master Deed pursuant to this Section shall grant any rights or any expectancy interest in the approval of the Master Deed.

- B. Performance Guarantee.** Performance guarantees shall be required subject to the standards in Chapter 4 of this Article.
- C. Expiration of Site Plan Approval.** If construction has not commenced within twelve (12) months of final approval of the site plan, or if construction has not been completed within twelve (12) months after it was commenced or if substantial or continual progress in construction has not been made, the site plan approval becomes null and void and a new application for site plan review shall be required. Upon written request from the applicant, the Planning Commission may grant an extension of up to twelve (12) months, upon a finding that the approved site plan adequately represents current conditions on and surrounding the site and provided that the site plan conforms to the current Zoning Ordinance standards, and further provided that construction has not commenced or if substantial or continual progress in construction has not been made.
- D. Application for Certificate of Occupancy.** Following completion of site work and building construction, the applicant may apply for a Certificate of Occupancy or a Temporary Certificate of Occupancy from the Building Official, consistent with Section 9.6.2. It shall be the applicant's responsibility to obtain these required certificates prior to any occupancy of the property.
- E. Property Maintenance after Approval.** It shall be the responsibility of the owner of a property for which site plan approval has been granted to maintain the property in accordance with the approved site design on a continuing basis until the property is razed, or until new zoning regulations supersede the regulations upon which site plan approval was based, or until a new site design is approved. Any property owner who fails to so maintain an approved site design shall be deemed in violation of the use provisions of this Ordinance and shall be subject to the same penalties appropriate for a use violation.

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

- F. Recorded and As-Built Condominium Documents Submittal Requirements.**

1. Prior to the issuance of a building permit for a condominium project involving new construction, the condominium project developer or proprietor shall record all condominium documents and exhibits with the Oakland County Register of Deeds office in a manner and format acceptable to the County and furnish the Village with one copy of the recorded Condominium Master Deed, Bylaws, and all restrictive covenants as approved by the Village Attorney.
2. Upon completion of the project, the condominium project developer or proprietor shall furnish the Village with the following:
  - a. Two copies of an “as built survey”, sealed by a licensed professional engineer, landscape architect or similar certified professional, in a format acceptable to the Village; and
  - b. One copy of the site plan on a mylar sheet of at least thirteen by sixteen (13 x 16) inches with an image not to exceed ten and one half by fourteen (10½ x 14) inches.
3. The as-built survey shall be reviewed by the Village’s Engineering Consultant for compliance with Village Ordinances. Fees for this review shall be established by the Village Council.
4. The Building Official may withhold building permit approval for any structure within the condominium project, if such documents have not been submitted within 10 days after written request from the Building Official to do so.

**G. Revocation.** Approval of a site plan may be revoked by the Planning Commission if construction is not in conformance with the approved plans. In such a case, the Building Official shall place the site plan on the agenda of the Planning Commission for consideration, and give written notice to the applicant at least five (5) days prior to the meeting. The applicant shall be given the opportunity to present information to the Planning Commission and answer questions. The Planning Commission may revoke approval if it finds that a violation exists and has not been remedied prior to the hearing.

**H. Modification to Approved Plan.** A site plan approved in accordance with the provisions in this Section may be subsequently modified, subject to the following requirements:

1. **Review of Minor Modifications.** Minor modifications to an approved site plan may be reviewed by the Building Official or his designee.
  - a. Minor Modification Defined. Minor modifications are changes that do not substantially affect the character or intensity of the use, vehicular or pedestrian circulation, drainage patterns, the demand for public services, or the vulnerability to hazards.

Examples of minor modifications include:



- i. An addition to an existing commercial or industrial building that does not increase the floor space by more than 500 square feet.
- ii. Re-occupancy of a vacant building that has been unoccupied for less than twelve (12) months.
- iii. Changes to building height that do not add an additional floor.
- iv. Reduction in the square footage of an existing or proposed building.
- v. Additions or alterations to the landscape plan or landscape materials that do not result in the waiver of landscaping requirements.
- vi. Relocation or screening of the trash receptacle.
- vii. Alterations to the internal parking layout of an off-street lot.
- viii. The construction of a new building or structure or the addition of curb cuts onto a public road are examples of modifications, which are not considered minor.
- ix. Modifications to an approved site plan for a special land use or Planned Development project or which require a variance, shall not be considered a minor modification.

b. Determination of Minor Modification. The Building Official or his designee shall determine if the proposed modifications are minor in accordance with the guidelines in this section.

**2. Modifications Not Deemed “Minor”.** If the modifications are not deemed minor by the Building Official or his designee, then review and approval of the Planning Commission shall be required, as determined by the Building Official or his designee. A review by the Planning Commission shall be required for all site plans that involve a request for a variance, a Special Land Use, and Planned Unit Development proposals that involves a discretionary decision, or a proposal that involves a nonconforming use or structure.

**I. Recording of Action.** Each action related to modification of a site plan shall be duly recorded in writing on a copy of the approved plan, and shall be kept on file in the office of the Village. The Planning Commission shall be advised of all minor site plan modifications approved by the Building Official and such modifications shall be noted on the site plan.

**J. Fees.** Fees for the review of site plans and inspections as required by this article shall be established and

may be amended by resolution by the Village Council.

#### **SECTION 9.1.9 • STANDARDS FOR SITE/SKETCH PLAN APPROVAL**

All elements of the site plan shall be designed to take into account the site's topography, the size and type of plot, the character of adjoining property, and the traffic operations of adjacent streets.

The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.

In order that buildings, open space and landscaping will be in harmony with other structures and improvements in the area, and to ensure that no undesirable health, safety, noise and traffic conditions will result from the development shall conform to all requirements

of this Zoning Ordinance, (including those of the applicable zoning district(s)). The following criteria shall be used as a basis upon which site plans will be reviewed and approved, where applicable:

- A. Adequacy of Information.** The site plan shall include all required information in sufficiently complete and understandable form to provide an accurate description of the proposed uses and structures.
- B. Site Design Characteristics.** All elements of the site design shall be harmoniously and efficiently organized in relation to topography, the size and type of parcel, the character of adjoining property, and the type and size of buildings. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted by this Ordinance.
- C. Appearance.** Landscaping, earth berms, fencing, signs, walls, and other site features shall be designed and located on the site so that the proposed development is aesthetically pleasing and harmonious with nearby existing or future developments.
- D. Compliance with District Requirements.** The site plan shall comply with the district requirements for minimum floor space, height of building, lot size, open space, density and all other requirements set forth in Article 5, Schedule of Regulations, except as provided elsewhere in this Ordinance. New and conversion condominium projects shall conform to the provisions of this Ordinance, as applicable, and with Section 8.10, Condominium Regulations.
- E. Preservation of Significant Natural Features.** Judicious effort shall be used to preserve the integrity of the land, existing topography, and natural, historical, and architectural features as defined in this Zoning Code, in particular flood hazard areas and wetlands designated/regulated by the Michigan Department of Environmental Quality, and, to a lesser extent, flood hazard areas and wetlands which are not regulated by the Department.
- F. Emergency Access.** All buildings or groups of buildings shall be so arranged as to permit convenient and direct emergency vehicle access.
- G. Pedestrian access and circulation.** Existing and proposed sidewalks or pedestrian pathways connect to existing public sidewalks and pathways in the area, are insulated as completely as possible from the

vehicular circulation system, and comply with applicable regulations regarding barrier-free access.

- H. Vehicular access and circulation.** Drives, streets, parking, site access, and other vehicle-related elements are designed to minimize traffic conflicts on adjacent streets and promote safe and efficient traffic circulation within the site.
- I. Building Design and Architecture.** Building design and architecture relate to and are harmonious with the surrounding neighborhood with regard to scale, mass, proportion, and materials. In addition to following design guidelines adopted in specific district or sub-area plans, where applicable.
- J. Parking and loading.** Off-street parking lots and loading areas are arranged and located to accommodate the intensity of proposed uses, minimize conflicts with adjacent uses, and promote shared-use of common facilities where feasible.
- K. Exterior Lighting.** Exterior lighting shall be designed so that it is deflected away from adjoining properties and so that it does not impede vision of drivers along streets.
- L. Screening.** Landscaping and screening are provided in a manner that adequately buffers adjacent land uses and screens off-street parking, mechanical appurtenances, loading and unloading areas, and storage areas from adjacent residential areas and public rights-of-way.
- M. Public Services.** Adequate services, including police and fire protection, and utilities, including water, sewage disposal, sanitary sewer, and stormwater controls services, shall be available or provided, and shall be designed with sufficient capacity and durability to properly serve the development.
- N. Soil Erosion and Sedimentation Control.** The site shall have adequate lateral support so as to ensure that there will be no erosion of soil or other material. The final determination as to adequacy of, or need for, lateral support shall be made by the Village Engineer and Building Official.
- O. Stormwater Management.** Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made to accommodate stormwater which complements the natural drainage patterns and wetlands, prevent erosion and the formation of dust. Sharing of stormwater facilities with adjacent properties shall be encouraged. The use of detention/retention ponds may be required. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic or create standing water.
- P. Privacy.** The site design shall provide reasonable visual and sound privacy. Fences, walls, barriers, and landscaping shall be used, as appropriate, for the protection and enhancement of property and the safety and privacy of occupants and users.
- Q. Danger from Hazards.** The level of vulnerability to injury or loss from incidents involving hazardous materials or processes shall not exceed the capability of the Village to respond to such hazardous incidents

so as to prevent injury and loss of life and property. In making such an evaluation, the Village shall consider the location, type, characteristics, quantities, and use of hazardous materials or processes in relation to the personnel, training, equipment and material, and emergency response plans and capabilities of the Village.

- R. Health and Safety Concerns.** Any use in any zoning district shall comply with Federal, state, county and local health and pollution laws and regulations with respect to noise; dust, smoke and other air pollutants; vibration; glare and heat; fire and explosive hazards; gases; electromagnetic radiation; and, toxic and hazardous materials.
- S. Sequence of Development.** All development phases shall be designed in logical sequence to insure that each phase will independently function in a safe, convenient and efficient manner without being dependent upon subsequent improvements in a later phase or on other sites.
- T. Coordination with Adjacent Sites.** All site features, including circulation, parking, building orientation, landscaping, lighting, utilities, and common facilities, and open space shall be coordinated with adjacent properties.
- U. Other Agency Reviews.** The applicant has provided documentation of compliance with other appropriate agency review standards, including, but not limited to, the Michigan Department of Natural Resources, Michigan Department of Environmental Quality, Michigan Department of Transportation, Oakland County Drain Commission, Oakland County Health Department, and other federal state, and county agencies, as applicable.