

22.08 GENERAL PROVISIONS

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22.08.010 CLASSIFICATION OF ANNEXED AREAS. All territory annexed to the Village of Beverly Hills shall automatically be classified R-1 Single Family Residential Zone District.

22.08.020 ZONING OF VACATED STREETS. Whenever any street, alley or other public way shall be vacated, such street, alley or other public way or portion thereof shall automatically be classified in the same Zone District as the property to which it attaches.

22.08.030 USE REGULATIONS. Except as otherwise provided herein, regulations governing land and building use are hereby established as shown on the Schedule of Regulations, Section 22.24. Uses permitted in each district after special approval shall be permitted only in accordance with Section 22.08.300.

22.08.040 GENERAL AREA, HEIGHT, ETC. REGULATIONS. Except as otherwise provided herein, regulations governing the minimum lot width, lot area per dwelling unit, required open spaces, height of buildings and other pertinent factors are as shown on the Schedule of Regulations, Section 22.24.

22.08.050 LAND REQUIRED TO SATISFY REGULATIONS. No portion of a lot used in or necessary for compliance with the provisions of this Ordinance shall through sale or otherwise again be used to satisfy the zoning requirements of another lot.

22.08.060 EXCEPTIONS TO HEIGHT LIMITS.

a. The height limits of this Ordinance may be modified by the Zoning Board of Appeals in its application to radio transmitting and receiving or television antennae, chimneys or flagpoles, church spires, belfries, cupolas, domes, water towers, observation towers, power transmission towers, radio towers, masts, aerials, smokestacks, ventilators, skylights, derricks, conveyors, cooling towers, and other similar and necessary mechanical appurtenance pertaining to the permitted uses of the Zone Districts in which they are located.

b. The maximum height set forth in the Schedule of Regulations shall not apply to radio transmitting or television antennae that do not exceed the maximum permitted height of the building by more than ten feet (10').

22.08.070 CORNER LOT SETBACK ON THE SIDE STREET IN RESIDENTIAL ZONE DISTRICTS. Every corner lot in any residential Zone District which has on its side street an abutting interior residential lot, shall have a minimum setback from the side street equal to the minimum front setback for the Zone District in which such building is located; provided that this requirement shall not reduce the buildable width of any lot to less than thirty feet (30'). Where there is no abutting interior residential lot on said side street, the minimum side street setback shall be fifteen feet (15') for the permitted principal building and twenty feet (20') for permitted accessory buildings.

22.08.080 OBSTRUCTIONS TO VISION ON CORNER LOTS. On any corner lot in any Zone District, no wall, fence or other structure or any hedge, shrub or other growth shall be maintained at a height that would obscure vision of drivers properly using the street. {Ord. 292, 1-30-99}

22.08.090 MINIMUM DISTANCE BETWEEN RESIDENTIAL BUILDINGS. In Single Family Residential Zone Districts R-A, R-1, R-1A, R-2, and R-3 the minimum required distance between residential buildings on two (2) lots which abut each other along a common side lot line shall be not less than the sum of the two (2) required minimum side setbacks of either of the lots; provided, however, that when the lot to which the ordinance is being applied is less than sixty feet (60') in width, the minimum required distance between such residential buildings may be reduced by six inches (6") for every foot that the lot is less than sixty feet (60') in width. In Single Family Residential Zone Districts R-2A and R-2B the minimum required distance between residential buildings on two (2) lots which abut each other along a common side lot line shall not be less than fifteen (15) feet. {Ord 366, 7-20-19}

22.08.100 ACCESSORY BUILDINGS, STRUCTURES AND USES IN RESIDENTIAL ZONE DISTRICTS.

- a. Attached accessory buildings shall be subject to the same setback and height requirements as principal buildings for the district in which they are located.
- b. No detached accessory buildings, structures, or uses shall be erected in the front or required side open space or within permanent easements.
- c. Detached accessory buildings or structures may occupy a portion of the rear open space and shall be at least five feet (5') from all adjoining lot lines and shall not exceed fifteen feet (15') in building height, except as otherwise provided herein.
- d. On corner lots where a rear open space abuts a side open space, detached accessory buildings on the corner lot shall have a minimum setback from the rear lot line a distance equal to the least side setback required for the lot abutting the corner lot.
- e. No more than two accessory buildings shall be located on a single-family residential lot.
- f. The total floor area of all accessory buildings shall not be greater than fifty percent (50%) of the usable floor area of the principal building, except that a minimum of five hundred (500) square feet is permitted by right where this requirement would result in a lesser area.
- g. Garage doors facing the street shall not exceed a total length of 24 feet in cumulative total and shall not exceed a height of 9 feet.
- h. Accessory buildings intended as garages are to be used for the storage of noncommercial vehicles, except that no more than one commercial vehicle of up to 10,000 pounds of gross vehicle weight may also be stored.
- i. Accessory buildings shall be designed so that no exterior wall length is greater than two-times the length of any other exterior wall of that accessory building, unless otherwise approved by the Planning Board upon a finding of no adverse impact to the surrounding neighborhood. {Ord. 328, 5-2-09}

22.08.120 ACCESSORY BUILDINGS IN P, O-1 AND B ZONE DISTRICTS. No accessory building shall be erected in the front open space.

22.08.140 GRADES AND ELEVATION DIFFERENTIALS.

- a. The grading of all building lots shall be such to (1) divert water away from buildings, and (2) prevent standing water and soil saturation detrimental to structures and lot use and surrounding property.

b. The elevation differential is defined as the difference between the elevation of the final ground level (after landscaping at the front building line, equidistant from the side building lines, and the elevations of the crown of the road (at a point equidistant from the side building lines) abutting the front property line. If a sidewalk is in place, the elevation differential shall be based on the sidewalk elevation in lieu of the crown of road elevation.

c. The elevation differential for all buildings shall not be less than fifteen inches (15") nor more than twenty-four inches (24") except as hereinafter provided. A building under construction having foundations in place shall be considered an existing building.

d. All applicants for building permits shall submit with the permit application, plans showing:

1. The proposed grading plan for the entire lot.
2. The direction of flow of surface water off the lot.
3. The gradient of all protective slopes around proposed buildings.
4. The elevation differential of all proposed buildings and the elevation differential of all existing buildings within one hundred feet (100').

e. Variances may be granted from the requirement of subsection (c) by the Zoning Board of Appeals if adequate provisions are made and approved by the Village Engineers to prevent run off water from flowing onto adjacent property.

22.08.150 FENCE, WALL, AND PRIVACY SCREEN REGULATIONS.

Purpose and intent: It is hereby determined that regulation of the location, size, placement and certain features of fences, walls, and privacy screens is necessary to enable property owners to provide physical boundaries and privacy on private property without difficulty and confusion, to promote traffic safety, and safeguard public health and welfare.

Fences, walls, and privacy screens are permitted subject to the following:

A. General Requirements:

1. Permit. No fence, wall or privacy screen shall be erected, replaced or altered by more than 25% of the vertical area of any side until a permit has been issued. An application for a permit shall be filed with the Building Official, accompanied by a fee as set forth in the Village's permit fee schedule and with sufficient information to determine that the proposed structure meets the requirements of this ordinance, including drawings or sketches showing at least the following:

- a. Location of the fence, wall or privacy screen in relation to lot lines, principal building, other structures, driveways, sidewalks, bikeways, roadways, rights-of-way and easements within 25 feet of the proposed location.
- b. Dimensions and design or style of the fence, wall, or privacy screen including any variations by location.
- c. In the event that lot lines for the subject property cannot be located to the satisfaction of the Building

Official, the Building Official may require the applicant to establish lot lines on the property located by a licensed surveyor.

d. If a permit is issued it shall contain language indicating the village permit does not relieve the applicant of compliance with the Homeowners Association regulations or deed restrictions if applicable.

2. Materials. Fences, walls and privacy screens shall be constructed of high quality, durable materials including brick, natural stone, vinyl with matte finish, treated wood or metal (such as wrought iron or painted aluminum). The use of razor wire, barbed wire, protruding spikes, nails, or any sharp point that could pose a hazard to person or animal, or elements that carry electricity are not permitted. Chain link, wire mesh, and similar materials are only permitted for fences in rear yards, but are not permitted to have wood, plastic, or other material inserts. Fences, walls, and privacy screens must be substantially similar in material, color, and style.

3. Location. Any fence, wall, or privacy screen shall be located entirely inside and shall not project beyond the perimeter of the private property of the person constructing it. A fence, wall, or privacy screen may not be attached to, or touch, a fence, wall, or privacy screen located on another lot without the written consent of both owners. In every case, fences, walls, and privacy screens must be designed and constructed as a stand-alone structure. Any existing perimeter fencing, wall, or privacy screen must be removed prior to installation of new fencing, wall, or privacy screens at that lot line. In the event the existing fence, wall, or privacy screen is on the neighboring property, a four (4) inch gap between the established grade and bottom of the fence or privacy screen is required to allow the maintenance of grasses and/or weeds between the structures.

4. Height. The vertical dimension of any fence, wall, gate or column shall be measured from the lowest finished grade on both sides of any such fence, wall, gate or column to any point on top of the fence, wall, gate or column, including any ornamental features.

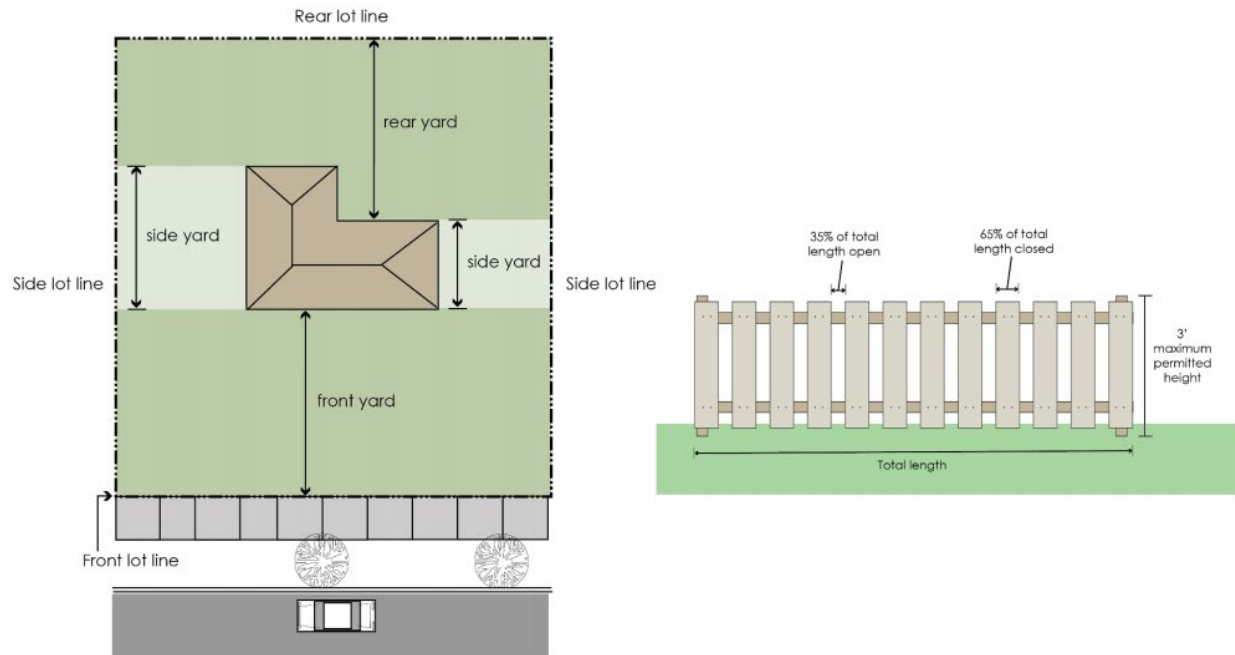
5. Orientation of Finished Appearance. When one side of the fence or wall has a more finished appearance than the other, the side with the more finished appearance shall face the exterior of the lot.

6. Obstruction. No fence, wall, or privacy screen shall be erected where it would unreasonably obstruct the continued use of, or safe access to any abutting property. Fences, walls or privacy screens located adjacent to a driveway or a street corner shall be designed not to obscure the vision of drivers properly using the street.

7. Maintenance. Fences, walls and privacy screens shall be constructed in accordance with the adopted Michigan Building Code/Michigan Residential Code and shall be maintained in good condition. Surfaces shall be painted, stained, or constructed of decay resistant materials to protect and preserve the safety and appearance of the structure. If a fence, wall, or privacy screen is found to be in need of repair by the Building Official, the Building Official shall issue orders to the owner to complete the repair. Failure to comply with written notice from the Building Official ordering completion of the repairs shall constitute a violation of this ordinance. If more than 25% of the area of any side of a fence, wall or privacy screen requires reconstruction in any 12 month period, the entire fence, wall or privacy screen shall be brought into compliance with this ordinance.

8. Definitions. For the purposes of this section, the definition of yard locations is as follows:

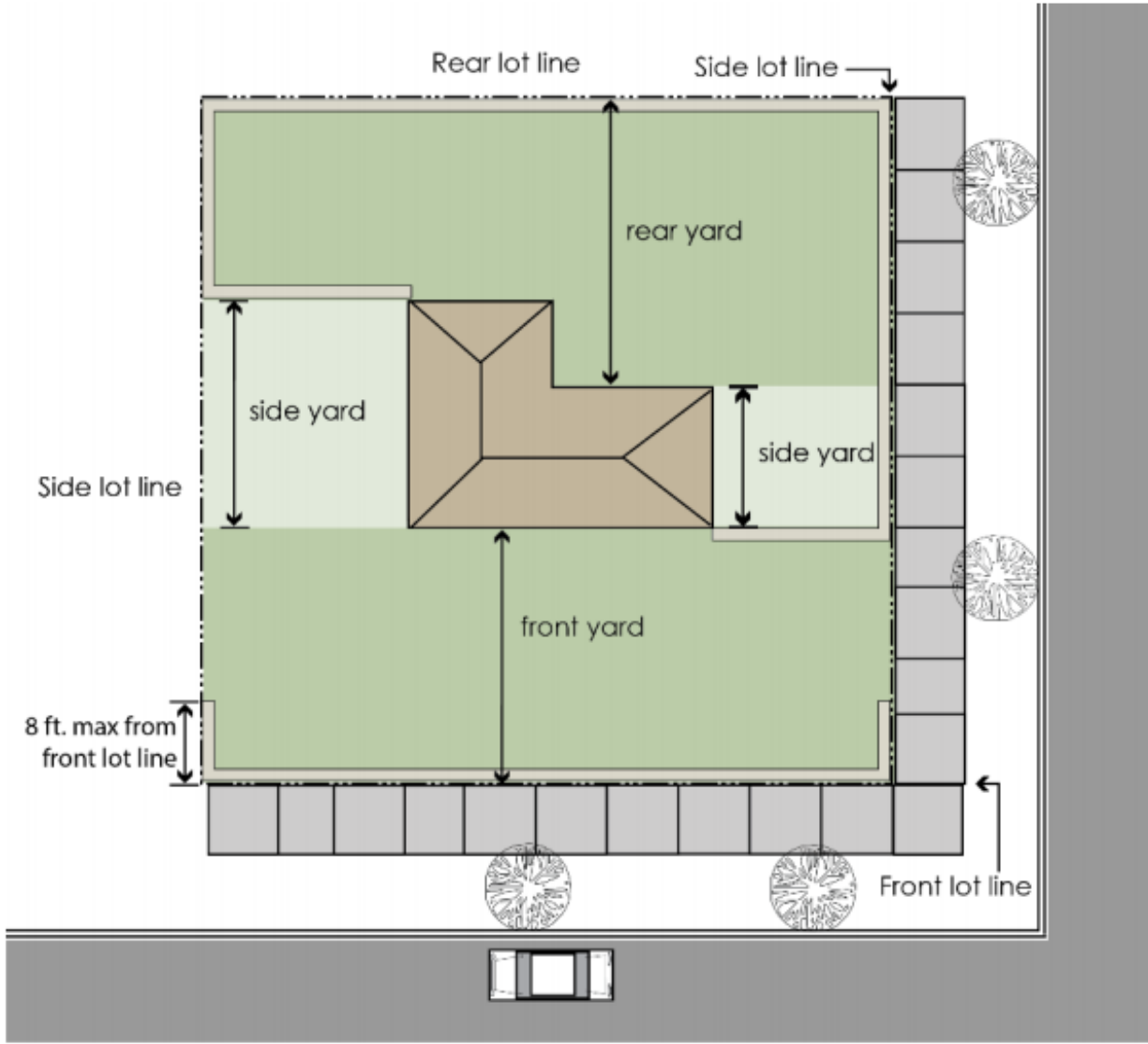
- a. Front Yard: The full width of the lot enclosing the area bounded by the front lot line, the side lot lines, and the front building line.
- b. Rear Yard: The full width of the lot enclosing the area bounded by the rear lot line, the side lot lines, and the rear building line.
- c. Side Yard: The area on both sides of the principal structure on a lot which is bounded by the side lot lines, the rear building line, and the front building line.



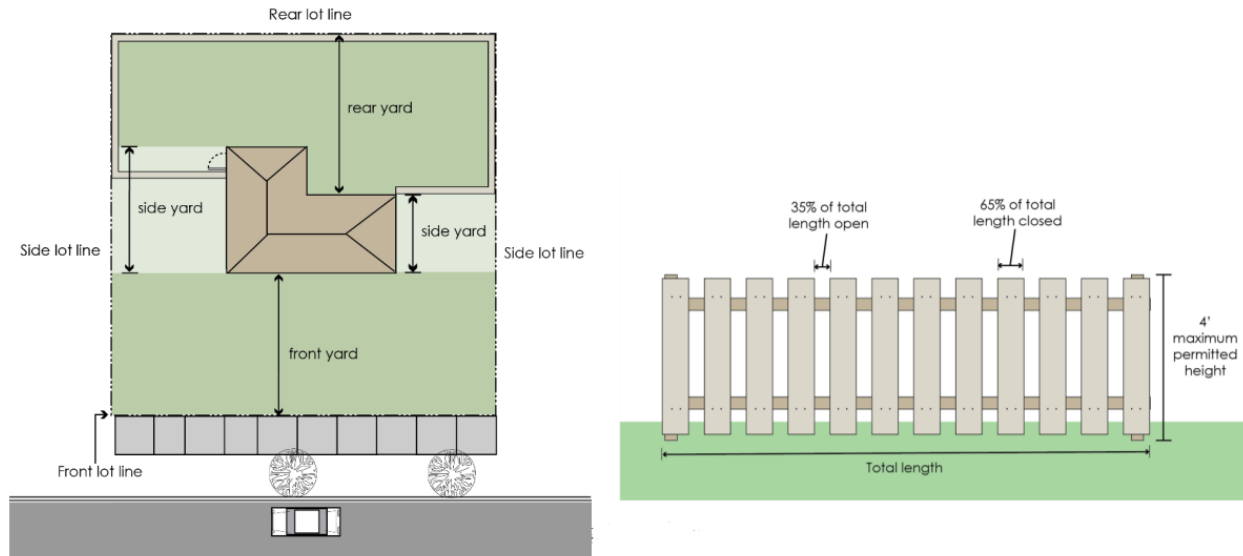
B. Requirements in Single Family Residential Districts:

1. Fences: Fences with a vertical surface area that is at least 35% open to air and light are permitted subject to the following:

- a. Front Yard: A fence in the front yard shall not exceed three (3) feet in height above grade and shall not extend back toward the front of the principal building more than eight feet, except as provided for in {b} below.
- b. Side Yard: A fence in a side yard that abuts a road or street shall not exceed four (4) feet in height above grade. Fences are not permitted in side yards that do not abut roads or streets except as provided for in {c} below.



c. Rear Yard: A fence in a rear yard shall not exceed four (4) feet in height above grade and shall not extend toward the front of the lot farther than the rear of the house, except a fence may extend into the side yard only to enclose the side door entrance.



2. Fences: Fences up to six (6) feet in height and/or up to 100% solid vertical surface area are permitted subject to Administrative or Planning Commission approval as follows.

a. Approval Standards:

Applicant must demonstrate that at least one of the following conditions is met for Administrative approval. Administration has the discretion to require review by the Planning Commission when there is a question of interpretation for consistency with the intent of this ordinance.

- Spacing between residences is less than that required by Section 22.08.090 or 22.24 of the Zoning Ordinance, whichever is applicable.
- The subject site is adjacent to a non-single family residential land use or Zone District or single family cluster development.
- The subject site cannot support vegetative screening in lieu of the proposed fencing. The applicant shall provide supporting documentation of this from a licensed landscape architect or certified arborist.
- At least one residential parcel within 200' of the subject site on that side of the street in that block or at least one abutting residential parcel contains permitted fencing of similar height and/or opacity. To document this, the applicant shall prepare a neighborhood lot study that includes a map of the study area and photograph(s) of existing fencing. An existing privacy screen as allowed in Section 3 Privacy Screens shall not be used as consideration for compliance with this standard.

In the event applicant does not meet any above criteria, applicant must demonstrate that at least one of the following conditions is met for Planning Commission approval. The property owner or occupant of any parcel(s) abutting the subject site shall be given fifteen (15) day notification of the date and time of the meeting at which the request shall be reviewed.

- The subject site and/or an abutting parcel has an unconventional lot, yard and/or dwelling orientation (i.e., side yard adjacent to rear yard, pie-shaped lot adjacent to rectangular lot, or those with multiple

parcels contiguous to a single lot line).

- Installation of such fencing would mitigate an essential safety and/or privacy concern.

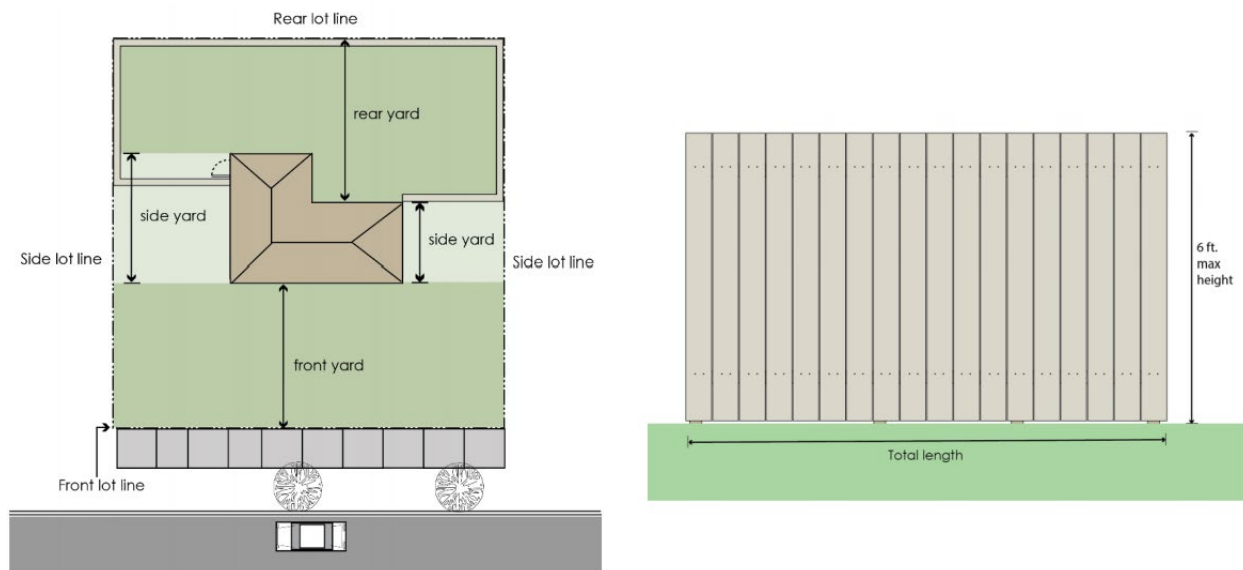
In addition to condition(s) above, applicant must demonstrate that all of the following conditions are met:

- The size, height and location of the fence does not endanger the public safety.
- The size, location, height, design, and materials of the fence are aesthetically in harmony with the property on which it is located.
- The proposed removal of vegetation and trees and disturbance to natural terrain has been minimized.
- The size, height, design, and location of the fence does not create a traffic or pedestrian hazard.

b. Front Yard: A fence higher than 3 feet above grade and/or less than 35% open to air/light is not permitted in the front yard.

c. Side Yard: A fence higher than 4 feet above grade in a side yard that abuts a road or street shall comply with accessory building setback requirements as described in Section 22.08.070. Fences are not permitted in side yards that do not abut roads or streets except as provided for in {d} below.

d. Rear Yard: A fence in a rear yard shall not extend toward the front of the lot farther than the rear of the house, except a fence may extend into the side yard only to enclose the side door entrance.



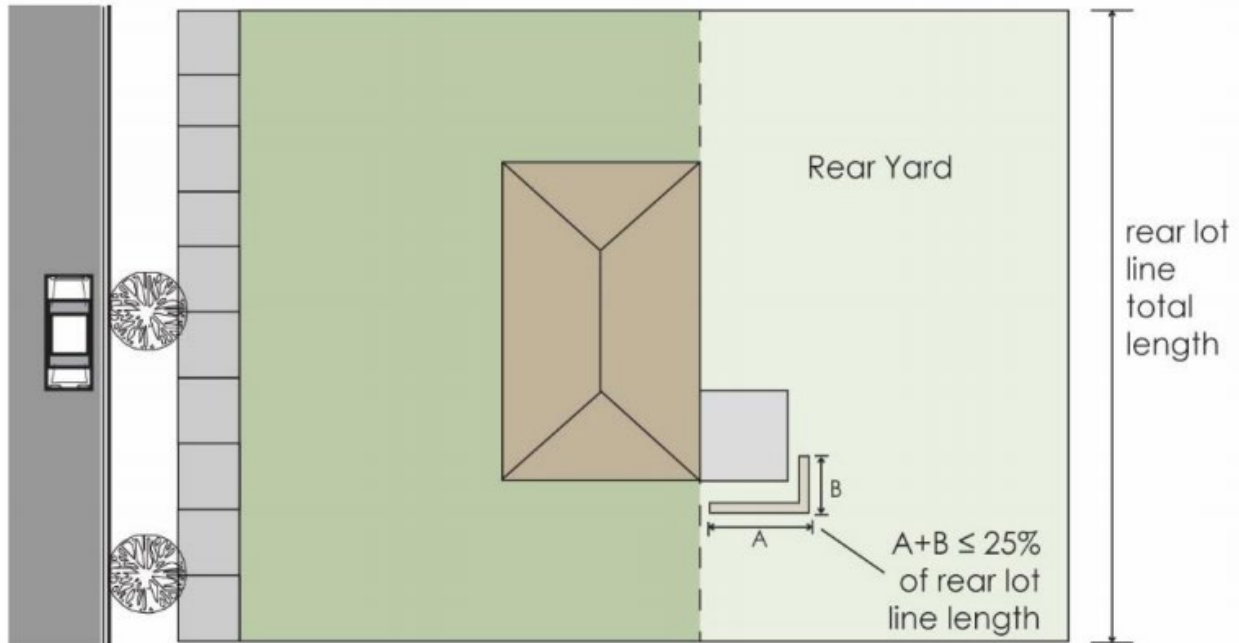
e. Support Posts: Vertical support posts may extend up to six inches above the allowable fence height.

3. Privacy Screens: Privacy screens that do not exceed six feet in height above grade are permitted as follows:

a. Properties in all single family residential zone districts may erect a privacy screen in the rear or side

yard to enclose an area on up to three sides, with a maximum total length that does not exceed 25% of the rear lot line length.

b. Properties where the rear yard abuts Southfield Road, Greenfield Road, or Thirteen Mile Road may erect a privacy screen along the perimeter of the rear yard that abuts these roads and may extend the privacy screen into the side yard only to enclose a side door entrance.



4. Walls: Walls may be used instead of a fence, provided the total height above grade does not exceed three (3) feet.

C. Amortization of Noncompliant Fences.

1. Any existing fences that are greater than 4 feet above grade and/or do not meet requirements for openness to air and light which have not received a permit or variance from the Zoning Board of Appeals shall be removed or brought into compliance with ordinance requirements by the 1st day of January 2019.

D. Fences, walls, or privacy screens are required in non-single family residential zones for the enclosing of areas of outside storage of goods, material or equipment and shall not be less than six feet and not greater than seven feet in height above grade.

E. Fences that enclose public or institutional playgrounds shall not exceed seven feet in height above grade and shall not obstruct vision to an extent greater than 25% of their total areas. Any fences or similar structures that enclose all or part of a public or institutional playground, athletic field, or similar use greater than seven feet in height above grade shall require Planning Commission approval.

F. Construction Fences. Refer to paragraph b (3) from Section 22.08.280 Regulation of Nuisance Activities. {Ord. 292, 1-30-99}{Ord. 362, 7-17-18}

22.08.160 WALL REQUIRED ON NONRESIDENTIAL ZONED OR USED PROPERTY ABUTTING PUBLIC OR RESIDENTIAL ZONED OR USED LOTS.

Control bumpers, setbacks and appropriate landscaping are required for off-street parking areas that abut a street, alley, Public Property or Residential Zone District. Lots that are utilized for nonresidential purposes shall provide and maintain buffer screening and/or a wall as determined by the Village Council. When a wall is required it shall comply with the following regulations:

a. Side: Where the side lot line of property utilized for nonresidential purposes abuts Public Property or a Residential Zone District in the same block, a wall shall be provided at a height of six feet above the parking area surface grade along the side lot line; provided the wall shall be reduced in height to three feet above grade within 25 feet of any right of way. This provision shall not apply to those portions of property along the side lot line that are occupied by a wall of permitted buildings.

b. Rear: Where the rear lot line of property utilized for nonresidential purposes abuts Public Property or a Residential Zone District in the same block and there is no alley, a wall shall be provided at a height of six feet above the parking area surface grade along the rear lot line; provided that the wall shall be reduced in height to three feet above grade within 25 feet of any right of way. In the case where the rear lot line of property utilized for nonresidential purposes abuts Public Property or a Residential Zone District in the same block across an alley, a wall shall be provided at a height of six feet along the rear lot line. This provision shall not apply to those portions of the rear lot line abutting an alley that is occupied by a wall of permitted buildings. {Ord. 292, 1-30-99}

22.08.170 PUBLIC OR PRIVATE ROAD FRONTAGE FOR RESIDENTIAL

PROPERTY. No residential building shall be erected on a lot, unless the lot abuts for a minimum of twenty-five (25) feet upon a public road or a private road that complies with all Village ordinances. Residential buildings may be permitted on a lot abutting a permanent access easement to a public road only if all of the following conditions are met:

a. The lot abuts the permanent unobstructed access easement for at least 25 feet.

b. The lot was created prior to March 25, 1992.

c. The permanent unobstructed access easement was recorded prior to March 25, 1992.

d. The permanent unobstructed access easement does not violate any ordinances of the Village.

e. Such building shall not be permitted nearer to such easement line than to the street line. Such street or easement shall not reduce the side yard open space of an existing residential building to less than eight (8) feet or reduce the rear open space to less than twenty (20) feet. {Ord. 256, 3-25-92}

22.08.180 DWELLING IN ACCESSORY BUILDING PROHIBITED. In all Zoning Districts, residential occupancy of any accessory building is expressly prohibited.

22.08.190 ESSENTIAL SERVICES. Essential services shall be permitted as authorized and regulated by law and other ordinances of the Village of Beverly Hills, it being the intention hereof to exempt such

essential services from the application of this Ordinance, except that all above-grade buildings hereunder shall be subject to site plan review in accordance with Section 22.08.290.

22.08.200 SALES OF CHRISTMAS TREES.

a. Other provisions of this Ordinance notwithstanding, Christmas trees may be stored, displayed and sold without the use of a building or structure:

1. By any person on property within any P, O-1 or B Business Zone District.
2. By churches, schools, or other nonprofit organizations on property owned by such institutions or organizations in any Zone District.

b. All trees, parts of trees, and any other refuse or debris resulting from aforementioned use, and all signs in connection therewith shall be removed from said property no later than the 26th day of December of the year the property is so used.

22.08.210 AUTOMOTIVE TRAILER CAMPS OR TOURIST CABINS PROHIBITED. No automotive trailer camps or tourist cabins shall be established, and automobile trailers, similar portable dwellings or tents shall not be permitted to be used or occupied as dwellings.

22.08.220 TEMPORARY AND PORTABLE BUILDINGS, USES AND STRUCTURES. The Zoning Board of Appeals may permit temporary buildings, structures, and uses for a period not to exceed six (6) months provided that all requirements and conditions relative to the type of structure and use, and timing and arrangements for termination and removal, are met. The Board of Appeals may require safeguards related to setbacks, screening, off-street parking considered necessary to protect the health, safety, welfare and comfort of inhabitants of the Village. Further, the Zoning Board of Appeals may require site plan approval and performance guarantee as conditions of approval. Trucks, truck trailers, vans or other passenger vehicles shall not be used for storage, warehousing, retail sales or service or offices.

Temporary and portable structures are permitted without Village approval when all of the following conditions below are met. Additionally, trucks, trailers, vans or other passenger vehicles shall not be used as a temporary and portable structure for storage, warehousing, offices, retail sales or service.

1. No more than one (1) such container may be used per property at any given time.
2. Such containers must be placed on a paved driveway surface of an occupied lot and shall not be located in an easement or right-of-way. Containers may be located on an unpaved surface for a period of not more than forty-eight (48) hours within the 14 days allowed in paragraph three below.
3. The maximum duration for use of such containers shall be fourteen (14) days within any six (6) consecutive months. A property owner may seek approval from the Village Administration for a longer duration.
4. If a longer duration is sought, the Village may require safeguards related to setbacks, screening, and off-street parking considered necessary to protect the health, safety, welfare and comfort of the inhabitants of the Village. The Village may require site plan approval and a performance guarantee as conditions of approval. {Ord. 347; 9-28-13}{Ord. 355; 11-28-15}

22.08.230 STORAGE OF OBNOXIOUS MATTER IN OPEN CONTAINERS PROHIBITED.

No compost heaps, garbage, filth, refuse or other obnoxious matter shall be kept in open containers, piled or laid on the open ground; and all containers shall be stored in such a way so as not be visible from any street.

22.08.240 TOPSOIL REMOVAL. The use of land for the removal of topsoil, sand, gravel or other material from the land is not permitted in any Zone District except under a Temporary Certificate from the Building Inspector after approval of the Village Council that such removal of material will not be below the normal grade as established from the nearest existing or proposed street, when such building grade has been established and approved by the Building Inspector and for which a Temporary Certificate may be issued in appropriate cases upon the filing of an application, accompanied by a suitable agreement or bond under Section 22.08.310 that such removal will not cause stagnant water or collect or leave the surface of the land at the expiration date of such permit, in an unsuitable condition or unfit for the growing of turf or for other land uses permitted in the Zone District in which the removal occurs. This regulation shall not prohibit the normal removal of soil for the construction of an approved building or structure when such plans have been approved by the Building Inspector, and a building permit has been issued for said building development.

22.08.250 STORAGE OR DUMPING ON OPEN LAND PROHIBITED. The use of open land for the open storage or collection or accumulation of lumber or man-made materials, or for the dumping or disposal of scrap metal, junk, parts of automobiles, trucks, and boats, tires, garbage, rubbish, or other refuse or of ashes, slag or other wastes or by-products shall not be permitted in any Zone District.

22.08.260 GOVERNMENTAL FUNCTIONS PERMITTED. The Village of Beverly Hills shall have the right to construct and maintain within the Village any building or structure required for the performance of its governmental or proprietary functions; provided that such building, structure or function shall conform to the regulations of the Zone District in which it is located and of this Ordinance, and be constructed so as to conform with the surrounding uses in so far as possible.

22.08.270 EASEMENTS. It shall be unlawful for any person to install erect or cause or permit the installation of a permanent structure (garage, building or large tree) on or across an easement of record which will prevent or interfere with the free right or opportunity to use or make accessible such easement for its proper use. Where public utilities now exist, a six foot (6') easement shall be maintained.

22.08.280 REGULATION OF NUISANCE ACTIVITIES.

a. No activity or use shall be permitted on any property which by reason of the emission of odor, fumes, smoke, vibration, noise or disposal of waste is deleterious to other permitted activities in the Zone District or if obnoxious or offensive to uses permitted in neighboring Zone Districts.

b. All properties shall be in compliance with the Building Department Construction Site Maintenance Requirements while under a valid permit for construction. {Ord. 358; 4-15-17} {Ord. 368; 7-16-19}

22.08.290 SITE PLAN REVIEW.

a. Statement of Purpose. The purpose of site plan review is to provide for consultation and cooperation between the land developer and the Village Council in order to accomplish the developer's land utilization objectives in harmony with the existing and prospective use and development of adjacent

properties. It shall be the further purpose of this section to insure that each proposed use and its components, appearance, and function is in compliance with this Ordinance, other Village Ordinances and State and Federal statutes. Further purposes of site plan approval shall include: privacy, efficiency for the public and local government servicing, preservation of the natural landscape, emergency access, effective drainage, vehicular and pedestrian safety and conveniences, control of temporary flooding, preventing stagnant water and ponding in intensively used areas; prevention of air, water and noise pollution; limitation of obnoxious odors, reduction of glare; exposure of toxic particles, substances and wastes. The following approvals, required information, procedures and standards shall be adhered to, to accomplish these purposes.

b. Approval by Village Council Required. In each zoning district, a site plan shall be reviewed for any use other than a principal one family residential use and related accessory uses. No development which would, if approved, provide for more than one principal use on a parcel (such as a single family site condominium) shall be undertaken, no building shall be erected, moved, relocated, converted or structurally altered and no change or addition of use, expansion or decreasing of off-street parking, or filling, excavation, or grading shall be undertaken until the Village Council has reviewed and approved a site plan for such use. A structural alteration shall be defined as one that changes the location of the exterior walls and/or the area of the building. Filling, grading, or excavation which causes more than five (5) cubic yards of earth material to be disturbed shall require site plan approval. {Ord. 253, 5-12-91}

c. Application for Site Plan Approval. Application for site plan review shall be made to the Village by filing of not less than twenty-five (25) copies of the detailed site plan with the office of the Village Manager at least fifteen (15) days in advance of the regularly scheduled Village Council meeting at which the plan is to be first considered. Fees are required to be paid within the fee schedule in effect as established by the Council at time application is made.

The Village Manager shall examine the site plan to determine that it contains all the necessary information. If it is incomplete, it shall be returned to the applicant owner. If complete and if it appears to comply with the Zoning Ordinance it shall be processed in accordance with this Ordinance.

d. Required Information. The following required information shall be included on all site plans:

1. Name of development and general location sketch.
2. Name, address and phone number of owner(s), developer and designer. Date drawn and revision dates shall be indicated on the site plan.
3. The seal of one of the following professionals registered in the State of Michigan: Registered Architect, Registered Civil Engineer, Registered Landscape Architect, or Registered Professional Community Planner. The architectural plans of the buildings shall be prepared by and bear the seal of a Registered Architect. A site plan for an alteration or addition to existing structures may be prepared by the builder or contractor.
4. A legal description and address of the property in question.
5. Boundary dimensions (to the nearest foot) of the property clearly indicated on the site plan, differentiated from other contiguous property.
6. Existing zoning classification of the parcel.

7. Adjacent land uses and zoning, and if the parcel is a part of a larger parcel, boundaries of total land holding.
8. To facilitate determination of off-street parking needs and similar matters, the applicant shall indicate the name and nature of the establishments proposed to occupy the buildings if this has been determined, and should indicate cases where exact occupancy has not yet been determined.
9. All plans shall include a north arrow and scale. The scale of the site plan shall be not less than 1" = 20' if the subject property is less than 3 acres, and 1" = 100' if three acres or more.
10. The area of the site in square feet and acres excluding all existing and proposed public right-of-way.
11. The dimensions of all lots and property lines, showing the relationship of the subject property to abutting properties and all required minimum setbacks from the existing or proposed right-of-way and from adjacent properties.
12. The location and dimension of all existing and proposed structures on the subject property and all existing structures within one hundred feet (100') of the subject property.
13. The location and right-of-way widths of all abutting streets and alleys, and driveway locations across abutting public streets.
14. Traffic and pedestrian circulation patterns, both within the site and on the public streets adjacent to the site and the proposed location and dimensions of any required pedestrian sidewalks.
15. Parking lots including layout and typical dimensions of parking spaces, number of spaces provided (including how computed, per ordinance requirements) and type of surfacing. (If carports, so designate).
16. Existing ground elevations on the site of an appropriate grid or contours, including existing ground elevations of adjacent land within one hundred feet (100') of the subject property and existing building, drive and/or parking lot elevations or any adjacent unusual surface conditions.
17. Proposed finish grade of buildings, driveways, walkways, parking lots and lawned areas.
18. With residential proposals a site summary indicating the number and location of one bedroom units, two bedroom units, etc., typical floor plans with the square feet of floor areas; density computation, recreation facilities, open spaces, street names and lot coverage.
19. With nonresidential proposals, the number of offices, number of employees, the number of floors and typical floor plans and cross sections.
20. Proposed sanitary sewer facilities and location of all existing utilities, easements, vacations and the general placement of lines, manholes, tap-ins, pump stations, and lift stations.
21. Proposed storm sewer facilities (sewers and appurtenances) including outlets (enclosed or open ditches) and proposed methods of storm water retention on site, if any.
22. Sufficient off-site drainage basin data and estimated runoff in cubic feet per second to permit review of any proposed retention of off-site drainage swale.

23. Proposed water service including any proposed tap-ins, main extensions or extensions for adequate fire hydrant spacing, and/or considerations for extensions to loop other public water mains in adjacent public rights-of-way.
24. Locations of existing and proposed fire hydrants with reasonable access thereto for fire fighting, police and other emergency equipment.
25. Location and typical dimensions of rubbish storage areas and screening construction.
26. Elevations of proposed buildings and proposed type of building materials, roof design, projections, canopies and overhangs, screen walls and accessory buildings, and any other outdoor mechanical equipment, such as: air conditioning, heating units and transformers that will be visible from the exterior.
27. Required easements for public right-of-way, utilities, access and shared access.
28. Notation of any variances which have been secured.
29. Performance guarantees to be provided, amounts, type and length of time.
30. Soil erosions and sedimentation control measures.
31. Detailed landscaping plan indicating location, types and sizes of material, a maintenance plan and schedule for pruning, mowing, watering, fertilizing, and replacement of dead and diseased materials. Cross section of berms shall be provided.
32. Location of all existing trees over three inches (3") in diameter.
33. The dimensions and locations of all signs, free-standing signs and lighting structures and shielding.
34. Types of soils; locations of flood plain and wetland, if any.
35. All proposed screen and free standing architectural walls, including typical cross-sections and the height above ground on both sides.
36. The location of any outdoor storage of material(s) and the manner in which it shall be screened or covered.
37. Information and special data which may be critical to the adequate review of the proposed use and its impacts on the site or Village. Such data requirements may include traffic studies, market analysis, environmental assessments (including inventory and impact data on flora, fauna, natural resources, hazardous materials, erosion control and pollution), demands on public facilities and services and estimates of potential costs to the Village due to failures as a basis for performance guarantees.
38. Information and statement of how applicant proposes to comply with State, Local and Federal laws, as applicable to this site or use.
39. The names of any Village officials or employees who will benefit financially from the approval of the site plan shall be disclosed.
40. Other data which the Village may reasonably deem necessary for adequate review.

e. Criteria for Approval of Site Plans. The following criteria shall be used by the Planning Board and Village Council as a basis upon which site plans will be reviewed and approved.

The Village shall adhere to sound planning principles, yet may allow for design flexibility in the administration of the following standards:

1. All elements of the site shall be harmoniously and efficiently designed in relation to the topography, size, and type of land, and the character of the adjacent properties and the proposed use. The site will be developed so as not to impede the normal and orderly development or improvement of surrounding properties for uses permitted on such property.
2. 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 as set forth in The Schedule of Regulations unless otherwise provided in this Ordinance.
3. The existing natural landscape shall be preserved in its natural state as much as possible, by minimizing tree and soil removal and by topographic modifications that result in maximum harmony with adjacent properties.
4. There shall be 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.
5. All buildings or groups of buildings shall be so arranged as to permit convenient and direct emergency vehicle access.
6. Where possible and practical, drainage design shall recognize existing natural drainage patterns.
7. There shall be a pedestrian circulation system that is insulated as completely as possible from the vehicular circulation system. In order to insure public safety, pedestrian underpasses or overpasses may be required in the vicinity of schools, playgrounds, local shopping facilities, and other uses that generate considerable amounts of pedestrian movement.
8. The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets or pedestrian or bicycle pathways in the vicinity of the site. Streets and drives that are a part of an existing or planned street system serving adjacent developments shall be of an appropriate width to the volume of traffic they are planned to carry and shall have a dedicated right-of-way equal to that specified in a Village recognized source of reference. The applicant may be required to dedicate adequate land and improvements to the Village in order to achieve access which is safe and convenient.
9. Appropriate measures shall be taken to ensure that the removal of surface waters will not adversely affect adjoining properties or the capacity of the public or natural storm drainage system. Provisions shall be made for a feasible storm drainage system, the construction of storm water facilities, and the prevention of erosion and dust. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicles or pedestrian traffic and will not create nuisance ponding in paved areas. Final grades may be required to conform to existing and future grades of adjacent properties. **All stormwater drainage and erosion control plans shall meet the standards adopted by the Village and Oakland County for design and construction.**

10. Off-Street parking, loading and unloading areas and outside refuse storage areas, or other storage areas that face or are visible from adjacent homes, or from public thoroughfares, shall be screened by walls or landscaping of effective height. Dumpsters shall have gates.

11. Exterior lighting shall be so arranged so that it is deflected away from adjoining properties and so that it does not impede vision of drivers along adjacent streets.

12. Adequate services and utilities including sanitary sewers, and improvements shall be available or provided, located and constructed with sufficient capacity and durability to properly serve the development.

Any use permitted in any Zoning District must also comply with all applicable Federal, State, County and Village health and pollution laws and regulations with respect to noise, smoke and particulate matter, vibration, noxious and odorous matter, glare and heat, fire and explosive hazards, gases, electromagnetic radiation and drifting and airborne matter, toxic and hazardous materials, erosion control, flood plains, and requirements of the State Fire Marshal.

13. An objective of site plan review shall be to protect and to promote public health, safety and general welfare by requiring the screening, buffering and landscaping of sites and parking lots which will serve to reduce wind and air turbulence, heat and noise, and the glare of automobile lights; to preserve underground water reservoirs and return precipitation to the ground water strata; to act as a natural drainage system and solve storm water drainage problems; to reduce the level of carbon dioxide and return pure oxygen to the atmosphere; to prevent soil erosion; to provide shade; to conserve and stabilize property values, to conserve energy, provide visual and sound privacy and to otherwise facilitate the creation of a convenient, attractive and harmonious community; to relieve the stark appearance of parking lots; and to generally preserve a healthful and pleasant environment in keeping with Village character.

14. It is an objective of site plan review to improve the quality of existing developments as they are expanded, contracted, redeveloped or changed in keeping with the predominant site development standards of the Village.

15. A major objective shall be to retain, enhance and protect the quality, value and privacy of the Village's single family land uses.

16. 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 improvements of a subsequent development potential of lands.

17. All sites shall be designed to comply with State and local barrier-free requirements and to reasonably accommodate the handicapped and elderly.

18. Additional approval standards for unplatted residentially zoned parcels. Prior to the approval of a plat or a condominium subdivision plan or development under the single family residential cluster option, the Village Council shall require the following standards be met:

a. The permitted density should not exceed that permitted in the Zoned District.

b. Careful protective measures such as screening, open space, circulation design, shall be built in project designs to prevent adverse impacts of traffic noise, fumes, glare and odors on existing residences which are included in developments.

c. If a proposed development requires one or more direct circulation access point(s) to a major or intermediate thoroughfare, the site development area or combination of lots shall be a minimum of eleven (11) acres. If access alternatives exist, they must be used.

d. Primary interior streets shall be public or adequate access easements shall be granted to abutting parcels in order to minimize the need for access points to major and intermediate thoroughfares.

e. All redevelopment plans shall include a clear demonstration that remaining adjacent parcels can be developed in the future in a practical and coordinated manner.

f. The Council may require extraordinary improvements such as constructing utilities or streets to the property lines in order to permit future tie-ins with adjacent parcels.

g. As much as possible, linkages shall be created between projects in order to insure economy, efficiency of design, convenience for the residents and access options for emergency and service vehicles.

h. All site features, including circulation, parking, building orientation, landscaping, lighting, utilities, common facilities and open space shall be coordinated with adjacent properties.

f. Review of Site Plans. The Village Manager shall secure comments from Village Building and Public Safety Departments, Village Engineer, Planner and others, as applicable, and forward all site plans along with comments to the Village Council which shall refer said plans to the Planning Board for its review. The Planning Board shall review the plans and may solicit further comments from the Village Building and Public Safety Departments, Village Engineer and Planning Consultant and other agencies, groups or persons. Upon completion of its review, the Planning Board shall transmit its recommendation or comments to the Village Council.

g. Site Plan Approval and Record. The Village Council is hereby authorized to review and approve, to approve with conditions or review and deny approval, all site plans submitted under this Ordinance. Guidelines for consideration of each case shall follow the Zoning Ordinance and any other applicable ordinances. Each action taken with reference to site plan review and approval shall be duly recorded in minutes of the Council. When the Village Council approves a site plan with conditions from the applicant, the Building Official shall require a revised site plan with a revision date, indicating said conditions on the site plan.

When a site plan approval is required, no building permit shall be issued until four (4) copies of a final site plan, which includes all conditions of approval, a revision date and notation of all variances has been signed by the Council President, the Building Official and the Planner or their designees. Prior to issuance of a permit, one (1) copy of the final signed plan shall be filed with each of the following: Clerk, Building Official and the Applicant.

h. Site Plan Review Manual. The Village Council, after recommendation from the Planning Board shall prepare a site plan review manual with detailed administrative procedures for site plan review. Council shall cause said procedures to be implemented.

i. Construction Under Plan. When an applicant receives site plan approval as provided previously herein, the applicant shall develop the site in complete conformity, with the approved site plan. Complete construction plan including component phases, shall be submitted for review by the Building Official with a landscape plan prepared by a registered landscape architect for all landscape areas. Upon review and finding by the Building Official that the construction plans meet with the requirements of the Village Council's site plan approval and applicable Ordinances of the Village, the Building Department shall issue a building permit for said construction. Site plan approval hereunder shall be valid for one (1) year from the date of Village Council approval.

j. A Certificate of Occupancy shall be withheld by the Building Official in any case where the site plan and major conditions as approved by the Village have not been complied with. Any minor variations may be approved by the Building Official, and shall be reported within ten (10) days to the Council and Planning Board after the issuance of Certificate of Occupancy.