

**CITY OF CLAWSON
OAKLAND COUNTY, MICHIGAN
ORDINANCE NO. 669**

**AN ORDINANCE TO AMEND CHAPTER 34 DIVISION 1 OF THE
LAND DEVELOPMENT REGULATIONS OF THE CODE OF
ORDINANCES CONSISTING IN PART OF REVISIONS TO SECTION
34-602 SITE PLAN REVIEW REQUIRED AND 34-611 DEALING WITH
ADMINISTRATIVE REVIEW OF A SITE PLAN.**

THE CITY OF CLAWSON HEREBY ORDAINS:

Division 4 of Chapter 34 shall be amended with changes to existing Section 34-611 as follows:

PART I:

Section. 34-602. Approval.

Site Plan Review Required. A site plan shall be submitted to the Planning Commission for review and approval for the following:

- (1) Any permitted or special land use within the City, except single family detached and two-family dwellings and their accessory buildings and uses, including home occupations, as defined by section 34-481;
- (2) Any new construction, except single family detached and two-family dwellings and their accessory buildings and uses including home occupations, as defined by section 34-481;
- (3) For the City Center District (a.k.a CMD-1), any use involving change of ownership of business, if the existing business does not have record of site plan approval from the Planning Commission and/or is not in conformance to the standards of the district as currently established in the Ordinance. For the purposes of this Ordinance, change of ownership shall not include transfer of ownership within a family (defined as “a basic unit in society traditionally comprising of one or two parents and their children”) as part of inheritance of the business.
- (4) Any development or use for which submission of a site plan is required by any provisions of this article;
- (5) Any proposal to construct, move, relocate, convert or structurally alter a building, including accessory buildings, except single family detached dwellings and their accessory buildings and uses. A structural alteration shall be defined as one that changes the location of the exterior walls and/or the area of the building;

- (6) Any *use* or development subject to the Michigan Condominium Act, Act 59 of the Public Acts of 1978, as amended;
- (7) Any proposal to fill, excavate, or grade land, or temporarily store fill, which involves more than 15 cubic yards of earth being disturbed in any one-year period, except for gardening or for construction for which a permit has been obtained.
- (8) Any change and/or conversion of use as permitted and regulated by this Ordinance that may result in an increase in the intensity of the use by means of moving the use from one use group to another. A use group is defined as a collection of various uses, all of which share similar characteristics (such as parking requirements, traffic generation rates, etc.) and are identified by the type of business and/or service they provide i.e., retail, education, office etc.

Section 34-611. Administrative Review.

In the following cases, the Director of Building and Planning shall have the authority to approve a site plan without submission to the Planning Commission, but subject to all the criteria set forth in sections 34-603 to 34-604 hereof.

- (a) Where Applicable.
 - (1) Accessory uses incidental to a conforming existing use where said use does not require any variance, further site modifications, special use approval and is not located on a non-conforming lot or structure;
 - (2) The conversion of an existing building from one permitted use to another permitted use within the same use group in the district provided the subject site is in conformance to the current ordinance standards, *and* has received site plan approval from the Planning Commission within the past 12 months of the date of the application.
 - (3) Provision for additional loading/unloading spaces, parking and landscape improvements as required by this article.
 - (4) Changes in use in a planned shopping center within the same use group, where off-street parking is not affected and a site plan has been approved within the past five (5) years.
 - (5) Minor structural alterations to building intended to bring the building into compliance with the Americans with Disabilities Act requirements.
 - (6) Establishment of a home occupation as defined by and subject to the provisions of section 34-481.

- (7) Change of use in a building within the City Center District where an existing building occupies the entire lot, and where minor external building facade or site changes are required or proposed, and parking is available off-site. All of the following changes shall be subject to administrative approval provided the changes are in conformance with the regulations and standards for the district as established in the Ordinance. Additionally, all such replacements and repairs shall be consistent with the vision of the City's Master Plan and Design Framework Plan. All facade/site changes shall be reviewed by the City Planner to verify compliance with the Ordinance and to provide recommendations to the City Administration. The Administration reserves the right to grant final approval (with or without changes) or forward the proposed changes to the Planning Commission.

Minor facade changes shall include the following:

- Cleaning and painting/repairing;
- Repair of existing exterior building material with similar materials only;
- Replacement or repairs of existing doors and windows;
- Replacement or repairs to existing awnings;
- Replacement of light fixtures;
- Restoration of original building architectural features (as supported by historical data);
- Replacement of existing signage;
- Installation of new signage;
- Removal of non-conforming signage;
- Addition of landscape elements such as planter boxes etc.;
- Addition of outdoor patio/café area;
- Installation of streetscape improvements such as benches, art pieces etc.

- (8) Change of use in a "development ready" building i.e., an existing building within the City Center District that has received site plan approval from the Planning Commission and is in conformance to the design criteria set forth in Section 34-1146.

- (b) Major facade changes, including but not limited to the following, shall be subject to full site plan review and approval by the Planning Commission:

- Installation of new window and door openings where not previously existing;
- Remodeling of upper story facades, if not already approved by Planning Commission;
- Installation of new awnings or other window/doorway details not previously existing;
- Change of exterior building materials;

- Other changes not noted above, that would alter the appearance of the entire building.
- (c) Information Required. The Director of Building and Planning shall require all applicable criteria set forth in sections 34-603 to 34-604 hereof to be met, and shall also have the authority to waive information required in section 34-603 hereof which is not necessary to determine whether site plan review requirements have been met. The Director of Building and Planning shall also have the authority to refer any site plan eligible for administrative review under section 34-611 hereof to the Planning Commission and/or any consultants employed by the City for the purpose of supplementing or initiating a site plan review.
- (c) Fees for administrative review shall be established by resolution of the City Council which may assist in the reimbursement of consultant fees and time expended by the Director of Building and Planning.

PART II. Conflicts.

If any provision of the Clawson Land Development Regulations conflicts with this amendment to the regulations, the most restrictive provision shall be applied.

PART III. Severability.

Should any section or part of this ordinance be declared unconstitutional, null or void by a court of competent jurisdiction, such declaration shall not have any effect on the validity of the remaining sections or parts of this ordinance.

PART IV. Adoption.

This ordinance was adopted by the City Council of the City of Clawson by authority of Public Act No. 110 of 2006 further amended as Public Act 12 of 2008, of the Public Acts of Michigan, at a meeting duly called and held on the 6th day of January, 2009, and ordered to be published as prescribed by the law.

Penny Luebs, Mayor

G. Machele Kukuk, City Clerk

Dated:_____

Dated:_____