

ORDINANCE NO. 2018-xx

An Ordinance to amend the Hamtramck City Code, Ordinance 497, Zoning Ordinance, Article III, Administration; and Article XII, Site Plan Review Requirements and Procedures, for the purpose of regulating the development construction and alteration of buildings within the City, and to provide a means for the City to promote, protect and safeguard the public health, safety and welfare of its citizens.

WHEREAS, the City of Hamtramck wishes to amend the Zoning Ordinance of the City of Hamtramck; and

WHEREAS, the Charter for the City of Hamtramck provides that Council has the authority to enact all ordinances they deem necessary for the safety, order, and good government of the City and the general welfare of the inhabitants

NOW, THEREFORE, THE CITY OF HAMTRAMCK ORDAINS:

SECTION 1. The existing Article III, Administration, Section 4.06, Paragraph 4.06.8, Site Plan Reviews, of the Hamtramck Zoning Ordinance is hereby repealed in its entirety and the following new Article III, Administration, Section 4.06, Paragraph 4.06.8, Site Plan Reviews, is hereby adopted to stand in its place.

“4.06.8 Site Plan Reviews. The Commission shall review site plans as provided in Article XII, Section XII – 2.01 Plan Review Authority, of this ordinance.”

SECTION 2. The existing Article VI, Structure and Site Requirements, Section 2.06, Paragraph 2.06.(f), of the Hamtramck Zoning Ordinance is hereby repealed in its entirety and the following new Article VI, Structure and Site Requirements, Section 2.06, Paragraph 2.06.(f), is hereby adopted to stand in its place.

f. “All new buildings and additions or structural alterations to the footprint of existing buildings shall be found to be architecturally compatible with adjacent buildings. Any existing building on which façade shall be altered after the effective date of this Ordinance or any subsequent amendment shall conform to the guidelines listed in this subsection, except that no zoning or building permit shall be issued until the plan is approved as provided in Article XII, following. This subsection shall not apply to regular maintenance of front facades. In making such a determination, the following shall be considered:

1. Not less than 90 percent of the exterior finish material on all facades that face a street shall be limited to glass, masonry, cut stone or coarsely textured stucco. On the second story and above, no more than ten percent E.I.F.S. shall be permitted. Vinyl siding shall not be allowed.
2. Colors shall be compatible with the majority of the buildings in the district.
3. Blank walls shall not face a public street. Walls facing a public street shall include windows and architectural features customarily found on the front

- façade of a building, such as awnings, cornice work, edge detailing, or decorative materials.
4. Each storefront shall have ground level window openings not less than seventy percent (70%) of the façade between two (2) and eight (8) feet from the ground. The wood or metal armature of such storefronts shall be painted, bronze, or powder-coated. The glazed area of a façade above the ground floor shall not exceed thirty-five percent of the total window area. Window air conditioners shall not be permitted in the front façade windows.
 5. Walls, displays, stored merchandise or other items shall not obstruct views into the store from street side windows.
 6. Windows shall have a light transmission factor of eighty percent or greater.
 7. Façade openings, other than ground floor display windows, including porches, windows, and colonnades, shall be vertical in proportion.
 8. Windows at or above the second story shall not be covered on the exterior.
 9. Upper-story windows that are replaced or exposed shall retain their original size, orientation, and shape so that the configuration of the façade is not changed.
 10. Outdoor security fencing shall not be permitted. Roll-up security fencing, if installed, shall be located within the building. No permanent or non-retractable security fencing shall be permitted within the building.
 11. Metal overhead doors **used for non-public access** to the building or interior-loading area shall not face a public street. . Overhead doors for any other use shall not have less than 60 % fenestration. If the overhead type door is not less than 60% fenestration, then such door shall be permissible. Loading docks and service areas shall be permitted only in the rear yard.
 12. Cantilevered mansard roofs shall not be permitted.
 13. The back of the building **and exposed side walls** shall be constructed of brick, painted or dyed concrete block, or the same materials used on the building's façade. Painted concrete blocks shall be permitted for the back wall.
 14. Public pedestrian entrances shall not be permitted on the side of the building, with the exception of buildings located on corner lots.”

SECTION 3. The existing Article XII, Site Plan Review Requirements and Procedures, of the Hamtramck Zoning Ordinance is hereby repealed in its entirety and the following new Article XII is hereby adopted to stand in its place.

“ARTICLE XII SITE PLAN REVIEW REQUIREMENTS AND PROCEDURES.

Section 1, General

XII – 1.01. Purpose.

The purpose of site plan review is to provide flexibility in the placement and interrelationship of the buildings and uses within each building site subject to plan approval, and to provide for the implementation of design concepts while at the same time maintaining the overall intensity of land use, density of population, and amounts of light, air, access and landscaped open space as required in this Ordinance. The objectives of site plan review are to:

- a. Discourage monotonous, drab, unsightly, dreary and inharmonious developments, and poor quality;
- b. Conserve the City's natural beauty and visual character and charm by ensuring that structures, signs, and other improvements are properly related to their sites, and to surrounding sites and structures and that proper attention is given to exterior appearance of structures, signs, and other improvements;
- c. Stabilize and improve property values and prevent blighted areas;
- d. Foster civic pride and community spirit so as to improve the quality and quantity of citizen participation in local government and in community growth, change and improvement;
- e. Sustain the comfort, health, tranquility, and contentment of residents and attract new residents by reason of the City's favorable environment;
- f. Provide for consultation and cooperation between the developer and the City so that both parties might realize maximum utilization of land and minimum adverse effects upon the surrounding area.

Section 2 Site Plan Review Process

XII – 2.01 Plan Review Authority

This section sets forth the requirements for the application, review, approval and enforcement of site plans in the City of Hamtramck.

A. Site Plan Review Authority

1. There is hereby established a Site Plan Review Committee consisting of the Fire Chief or designee, Director of Community & Government Affairs, Building Official, City Planner, City Engineer, and the DPS Director or designee. The Building Inspector, Economic Development Coordinator and Police Chief shall be ex officio members. A minimum of four (4) affirmative votes is required to approve any motion.
2. Upon receipt of a site plan the Site Plan Review Committee shall review and approve the plan prior to issuance of permits for any construction. The Committee shall refer plans to the Plan Commission as required by Paragraph B, below, and may, at their discretion, refer any plan to the Plan Commission for their review and approval.

B. Developments, Uses or Activities Requiring Plan Commission Review

After review and approval of the plan by the Site Plan Committee the site plan shall be submitted to the Commission in accordance with the procedures in this section for any of the following activities, uses or developments except single-family and two-family dwellings constructed on a single lot or parcel.

1. All new structures, except accessory structures under 200 square feet, and all additions or alterations involving a change in the footprint of the existing structure, as determined by the Site Plan Review Committee.
2. All new condominium or site condominium developments in any district.
3. All special land uses in any district.
4. All new multiple family residential.
6. The improvement, expansion, extension, or abandonment of any public or private overhead or underground utility or utility lines or easement.
7. All public buildings.

XII - Section 2.02. Site Plan Review Process

Site plans shall be reviewed in conformance with the following process:

1. Applicant requests pre-application conference with Building/Planning Department to discuss the proposed site plan, review procedures, design elements, and ordinance requirements.
2. Applicant initiates site plan review process by submitting the following materials and fees to the Building/Planning Department:
 - a. One (1) copy of the completed site plan application form.
 - b. Eight (8) copies of the site plan. A site plan submitted to the City for preliminary site plan review must contain all of the information set forth in Paragraph D below.
 - c. One (1) 11' x 17" original reduction of the site plan
 - d. One (1) copy of the "Hazardous Substance Reporting Form" and "Environmental Permits Checklist" (provided by City)
 - e. All applicable fees.

The City may require electronic (digital) submittal of applications and plans as the City develops the technological capabilities.

3. Site Plans are distributed to Site Plan Review Committee for Preliminary Site Plan Review.
4. Site Plan Review Committee conducts Preliminary Site Plan Review and determines if Plan Commission review is required.
5. Preliminary Site Plan Review comments sent to applicant.
6. Applicant revises plans and submits eight (8) copies of revised site plans and any additional required information to Building/Planning Department.
7. Site Plan Review Committee conducts Final Site Plan Review and takes final action on the site plan.

8. If a site plan is referred to the Plan Commission by the Site Plan Review Committee, the applicant will be notified of the date, time and place of the meeting at which the Plan Commission will consider the application.
9. The Site Plan Review Committee, and Plan Commission if required, shall approve, approve with conditions, or deny the final site plan.
10. If revisions to the final site plan are necessary to meet conditions of approval, ordinance requirements or standards, the final site plan shall be revised by the applicant and resubmitted to the Building/Planning Department for verification of compliance with necessary plan revisions.
11. All denials, along with the reasons for denial, shall be indicated in writing. If the applicant desires to prepare an alternative plan, the same procedure as outlined above beginning with submittal of final site plans review shall be followed.
12. When all conditions of approval are met by the applicant six copies of the final site plan shall be stamped "APPROVED", dated and transmitted in accordance with the following:
 - 2 - Building/Planning Department
 - 1 - City Engineer
 - 1 - Department of Public Services
 - 1 - Fire Department
 - 1 - Applicant

D. Submission Requirements

1. Site Plan Application Form

Applications for site plan review shall be made on forms available at the Building/Planning Department. The City may require electronic (digital) submittal of applications and plans as the City develops the technological capabilities.

2. Site Plan Submission / Data Requirements

The following information shall be required on all site plans:

- a. Title block with name of proposed development, and the name address and phone number of the property owner, developer and architect / engineer. All sheets of the plan shall bear a stamped, countersigned seal of the registered professional who prepared the plan.
- b. Location map showing the proposed site location, zoning classifications and major roads.
- c. The site plan shall be drawn to scale not less than one (1) inch equals fifty (50) feet.
- d. Date, north arrow, and scale

- e. Property identification number(s) and the dimensions of all lot and property lines, showing the relationship of the subject property to abutting properties.
- f. Location of all existing and proposed structures, uses, number of stories, gross building area, required and proposed setback lines, and distances between structures on the subject property.
- g. All existing and proposed structures, roadways, drives, landscaping, trees, parking areas, and pedestrian paths within one hundred (50) feet of the subject property lines.
- h. Number of parking spaces and location of loading areas and handicap parking spaces and access routes on the subject property.
- i. Location and height of all walls, fences, and landscaping, including a landscaping plan.
- j. Location and widths of all abutting streets, existing and proposed rights-of-way, easements, and pavement.
- k. Type of existing and proposed surfacing of all drives, parking areas, loading areas and roads.
- l. Elevations (front, sides, and rear views) of all sides of the building(s), including types of facing materials to be used on structures.
- m. A floor plan drawing showing the specific use areas of all existing and proposed buildings on-site.
- n. Density calculations (for multiple family projects).
- o. Principal and accessory buildings.
- p. Designation of units by type of buildings.
- q. Interior walks and pedestrian or bicycle paths within rights-of-way.
- r. Exterior lighting locations, type of fixtures, and methods of shielding from projecting onto adjoining properties.
- s. Trash receptacle and transformer locations and method of screening.
- t. Drive or street approaches including acceleration, deceleration and passing lanes, where appropriate.
- u. All utilities located on or serving the site, including sizes of water and sewer lines, wells, proposed hydrants, and proposed fire suppression line into building. Proposed sanitary leads and sanitary sewers must also be shown, as applicable.
- v. Designation of fire lanes.

- w. Location, size and types of all proposed signs.
- x. Preliminary storm system layout and flow arrows demonstrating that storm flow connections and disposal methods are feasible,
- y. Typical existing and proposed cross-sections for streets, roads, alleys, parking lots, etc., as applicable, including right of way.
- z. Existing and proposed ground contours at intervals of two (2) feet, or spot elevations sufficient to review the proposed grading and drainage plan, as determined by the City's consulting engineer.
- aa. Location of all tree stands and measures to be taken to protect existing on-site trees not proposed for removal as part of the development.
- bb. Landscape plan showing species, spacing, and size of each tree and plant material and ground cover.

E. Site plan review criteria.

In reviewing site plans, the Site Plan Review Committee and Plan Commission shall consider and require compliance with the following:

1. All application and site plan review submittal criteria have been met.
2. The final site plan is in full conformance with all applicable zoning ordinance requirements.
3. The location of development features, including principal and accessory buildings, open spaces, parking areas, driveways, and sidewalks minimize possible adverse effects on adjacent properties and promote pedestrian and vehicular traffic safety.
4. On-site and off-site circulation of both vehicular and pedestrian traffic will achieve both safety and convenience of persons and vehicles using the site.
5. Landscaping, earth berms, fencing, signs, and obscuring walls are of such a design and location that the proposed development's impact on existing and future uses in the immediate area and vicinity and on residents and occupants is minimized and harmonious.
6. Utility service, including proposed water, sanitary sewer and storm water runoff systems are sufficient to fulfill the projected needs of the development and the recommendation of the City's consulting engineer. Approvals required from any state or county department having jurisdiction, such as the Department of Health, Drain Commission or Road Commission, are a prerequisite to approval.
7. Notwithstanding any other provisions of this ordinance, the City may require as a condition of final site plan approval, landscaping, berming, fencing, walls, drives or other appurtenances as necessary to promote the health, safety, and welfare of the community and achieve compliance with the standards of this ordinance.

XII – Section 2.03 Site Plan Review Standards for Groundwater and Storm water Protection

The following provisions shall apply to all uses and facilities that require site plan review under the provisions of this ordinance.

1. Site Plan Review Information Requirements
 - a. The applicant for site plan review shall complete and submit the "Hazardous Substances Reporting Form for Site Plan Review" and the "Environmental Permits Checklist" at the time of application for site plan review (forms provided by City).
 - b. The City may require a listing of the type and quantity of all hazardous substances and polluting materials which will be used, generated, produced or stored on the site.
 - c. The site plan shall detail the location of the following:
 1. Public or private wells on-site and on adjacent sites.
 2. Septic systems and other wastewater treatment systems, including the location of all sub-components of the system.
 3. Interior and exterior areas to be used for the storage, use, loading, recycling, production or disposal of any hazardous substances and polluting materials.
 4. Existing and proposed underground and above-ground storage tanks and the material stored therein.
 5. Exterior and interior drains, dry wells, catch basins, retention/detention areas, sumps, and other facilities designed or intended to collect, store, or transport storm water or wastewater. The point of discharge for all drains and pipes shall be specified on the site plan.
 6. Areas on the site which are known or suspected to be contaminated, along with a report on the nature of the contamination and the status of clean-up efforts, if applicable.
2. Groundwater and Surface Water Protection Standards
 - a. General
 1. The project shall be designed to protect the natural environment, including wetlands, surface water and groundwater, and to insure the absence of an impairment, pollution, and/or destruction of the air, water, or other natural resources.

2. Storm water management and drainage facilities shall not increase flooding or the potential for pollution of surface water or groundwater, on-site or off-site.
 3. Floor drains shall be connected to a public sanitary sewer system, an on-site holding tank without an outlet, or a system authorized by a state groundwater discharge permit.
 4. Sites shall be designed to prevent spills and discharges of hazardous substances and polluting materials to the air, surface of the ground, groundwater, or surface water.
 5. State and Federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances and polluting materials shall be met. No discharges to surface water or groundwater, whether direct or indirect, shall be allowed without required permits and approvals.
 6. In determining compliance with the standards in this ordinance, the City may utilize appropriate and applicable reference standards regarding best management practices for groundwater protection.
- b. Above-ground Storage and Use Areas for Hazardous Substances and Polluting Materials
1. Secondary containment of hazardous substances and polluting materials shall be provided. Secondary containment shall be sufficient to store the substance for the maximum anticipated period of time necessary for the recovery of any released substance.
 2. Outdoor storage of hazardous substances and polluting materials shall be prohibited except in product-tight containers that are protected from weather, leakage and vandalism.
 3. Secondary containment structures shall not have floor drains or other outlets, except as necessary for connection to pumping trucks for removal of spilled product.
 4. Areas and facilities for loading, handling, production, use or disposal of hazardous substances and polluting materials shall be designed and constructed to prevent discharge or run-off to floor drains, wetlands, surface water, groundwater or soils.
- c. Underground Storage Tanks for the Storage of Hazardous Substances and Polluting Materials
1. Existing and proposed underground storage tanks shall be registered with the authorized state or federal agency in accordance with applicable state and federal law.

2. Installation, operation, maintenance, closure, and removal of underground storage tanks shall be in accordance with requirements of the authorized agencies. Leak detection, corrosion protection, spill prevention, and secondary containment requirements shall be met.
 3. Out of service or abandoned underground tanks shall be emptied and removed from the ground in accordance with requirements of the authorized state and federal agencies.
- d. Sites With Contaminated Soils and / or Groundwater
1. Site plans shall detail the nature of, location and extent of any contaminated soils or groundwater on the site.
 2. Written verification from authorized state agencies shall be provided as a part of site plan review application that indicates their approval of the proposed use or activity in relation to the contamination on-site and clean-up efforts underway or anticipated.

XII- -Section 2.04. Expiration of site plan approval.

The approval of any preliminary site plan under the provisions of this ordinance shall expire and be void one (1) year after the date of such approval unless final site approval has been granted, or is in an active stage of review, Approval of any final site plan under the provisions of the ordinance shall expire and be void one (1) year after the date of such approval unless actual construction has commenced in accordance with the issuance of a valid building permit. Upon expiration of a final site plan approval, all preliminary site plan approvals shall expire.

XII - Section 2.05. Fees.

Any application for site plan approval shall be accompanied by a fee as determined from time to time by resolution of the City Council.

XII – Section 2.06. Approval and Issuance of Building Permits.

Building permits shall not be issued until site plan approval has been granted by the Site Plan Review Committee, Plan Commission (if applicable) and the City engineering consultant has approved the final engineering plans for the site.

XII – Section 2.07. Amendments of Approved Site Plans

An approved site plan may be amended by written application in accordance with the submittal and review procedures for Preliminary Site Plan Review. Where the changes are minor, the Site Plan Review Committee may complete the Site Plan Review process and act upon the proposed amendment. Major changes, as determined by the Site Plan Review Committee, to plans which received Plan Commission approval shall be reviewed and approved by the Plan Commission.

XII – Section 2.08. Conformity with Approved Site Plan Required

Sites shall be built in conformance with approved site plans. Where modified by subsequent amendment or Zoning Board of Appeals action, approved site plans shall be modified to reflect said action and approved. Maintenance of the property in conformance with the approved site and landscaping plan(s) shall be a continuing obligation of the Owner.

XII – Section 2.09. Appeals to Site Plan Decisions

Appeals to decisions of the Site Plan Review Committee shall be made to the Plan Commission. Appeals to actions of the Plan Commission shall be in accordance with state law.

XII – Section 2.10. Accuracy of Information

The applicant for site plan approval shall be responsible for the accuracy and completeness of all information provided on the site plan.

XII – Section 2.11. Revocation of Site Plan Approval

The Plan Commission may, upon hearing, revoke approval of a site plan if the Commission determines that any information on the approved site plan is erroneous. Upon revocation, work on the affected part of the development, or on the entire development, as determined by the Plan Commission, shall cease. The Plan Commission may direct the Building/Planning Department to issue a stop work order to enforce its determination. Upon revocation, the Plan Commission may require the applicant to amend the site plan in a manner appropriate to reflect the corrected information. Any work so suspended shall not be resumed until an amended site plan is approved by the Plan Commission.

Section 3. Site Plan Guarantee

XII – Section 3.01 Site Plan Guarantee

1. Prior to the issuance of any building permit for any project or development which requires site plan review under this ordinance, the applicant for same shall provide a site plan completion guarantee deposit to the City. Said deposit shall guarantee completion of all site improvements shown on the approved final site plan. For the purpose of this section, completion shall mean inspection by the appropriate City officials and approval for compliance with the approved final site plan, not less than six months after the last occupancy certificate has been issued.
2. Site improvements shall mean, but shall not be limited to, drives and streets, curbs and gutters, sidewalks, water and sanitary sewer systems, drainage facilities and retention/detention basins, final grading and swales, retaining walls, landscaping and parking lots.
3. The amount of the guarantee shall be as established from time to time by City Council resolution.
4. In the event the applicant fails to correct any deficiencies within thirty (30) days of written notice from the City, the City shall have the authority to use the guarantee to complete the site improvements, or repairs to said improvements, within a period of nine (9) months following the issuance of

the last certificate of occupancy unless good cause can be shown by the applicant for the delay in completion. The City may, at its sole discretion, agree in writing to a specific extension of the nine (9) month period. The City may use the completion guarantee to hire sub-contractors to complete work, fund inspections and for the administration of the required work including legal fees.

5. The guarantee or portion thereof, shall be promptly released upon the inspection and approval of all improvements in compliance with the approved final site plan or conditional use permit and all applicable City standards and specifications. Portions of the guarantee may be released, in not more than three (3) installments, provided:
 1. The project or approved phase of a project has been completed for six months and the improvements for which the release is requested have been inspected and approved in accordance with the above standards, and the remaining balance is sufficient to cover the remaining improvements, including administrative and contingency expenses.
 2. The guarantee shall not be reduced below the minimum amount required in paragraph 3 above.
6. Types of Completion Guarantees - The applicant may provide a guarantee in the form of a cash deposit, certified check, surety bond or letter of credit in a form acceptable to the City. Surety bonds and letters of credit shall be valid for a period of one year past the anticipated request for the last certificate of occupancy for the entire project and, if required, shall be renewed by the applicant not less than thirty (30) days prior to expiration.

Section 4 Site Condominium Regulations

XII – Section 4.01 Site Condominium Review Process

The review, design, development and maintenance of a site condominium project shall conform to the provisions of this section.

A. Review Process

Review and approval as provided in this Section shall be required to construct, expand or convert a site condominium project. The review process shall involve three phases: Preliminary Plan Review, Site Plan Review, and Final Engineering Plan Review.

1. Preliminary Plan Review and Approval.

a. Application

A developer of a proposed site condominium project shall submit to the City an application for preliminary plan approval on an application form provided by the City. The application form shall include all information called for on the form and shall be accompanied by twelve (12) copies of a preliminary plan, the application and review fee, and any supplemental information the applicant desires to be considered during the preliminary plan review process. The City may require

electronic (digital) submittal of applications and plans as the City develops the technological capabilities.

b. Preliminary Plan Content

The preliminary plan shall include:

1. Project name and location.
2. Name, address and phone number of the developer and the name, address, phone number and seal of the surveyor or engineer who prepared it.
3. The plan and layout shall be of sufficient detail on a topographic plan to determine whether the project meets requirements for lot size, lot shape, drainage, and the design of the proposed street network.
4. Scale of not more than one hundred (100) feet to one (1) inch.
5. Legal description of the parcel of land to be developed.
6. Proposed layout of the individual building sites, streets, wetlands and schematic location of proposed drainage, water and sanitary sewer service.
7. Location of existing streets, lots, buildings, walls, utilities, major landscaping and wooded areas within 100' of the site.
8. In addition, the application and plan shall include other information deemed necessary by the Plan Commission for preliminary review.

c. Preliminary Plan Review Process

1. The application form and preliminary plan shall be forwarded to the Site Plan Review Committee for their review. Review comments shall be forwarded to the developer to be addressed prior to Plan Commission review.
2. Following review and recommendation by the Site Plan Review Committee, the preliminary plan shall be reviewed by the Plan Commission for conformance with all applicable laws and ordinances, including design standards relative to density, building site size and layout, streets and drainage.
3. The Plan Commission shall ascertain whether, based upon the submitted application and preliminary plan, the preliminary plan will conform to all applicable ordinance requirements relative to building site size, shape and layout, and street design.
4. If the preliminary plan conforms to all applicable ordinance standards, it shall be approved by the Plan Commission. If the preliminary plan fails to conform, the Plan Commission may either deny the application or grant approval with conditions. This provision does not authorize the Plan Commission to grant variances from this ordinance.

2. Site Plan Review and Approval

- a. After preliminary plan approval by the Plan Commission, the developer shall submit an application for final site plan review in accordance with Section XII -2.02 - Site Plan Review, above.
 - b. Application for site plan review shall include a copy of the proposed master deed, by-laws and any additional documentation to be recorded with the Register of Deeds for review and approval. The master deed shall be reviewed with respect to all matters subject to regulation by the City, including, without limitation, ongoing preservation and maintenance of drainage, detention, landscaping, wetland and other natural areas, and maintenance of general and limited common elements.
 - c. The Site Plan Review Committee shall review the site plan, master deed and by-laws and shall approve the proposed condominium project if it conforms to all applicable ordinance standards and conditions of preliminary plan approval. If the proposed condominium project does not conform to said standards and conditions, the Site Plan Review Committee may deny the proposed condominium project or refer the proposal back to the Plan Commission for reconsideration of the Preliminary Plan.
 - d. Site plan approval shall be effective for a period of one year.
3. Final Engineering Plan Review and Approval.
- a. Following site plan approval, the developer shall submit an application for final engineering approval to the City. The application shall include plans and information in sufficient detail to determine compliance with all applicable laws, codes, ordinances, rules and regulations enforceable by the City subject to applicable provisions of Subsection B below.
 - b. The City's engineering consultant shall review the final engineering plans and shall approve the plans when they conform to all applicable ordinance standards, requirements, and conditions of site plan approval.
 - c. A building permit for construction of individual condominium units may be applied for when the final engineering plan has been approved, all applicable permits and approvals have been secured from other government entities, and all improvements for the project have been constructed. The City may determine that certain improvements need not be constructed prior to issuance of building permit for an individual condominium unit, provided that all improvements shall be completed prior to issuance of a certificate of occupancy for any condominium unit and the developer posts a performance guarantee for the timely completion of such improvements.

XII – Section 4.02. Additional Site Condominium Regulations

1. Each condominium building site shall front on and have direct access to a public street constructed to City of Hamtramck and applicable Wayne County Road Commission standards.
2. There shall be compliance with all requirements of Section 10.400 and 10.401-Schedule of Regulations, and other provisions of this Ordinance and other

applicable ordinances, with the understanding that reference to "lot" in such regulations shall mean and refer to "condominium building site" or "Building Site", and reference to "building" (meaning principal building) or "structure" (meaning principal structure) shall mean and refer to "condominium unit ". In the review of preliminary plans, site plans and engineering plans, it is recognized that it may not be feasible to precisely apply traditional definitions and measures which would be made for developments proposed under, for example, the Land Division Act. However, the review of plans submitted under this section shall be accomplished with the objective and intent of achieving the same results as if the improvements were being proposed pursuant to the Land Division Act.

3. Prior to any grading or land development activity and / or the issuance of building permits, the developer shall demonstrate approval by county and state entities having jurisdiction with regard to any aspect of the development, including, without limitation, roads, water supply, sewage disposal and storm water drainage.
4. Prior to issuance of any certificates of occupancy, the developer shall demonstrate approval by any other governmental entities having jurisdiction that all improvements have been completed in accordance with approved plans.
5. Within sixty (60) days following final inspection and approval of all improvements, the developer shall submit to the City an "as-built" survey, including dimensions and elevations of each improvement and the boundaries of the building sites. The corners of each condominium building site shall be staked in the customary manner in connection with a survey performed for the project.
6. The fees for all reviews shall be established by resolution adopted by the City Council.
7. Amendments of plans or the master deed which have received final approvals and which would have substantive impact upon any matter reviewed or approved under this Section shall be reviewed and approved by the Plan Commission prior to recording. “

SECTION 4: PENALTY. The violation of any provision of the City of Hamtramck Property Maintenance Code, as adopted by reference and incorporated into the Hamtramck Code of Ordinances, by any person shall be punishable by the fines set forth in the Hamtramck City Code, Section 10.999.”

SECTION 5: SEVERABILITY. The various parts, sections and clauses of this Ordinance are declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected.

SECTION 6: EFFECTIVE DATE. This Ordinance shall be published in full in a newspaper of general circulation in the City of Hamtramck qualified under State law to publish legal notices and shall become effective upon publication, as provided by law.

SECTION 7: This Ordinance shall take effect immediately upon its adoption.

FIRST READING: _____

SECOND READING AND ADOPTION: _____

PASSED AND ADOPTED THIS _____ DAY OF _____, 2018

KAREN MAJEWSKI, MAYOR

ATTEST:

AUGUST GITSCHLAG, CITY CLERK

Approved as to form and legality for the use and reliance of the City of Hamtramck, MI, only.