

Sec. 30-509. - Site plan review.

The purpose of the site plan review shall be to determine compliance with the provisions set forth in this article, to promote the orderly development of the city, the stability of values, investments and general welfare, and to help prevent the impairment or depreciation of land values and development by the erection of structures, or additions or alterations to structures, without proper attention to siting and appearance. The following provisions shall apply to all site plans unless otherwise provided in this article and shall be minimum requirements, and additional procedures may be required by this article or the city commission:

- (1) A site plan shall be submitted to the zoning administrator for review, and a fee shall be submitted in accordance with the fee schedule approved by the city commission for the following:
  - a. Any use or development for which the submission of a site plan is required by any provision of this article.
  - b. Any development, except newly constructed single-family and two-family residential, for which off-street parking areas are provided as set forth in section 30-583.
  - c. Any use in the multiple residential (R-3), business (B-1, B-2) or industrial (I-1, I-2) districts.
  - d. Any use, except newly constructed single-family or two-family residential, which lies contiguous to a major thoroughfare or collector street, or across the street from a residential district.
  - e. All residentially-related conditional uses permitted in single-family districts, including, but not limited to, churches, schools and public facilities.
  - f. Building additions, modifications, accessory buildings or fences shall require zoning administrator review.
- (2) Site plans shall be prepared in a clear and orderly manner and shall include the following information:
  - a. A scale of not less than one inch equals 50 feet if the subject property is less than three acres, and one inch equals 100 feet if the subject property is three acres or more.
  - b. Date, north point and scale.
  - c. The actual dimensions of all lot and property lines (as shown by a licensed surveyor with the survey stakes visible), showing the relationship of the subject property to abutting properties.
  - d. The location of all existing and proposed structures and utilities on the subject property and all existing structures and utilities on land immediately adjacent to the site within 100 feet of the site's parcel lines.
  - e. The location of all existing and proposed drives and parking areas.

- f. The location and right-of-way widths of all abutting streets and alleys.
- (3) In the process of reviewing the site plan, the zoning administrator shall consider:
- a. The location and design of driveways providing vehicular ingress and egress from the site in relation to streets giving access to the site and in relation to pedestrian traffic.
  - b. The traffic circulation features within the site and the location of an automobile parking area, and the zoning administrator may make such requirements with respect to any matters, as well as assure:
    1. Safety and convenience of both vehicular and pedestrian traffic within the site and in relation to access streets.
    2. Satisfactory and harmonious relationships between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.
- (4) The zoning administrator and/or the planning commission may further require landscaping, fences and walls in pursuance of the objectives set forth in this section, and such landscaping, fences and walls shall be provided and maintained as a condition of the establishment and the continuous maintenance of any use to which they are appurtenant.
- (5) a. The site plan shall be reviewed by the zoning administrator and if the zoning administrator approves the application as complete it shall be forwarded to the planning commission for approval, disapproval or approval with conditions. If the zoning administrator deems the application incomplete, it shall be disapproved and returned to the applicant for further action. The failure of the zoning administrator to either disapprove the application or to approve it as complete within 45 days after submission of the application shall constitute a decision by the zoning administrator that the application is complete and shall be forwarded to the planning commission for action, unless an extension is agreed upon mutually by the applicant and the zoning administrator.
- b. In addition to any specific items of review required by this section, the review of a site plan by the zoning administrator shall include, but not be limited to:
    1. That the proposed use conforms to the uses permitted in that zoning district.
    2. That the dimensional arrangement of building(s) and structure(s) conform to the required yards, setbacks and height restrictions of the ordinance.
    3. That the proposed use conforms to all use and design provisions and requirements (if any) as found in the zoning ordinance for specified uses.
    4. That there is a proper relationship between the existing and proposed streets and highways within the vicinity to assure the safety and convenience of pedestrian and vehicular traffic.

5. That the proposed on-site buildings, structures and entryways are situated and designed to minimize adverse effects (upon owners and occupants of adjacent and surrounding properties and members of the public) by providing for adequate design of ingress/egress, interior/exterior traffic flow, storm drainage, erosion, grading, lighting and parking as specified by the zoning ordinance or other county or state law.
  6. That natural features of the landscape are retained where they can enhance the development on the site, or where they furnish a barrier or buffer between the project and adjoining properties (used for dissimilar purposes), or where they assist in preserving the general safety, health and appearance of the neighborhood (e.g. controlling erosion or the discharge of stormwater, etc.).
  7. That adverse effect upon adjoining residents or owners of the proposed development and activities are minimized by appropriate screening, fencing, or landscaping (as provided or required in the zoning ordinance).
  8. That all buildings and structures are accessible to emergency vehicles.
  9. That the site plan as approved is consistent with the intent and purposes of the zoning ordinance and that any special use permits or variances that have been obtained.
- (6) The building permit may be revoked by the zoning administrator in any case where the conditions of the site plan, as approved by the planning commission, have not been complied with.
- (7) Any structure or use added subsequent to the initial site plan approval must be approved by the planning commission. Incidental and minor variations of the approved site plan, with written approval of the zoning administrator and agreed to by the landowner, shall not invalidate prior site plan approval.
- (8) If a new use is proposed for a premise for which a site plan was previously approved, and no new structures are to be erected and/or no structural additions or alterations are to be made to existing structures, then the following provisions shall be applied by the zoning administrator:
- (a) Site plan review shall not be required if the zoning administrator determines that the new use does not have a material adverse impact on the conditions set forth in this section 30-509 which conditions the zoning administrator is required to consider in a site plan review.
  - (b) Site plan review shall be required if the zoning administrator determines that the new use does have a material impact on one or more of the conditions which are required to be considered in a site plan review; however the site plan review process shall be required as

to the condition or conditions impacted only, and if approved by the planning commission shall be considered as a modification of the previously approved site plan for the premises.

- (c) The zoning administrator's authority under this subsection shall apply only to uses which are permitted uses under the applicable zoning provisions.

(Code 1976, § 150.21; Ord. No. 453, § 307, 12-8-1986; Ord. No. 547, § 1(307), 10-27-2003; Ord. No. 564, § 2, 3-26-2007; Ord. No. 567, § 1, 6-25-2007; Ord. No. 574, 10-27-2008; Ord. No. 594, 3-10-2014)

**State Law reference**— Site plans, MCL 125.3501.

**Sec. 30-548. - B-2 district.**

- (a) *Scope and intent.* This section applies to the B-2 district. The intent of the B-2 district is to establish and preserve general commercial areas within the city that are convenient and attractive for a wide range of retail uses and business, government and professional offices. The intent of this district is to encourage the concentration of commercial business to the mutual advantage of both the consumers and merchants and thereby promote the best use of land at certain strategic locations.
- (b) *Permitted principal uses.* Permitted principal uses within the B-2 district shall include retail establishments selling gifts, hardware, clothing, drugs, groceries, sporting goods, antiques, baked goods, arts and crafts, studios, beauty shops and barbershops, banks, restaurants, cocktail lounges, offices, clinics, personal service establishments, hotels, motels, funeral homes, theaters (except drive-in), and gas stations. Residential occupancy shall be permitted above the ground floor in the district.
- (c) *Conditional uses.* Conditional uses within the B-2 district shall include open-air business uses, such as sales and rental establishments for trailers, mobile homes, boats, farm equipment, automobile dealers for new or used cars, and the same conditional uses as permitted in the R-3 district.
- (d) *Prohibited uses.* Prohibited uses within the B-2 district shall include junkyards.

(Code 1976, § 150.11; Ord. No. 453, § 207, 12-8-1986; Ord. No. 503, § 207, 2-26-1996)

**Cross reference**— Businesses, ch. 10.

**State Law reference**— Mandatory permitted uses, MCL 125.583b, 125.583c.

**Sec. 30-552. - Height and placement regulations.**

Except as otherwise specifically provided in this article, no structure shall be erected or maintained within the city between any lot line and the pertinent setback distance, and no structure shall be erected or maintained which exceeds the height limit set forth in the following table:

District	Front Setback (feet)	Side Setback (feet)	
		Minimum	Total Both Sides
R-1	25	5	12
R-1A	75	10	20
R-2	25	5	12
R-3	25	5	12
R-4	25	5	12
B-1	20	0 <sup>1</sup>	0 <sup>1</sup>
B-2	20	0	0
O-S	30	10	20
I-1	25	10	20
I-2	25	10	20

<sup>1</sup> There shall be a minimum setback of five feet and total of 14 feet for residential dwellings.

District	Rear Setback (feet)	Height Limit (feet)
R-1	35	30
R-1A	30	30

R-2	30	35
R-3	30	40
R-4	30	35
B-1	25	30
B-2	10	40
O-S	35	40
I-1	20	40
I-2	20	40

(Code 1976, § 150.15; Ord. No. 453, § 301, 12-8-1986; Ord. No. 498, § 301, 5-22-1995; Ord. No. 564, § 2, 3-26-2007)

**Sec. 30-553. - Additional height and placement regulations.**

- (a) Where the average of the then existing front setbacks on the lots adjoining and on either side of a lot to be developed on the same street within the city is more or less than the setback required by section 30-552, then such average, rather than the distance specified in such section, shall apply.
- (b) In the R-1, R-2 and R-3, R-4 districts, garages and other necessary outbuildings, if detached from any other buildings and located at least ten feet from such buildings, may be located in, or partially in, the area to the rear of the rear setback line, provided that such garages and outbuildings do not occupy more than 30 percent of such area, are not located closer than five feet from any lot line and do not exceed 15 feet in height. In the R-1 and R-2, R-4 districts, garages and other accessory buildings shall not exceed 1,040 square feet.
- (c) **No buildings, including accessory buildings, shall be constructed closer than five feet to any dedicated public street or alley right-of-way.**
- (d) Chimneys, church steeples and radio and television antennas may exceed otherwise established height limits by not more than 25 feet. Elevator housing and cooling equipment may exceed otherwise established height limits by not more than ten feet. In the I-2 district, the height of a structure may exceed the otherwise established height limit, provided that the height of such structure does not exceed its distance to the nearest property line.

- (e) Terraces, patios and porches which are uncovered and unenclosed and stoops may project up to three feet beyond a side setback line, six feet beyond a front setback line and 15 feet beyond a rear setback line, provided that they are not more than three feet above grade. Roof overhangs, bay windows and awnings or canopies may project up to two feet, six inches beyond any setback line; provided, however, that awnings or canopies located in B-1, B-2, and O-3 districts may project from the wall to which it is attached to within two feet of and shall be at least eight feet above the curb line or edge of the street where there is no curb. This subsection shall not authorize the erection or maintenance of any structure, or part thereof, over any public street or alley.
- (f) Where a lot fronts on two streets at their intersection, the required front setback shall be on one of the streets, whichever is selected by the owner, or as defined by section 30-471.
- (g) **In the B-1, B-2, I-1 and I-2 districts, structures shall not be erected or maintained within 30 feet of the boundary line of any R-1, R-2 or R-3, R-4 district.**

(Code 1976, § 150.16; Ord. No. 453, § 302, 12-8-1986; Ord. No. 521, § 1, 12-28-1998; Ord. No. 564, § 2, 3-26-2007; Ord. No. 570, § 1, 2-25-2008)