

**City of Keego Harbor
Planning Commission Meeting Minutes
Tuesday, July 28, 2026**

CALL THE MEETING TO ORDER

Chairperson Yoder called the meeting to order at 7:00 p.m.

ROLL CALL

Present: Chairman Yoder, Vice Chairperson Meabrod, Secretary Santia, Commissioner Douglass, Commissioner Emerling, and Council Member Elsen

STAFF PRESENT: Interim City Manager Gacioch, Interim City Clerk Goodall, City Planner Dan Commer

APPROVAL OF AGENDA

*Motion by Secretary Santia; supported by Commissioner Douglass to approve the agenda.
Ayes: 5 Nays: 0 Motion Carries*

APPROVAL OF MINUTES

*Motion by Commissioner Emerling; supported by Commissioner Douglass to approve the minutes.
Vote: Ayes: 5 Nays: 0 Motion Carries*

PUBLIC COMMENTS

No public comments

PLANNING DEPARTMENT REPORT

- May & June Monthly Report

May 2026

DEVELOPMENT PROJECTS WITH PLANNING COMMISSION INVOLVEMENT

Address	Zoning	Project / Approval Sought	Status	Comment / Latest Action
2004 Cass Lake Rd.	C-1 Local Business, CLR Overlay	Preliminary site plan approval	Site Plan Review #3	Most recent set of plans to be discussed at the June 2, 2026 Planning Commission Meeting.
3080 Orchard Lake Rd.	C-2 General Business, CDB Overlay	Site plan approval	Site Plan Review #1	Conditionally approved at March 31, 2026 Planning Commission meeting. Waiting for updated plans to address conditions of approval.

ONGOING PLANNING & ZONING PROJECTS - MAY

Master Plan Update

The updated draft and the public comments received during the comment period were presented at the May 21st Joint Planning Commission/City Council meeting and recommended for approval to the City Council. The Keego Harbor 2026 Master Plan was adopted by City Council at the May 21, 2026, meeting.

PLANNING AND ZONING INQUIRIES

Date	Address	Zoning	Inquiry	Planner's Review
May 4	2459 Willow Beach	NR, Neighborhood Residential	Zoning Permit Application – Deck	Approved.
May 4	1704 Cass Lake Front	NR, Neighborhood Residential	Lot Split Application	Recommended approval to City Manager.
May 4	1481 Beachland Blvd	NR, Neighborhood Residential	Zoning Permit Application – Fence	Application required additional information. Requested information from applicant.
May 6	2840 Wall St	NR, Neighborhood Residential	Zoning Permit Application – Deck	Approved.
May 6	1966 Willow Beach	NR, Neighborhood Residential	Revised plan review	Approved.
May 7	1570 Cass Lake Road	NR, Neighborhood Residential, CLR Overlay	Zoning Permit Application – Fence	Approved.
May 11	2881 Stennett	NR, Neighborhood Residential	Zoning Permit Application – Fence	Application required additional information and revisions to comply with ordinance. Provided review letter requesting additional information and revisions from application.
May 11	1664 Beechcroft	NR, Neighborhood Residential	Zoning Permit Application – Driveway	Approved.
May 18	1535 Cass Lake Road	C-1, Local Business District, CLR Overlay	Sign Permit Application	Approved.
May 19	2091 Cass Lake Road	C-1, Local Business District, CLR Overlay	Questions on scrolling signs	Planner provided requested information.
May 21	1840 Cass Lake Front Rd.	NR, Neighborhood Residential	Zoning Permit Inquiry – Patio	Planner provided requested information.
May 26	2428 Willow Beach	NR, Neighborhood Residential	Zoning Permit Inquiry – New Home Construction	Planner provided requested information.

June 2026

DEVELOPMENT PROJECTS WITH PLANNING COMMISSION INVOLVEMENT

Address	Zoning	Project / Approval Sought	Status	Comment / Latest Action
1985 Cass Lake Rd.	C-1 Local Business, CLR Overlay	Preliminary site plan and Special Land Use approval	Site Plan Review #1	Plans to redevelop the former Satia Hall site were received.
2004 Cass Lake Rd.	C-1 Local Business, CLR Overlay	Preliminary site plan approval	Site Plan Review #3	Most recent set of plans to be discussed at the June 2, 2026 Planning Commission Meeting.
3080 Orchard Lake Rd.	C-2 General Business, CDB Overlay	Site plan approval	Site Plan Review #1	Conditionally approved at March 31, 2026 Planning Commission meeting. Waiting for updated plans to address conditions of approval.

ONGOING PLANNING & ZONING PROJECTS - JUNE

Zoning Ordinance Updates

Text amendments to update the sign ordinance and maximum allowable building height in the Village Overlay District were presented at the June 2nd Planning Commission meeting and recommended for approval to the City Council.

PLANNING AND ZONING INQUIRIES

Date	Address	Zoning	Inquiry	Planner's Review
June 1	2485 Willow Beach	NR, Neighborhood Residential	New Business Application – Home Occupancy	Approved.
June 2	3137 Varjo	NR, Neighborhood Residential	Zoning Permit Application - Driveway	Approved.
June 2	1840 Cass Lake Front Rd	NR, Neighborhood Residential	Zoning Permit Application – Patio	Approved.
June 2	3057 Norcott	NR, Neighborhood Residential	Residential addition inquiry	Planner provided requested information.
June 3	2428 Willow Beach	NR, Neighborhood Residential	Zoning Permit Application – New Home Construction	Approved.
June 4	2131 Beechmont	NR, Neighborhood Residential,	Zoning Permit Application – Driveway	Approved.
June 8	2360 Hester Court	NR, Neighborhood Residential	Zoning Permit Inquiry – Driveway	Planner provided requested information.
June 8	2360 Hester Court	NR, Neighborhood Residential	Zoning Permit Inquiry – Driveway	Planner provided requested information.
June 9	2987 Orchard Lake Rd	CBD, Central Business District, CBD Overlay	Sign Permit Inquiry	Planner provided requested information.
June 22	2836 Beland	NR, Neighborhood Residential	Zoning Permit Application – Residential Addition	Planner requested additional information.

June 23	2360 Hester Court	NR, Neighborhood Residential	Zoning Permit Application – Deck	Approved.
June 24	2428 Willow Beach	NR, Neighborhood Residential	Architectural Design Review – New Home Construction	Approved.

Unfinished Business

- **Zoning Ordinance 4.05: Parking and Storage of Recreational Vehicles on Vacant Residentially Zoned Lots**

City Planner, Dan Commer gave a high-level comparison of the current ordinance with the surrounding lakefront communities

Motion by Commissioner Douglass; supported by Secretary Santia to put a public hearing on the agenda for the review of section 4.05; parking and storage of recreational vehicles on vacant residential zoned lots with the two changes to the current ordinance, 4.05(a) and 4.05(h).

Ayes: 5

Nays: 0

Motion Carries

ADJOURNMENT

Chairperson Yoder adjourned the meeting at 8:47 p.m.

Joel Yoder
Chairperson, Planning Commission

Stacy Goodall
City of Keego Harbor, Interim City
Clerk



MCKENNA

Planning & Zoning Report

July 2026

McKenna assists the City of Keego Harbor on zoning, planning, and economic development matters. This document serves as the official Planning Commission report on Planning and Zoning activities and services in July 2026. Contact your McKenna Team via email anytime:

- **John Jackson, AICP, NCI**, Project Director (jjackson@mcka.com)
- **Dan Commer, AICP**, Project Manager (dcommer@mcka.com)
- **Emily Huhman, AICP**, Project Planner (ehuhman@mcka.com)

DEVELOPMENT PROJECTS WITH PLANNING COMMISSION INVOLVEMENT

Address	Zoning	Project / Approval Sought	Status	Comment / Latest Action
1985 Cass Lake Rd.	C-1 Local Buisness, CLR Overlay	Preliminary site plan and Special Land Use approval	Site Plan Review #1	Plans to redevelop the former Santia Hall site were received. McKenna reviewed plans and is working to schedule a working meeting with the applicant and City administration.
2004 Cass Lake Rd.	C-1 Local Business, CLR Overlay	Final site plan approval	Preliminary site plans granted conditional approval	Applicant received condition approval of preliminary site plans at June 2, 2026 Planning Commission meeting. Awaiting final site plan submission materials from applicant.
3080 Orchard Lake Rd.	C-2 General Business, CDB Overlay	Site plan approval	Site Plan Review #1	Conditionally approved at March 31, 2026 Planning Commission meeting. Applicant is sending updated plans within the next couple of weeks.

ONGOING PLANNING & ZONING PROJECTS - JULY

Zoning Ordinance Updates – Signs and VOD Building Height

Updates to the sign ordinance and permitted building heights in the Village Overlay District were adopted by City Council on July 16, 2026. Notice of Adoption was published in the West Bloomfield Beacon on July 29th, and the ordinance changes will go into effect on August 8th, 2026. These changes were sent to Municode to incorporate online.

Zoning Ordinance Updates – Parking and Storage of Recreational Vehicles on Vacant Residentially Zoned Lots

As requested by City staff, McKenna has provided a memorandum reviewing Section 4.05 on the parking and storage of recreational vehicles on vacant residentially zoned lots and has provided analysis on how nearby communities regulate this type of parking and storage. A public hearing will be held for these changes at the August 25th, 2026 Planning Commission meeting and Planning Commission will be asked to recommend that City Council adopt these changes.

HEADQUARTERS
235 East Main Street
Suite 105
Northville, Michigan 48167

○ 248.596.0920
F 248.596.0930
MCKA.COM

Communities for real life.



PLANNING AND ZONING INQUIRIES

Date	Address	Zoning	Inquiry	Planner's Review
July 1	2428 Willow Beach	NR, Neighborhood Residential	Architectural Review – New Home	Approved.
July 6	2968 Glenbroke	NR, Neighborhood Residential	Lot split application.	Approved at July 16 th City Council meeting.
July 7	18-02-276-002	NR, Neighborhood Residential	Is this a buildable lot?	Lot was combined with adjacent lot to the north in May.
July 13	2836 Beland	NR, Neighborhood Residential	Zoning Permit Application - Addition	Approved.
July 22	2010 Harbor Village Ave	NR, Neighborhood Residential	Zoning Permit Application – Fence	Requested revisions and additional information from applicant.
July 27	1535 Cass Lake Rd	C-1, Local Business District	Questions on outdoor dining and dumpster enclosure requirements.	Planner provided requested information.
July 27	3377 Orchard Lake Rd	C-1, Local Business District	Questions on window sign requirements.	Planner provided requested information.
July 29	2091 Cass Lake Rd	C-1 Local Business District, Cass Lake Road Context Zone	Questions on process for street vacation.	Planner provided requested information.
July 30	2897 Orchard Lake Rd	C-2 General Business, CBD Context Zone	Sign Permit Application	Sign appears to comply, but review has not been sent. Business requires a Zoning Permit application to move forward. Asked applicant to please submit Zoning Permit application.
July 30	2881 Stennett St	NR, Neighborhood Residential	Zoning Permit Application – Fence	Revisions needed. Review letter created and notified applicant.



Memorandum

TO: Keego Harbor Planning Commission

FROM: Dan Commer, AICP
Emily Huhman, AICP

SUBJECT: Zoning Ordinance Update: Parking and storage of recreational vehicles on vacant residentially zoned lots

DATE: August 18, 2026

Dear Planning Commissioners,

At the Planning Commission meeting on July 28, 2026, the Planning Commission discussed potential changes to the City's Ordinance relating to parking and storage of recreational vehicles on vacant residentially zoned lots.

The following memorandum outlines recommended ordinance changes to the Planning Commission. It also implements suggested changes offered by Planning Commission on this potential Ordinance language at their July 28, 2026 meeting. **If adopted, the Ordinance would require that all parked or stored recreational vehicles be registered and licensed to a current resident of Keego Harbor, and that they be stored on a durable surface.**

All Zoning Ordinance language proposed to be removed is shown in ~~strike through~~, while language being added is in **red**.

We look forward to further discussion at your upcoming meeting.

Respectfully,

Dan Commer, AICP
Senior Planner

Emily Huhman, AICP
Associate Planner



RECOMMENDED MOTION

If the Planning Commission supports the changes outlined below after the public hearing and discussion, the Planning Commission can make the following motion to recommend its adoption to City Council:

"I move to recommend that City Council adopt the presented changes to Section 4.05 of the Keego Harbor Zoning Ordinance, per the requirements of Public Act 110 of 2006, as amended, the 'Michigan Zoning Enabling Act'".

SEC. 4.05: PARKING AND STORAGE OF RECREATIONAL VEHICLES ON VACANT RESIDENTIALLY ZONED LOTS

Per discussion with Planning Commission, McKenna has noted the following improvements that could be made to support the City's approach to recreational vehicle storage within districts zoned as residential. Language proposed to be removed is noted with a strikethrough, while language being added is in red.

Not more than two (2) recreational vehicles, as defined in [Section 2.00](#), Definitions, may be parked or stored on a vacant, separate lot of record than the principal structure subject to the following conditions:

- (a) All recreational vehicles shall be currently registered and licensed to a current resident of Keego Harbor. ~~and/or the current property owner of record.~~
- (b) The following recreational vehicles parked, or stored outdoors may not exceed:
 - (1) Travel trailer, thirty-five (35) feet or less in length.
 - (2) Camper trailer (pop-up), shall be stored in a collapsed position to a height not more than six (6) feet.
 - (3) Pick-up camper, thirty-two (32) feet or less in length.
 - (4) Watercraft, thirty-five (35) feet or less in length, but not to exceed twelve (12) feet in height, either mounted on a boat trailer or unmounted; also boat trailer without boat mounted.
 - (5) Motor home, forty (40) feet or less in length.
- (c) Storage of recreational vehicles shall be in the rear one-third ($\frac{1}{3}$) of the lot, but, not closer than five (5) feet to a side or rear property line. Recreational vehicles may be stored within the clear vision triangle of a waterfront lot between September 15 and May 15.
- (d) Recreational vehicles which are parked or stored shall be in good repair. Open storage of partially or disassembled component parts is prohibited. The vehicles must be capable of being moved from place to place.
- (e) Recreational vehicles shall not be used for living, lodging or housekeeping purposes.
- (f) Recreational vehicles parked or stored shall not be connected to electricity, water, gas, or sanitary sewer facilities.
- (g) The owner of a recreational vehicle shall not park or store such a recreational vehicle in such a manner as to create a dangerous or unsafe condition on the lot where parked or stored. Parking or storage in such a fashion that the recreational vehicle, whether loaded or not, may readily tip or roll, shall be considered a dangerous and unsafe condition.
- (h) The ground underneath the stored recreational vehicles must be ~~a durable surface surfaced and maintained to~~ avoid muddy conditions and an unkempt appearance. It can be surfaced with ~~natural ground cover~~ **concrete**, gravel, or crushed stone.



(i) Landscaping located at the rear and sides of the storage area shall comply with requirements in [Section 15.23](#)(d)(6) so as to create an evergreen or landscaped screen.

(j) For the purposes of this section, two (2) personal watercraft, snowmobiles, all terrain vehicles, or motorcycles stored on a single trailer shall be counted as one (1) recreational vehicle.



Memorandum

TO: Keego Harbor Planning Commission
Jay Rice, Owner, Gregor Golf Club

FROM: Emily Huhman, AICP

SUBJECT: **Temporary Use and Structure Application**

DATE: August 18, 2026

The purpose of this memo is to review an application for a temporary use, portable structure, and feather flag signs for 3335 Orchard Lake Rd (Parcel # 18-11-229-001), hereafter referred to as “the project” or “the proposed project”. Jay Rice, Owner, Gregor Golf Club, hereafter referred to as “the applicant”, submitted application materials on August 1, 2026. Within this memorandum, language directly from the Keego Harbor Zoning Ordinance or the Keego Harbor Master Plan are *italicized*; any recommendations provided by the planners are **bolded**.

TEMPORARY USES AND PORTABLE STRUCTURES STANDARDS

The standards for temporary and portable buildings, uses, and structures are as follows:

Sec. 15.20 - Temporary and portable buildings, uses and structures.

The Planning Commission 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 Commission may require safeguards related to setbacks, screening, off-street parking considered necessary to protect the health, safety, welfare and comfort of inhabitants of the City. Further, the Commission 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.

Comments: The proposed temporary canopy will be located in one of the parking spaces on the east side of the parking lot, near their existing sign. The applicant proposes the canopy tent and flags to be up until October 30, 2026. We do not expect that the proposed canopy tent and flags will negatively impact the health, safety, welfare, or comfort of inhabitants of the City. The location of the proposed temporary canopy is a sufficient distance away from the right-of-way and is not expected to cause additional noise, glare, or traffic beyond what would be expected at the site. The applicant does not propose to use the canopy tent or any other structure for storage or warehousing.

TEMPORARY SIGN STANDARDS

Temporary feather flag signs must meet the following standards:

(15) Temporary signs. Shall not exceed thirty-two (32) square feet in area, shall be displayed for no more than thirty (30) days, and no more than once per year. If requested for more than once per year, it must be approved by Planning Commission. Exempt temporary signs are; banners, or flags when in the nature of special decorative displays used for public demonstrations or promotions of civic welfare or charitable



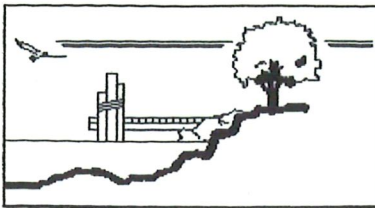
purposes on which there is no commercial advertising, provided the City is held harmless and blameless for any damage or injury resulting there from.

Comments: The applicant is proposing two temporary feather flag signs near their existing pole sign. The applicant proposes this display until October 30, 2026. **These temporary signs can be displayed until September 25, 2026, unless Planning Commission approves the signs to be displayed more than 30 days and until the October 30, 2026 date noted by applicant.** The applicant does not provide the square footage of these feather flag signs. **The applicant should confirm these feather flag signs are not a combined more than 32 square feet in area prior to Planning Commission approval and installation.**

Sec. 14.06 – General Provisions

The following general provisions apply to the proposed feather flag signs.

Standard	Requirement	Complies?
Sign Location	<i>No sign, except those established and maintained by the City, county, state, or federal governments, shall be located in, project into, or overhang a public right-of-way or dedicated public easement. Projecting signs in the C-1 or C-2 area may project over a public sidewalk provided there is a minimum clearance of eight (8) feet between the sidewalk and the bottom of the sign.</i>	Yes. The applicant is proposing two temporary flags near their existing sign. These are not expected to be in the public right-of-way.
Obstruction of View of Drivers	<i>No sign shall be erected, established, or maintained on any lot which will obstruct the view of drivers in vehicles approaching an intersection of two (2) roads or the intersection of a road and driveway. Accordingly, signs located in the triangular area described below shall not be permitted to obstruct cross-visibility between a height of thirty (30) inches and six (6) feet above the lowest point of the intersecting roads or driveways. The unobstructed triangular area is described as follows: The area formed at the corner intersection of two (2) public right-of-way lines, the two (2) sides of the triangular area being twenty-five (25) feet in length measured along the abutting right-of-way lines, and the third side being a line connecting these two (2) sides, or; The area formed at the corner intersection of a public right-of-way and a driveway, the two (2) sides of the triangular area being ten (10) feet in length measured along the right-of-way line and edge of the driveway, and the third side being a line connecting these two (2) sides.</i>	The applicant does not include an unobstructed triangle on their plans. The southernmost flag is sufficiently set back from Summers Road where it is not expected to obstruct the view of drivers. The northernmost feather flag may obstruct the view of drivers. We recommend that the northernmost feather flag be set back further east to ensure driver views are not impacted.



"Heart of the Lakes"

APPLICATION ZONING PERMIT

CITY OF KEEGO HARBOR
2025 BEECHMONT KEEGO
HARBOR MI 48320
(248)682-1930
www.keegoharbor.org

CITY OF KEEGO HARBOR
Date Entered 08/03/2026 11:02:22 AM
Posting Date: 08/03/2026
Ref 00012647
Receipt: 40606
Amount \$125.00

12647

(OFFICE USE ONLY) PERMIT NUMBER: **PZ- 260026**

TYPE OF WORK: ☐ SHED ☐ DECK ☐ FENCE

NEW BUSINESS or NEW HOME ☐ OTHER

DATE: **01AUG2026**

JOB ADDRESS: **3335 ORCHARD LAKE RD**

OWNER NAME: **JASON RICE**

ADDRESS: **857 CAMDEN ST**

CITY, STATE, ZIP CODE: **FERNDAL, MI 48220**

PHONE NUMBER: **248-705-4386**

CONTRACTOR: **N/A**

EMAIL: **JAY@GPCGOLF.COM**

ADDRESS: _____

CITY, STATE, ZIP CODE: _____

PHONE NUMBER: _____ MOBILE: _____

Detailed Description SET UP OF TEMP CANOPY TENT AND FEATHER FLAGS WHILE OWNER IS ON LOCATION SINCE BUSINESS IS NOT ALWAYS STAFFEED
of Project _____

Building Application Applied For: YES NO N/A Sidwell Number _____

Project Start Date **26AUG26** Project Estimated Completion Date **30OCT26**

Date Site Plan Submitted _____ Date Survey Submitted _____

I hereby certify that the foregoing is correct to the best of my knowledge and that the said work will be done in conformance with the information herein set forth, in conformance with any plans and specifications submitted and in compliance with the City of Keego Harbor Codes regulating site plans and as-built plans. **I understand the permit fee is non-refundable.**

Permit expires 1 year from date of issue, Permit Renewal fee is \$50.00.

Zoning Ordinance and/or applicable Michigan Building Codes for the structure.

I affirm that the information provided on this application is true and accurate and that the project shall be completed in accordance with the provisions of the City of Keego Harbor Zoning Ordinance. It is the property owner's / agent's responsibility to determine the exact locations of all property lines.

I **JASON RICE**, the property owner, give permission for the City of Keego Harbor officials, staff and consultants to go on the property for which the above referenced site plan is proposed for purposes of verifying information provided on the submitted application.

PRINT NAME: **JASON RICE**

Owner or Contractor

SIGNATURE: _____

Owner or Contractor

DATE: **08/03/2026**

(FOR OFFICE USE ONLY)

Permit Fee: **125.00**

Pre-Inspection for fence grade
Completed date: _____

APPROVED/DENIED

BY: _____

PRINT

NAME:

DATE: _____

ORCHARD LAKE RD

TEMPORARY
CANOPY
TENT

TEMPORARY
FEATHER
FLAGS

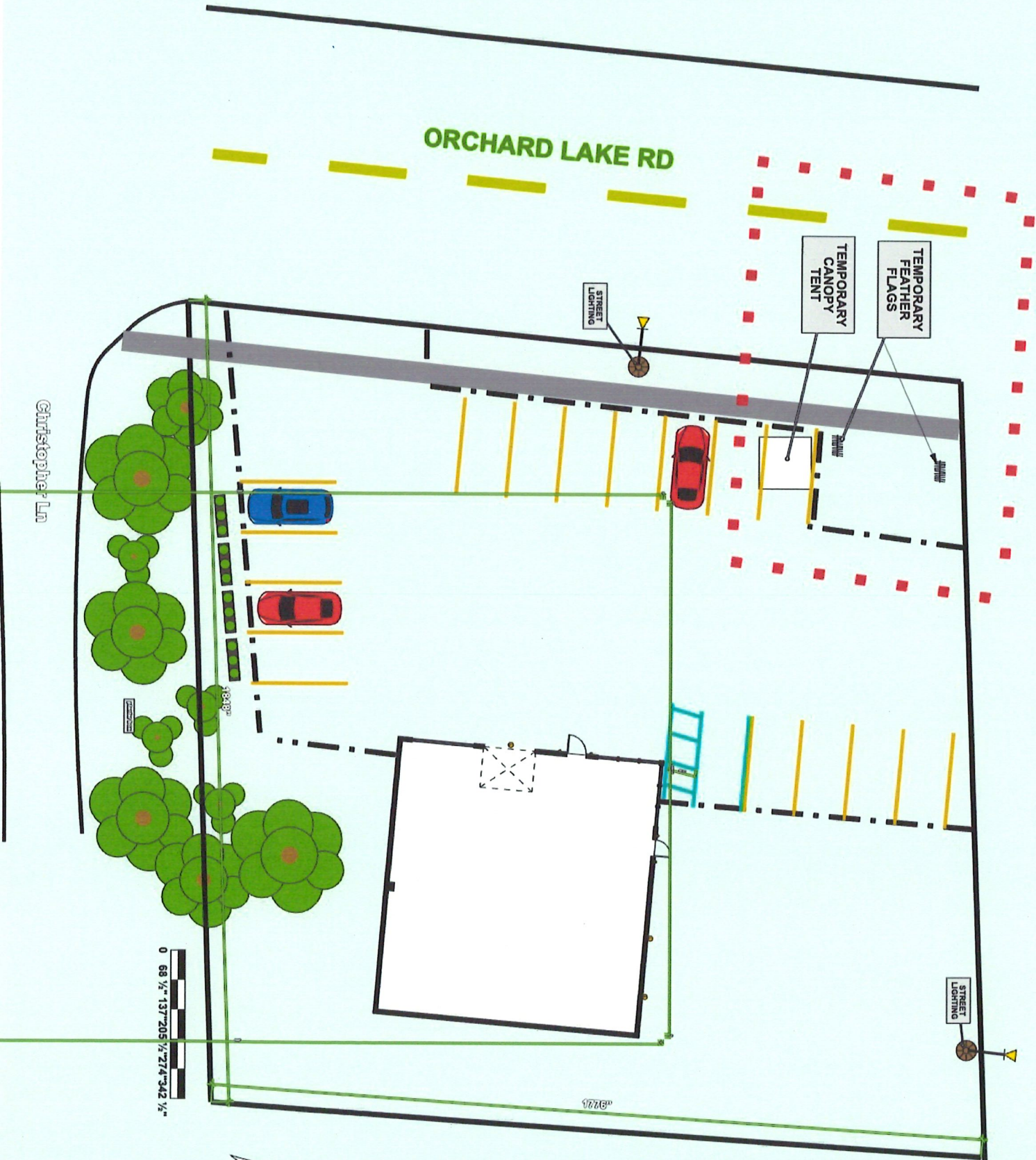
STREET
LIGHTING

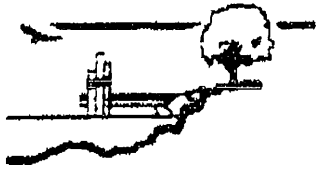
STREET
LIGHTING

Christopher Ln

0 68 1/2' 137' 205 1/2' 214' 342 1/2'

1226'





"Heart of the Lakes"

City of Keego Harbor

2025 Beechmont

Keego Harbor, Michigan 48320

FROM: Joseph Gacioch, Interim City Manager
MEETING: August 25 Planning Commission
SUBJECT: Water Quality Ordinance Amendment - HRC

Background

The City Council has received multiple readings and presentations regarding the proposed stormwater quality ordinance amendments over the past two months. During its August 20, 2026 meeting, the City Council approved a motion requesting input from the Planning Commission at its next regular meeting before the ordinance returns to Council for further consideration.

The proposed ordinance is primarily a stormwater and water-quality regulatory ordinance under the purview of the City Council. However, portions of the ordinance have a direct relationship to the City's Zoning Ordinance and, specifically, the site plan review process administered by the Planning Commission. The proposed amendments include a cross-reference within Zoning Ordinance Section 16.06 directing site plan applicants to the substantive stormwater requirements contained in Chapter 16, Articles III and IV.

Accordingly, the purpose of bringing this matter to the Planning Commission is not to transfer responsibility for administering the City's stormwater regulations to the Commission. Rather, it is to obtain the Commission's perspective on how the proposed requirements should interact with the City's existing development and site plan review process.

Relationship to Site Plan Review

As currently drafted, the zoning amendment does not independently establish new stormwater standards. Instead, it directs applicants undergoing site plan review to the applicable standards contained elsewhere in the City Code. Those standards would then become one component of determining whether a proposed site plan complies with applicable City requirements.

To assist with Tuesday's discussion, the Interim City Manager has prepared an outline illustrating how a development application subject to site plan review could proceed under the proposed ordinance.

The following contemplates a typical site plan review process that you would see in a typical Michigan municipality:

Applicant / Pre-Application Meeting (as warranted)

- Site Plan Application & Completeness Review by City Administration/McKenna
- Technical Review by McKenna and HRC, as applicable
- Applicant Revisions / Administrative Coordination
- Planning Commission Site Plan Review & Action
- Final Administrative/Engineering Compliance & Required Permits
- Building Permit / Construction
- Inspections & Post-Construction BMP Compliance

The ordinance may also create a new stormwater runoff control/soil erosion permit that is separate from site plan approval. One of the issues being evaluated is whether portions of the engineering and permit review can occur concurrently with final site plan review, rather than creating unnecessary sequential or duplicative steps for applicants.

This review provides an opportunity to ensure that the City's regulatory objectives can be implemented through a clear, predictable, and coordinated development review process. Among the implementation questions identified are the relationship between the new stormwater permit and the City's existing grading permit, whether the final site plan checklist should expressly identify stormwater compliance materials, and how engineering review should be incorporated into the process.

Planning Commission Discussion

Representatives from Hubbell, Roth & Clark (HRC), the City's engineering consultant, and McKenna, the City's contracted planning agency, will participate in Tuesday's discussion. Their respective engineering and planning perspectives will help the Commission evaluate how the proposed requirements can be integrated into the City's existing site plan process.

Following the Planning Commission's discussion, its comments and recommendations will be provided to the City Council as it considers potential adoption of the ordinance during their September meeting.

Sincerely,

Joseph Gacioch

Interim City Manager

City of Keego Harbor

MEMORANDUM

DRAFT — Cover Memo for Planning Commission Packet

To: McKenna & Associates (City Planning Consultant); Hubbell, Roth & Clark, Inc. (City Engineering Consultant)
From: City of Keego Harbor
Date: August 21, 2026
Re: Planning Commission Review — Proposed Water Quality Ordinance Amendments (Chapter 16, Arts. III & IV; Zoning Ordinance Art. XVI, Sec. 16.06; Chapter 24, Art. III, Sec. 24-58)

Before this item goes to the Planning Commission, we're circulating this cover memo to McKenna and HRC to confirm we've correctly captured how the site plan review process, the stormwater/illicit-discharge ordinance, and the new permit requirement relate to one another — and to flag the permits and fee structures that appear to need City action alongside the ordinance text itself. Please review and flag anything that doesn't match your intent before this goes into the packet.

1. Ordinance Package Under Review

Per HRC's July 8, 2026 progress memo (John Balint / Logan Delonis), the proposed amendments funded through the Oakland County Local Government Infrastructure Grant touch four locations in the Code:

- **Zoning Ordinance Art. XVI, Sec. 16.06(e)** — Directs site plan preparers to Chapter 16, Articles III and IV for stormwater compliance.
- **Chapter 16, Art. III (Illicit Discharge), Secs. 16-99, 16-104, 16-109** — Updates the outdated “MDEQ” reference to EGLE; adds prohibited direct-discharge language to Sec. 16-104(a); adds two exempt-discharge categories to Sec. 16-104(b); adds single-family / non-single-family / compliance subsections to Sec. 16-109 watercourse protection.
- **Chapter 16, Art. IV (Stormwater Management), Secs. 16-152, 16-154, 16-155 (new)** — Revises the purpose section; adds Sec. 16-154(6)-(7) stormwater quality treatment and post-construction/infiltration requirements tied to OCWRC standards; adds an entirely new Sec. 16-155 stormwater runoff control / soil erosion permit.
- **Chapter 24, Art. III, Sec. 24-58** — Adds subsection (d)(5) adopting OCWRC post-construction standards and BMP maintenance-agreement requirements for non-single-family development.

2. Relational Understanding — Site Plan Review × Stormwater Ordinance

Our read of how these pieces fit together, for McKenna and HRC to confirm or correct:

- The Sec. 16.06(e) cross-reference doesn't create new stormwater substance itself — it's a pointer. The actual standards a preliminary and final site plan must satisfy live in Chapter 16, Arts. III and IV (as amended), which the Planning Commission would apply through the existing Sec. 16.06(e)(3)(g) final-site-plan standard.
- The new Sec. 16-155 permit is a separate approval from site plan review, not a renamed version of it — the ordinance text (Sec. 16-155(2)(f)) is explicit that obtaining it doesn't substitute for site plan approval, a grading permit, or a building permit. We want to confirm that's the intended structure (parallel approvals) rather than an intended consolidation.
- Practically, for a project subject to full site plan review, we understand the sequence to be: preliminary site plan (with HRC's engineering review already looped in per Sec. 16.06(d)(1)) → Planning Commission

preliminary approval → final site plan demonstrating Chapter 16 Art. III/IV compliance → Planning Commission final approval → Sec. 16-155 stormwater/soil erosion permit → building permit / construction → post-construction BMP maintenance agreement. Please confirm this sequencing, particularly whether the Sec. 16-155 permit can run concurrently with final site plan review rather than strictly after it.

3. Property Owner Impact Summary (from the Aug. 18 HRC FAQ presentation)

HRC's August 18 Study Session FAQ deck translates the ordinance into plain-language impacts by property type; we've folded that into the packet so the Commission sees the same framing residents and business owners will:

Property Type	When Standards Apply	Baseline Requirement	Compliance Options
Single-family	New construction; redevelopment of existing single-family homes.	No direct discharge from the storm system into a nearby body of water.	15-ft vegetated buffer strip (lawn, rain garden, bioswale, etc.); a sump; or a mechanical separator.
Multi-family	New construction; redevelopment of existing multi-family properties.	Adherence to OCWRC water quality standards regardless of site size; full OCWRC Stormwater Engineering Design Standards if disturbance exceeds 1 acre; no direct discharge to a water body or the municipal storm sewer absent the measures at right.	15-ft vegetated buffer strip; a sump; a mechanical separator; or another engineered stormwater treatment system appropriate to the site.
Commercial	New construction; redevelopment of existing commercial properties.	Same baseline as multi-family: OCWRC water quality standards regardless of size; full OCWRC design standards over 1 acre of disturbance; no direct discharge absent the measures at right.	Same compliance menu as multi-family (buffer strip / sump / mechanical separator / engineered system) — see relative cost comparison below.

Relative cost of the four compliance options

The FAQ deck's cost comparison, included so the Commission can weigh the practical burden across property types:

Treatment Option	Relative Cost	Key Cost Drivers	Notes
15-ft vegetated buffer strip (native plantings, rain garden, bioswale)	Lowest	Site grading, plant material, shoreline length, soil amendments	Often the most cost-effective option; can improve aesthetics/habitat while treating runoff.
Sump / catch basin structure	Low	Excavation depth, utility conflicts, piping connections	Typically used as pretreatment rather than a standalone solution.
Mechanical separator device	Moderate	Proprietary equipment, installation access, maintenance requirements	Commonly used where site constraints limit green infrastructure options.
Engineered stormwater treatment system (custom design)	Highest	Site size, water quality requirements, soil conditions, detention volume, engineering complexity	Highly site-specific; generally reserved for larger redevelopment or high-impact projects.

4. Citywide Scope of Impact

The FAQ deck's parcel-level data, offered to size the practical reach of the ordinance:

Parcel Category	Count	% of Total
Total parcels (citywide)	1,448	100.0%
Residential parcels	1,310	90.5%
Commercial parcels	131	9.0%
Commercial parcels > 0.5 acre	26	19.8% of commercial
Commercial parcels > 1.0 acre (full OCWRC design standards trigger)	13	9.9% of commercial

HRC frames two observations from this data, which we've carried into the packet:

- **Scale of impact:** Projects most likely to trigger engineered stormwater improvements — large redevelopment, commercial, and multi-family projects — represent a small share of citywide parcels (13 commercial parcels, under 10%, exceed the 1-acre threshold that triggers full OCWRC design standards).
- **Development deterrence:** Developers undertaking substantial residential or commercial projects already plan for stormwater management as a standard part of the process across Oakland County, which HRC offers as a reason the amendments are unlikely to meaningfully deter development.

5. Permits That May Need City Action

Beyond the ordinance text itself, the amendments touch or create the following permits/approvals. We'd like McKenna's and HRC's read on each before this goes to the Commission:

Permit / Approval	Status Under Proposed Ordinance	What Needs to Happen
Stormwater Runoff Control Permit & Soil Erosion/Sedimentation Control Permit (new Sec. 16-155)	New — does not exist today	Before it can be administered, the City needs: an application form and submittal checklist; a fee (currently unset — Sec. 16-155 is silent on amount, and Sec. 16.05 fee-setting authority runs through the Zoning Ordinance, not Chapter 16, so confirm which fee resolution governs); an assigned reviewing official (the draft points to the City Engineer, consistent with Chapter 16 generally); and a permit type configured in whatever system the City uses to track building/land-use permits, so it isn't just a paper file.
Grading Permit (Zoning Ordinance Art. XV, Sec. 15.26)	Existing — relationship to new Sec. 16-155 permit needs clarification	Sec. 16-155(1)(a) cross-references the existing grading permit, and Sec. 16-155(2)(f)/(3)(d) both state that the new stormwater/soil erosion permit doesn't relieve an applicant of also obtaining a grading permit. Confirm with McKenna and HRC whether these are intended as two permits covering overlapping ground (both would need to be pulled), or whether Sec. 15.26 should be amended to fold grading review into the new Sec. 16-155 process to avoid a duplicate submittal for the applicant.

Permit / Approval	Status Under Proposed Ordinance	What Needs to Happen
Site Plan Review application & fee schedule (Sec. 16.05 / Sec. 16.06(e)(2))	Existing — submittal checklist and fee likely need updating	The final site plan information checklist in Sec. 16.06(e)(2) would need an explicit line item for the Chapter 16, Art. III/IV compliance narrative referenced in the new Sec. 16.06(e)(g). If HRC's review scope on stormwater/water-quality compliance expands under the new standards, the Council-set review fee under Sec. 16.05 may need to be revisited to cover that added consultant review time.
Building Permit / Certificate of Occupancy prerequisites (Sec. 16.03, 16.04)	Existing — sequencing with new stormwater permit not yet specified	Sec. 16.03(a) already bars a building permit where the proposed work isn't 'in accordance with all provisions of this Ordinance,' which would reach the amended Chapter 16 standards once cross-referenced. Confirm whether the City intends the new Sec. 16-155 permit to be a documented precondition to building permit issuance (the way the certificate of zoning compliance already is), or whether it runs in parallel and is only enforced through inspection.
Land Parcel Improvement procedures (Chapter 24, Sec. 24-58)	Existing — new subsection (d)(5) added; deposit/fee structure not updated	The new post-construction stormwater requirement at 24-58(d)(5) adopts OCWRC standards and layers maintenance-agreement obligations onto BMPs, but the existing engineering-review deposit structure in 24-58(g)/(l) (percentage-of-cost formulas) wasn't written with ongoing BMP inspection/maintenance tracking in mind. Confirm whether that deposit structure is meant to cover long-term BMP compliance monitoring or whether a separate mechanism is needed.

6. Questions for McKenna & HRC

- Does the relational sequence in Section 2 above match your intent, particularly the timing of the new Sec. 16-155 permit relative to site plan approval?
- Should the existing grading permit (Zoning Ordinance Sec. 15.26) be amended alongside Sec. 16-155, or are two separate permits intended to coexist?
- Is a Council fee resolution for the new Sec. 16-155 permit already anticipated, or does that need to be scoped as a follow-up action?
- Should the Sec. 16.06(e)(2) final site plan checklist be amended concurrently to list the Chapter 16 compliance narrative as a required submittal item, so applicants see it before final site plan submittal rather than discovering it at review?

7. Recommended Next Steps

- McKenna and HRC confirm or correct Sections 2 and 5 above.
- Incorporate any corrections into the Planning Commission packet narrative.
- Scope a follow-up fee resolution and permit-checklist update for Council/Commission action, timed to be in place before or concurrent with ordinance adoption so the new Sec. 16-155 permit is administrable on day one.
- Confirm whether the new permit type needs to be configured in the City's permit-tracking system ahead of adoption, consistent with how other new inspection/permit types have been set up previously.



Water Quality Ordinance FAQ Overview

August 18th Study Session

Presentation by : Hubbell, Roth, and Clark (HRC)

SINGLE FAMILY: How will the amended ordinance impact Single Family homes?

Scenarios where ordinance applies	New construction of single-family homes
	Site Redevelopment of single-family homes
	Any other modifications requiring site plan review. Examples include regrading of lots, changing drainage patterns, expansion of driveways, etc.

SINGLE FAMILY: Where the new standards apply, what will the requirements be?

No direct discharge from the storm system into nearby bodies of water. One of the following may be used:

1. 15-foot vegetative buffer strip from the body of water which may include lawn space, raingardens, bioswales, etc.
2. A sump
3. A mechanical separator

MULTI-FAMILY: How will the amended ordinance impact Multi-Family homes?

Scenarios
where
ordinance
applies

New construction of multi-family homes

Site Redevelopment of multi family homes

Any other modifications requiring site plan review.
Examples include regrading of lots, changing
drainage patterns, expansion of driveways, etc.

MULTI-FAMILY: Where the new standards apply for multi-family homes, what will the requirements be?

Baseline requirements:

- Adherence to Oakland County Water Resources Commissioner's water quality standards regardless of site size
- Adherence to all of the Oakland County Water Resource Commissioner's Stormwater Engineering Design Standards if over 1 acre.
- No direct discharge from your storm system into nearby bodies of water OR the municipal storm sewer system, unless abovementioned water quality measures are provided.

Compliance options:

1. 15-foot vegetative buffer strip from the body of water (lawn space, rain garden, bioswale, etc.)
2. A sump
3. A mechanical separator
4. Other engineered stormwater treatment system appropriate for the site

COMMERCIAL: How will the amended ordinance impact Commercial properties?

Scenarios where the new standards apply	New Construction
	Site Redevelopment
	Major Site Improvements
	Parking lot reconstruction
	Significant site grading
	Any other project requiring site plan review as required by the City

Potential Stormwater Treatment Measures and Relative Cost Impacts

Treatment Option	Relative Cost	Key Cost Drivers	Notes
15-Foot Vegetative Buffer Strip (native plantings, rain garden, bioswale)	Lowest	Site grading, plant material, shoreline length, soil amendments	Often the most cost-effective option. Can improve aesthetics and habitat while providing runoff treatment.
Sump / Catch Basin Structure	Low	Excavation depth, utility conflicts, piping connections	Typically used as a pretreatment measure rather than a standalone solution.
Mechanical Separator Device	Moderate	Proprietary equipment, installation access, maintenance requirements	Commonly used where site constraints limit green infrastructure options.
Engineered Stormwater Treatment System (custom design)	Highest	Site size, water quality requirements, soil conditions, detention volume, engineering complexity	Highly site-specific and generally reserved for larger redevelopment or high-impact projects.

Where the new standards apply for multi-family developments and commercial developments, what will the requirements be?:

Baseline requirements:

- Adherence to Oakland County Water Resources Commissioner's water quality standards regardless of site size
- Adherence to all of the Oakland County Water Resource Commissioner's Stormwater Engineering Design Standards if area of disturbance is over 1 acre.
- No direct discharge from your storm system into nearby bodies of water OR the municipal storm sewer system unless abovementioned water quality measures are provided.

Compliance options:

1. 15-foot vegetative buffer strip from the body of water (lawn space, rain garden, bioswale, etc.)
2. A sump
3. A mechanical separator
4. Other engineered stormwater treatment system appropriate for the site

Parcel Map Overview

staff spend significant time moving documents between systems which creates inefficiencies

Parcel Category	Number of Parcels	% of Total Parcels
Total Parcels	1,448	100.0%
Residential Parcels	1,310	90.5%
Commercial Parcels	131	9.0%

Commercial Parcel Size Breakdown

Commercial Parcel Size	Number of Parcels	% of Commercial Parcels
Total Commercial Parcels	131	100.0%
Greater than 0.5 Acre	26	19.8%
Greater than 1.0 Acre	13	9.9%

13 Commercial Properties:

- 3210 Christopher Lane
- 2224 Beechmont St.
- 3369 Orchard Lake Rd.
- 3325 Orchard Lake Rd.
- 3170 Orchard Lake Rd.
- 3080 Orchard Lake Rd.
- 3000 Orchard Lake Rd.
- 2907 Orchard Lake Rd.
- 2863 Orchard Lake Rd.
- 2804 Orchard Lake Rd.
- 1999 Cass Lake Rd.
- 1751 Cass Lake Rd.
- 1700 Cass Lake Rd.

Two Observations from the data:

Scale of impacts

Projects most likely to incorporate engineered stormwater improvements such as large redevelopment projects, commercial developments, and multi-family housing developments represent a relatively small portion of the City's properties.

Potential of a development deterrence

Developers undertaking substantial residential or commercial projects already plan for stormwater management planning as it's a common part of the process throughout Oakland County.

Memorandum

To: Mr. Joseph Gacioch, Interim City Manager
From: John Balint/Logan Delonis
CC: Brad Shepler
Date: July 8, 2026
Subject: Water Quality Planning & Ordinance Updates
Progress Update & Revision Summary

HRC Job No. 20220262

Enclosed with this memo are revisions to the City of Keego Harbor ordinances, typical right-of-way improvement details to be used for engineering reviews, and a draft example newsletter. This proposed work is funded through the Oakland County Local Government Infrastructure Grant. The approval from council we received at the April Study Session included modifications to ordinances to provide the City a better ability to manage water quality within their areas of jurisdiction, creation of typical right-of-way improvement details to be used in future reviews, creation of a newsletter format for residents to inform them of water quality issues and measures they can take to mitigate them, and coordination of water quality sampling at county discharge locations. In regard to the water quality sampling coordination with the county, we are currently discussing coordination with the Oakland County Water Resource Commissioner. We are aware that the ordinance changes take time to review, so in the interest of having that completed before the end of the Grant period (September 15, 2026) we would like to begin the City's review of what we propose to have changed. Below you will find an overview of the proposed changes and their intended purpose for the updated City's ordinances.

- **Article XVI – Administration and Enforcement:**
 - Addition to Sec. 16.06 Site Plan Review (e) Final Site Plan Review, g – Addition of reference to Chapter 16, Sections III and IV.
 - Purpose of addition: Directs those designing a site plan to Chapter 16 to ensure stormwater management requirements are being properly met.
- **Article III – Illicit Discharge to Storm Drain System**
 - Sec. 16-99 Definitions – Update references to EGLE
 - Purpose of change: Updated the outdated agency name from “Michigan Department of Environmental Quality” to the current agency, “Michigan Department of Environment, Great Lakes, and Energy (EGLE)”.
 - Sec. 16-104 Discharge Prohibitions
 - (a) – Add #5
 - Purpose of addition: Specified discharge of stormwater runoff to a body of water is prohibited, regardless of parcel size or zoning classification.
 - (b) – Add #11 and #12
 - Purpose of additions: Clarification for exempt discharges prohibitions, closing aligning with other modern city ordinances.
 - Sec 16-109 Watercourse Protection
 - Add sections regarding direct discharge to lakes and purpose description
 - (1) Single-family residential properties
 - (2) Non-single family residential properties

Delhi Township
2101 Aurelius Rd.
Suite 2A
Holt, MI 48842
517-694-7760

Detroit
535 Griswold St.
Buhl Building, Ste 1650
Detroit, MI 48226
313-965-3330

Grand Rapids
81925 Breton Road SE
Suite 100
Grand Rapids, MI 49506
616-454-4286

Howell
105 W. Grand River
Howell, MI 48843
517-552-9199

Jackson
401 S. Mechanic St.
Suite B
Jackson, MI 49201
517-292-1295

Kalamazoo
834 King Highway
Suite 107
Kalamazoo, MI 49001
269-665-2005

Lansing
215 S. Washington SQ
Suite D
Lansing, MI 48933
517-292-1488

- (3) Compliance
 - Purpose of additions: Specify requirements for watercourse protection based on property use and proximity to a body of water.
- **Article IV – Stormwater Management**
 - Sec 16-152 Purposes
 - Add: Purpose description and sections (2), (4)-(9), (11)-(15)
 - Deleted sections from original document: (2), (4), (5), (7)-(12)
 - Purpose of changes: Update the purpose sections to provide clearer stormwater management objections, incorporate current water quality protection goals, and better align with modern stormwater regulations.
 - Sec 16-154
 - Add (6) Stormwater Quality Treatment Requirements
 - Purpose of addition: Establish stormwater quality treatment requirements for all properties, regardless of size or zoning classification, consistent with the practices outlined in the most current version of the Oakland County Water Resources Commissioner's Stormwater Engineering Design Standards.
 - Add (7) Post Construction stormwater management and infiltration requirements
 - Purpose of addition: Regulate runoff from development and redevelopment projects, require water quality treatment and infiltration, and more closely align with local standards found in the current versions of Oakland County Water Resources Commissioner's Stormwater Engineering Design Standards.
 - Add Sec. 16-155 Stormwater runoff control permits and soil erosion and sedimentation control permits
 - Purpose of addition: Include the requirements for stormwater runoff control and soil erosion and sedimentation control permits for land-disturbing activities so the City can ensure compliance with stormwater management standards and protect drainage systems and water resources.
- **Article III – Land Parcel Improvements**
 - Sec 24-58 Procedures, requirements, fees and standards
 - Add (d), (5) Post construction stormwater management requirements
 - Purpose of addition: Added post-construction stormwater management provisions to adopt to Oakland County Stormwater standards, relate back to the changes in Chapter 16, required treatment and infiltration measures, protection of body of water and drainage systems, and establish long-term maintenance and enforcement requirements for stormwater BMPs.

We ask that the City start their review of the attached items and send us a response with any changes that they potentially would like to be made. Please contact the undersigned with any questions relating to these documents.

Contacts:

Keego Harbor
Joseph Gacioch (Interim City Manager)
manager@keegoharbor.org

Hubbell, Roth & Clark, Inc.
Brad Shepler, P.E. (Vice President)
bshepler@hrcengr.com

ARTICLE XVI.

ADMINISTRATION AND ENFORCEMENT

Sec. 16.00. Zoning administration.

The Zoning Administrator, or such deputies, shall be appointed by the City Council and designated to administer and enforce the provisions of this Ordinance.

(a) *Duties.* The Zoning Administrator shall:

- (1) Receive and review for completeness all applications for site plan review and special land use permits which the Planning Commission is required to decide under this Ordinance and refer such applications to the Planning Commission for determination.
- (2) Receive and review for completeness all applications for appeals, variances, or other matters, which the Zoning Board of Appeals is required to decide under this Ordinance and refer such applications to the Zoning Board of Appeals for determination.
- (3) Receive and review for completeness all applications for amendments to this Ordinance and refer such applications to the Planning Commission and City Council for determination.
- (4) Make periodic site inspections of the City to determine Ordinance compliance, and answer complaints on Zoning Ordinance violations. The Zoning Administrator shall order discontinuance of illegal uses of land, buildings or structures; removal of illegal buildings or structures; discontinuance of any illegal work being done; and/or shall take any other action authorized by this Ordinance to ensure compliance with or prevent violations of its provisions.
- (5) Grant certificates of zoning compliance, review administrative sketch plans, and make inspections of premises necessary to carry out administration and enforcement of this Ordinance.
- (6) Implement the decisions of the Planning Commission and City Council.

Sec. 16.01. Certificates of zoning compliance.

- (a) A building permit for erection, alteration, moving, or structural repair of any building or structure shall not be issued until a certificate of zoning compliance has been issued by the Zoning Administrator. Issuance of such a certificate shall indicate the use(s) and plans for which the permit is requested comply with this Zoning Ordinance.
- (b) It shall be unlawful to use or permit the use of any building or premises, or both, or part thereof, until a certificate of zoning compliance shall have been issued by the Zoning Administrator.
- (c) The Zoning Administrator shall maintain a record of all certificates of zoning compliance and said record shall be open for public inspection.
- (d) Certificates of zoning compliance authorize only the use, arrangement, and construction set forth in an approved application and plans, therefore no other use, arrangement, or construction is permitted. Use arrangement or construction at variance with the authorization shall be deemed a violation of this Ordinance. Any change in approved plans shall occur only as provided for in this Ordinance and shall require issuance of an amended certificate of zoning compliance.

Sec. 16.02. Duties of Building Inspector.

The Building Inspector shall:

- (a) Have the power to grant building and occupancy permits, to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this Ordinance. It shall be unlawful for the Building Inspector to approve any plans or issue any permits or certificates of occupancy for any excavation or construction until he has inspected such plans in detail and found them to conform with this Ordinance.
- (b) The Building Inspector shall record all nonconforming uses existing at the effective date of this Ordinance for the purpose of carrying out the provisions of Article XII, Nonconformity.
- (c) Under no circumstances is the Building Inspector permitted to make changes to this Ordinance nor to vary the terms of this Ordinance in carrying out his duties as Building Inspector.
- (d) The Building Inspector shall not refuse to issue a permit when conditions imposed by this Ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said permit.

Sec. 16.03. Permits.

The following shall apply in the issuance of any permit:

- (a) *Permits not to be issued.* No building permit shall be issued for the erection, alteration or use of any building or structure or part thereof, or for the use of any land which is not in accordance with all provisions of this Ordinance.
- (b) *Permits for new use of land.* No land heretofore vacant shall hereafter be used or an existing use of land be hereafter changed to a different class or type unless a certificate of occupancy is first obtained for the new or different use.
- (c) *Permits for new use of buildings.* No building or structure or part thereof, shall be changed to or occupied by a use or a different class or type unless a certificate of occupancy is first obtained for the newer different use.
- (d) *Permits required.* No building or structure, or part thereof shall be hereafter erected, altered, moved, or repaired unless a building permit shall have been first issued for such work. The terms "altered and repaired" shall include any changes in structural parts, stairways, type of construction, type, class or kind of occupancy, light or ventilation, means of egress and ingress, or other changes affecting or regulated by the building code, or by this Ordinance, except for minor repairs or changes not involving any of the aforesaid features.

Sec. 16.04. Certificates of occupancy.

No land, building, or part thereof, shall be occupied by or for any use unless and until a certificate of occupancy shall have been issued for such use. The following shall apply in the issuance of any certificate:

- (a) *Certificates not to be issued.* No certificates of occupancy shall be issued for any building, structure or part thereof or for the use of any land, which is not in accordance with all the provisions of this Ordinance.
- (b) *Certificates required.* No building or structure, or parts thereof, which is hereafter erected or altered, shall be occupied or used or the same caused to be done, unless and until a certificate of occupancy shall have been issued for such building or structure.

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- (c) *Certificate including zoning.* Certificates of occupancy as required by the building code for new buildings or structures, or part thereof, or for alterations to or changes of use of existing buildings or structures, shall also constitute certificates of occupancy as required by this Ordinance.
 - (d) *Certificates for existing buildings.* Certificates of occupancy shall be issued for existing buildings, structures, or parts thereof, or existing uses of land if, after inspection, it is found that such buildings, structures, or parts thereof, or such use of land are in conformity with the provisions of this Ordinance.
 - (e) *Records of certificates.* A record of all certificates issued shall be kept on file in the office of the Building Inspector, and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.
 - (f) *Certificates for dwelling accessory buildings.* Buildings or structures accessory to dwellings shall not require separate certificates of occupancy but may be included in the certificate of occupancy for the dwelling when shown on the plot plan and when completed at the same time as such dwelling.
 - (g) *Application for certificates.* Applications for certificates of occupancy shall be made in writing to the building inspector on forms furnished by that department, and such certificates shall be issued within five (5) days after receipt of such application if it is found that the building or structures, or part thereof, or the use of land is in accordance with the provisions of this Ordinance. If such certificate is refused for cause, the applicant therefore shall be notified of such refusal and cause thereof, within the aforesaid five-day period.

Sec. 16.05. Fees.

The City Council shall establish a schedule of fees, charges, and expenses, and a collection procedure, for building permits, certificates of occupancy, appeals, and other matters pertaining to this Ordinance. The City shall have the authority to include fees for the use of engineering, planning, legal or other special consultants. The schedule of fees shall be posted in the City offices, and may be altered or amended only by the City Council. No permit or certificate shall be issued or special use site plan, rezoning, or variance acted upon unless or until such costs, charges, fees, or expenses have been paid in full.

Sec. 16.06. Site plan review.

The Planning Commission shall have the authority to review and to approve or reject all site plans (i.e., preliminary, final and combined site plans). Prior to the issuance of building permits or commencement of construction, site plan review and approval is required in accordance with the procedures contained in this section.

- (a) *Waivers/exemptions.*
 - (1) *All projects.* The Planning Commission has the authority to waive or modify site standard requirements for any project.
- (b) *When required.*
 - (1) Site plan review is required for all projects that do not meet the sketch plan eligibility criteria.
 - (2) Projects that involve special land use, variance and/or planned development.
 - (3) Projects not eligible for sketch plan review as determined by the Zoning Administrator.
- (c) *Sketch plan review.*

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- (1) *Intent.* The intent of this section is to permit submittal of a sketch plan in instances where a complete site plan is not considered essential to ensure compliance with the intent and standards of this Zoning Ordinance.
- (2) *Eligibility.* The Zoning Administrator and Building Official may allow a sketch plan for the following activities:
- a. *One- to two-family residential.* Renovation, addition to or construction of a one- to two-family structure(s) or any residential structure up to three thousand five hundred (3,500) square feet.
 - b. *Minor modifications.* Projects that involve an alteration, addition, expansion, change or conversion that do not change the existing building footprint by more than twenty-five (25) percent.
 - c. Reoccupancies that do not involve a change in use or facade improvement, as defined in the Zoning Ordinance.
 - d. Changes in use, as defined in this Zoning Ordinance, that do not increase the gross floor area, provided all other improvements are consistent with the requirements of this Zoning Ordinance. This includes reoccupancies that do not have the required residential screening wall and/or dumpster enclosure. These projects would be required to install a screening wall and dumpster enclosure.
 - e. Alterations to the off-street parking layout or installation of pavement or curbing improvements provided the total number of spaces shall remain constant, and the construction plans and lot construction are approved by the City.
 - f. Relocation of a waste receptacle to a more inconspicuous location, or the installation of screening, both consistent with the requirements of this Zoning Ordinance.
 - g. Changes to a facade, architectural features or wall signs, provided such changes are consistent with the requirements of this Zoning Ordinance and do not significantly change the appearance of the building (an elevation plan showing changes and construction materials is required).
 - h. A change from a nonconforming use, building or site to a more conforming situation consistent with the requirements of this Zoning Ordinance. This includes re-occupancies that do not have the required residential screening wall and/or dumpster enclosure. These projects would be required to install a screening wall and dumpster enclosure.
 - i. Modifications to upgrade a building to improve barrier-free design, comply with Americans with Disabilities Act or other federal, state or county regulations.
 - j. Internal construction or change in the floor plan for a conforming use that does not increase gross floor area, provided the construction cost over a twelve-month period does not exceed fifty (50) percent of the building's state equalized value or effect parking requirements on a site.
 - k. Construction, improvements, or alterations of signs, retaining walls, fences, waste receptacles, sidewalks, antennae, lights, poles, cooling/heating or other mechanical equipment, telephone booths, newspaper boxes, landscaping or similar structures which conform to the requirements of this Zoning Ordinance or other City standards, and where site plan review is not specifically required under other sections of this Zoning Ordinance.
- (3) *Procedure.*

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- a. The process shall involve submittal of a sketch plan, required application form, and fee to the City. The Zoning Administrator and Building Official shall review the sketch plan in accordance with the same procedures, requirements, and standards used by the Planning Commission for a formal site plan. After the sketch plan review, the Zoning Administrator and Building Official will approve, approve with modifications, or deny the proposed plan. The Zoning Administrator and Building Official shall make a report of each sketch plan review to the Planning Commission including the rationale for allowing sketch plan review and the complete sketch plan review checklist.
 - b. The Zoning Administrator and Building Official retain the option to require additional information or a complete site plan for review by the Planning Commission, particularly for sites which do not comply with previously approved site plans, sites with parking deficiencies, sites abutting residential districts or sites experiencing problems with drainage, traffic, noise, aesthetics or other general health and safety issues. If a formal site plan is required, the Zoning Administrator shall inform the applicant to submit a complete application in accordance with this section. The applicant may also request review by the Planning Commission.
- (4) *Information required.* The Zoning Administrator shall require all applicable criteria set forth below to be met.
- a. General information required for all cases.
 - 1. Details of the propose changes to the use or structure in question.
 - 2. Proprietors', applicants', and owners' names, addressed and telephone numbers.
 - 3. Location map with north point indicated.
 - 4. Locations of existing landscaping, lighting, parking, if applicable.
 - 5. Gross acreage and building figures.
 - 6. Zoning classification of petitioners' parcel and all abutting parcels.
- (5) *Duration and termination.* Approval of a sketch plan by the Zoning Administrator shall remain in effect for a period of one (1) year. If construction is not initiated within this time period, such failure shall be considered abandonment of the sketch plan and shall make its approval null and void. The Zoning Administrator may grant an extension not to exceed one (1) year. No further extension may be permitted.
- (d) *Preliminary site plan review.*
- (1) *Application.* Any applicant may submit a request for preliminary site plan review by filing with the Zoning Administrator completed forms, site plan review checklist, payment of the review fee, and eighteen (18) copies of the preliminary site plan drawing(s) properly signed and sealed by a licensed professional. The Administrator, upon receipt of the application, shall transmit only complete submittals of the preliminary site plan drawings to the Planning Commission, City Planning and Engineering consultants, and any other consultants as necessary, at least twenty-one (21) days prior to its next regular meeting. The purpose of such preliminary review is to confirm general compliance with City standards as well as to suggest changes, if necessary, for final site plan approval.
 - (2) *Information required.* Each preliminary site plan submitted for review shall provide the following information:
 - a. Property owner and applicant name and address;

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- b. Scale, north arrow, and date of plan;
 - c. Location, description, dimensions, and area of the site; zoning classification; and, demonstration of compliance with lot area, width, coverage and setback requirements;
 - d. General topography and soils information and existing natural and manmade features to be retained or removed;
 - e. Use, location and dimensions of proposed buildings/structures; including floor area, number of floors, height, number and type of dwelling units (where applicable);
 - f. Proposed streets/drives; including general alignment, right of way, surface type, and width, based on ordinance requirements for proposed use;
 - g. Proposed parking; including location and dimensions of spaces and aisles, and surface type;
 - h. Demonstration that all barrier free requirements have been met;
 - i. Adjacent land uses, property owners, and zoning and location of adjacent buildings and drives/streets;
 - j. Proposed phasing;
 - k. Location and width of any easements on the site.
- (3) *Planning commission action.* The Planning Commission shall approve, approve with conditions or deny the preliminary site plan. The Planning Commission shall set forth the reason for its action in the record of the meeting at which action is taken.
 - (4) *Effect of approval.* Approval of a preliminary site plan by the Planning Commission shall indicate its general acceptance of the proposed layout of buildings, streets and drives, parking areas, other facilities and overall character of the proposed development.
 - (5) *Expiration of approval.* Approval of a preliminary site plan shall be valid for a period of one hundred eighty (180) days from the date of approval and shall expire and be of no effect unless an application for a final site plan is filed with the Zoning Administrator within that time period. The Zoning Administrator or duly appointed agent shall, within thirty (30) days of the date of action of the Planning Commission of the preliminary site plan, transmit a written certification of such approval to the applicant.
- (e) *Final site plan review.*
- (1) *Application.* Following approval of a preliminary site plan, the applicant shall submit to the Zoning Administrator eighteen (18) copies of a final site plan as well as other data and exhibits hereinafter required, the review fee, and a completed application form. The Administrator, upon receipt of the application, shall transmit only complete submittals of the final site plan drawing(s) to the Planning Commission, City Planning and Engineering consultants, and any other consultants as necessary, prior to its next regular meeting.
 - (2) *Information required.* A final site plan submitted for review and approval shall contain all of the following data presented in a clear and legible format. Site plans shall consist of an overall plan for the entire development. Sheet size shall be at least twenty-four (24) inches by thirty-six (36) inches with plan view drawn to a scale of no greater than 1" = 50' for property less than three (3) acres or no greater than 1" = 100' for property three (3) or more acres.
- General Information:*
- a. Proprietors', applicants', and owners' names, addresses and telephone numbers.
 - b. Date of preparation, including revisions.

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- c. Scale.
 - d. Northpoint.
 - e. Location map drawn at a scale of 1" = 2,000' with north point indicated.
 - f. Architect, Engineer, Surveyor, Landscape Architect, or Planner's seal and signature.
 - g. Existing and proposed lot lines, building or structures, parking areas, drives, etc., on the parcel and within one hundred (100) feet of the site.
 - h. Centerline and existing and proposed right-of-way lines of any street.
 - i. Zoning classification of petitioner's parcel and all abutting parcels.
 - j. Gross acreage figure.

Physical Features:

- a. Acceleration, deceleration and passing lanes and approaches.
- b. Proposed locations of access drives, street intersections, driveway locations, sidewalks, and curbing.
- c. Location of existing and proposed service facilities above and below ground, including:
 - i. Chemical and fuel storage tanks and containers.
 - ii. Water supply facilities.
 - iii. Sanitary sewage disposal facilities.
 - iv. Storm water control facilities and structures.
 - v. Location of all easements.
- d. Location of all structures with setback, yard dimensions and gross area.
- e. Dimensioned parking spaces and parking and loading calculations, drives type of surfacing and on-site circulation patterns.
- f. Details of barrier free parking, access and similar site features.
- g. Dimensioned floor plans, elevations, and proposed construction materials of all proposed buildings on the site.
- h. Proposed site lighting information.
- i. Location and description of all existing and proposed landscaping, berms, fencing and screening walls.
- j. Trash receptacle pad location, size and method of screening.
- k. Transformer pad location and method of screening.
- l. Dedicated road or service drive locations.
- m. Entrance details including sign locations, types and size.
- n. Designation of fire lanes.
- o. Any other pertinent physical features.

Natural Features:

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- a. Soil characteristics of the parcel to at least the detail provided by the U.S. Soil Conservation Service, Soil Survey of Oakland County, Michigan.
 - b. Existing topography with a maximum contour interval of two (2) feet. Areas with slopes greater than ten (10) percent (one (1) foot of vertical elevation for every ten (10) feet of horizontal distance) shall be delineated. Topography on the site and beyond the site for a distance of one hundred (100) feet in all directions shall also be indicated.
 - c. Grading plan, showing finished contours at a maximum interval of one (1) foot, correlated with existing contours so as to clearly indicate required cutting, filling and grading.
 - d. Location of existing drainage courses and associated bodies of water, on and off site, and their elevations. The location of existing wetlands and flood plains shall be included.
 - e. Location, size and type of all single trees having a diameter breast height (d.b.h.) of four (4) inches or greater. Wooded areas shall be delineated by symbolic lines tracing the spread of the outermost branches and shall be described as the general sizes and kinds of trees contained.
 - f. Keyed plan outlining soil erosion and sedimentation measures to be provided.

Additional Requirements for Residential Developments:

- a. Density calculations by type of unit by bedroom counts.
- b. Designation of units by type and number of units in each building.
- c. Carport locations and details where proposed.
- d. Specific amount, location and type of recreation spaces.
- e. Number and location of visitor parking spaces to be provided.

Additional Requirements for Commercial and Industrial Developments:

- a. Loading/unloading areas.
- b. Gross floor area.
- c. Number of employees in peak usage.

(3) *Standards for review.* In reviewing the final site plan, the Planning Commission shall determine whether the plan meets the following specifications and standards:

- a. The plan conforms to the approved preliminary site plan and with all Zoning Ordinance regulations;
- b. All required information is provided;
- c. The proposed use will not be injurious to the surrounding neighborhood and protects the general health, safety, welfare and character of the City.
- d. A proper relationship exists between major thoroughfares and proposed service drives, driveways and parking areas. Proper access to all portions of the site and all sides of any structure is provided. All structures or groups of structures shall be so arranged as to permit emergency vehicle access by some practical means to all sides.
- e. The location of buildings is such that the adverse effects of such uses will be minimized for the occupants of that use and surrounding areas.

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- f. Natural resources will be preserved to the maximum extent possible in the site design by developing in a manner which will not detrimentally affect or destroy natural features such as lakes, ponds, streams, wetlands, steep slopes, soils, groundwater and woodlands.
 - g. Storm water management systems and facilities will preserve the natural drainage characteristics and enhance the aesthetics of the site to the maximum extent possible, and will not substantially reduce or increase the natural retention or storage capacity of any wetland, water body or water course, or cause alterations which could increase flooding or water pollution on or off site. **All stormwater management systems, facilities, and site drainage shall comply with Chapter 16, Sections III, Illicit Discharge and Connections, and Section IV, Stormwater Management, including all applicable illicit discharge, stormwater discharge, and water quality protection provisions.**
 - h. Wastewater treatment systems, including on-site septic systems, will be located to minimize any potential degradation of surface water or groundwater quality and meet county and state standards.
 - i. Sites which include storage of hazardous materials or waste, fuels, salt, or chemicals will be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater or nearby water bodies in accordance with county and state standards.
 - j. Landscaping, including grass, trees, shrubs and other vegetation is provided to maintain and improve the aesthetic quality of the site and area.
 - k. The proposed use is in compliance with all City ordinances and any other applicable laws.
- (4) *Planning commission action.* The Planning Commission shall approve, approve with conditions, or deny the final site plan. The Planning Commission may suggest and/or require modifications in the proposed final site plan as are needed to gain approval.
- In the interest of ensuring compliance with this Ordinance and protecting the health, safety and welfare of the residents of the City, the Planning Commission, as a condition of final approval of the site plan, shall require the applicant to deposit a performance guarantee as set forth in Section 15.19 of the Zoning Ordinance for the completion of improvements associated with the proposed use.
- (5) *Effect of approval.* Approval of a final site plan authorizes applicant to apply for a building permit, certificate of zoning compliance and/or certificate of occupancy. A building permit, certificate of zoning compliance and/or certificate of occupancy will not be granted for site plans approved with conditions until the remaining issues have been addressed and resolved to the satisfaction of the Planning Commission.
- (6) *Expiration of approval.* Approval of a final site plan shall expire and be of no effect one (1) year following the date of approval unless construction has begun on the property in conformance with the approved final site plan. The applicant can request a one-year extension from the Planning Commission a month prior to the date of expiration. Approval shall also expire and be of no effect unless a building permit shall have been taken out within one hundred eighty (180) days of the date of approval of the final site plan.
- (f) *Combining preliminary and final site plans.* An applicant may, at his or her discretion and risk, combine a preliminary and final site plan application for approval. In such a situation the portion of the review process concerning preliminary site plan application and review may be waived by the Planning Commission. The Planning Commission shall have the authority to require submittal of a preliminary site plan separate from a final site plan, where, in its opinion, the complexity and/or scale of the site for the proposed development so warrant.

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- (g) *Amendment of approved site plan.* The Zoning Administrator shall have the authority to determine if a proposed change requires an amendment to an approved final site plan. A site plan may be amended upon application and in accordance with the procedure herein for a final site plan. The Zoning Administrator may approve minor changes in an approved final site plan, provided that a revised final site plan drawing (s) be submitted showing such minor changes, for purposes of record.
 - (h) *Modification of plan during construction.* All improvements shall conform to the final site plan. Any changes, which result in a material alteration of the site plan approved by the Planning Commission, shall require re-submittal to the Planning Commission. The Planning Commission or Zoning Administrator may require the applicant to correct the changes so as to conform to the approved final site plan.
 - (i) *Phasing of development.* The applicant may, at his discretion, divide the proposed development into two (2) or more phases. In such case, the preliminary site plan shall cover the entire property involved and shall clearly indicate the location, the size, and character of each phase. A final site plan shall be submitted for review and approval for each phase.
 - (j) *Inspection.* The Building Inspector and Zoning Administrator shall be responsible for inspecting all improvements for conformance with the approved final site plan. All sub-grade improvements such as utilities; sub-base installations for drives and parking lots, and similar improvements shall be inspected and approved prior to covering. The applicant shall be responsible for requesting the necessary inspections.
 - (k) *Violations.* The approved final site plan shall regulate development of the property and any violation of this article, including any improvement not in conformance of the approved final site plan, shall be deemed a violation of this Ordinance as provided in Article XXI, and shall be subject to all penalties therein.

(Ord. No. 2024-06, pt. 15, 7-17-2024; Ord. No. 2025-01, pt. 2, 12-17-2024)

Sec. 16.07. Special land use review.

- (a) *Application.* Applications for special land use permits authorized in this Ordinance shall be submitted to the Zoning Administrator on a form provided by the City. In addition to a complete application form, the applicant is required to pay all required fees and submit a preliminary site plan prepared in accordance with Section 16.06, Site plan review. Incomplete submittals shall not be accepted by the Zoning Administrator.
- (b) *Procedures.*
 - (1) *Planning commission hearing and review.* Special land use approval shall not be granted until a public hearing has been held by the Planning Commission, in accordance with Public Act 110 of 2006, as amended. The Planning Commission shall make a recommendation with comments on the special land use to the City Council.
 - (2) *City council review.* Following the public hearing and recommendation from the Planning Commission, that application will be forwarded to the City Council for review. The City Council shall deny, approve, or approve with conditions, requests for special land use approval. The decision of the City Council shall be incorporated in a statement of conclusions relative to the special land use under consideration. Any decision, which denies a request or imposes conditions upon its approval, shall specify the basis for the denial or the conditions imposed.

The City Council may impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, and for insuring that the purposes of

this Ordinance and the general spirit and purpose of the district in which the special use is proposed will be observed.

- (c) *Basis of determinations.* The Planning Commission and City Council shall review the proposed special land use in terms of the standards stated within this Ordinance and shall establish that such use and the proposed location:
- (1) Taking into consideration the size, location and character of the proposed land use, viewed within the context of surrounding land uses and the Master Plan for such area, the proposed use shall not be incompatible nor inharmonious, as determined by the application of generally accepted planning standards and/or principles, with:
 - a. The surrounding uses; and/or
 - b. The orderly development of the surrounding neighborhood and/or vicinity in accordance with this section and the Master Plan.
 - (2) The proposed use shall be of a nature that will make vehicular and pedestrian traffic no more hazardous than is normal for the district involved, taking into consideration vehicular turning movements in relation to routes of traffic flow, proximity and relationship to intersections, adequacy of sight distances, location and access of off-street parking and provisions for pedestrian traffic, with particular attention to minimizing child-vehicle interfacing.
 - (3) The proposed special land use shall not unreasonably impact upon surrounding property in terms of noise, dust, fumes, smoke, air, water, odor, light and/or vibration, and further, shall not unreasonably impact upon persons perceiving the operation in terms of aesthetics. Where such concerns can be remedied by way of design, construction and/or use, the proposed use shall be designed, constructed and used so as to eliminate the effects of the use which would otherwise substantiate denial thereof, taking into consideration the location, size, intensity, layout and periods of operation of such use.
 - (4) The proposed use shall be such that the proposed location and height of buildings or structures and location, nature and height of walls, fences and landscaping will not interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value.
 - (5) The proposed use shall relate harmoniously with the physical, historic, and economic aspects of adjacent land uses as regards prevailing shopping habits, convenience of access by prospective patrons, continuity of development, and need for particular services and facilities in specific areas of the City.
 - (6) The proposed use is in general agreement with the master plan designation for the area where the use is to be built.
 - (7) The proposed use is so designed, located, planned and to be operated that the public health, safety and welfare will be protected.
 - (8) The proposed use shall not cause substantial injury to the value of other property in the neighborhood in which it is to be located and will not be detrimental to existing and/or other permitted land uses in the zoning district.
 - (9) The proposed special land use shall not result in an impairment, pollution and/or destruction of the air, water, natural resources and/or public trust therein.
 - (10) The proposed special land use shall not unreasonably burden the capacity of public services and/or facilities.
- (c) *Duration, voiding and extensions of permit.* Unless otherwise specified by the City Council, any special land use permit granted under this section shall be null and void unless the development proposed shall have its

first building inspection within one (1) year from the date of the granting of the permit. The City Council may grant an extension thereof for good cause for a period not to exceed one (1) year.

The Zoning Administrator may suspend or revoke a permit issued under the provisions of this Ordinance whenever the permit is issued erroneously on the basis of incorrect information supplied by the applicant or his agent and is in violation of any of the provisions of this Ordinance or of any other ordinances or regulations of the City.

- (d) *Reapplication.* No application for a special use permit which has been denied wholly or in part shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on grounds of newly discovered evidence or change of conditions found to be sufficient to justify reconsideration by the City Council.

Sec. 16.08. Planned unit development (PUD).

- (a) *Purpose and intent.* Planned unit development (PUD) district regulations are intended to provide for various types of land uses planned in a manner which shall:

- (1) Encourage the use of land in accordance with its character and adaptability;
- (2) Conserve natural resources and energy;
- (3) Encourage innovation in land use planning;
- (4) Provide enhanced housing, employment, shopping, traffic circulation and recreational opportunities for the people of the City; and,
- (5) Bring about a greater compatibility of design and use.

The provisions of this article provide enabling authority and standards for the submission, review, and approval of applications for planned unit developments.

- (b) *PUD regulations.*

- (1) A planned unit development (PUD) may be applied for in any zoning district. The granting of a planned unit development application shall require a rezoning by way of amendment of this Ordinance upon the recommendation of the Planning Commission and approval of the City Council.
- (2) Any land use authorized in this Ordinance may be included in a planned unit development, subject to adequate public health, safety, and welfare protection mechanisms being designed into the development to ensure the compatibility of varied land uses both within and outside the development.
- (3) The applicant for a planned unit development must demonstrate each of the following criteria as a condition to being entitled to planned unit development treatment:
 - a. Granting of the planned unit development will result in at least one (1) of the following:
 1. A recognizable and material benefit to the ultimate users of the project and to the community, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the planned unit development regulations; or
 2. Long-term protection and preservation of natural resources and natural features of a significant quantity and/or quality, where such benefit would otherwise be unfeasible or unlikely to be achieved without application of the planned unit development regulations; or
 3. A nonconforming use shall, to a material extent, be rendered more conforming, or less offensive, to the zoning district in which it is situated.

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- b. The proposed type and density of use shall not result in an unreasonable increase in the need for or burden upon public services, facilities, streets and utilities.
 - c. The proposed development shall be consistent with the public health, safety and welfare of the City.
 - d. The proposed development shall not result in an unreasonable negative environmental impact on the subject site or surrounding land.
 - e. The proposed development shall not result in an unreasonable negative economic impact upon surrounding properties.
 - f. The proposed development shall be under single ownership and/or control such that there is a single person having responsibility for completing the project in conformity with this Ordinance.
 - g. The proposed development shall be consistent with the goals and policies of the Master Plan.
- (c) *Procedure for review.*
- (1) *Pre-application conference.* Prior to the submission of an application for planned unit development approval, the applicant shall meet with the Zoning Administrator, together with any staff and consultants the Administrator deems appropriate. The applicant shall present at such conference, or conferences, at least a sketch plan of the proposed planned unit development, as well as the following information:
 - a. Total number of acres in the project;
 - b. A statement of the number of residential units, if any;
 - c. The number and type of nonresidential uses, the number of acres to be occupied by each type of use;
 - d. The known deviations from ordinance regulations to be sought;
 - e. The number of acres to be preserved as open or recreational space; and,
 - f. All known natural resources and natural features to be preserved.
 - (2) *Preliminary plan.* Following the pre-application conference, the applicant shall submit a preliminary site plan of the proposed planned unit development. The preliminary site plan shall be prepared in accordance with the standard set forth in Section 16.06(c). A narrative report shall accompany the site plan providing a description of the project, discussing the market concept and feasibility of the project, and explaining the manner in which the criteria set forth in Section 16.08(b)(3) have been met.
 - a. *Planning commission action.* The preliminary plan shall be noticed for public hearing as a zoning amendment before the Planning Commission. Following the hearing, the Planning Commission shall review the preliminary site plan and shall take one of the following actions:
 - 1. *Approval.* Upon finding that the preliminary plan meets the criteria and standards set forth in Sections 16.08(a) and 16.08(b), the Planning Commission shall grant preliminary approval. Approval shall constitute approval of the uses and design concept as shown on the preliminary plan and shall confer upon the applicant the right to proceed to preparation of the final plan. Approval of the preliminary plan by the Planning Commission shall not constitute rezoning of the property to PUD nor bind the City Council to approval of the final plan.
 - 2. *Tabling.* Upon finding that the preliminary plan does not meet the criteria and standards set forth in Sections 16.08(a) and 16.08(b), but could meet such criteria if revised, the Planning Commission may table action until a revised preliminary plan is resubmitted.

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3. *Denial.* Upon finding that the preliminary plan does not and cannot meet the criteria and standards set forth in Sections 16.08(a) and 16.08(b), the Planning Commission shall deny preliminary approval.
- (3) *Final plan.* Within six (6) months following receipt of the Planning Commission comments on the preliminary plan, the applicant shall submit a final plan and supporting materials conforming with this section. If a final plan is not submitted by the applicant for final approval within six (6) months following receipt of Planning Commission comments, the preliminary plan approval becomes null and void.
- a. *Information required.* A final site plan and application for a PUD shall contain the following information:
 1. A site plan meeting all requirements of Section 16.06(d), Final site plan.
 2. A separately delineated specification of all deviations from this Ordinance, which would otherwise be applicable to the uses and development proposed in the absence of this planned unit development article.
 3. A specific schedule of the intended development and construction details, including phasing or timing.
 4. A specific schedule of the general improvements to constitute a part of the development, including, without limitation, lighting, signage, the mechanisms designed to reduce noise, utilities, and visual screening features.
 5. A specification of the exterior building materials with respect to the structures proposed in the project.
 6. Signatures of all parties having an interest in the property.
 - b. *Planning commission and action.* The final plan shall constitute an application to amend this Ordinance, and shall be noticed for public hearing as a zoning amendment before the Planning Commission, and otherwise acted upon by the Planning Commission and the City Council, as provided by law.
 1. *Approval.* Upon finding that the final plan meets the criteria and standards set forth in Sections 16.08(a) and 16.08(b), the Planning Commission shall recommend approval to the City Council.
 2. *Tabling.* Upon finding that the final plan does not meet the criteria and standards set forth in Sections 16.08(a) and 16.08(b), but could meet such criteria if revised, the Planning Commission may table action until a revised final plan is resubmitted.
 3. *Denial.* Upon finding that the final plan does not and cannot meet the criteria and standards set forth in Sections 16.08(a) and 16.08(b), the Planning Commission shall recommend denial to the City Council. The Planning Commission shall, to the extent it deems appropriate, submit detailed recommendations relative to the planned unit development project including, without limitation, recommendations with respect to matters on which the City Council must exercise discretion.
 - c. *City council action.* Upon receiving a recommendation from the Planning Commission, the City Council shall review the final plan. Taking into consideration the recommendations of the Planning Commission and the criteria and standards set forth in Sections 16.08(a) and 16.08(b), the City Council shall approve, table or deny the final plan. Prior to approval of a final plan, the City Council shall require all standards and conditions of approval to be incorporated in a

development agreement. The agreement shall be prepared by the City Attorney, reviewed by the City Planner, approved by the City Council, and signed by both the City and the applicant.

(d) *Design standards.*

(1) *Residential design standards.*

- a. Residential density shall not be greater than the maximum density permitted in the zoning district in which the property is situated immediately prior to reclassification under this article. Additional density for residential uses may be allowed at the discretion of the Planning Commission and based upon a demonstration by the applicant of consistency with the Master Plan and of planning and design excellence resulting in a material benefit to the City, adjacent land uses, and/or the ultimate users of the project, where such benefit would otherwise be unlikely to be achieved without the application of the PUD regulations, including, without limitation, innovative design producing significant energy efficiency, pedestrian or vehicular safety, long term aesthetic beauty, and protection and preservation of natural resources and features.

(2) *Non-residential design standards.*

- a. Non-residential uses may be permitted in combination with other nonresidential uses or as part of a common development with residential uses.
- b. The non-residential uses, including parking and vehicular traffic ways, shall be separated and buffered from residential units in a manner consistent with good land and community planning principles.

(3) *General design standards.*

- a. All regulations applicable to setbacks, parking and loading, general provisions, and other requirements shall be met in relation to each respective land use in the development based upon zoning districts in which the use is listed as a principal permitted use. In all cases, the strictest provisions shall apply.
- b. Notwithstanding the immediately preceding paragraph, deviations with respect to such regulation may be granted as part of the overall approval of the planned unit development, provided features or elements demonstrated by the applicant and deemed adequate by the Planning Commission are designed into the project plan for the purpose of achieving the objectives of this article.
- c. To the maximum extent feasible, the development shall be designed so as to preserve the natural resources and natural features. The benefit, which would reasonably be expected to accrue from the proposal shall be balanced against the reasonably foreseeable detriments of the activity, taking into consideration the local, state and national concern for the protection and preservation of the natural resources or features and the following criteria:
 1. The availability of feasible and prudent alternative methods of accomplishing any development.
 2. The extent and permanence of the beneficial or detrimental effects of the proposed activity.
 3. The size, quality and rarity of the natural resources or natural features, which would be impaired or destroyed.
- d. A perimeter setback and/or berm shall be required from the Planning Commission for the purpose of buffering the development in relation to surrounding properties. If the planned unit development project includes non-residential uses adjacent to a district authorizing residential

uses, and/or if the project is larger than one (1) acre in area, such perimeter setback shall be established with a dimension from the property line of up to fifty (50) feet at the discretion of the Planning Commission, taking into consideration the use or uses in and adjacent to the development. The setback distance need not be uniform at all points on the perimeter of the development.

- e. Thoroughfare, drainage, and utility design shall meet or exceed the standards otherwise applicable in connection with each of the respective types of uses served.
- f. Underground installation of utilities shall be required, including electricity and telephone, as found necessary by the Planning Commission.
- g. Pedestrian walkways shall be separated from vehicular circulation, as found necessary by the Planning Commission.
- h. Signage, lighting, landscaping, building materials for the exterior of all structures, and other features of the project, shall be designed and completed with the objective of achieving an integrated and controlled development, consistent with the character of the community, surrounding development or developments, and natural features of the area.
- i. Where non-residential uses adjoin off-site residentially zoned property, noise reduction and visual screening mechanisms such as earthen and/or landscape berms and/or decorative walls, shall be employed. The Planning Commission, at its discretion, shall review and approve the design and location of such mechanisms.
- j. The City Council upon the recommendation of the Planning Commission shall resolve all ambiguities as to applicable regulations using the Zoning Ordinance, Master Plan, and other City standards or policies as a guide.

(e) *Conditions.*

- (1) Reasonable conditions may be required with the approval of a planned unit development, to the extent authorized by law, for the purpose of ensuring that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, protecting the natural environment and conserving natural resources and energy, ensuring compatibility with adjacent uses of land, and promoting the use of land in a socially and economically desirable manner.
- (2) Conditions imposed shall be designed to: protect the public health, safety, and welfare; preserve natural features and resources; and, be necessary to meet the intent and purpose of this Ordinance, and ensure compliance with the standards of this Ordinance. All conditions imposed shall be made a part of the record of the approved planned unit development.

(f) *Phasing and commencement of construction.*

- (1) *Phasing.* Where a project is proposed for construction in phases, the planning and designing shall be such that, upon completion, each phase shall be capable of standing on its own in terms of the presence of services, facilities, and open space, and shall contain the necessary components to ensure protection of natural resources and the health, safety, and welfare of the users of the planned unit development and the residents of the surrounding area. All conditions that are phase specific shall be completed during development of the subject phase, and cannot be postponed for completion during other phases. In addition, in developments which include residential and non-residential uses, the relative mix of uses and the scheduled completion of construction for each phase shall be disclosed and determined to be reasonable at the discretion of the City Council after recommendation from the Planning Commission.

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- (2) *Commencement and completion of construction.* To ensure completion of required improvements, the City is authorized to impose performance guarantees in accordance with Section 15.19. Construction shall be commenced within one (1) year following final approval of a planned unit development and shall proceed substantially in conformance with the schedule set forth by the applicant, as required by Section 16.08(f)(1). If construction is not commenced within such time, any approval of a site plan on the project shall expire and be null and void, provided, an extension for a specified period may be granted by the City Council upon good cause shown if such request is made to the City Council prior to the expiration of the initial period. Moreover, in the event a site plan has expired, the City Council, based on a recommendation from the Planning Commission, shall be authorized to rezone the property in any reasonable manner, and, if the property remains classified as PUD, a new application shall be required, and shall be reviewed in light of then existing and applicable law and ordinance provisions.

(g) *Effect of approval.*

- (1) When approved, the planned unit development amendment, with all conditions imposed, if any, shall constitute the land use authorization for the property, and all improvement and use shall be in conformity with such amendment. Notice of adoption of the final PUD plan and conditions shall be recorded by the applicant at the Oakland County Register of Deeds, evidence of which shall be supplied to the Zoning Administrator.

Sec. 16.09. Planning Commission.

The City Planning Commission shall perform all of the duties of such Commission as are set forth in the ordinance creating said Planning Commission, any amendments thereto and this Ordinance.

In cases where the Planning Commission is required to recommend certain use of premises under the provisions of this Ordinance, the applicant shall furnish such surveys, plans or other information as may be required by said Commission for the proper consideration of the matter.

The Planning Commission shall investigate the circumstances of each such case and shall notify such parties, who may in its opinion be affected thereby, of the time and place of any hearing which may be held relative thereto as required under its rules of procedure.

The Planning Commission may impose such conditions or limitations in recommending approval as may, in its judgment, be necessary to fulfill the spirit and purpose of this Ordinance.

When site plan review is required by the Planning Commission under the terms of this Ordinance, a site plan fee may be required to cover the cost of such reviews including plans, engineers and other such professional services in accordance with a schedule of fees adopted by Council resolution.

(Ord. 431, 12/15/2011; Ord. 433, 3/19/2012)

ARTICLE III. ILLICIT DISCHARGES TO STORM DRAIN SYSTEM

Sec. 16-99. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Authorized enforcement agency means the City Engineer and the Engineer's authorized representatives, which shall specifically include all inspectors and code enforcement, and any other individual designated by the City Manager of Keego Harbor to enforce this article. Where applicable, the term may also mean the Director of the **Department of Environment Great Lakes and Energy (EGLE)** or designated official, and/or the United States EPA Administrator or designated official.

Best management practices (BMPs) means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

City means the City of Keego Harbor.

Clean Water Act means the federal Water Pollution Control Act (33 USC 1251 et seq.), and any subsequent amendments thereto.

County means the County of Oakland.

Construction activity means activities subject to NPDES construction permits. These include construction projects resulting in land disturbance of five (5) acres or more requiring an issued permit and small construction activities impacting one (1) to five (5) acres of land deemed to operate under a national permit. Such activities include, but are not limited to, clearing and grubbing, grading, excavating, and demolition.

Hazardous materials means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illegal discharge means any direct or indirect non-stormwater discharge to the storm drain system, except any discharges exempted in Section 16-104(b).

Illicit connections mean either of the following:

- (1) Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system, including, but not limited to, any conveyances which allow any non-stormwater discharge, including sewage, process wastewater, and wash water, to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or
- (2) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Industrial activity means activities subject to NPDES industrial permits as defined in 40 CFR 122.26(b)(14).

MS4 means a municipal separate storm sewer system.

National Pollutant Discharge Elimination System (NPDES) stormwater discharge permit means a permit issued by United States Environmental Protection Agency (EPA), or by the State under authority delegated pursuant to 33 USC 1342(b) and codified in the Michigan Natural Resources and Environmental Protection Act Protection at MCL 324.101 et seq that authorizes the discharge of pollutants to waters of the United States or the State, whether the permit is applicable on an individual, group, or general area-wide basis.

Nonstormwater discharge means any discharge to the storm drain system that is not composed entirely of stormwater.

Person means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

Pollutant means anything which causes or contributes to pollution. Pollutants may include, but are not limited to, paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Premises mean any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Storm sewer system or storm drainage system means a publicly-owned facility by which stormwater is collected and/or conveyed, including, but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Stormwater means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Stormwater pollution prevention plan means a document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

Wastewater means any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

(Ord. No. 438, § 1.01(10.59), 1-19-2017)

Sec. 16-100. Purpose.

The purpose of this article is to provide for the health, safety, and general welfare of the citizens of **the City of Keego Harbor** through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and State law. This article establishes methods for controlling the introduction of pollutants into the municipal storm sewer system in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this article are:

- (1) To regulate the contribution of pollutants to the municipal storm sewer system by stormwater discharges by any user.
- (2) To prohibit illicit connections and discharges to the municipal storm sewer system.

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- (3) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this article.

(Ord. No. 438, § 1.01(10.60), 1-19-2017)

Sec. 16-101. Applicability.

This article shall apply to all water entering the storm drain system generated on any developed or undeveloped lands unless expressly exempted by an authorized enforcement agency.

(Ord. No. 438, § 1.01(10.61), 1-19-2017)

Sec. 16-102. Enforcement, responsibility for administration.

This article shall be enforceable by the City Engineer or other authorized enforcement agency.

(Ord. No. 438, § 1.01(10.62), 1-19-2017)

Sec. 16-103. Minimum standards.

The standards set forth herein and promulgated pursuant to this article are minimum standards; therefore, this article does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

(Ord. No. 438, § 1.01(10.63), 1-19-2017)

Sec. 16-104. Discharge prohibitions.

- (a) *Prohibition of illegal discharges.* No person shall discharge or cause to be discharged into the storm drain system or watercourses any materials, including, but not limited to, pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:
- (1) Discharges from footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wetland flows, swimming pools (if dechlorinated - typically less than one (1) PPM chlorine), exclude prohibiting the discharges or flows from firefighting activities to the application.
 - (2) Discharges specified in writing by the City Engineer as being necessary to protect public health and safety.
 - (3) Dye testing is an allowable discharge, but requires a verbal notification to the City Engineer prior to the time of the test.
 - (4) The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.
 - (5) Discharge stormwater runoff directly into any lake, pond, or other surface water body within the City without prior treatment and flow control, regardless of zoning classification, parcel size, or impervious

surface area, unless expressly exempted in writing by the City Engineer based on demonstrated finding that equivalent water quality protection is provided or the compliance is technically infeasible.

(b) *Exempt discharges.* The following discharges are exempt from the discharge prohibitions established by this article:

- (1) Water line flushing and discharges from potable water sources.
- (2) Landscape irrigation runoff, lawn watering runoff, and irrigation waters.
- (3) Diverted stream flows and flows from riparian habitats and wetlands.
- (4) Rising ground waters and springs.
- (5) Uncontaminated groundwater infiltration and seepage.
- (6) Foundation drains, water from crawl space pumps, footing drains, and basement sump pumps.
- (7) Air conditioning condensation.
- (8) Waters from noncommercial car washing.
- (9) Street wash water.
- (10) Dechlorinated swimming pool water from single-, two- or three-family residences. (A swimming pool operated by the permittee shall not be discharged to a separate storm sewer or to surface waters of the State without NPDES permit authorization from MDEQ.)
- (11) Discharge of flows from firefighting activities
- (12) Uncontaminated pumped groundwater, except for groundwater cleanups specifically authorized by NPDES permits.

(c) *Prohibition of illicit connections.*

- (1) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
- (2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (3) A person is considered to be in violation of this article if the person connects a line conveying sewage to a storm drain system or MS4 or allows such a connection to continue.

(Ord. No. 438, § 1.01(10.64), 1-19-2017)

Sec. 16-105. Suspension of storm sewer system access.

- (a) *Suspension due to illicit discharges in emergency situations.* The City Engineer or other authorized enforcement agency may, without prior notice, suspend storm sewer system discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the storm sewer system or the waters of the United States or the State. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the storm sewer system or waters of the United States or the State, or to minimize danger to persons.
- (b) *Suspension due to the detection of illicit discharge.* Any person discharging to the storm sewer system in violation of this article may have their storm sewer system access terminated if such termination would

abate or reduce an illicit discharge. The City Engineer will notify a violator of the proposed termination of its storm sewer system access. The violator may petition the City Engineer for reconsideration and hearing.

- (c) *Violation.* A person violates this article if the person reinstates storm sewer system access to premises terminated pursuant to this section, without the prior approval of the City Engineer or other authorized enforcement agency.

(Ord. No. 438, § 1.01(10.65), 1-19-2017)

Sec. 16-106. Industrial or construction activity discharges.

Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the City Engineer or other authorized enforcement agency prior to the allowing of discharges to the storm sewer system.

(Ord. No. 438, § 1.01(10.66), 1-19-2017)

Sec. 16-107. Monitoring of discharges.

- (a) *Applicability.* This article applies to all facilities that have stormwater discharges associated with industrial activity, including construction activity, **within the city of Keego Harbor.**

- (b) *Access to facilities.*

- (1) The City Engineer and/or representatives of the authorized enforcement agency shall be permitted to enter and inspect facilities subject to regulation under this article as often as may be necessary to determine compliance with this article. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to the City Engineer or representatives of the authorized enforcement agency.
- (2) Facility operators shall allow the City Engineer and/or representatives of the authorized enforcement agency ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by State and federal law.
- (3) The City Engineer and/or representatives of the authorized enforcement agency shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the City Engineer or authorized enforcement agency to conduct monitoring and/or sampling of the facility's stormwater discharge.
- (4) The City Engineer has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
- (5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the City Engineer and/or designee and shall not be replaced. The costs of clearing such access shall be borne by the person operating the facility.
- (6) Unreasonable delays in allowing the City Engineer and/or a representative of the authorized enforcement agency access to a permitted facility is a violation of a stormwater discharge permit and

of this article. A person who is the operator of a facility with a NPDES permit to discharge stormwater associated with industrial activity violated this article if the person denies the City Engineer or authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this article.

- (7) If the City Engineer and/or representatives of the authorized enforcement agency has been refused access to any part of the premises from which stormwater is discharged, and the City Engineer is able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this article or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the City Engineer and/or authorized enforcement agency may seek issuance of a search warrant from any court of competent jurisdiction.

(Ord. No. 438, § 1.01(10.67), 1-19-2017)

Sec. 16-108. Requirement to prevent, controls, and reduce stormwater pollutants by the use of best management practices.

The City Engineer shall adopt requirements identifying best management practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the storm drain system, or waters of the United States or the State. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a stormwater pollution prevention plan (SWPP) as necessary for compliance with requirements of the NPDES permit.

(Ord. No. 438, § 1.01(10.68), 1-19-2017)

Sec. 16-109. Watercourse protection.

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. This responsibility does not apply to publicly or privately owned drains that are not owned by the property owner and are otherwise the responsibility of the drain owner. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

All direct discharge to any lake, pond, or surface water body within the City shall be required to pass through an approved pretreatment system designed to clean stormwater prior to discharge into waterways, complying with the following requirements:

(1) Single-family residential properties.

- a. Stormwater runoff shall be directed through a minimum 15-foot vegetated buffer for properties adjacent to a receiving water body prior to discharge whenever feasible. The vegetated buffer

shall consist of maintained natural vegetation, native plantings, or other approved vegetation designed to promote infiltration, pollutant removal, and runoff reduction.

- b. For properties not adjacent to a lake, pond, stream, wetland, or other surface water body, stormwater runoff may discharge to a ditch, swale, drainage course, or other conveyance system approved by the City Engineer. Property owners are encouraged to use vegetated swales, rain gardens, infiltration areas, or similar practices to reduce runoff and improve water quality where feasible.

(2) Non-single family residential properties.

- a. All direct discharges from a non-single family residential development or redevelopment projects shall be routed through one or more approved stormwater pretreatment system, including, but not limited to:
 - 1. Sump or pump system designed to maintain to detain and control discharge;
 - 2. Mechanical filtration system designed to remove sediment, hydrocarbons, and other pollutants; and/or
 - 3. Vegetated infiltration or treatment area including, but not limited to, bioswales, rain gardens, or other green infrastructure approved by the City Engineer.

(3) Compliance.

- a. The city engineer may approve alternative stormwater management practices that provide equivalent or greater water quality treatment and flow control.
- b. All pretreatment and treatment systems shall be designed, constructed, operated, and maintained in accordance with City standards and applicable state or federal requirements.

(Ord. No. 438, § 1.01(10.69), 1-19-2017)

Sec. 16-110. Notification of release or discharge.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system, or water of the United States or the State said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the City Engineer within three (3) business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.

(Ord. No. 438, § 1.01(10.70), 1-19-2017)

Sec. 16-111. Notice of violation.

- (a) Whenever the City Engineer or authorized enforcement agency finds that a person has violated a prohibition or failed to meet a requirement of this article, the City Engineer or designee or other authorized

enforcement agency may order compliance by written notice of violation to the responsible person. Such notice may require, without limitation:

- (1) The performance of monitoring, analyses, and reporting;
 - (2) The elimination of illicit connections or discharges;
 - (3) That violating discharges, practices, or operations shall cease and desist;
 - (4) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
 - (5) Payment of a fine to cover administrative and remediation costs; and
 - (6) The implementation of source control or treatment BMPs.
- (b) If abatement of a violation and/or restoration of affected property are required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by the City or the authorized enforcement agency or a contractor and the expense thereof shall be charged to the violator.

(Ord. No. 438, § 1.01(10.71), 1-19-2017)

Sec. 16-112. Appeal of notice of violation.

Any person receiving a notice of violation may appeal the determination of the City Engineer to the City Council. The notice of appeal must be received by the City Engineer's office within seven (7) days from the date of the notice of violation. A hearing on the appeal before the City Council shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the City Council shall be final.

(Ord. No. 438, § 1.01(10.72), 1-19-2017)

Sec. 16-113. Enforcement measures after appeal.

If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within 15 days of the denial of an the appeal, then representatives of the City Engineer or authorized enforcement agency shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

(Ord. No. 438, § 1.01(10.73), 1-19-2017)

Sec. 16-114. Cost of abatement of the violation.

- (a) Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within 15 days. If the amount due is not paid within 60 days or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.
- (b) Any person violating any of the provisions of this article shall become liable to the City for the cost of the abatement by reason of such violation. The liability shall be paid in not more than 12 equal payments.

Interest at the legal rate then applicable shall be assessed on a per annum basis on the balance beginning on the first day following discovery of the violation.

(Ord. No. 438, § 1.01(10.74), 1-19-2017)

Sec. 16-115. Compensatory action.

In lieu of bringing enforcement proceedings to seek the penalties and remedies authorized by this article, the City Engineer or authorized enforcement agency may impose alternative compensatory actions upon a violator, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc. The decision to seek alternative compensatory actions does not waive the City's or authorized enforcement agency's right to seek legal enforcement from a court of law.

(Ord. No. 438, § 1.01(10.76), 1-19-2017)

Sec. 16-116. Violations deemed a public nuisance.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this article is a threat to public health, safety, and welfare, and is declared and deemed a public nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

(Ord. No. 438, § 1.01(10.77), 1-19-2017)

Sec. 16-117. Criminal prosecution.

- (a) All violations of this article shall be misdemeanor.
- (b) The authorized enforcement agency may recover all attorney fees court costs and other expenses associated with enforcement of this article, including sampling and monitoring expenses.

(Ord. No. 438, § 1.01(10.78), 1-19-2017)

Sec. 16-118. Remedies not exclusive.

The remedies listed in this article are not exclusive of any other remedies available under any applicable federal, State or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

(Ord. No. 438, § 1.01(10.79), 1-19-2017)

Secs. 16-119—16-149. Reserved.

ARTICLE IV. STORMWATER MANAGEMENT

Sec. 16-150. Definition of terms.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accelerated soil erosion means the increased movement of soils that occurs as a result of the impact of development upon the flow of stormwater.

BMP or best management practice means any structural, vegetative or managerial practice used to treat, prevent or reduce water pollution. Such practices include temporary seeding on exposed soils, detention and retention basins for stormwater control, and scheduling the implementation of all BMPs to ensure their effectiveness.

Conveyance facility means a storm drain, either open channel or pipe, as defined in this article.

Detention basin means a structure or facility, natural or artificial, which stores stormwater on a temporary basis and releases it at a controlled rate. A detention basin may drain completely after a storm event, or it may be a pond with a fixed minimum water elevation between runoff events.

Development means any change in grade, impervious surface area, or land cover that tends to alter stormwater impacts on non-residential properties will be held to Oakland County Water Resources Commissioner's Office (OCWRC) standards.

Discharge means any addition or introduction of any pollutant, stormwater, or any other substance into the stormwater system or into the groundwater table.

Disturbed area means an area of land subjected to development.

Ditch means a defined depression of land that transports and directs the flow of stormwater usually along the side of a road.

Drainage system means all facilities, measures, areas, and structures which serve to convey, catch, hold, filter, store, and/or receive stormwater, either on a temporary or permanent basis.

Earth change means a human-made change in the natural cover or topography of land, including, but not limited to, cut and fill activities, which may result in or contribute to soil erosion or sedimentation of watercourses or wetlands.

Floodplain means the area of land typically adjacent to a continuous watercourse that is covered temporarily by water during given flood events recorded elevation per FEMA.

French drain means a below-ground drain consisting of a trench filled with gravel to permit movement of water through the gravel and into the ground. Perforated pipe may be used to enhance the efficiency of the system.

Grading plan means a sealed drawing or plan and accompanying text prepared by a registered professional engineer, surveyor or landscape architect which shows alterations of topography, alterations of watercourses, flow directions of stormwater runoff, and proposed stormwater management and measures, having as its purpose to ensure that the objectives of this article and the City's grading ordinance are met.

Infiltration means the percolation of water into the ground, expressed in inches per hour.

Infiltration facility means a structure or designated area which allows runoff to seep gradually into the ground, e.g., French drains, seepage pits, infiltration trenches, dry well, or perforated pipe.

Maintenance agreement means a binding agreement that sets forth the terms, measures and conditions for the maintenance of stormwater management systems and facilities.

Nonerosive velocity means stormwater flow rate/speed that does not cause accelerated soil erosion.

Offsite facility means all or part of a drainage system that is located partially or completely off the development site for which it serves.

Peak rate of discharge means the maximum rate of stormwater flow at a particular location following a storm event, as measured at a given point and time in cubic feet per second (cfs).

Person means any individual, firm, partnership, association, corporation, company, or organization of any kind including school districts and government agencies conducting operations within the City.

Planning Commission means the City Harbor Planning Commission.

Ponding means the unwanted pooling of water.

Private storm drain means a drainage system serving a platted subdivision or other development which has been designed and constructed and accepted to be operated and maintained by the property owner, business or homeowner's association.

Public storm drain means a drainage system serving a platted subdivision or other development which has been designed and constructed and accepted to be operated and maintained by the City.

Receiving body of water means any watercourse or wetland into which stormwaters are directed, either naturally or artificially.

Retention basin means a holding area for stormwater, either natural or manmade, which does not have an outlet to adjoining watercourses or wetlands. Water is removed from retention basins through infiltration and/or evaporation processes, and retention basins may or may not have a permanent pool of water.

Runoff means that part of precipitation which flows over the land.

Sediment means mineral or organic particulate matter that has been removed from its site of origin by the processes of soil erosion, is in suspension in water, or is being transported.

Site improvement means any change in grade, impervious surface area, or land cover on the site that tends to alter stormwater impacts. The term "site improvement" does not include customary lawn maintenance or gardening.

Soil erosion means the wearing away of land by the action of wind, water, gravity or a combination thereof.

Soil erosion control measures means a structure, facility, barrier, berm, process, vegetative cover, basin, and/or other installations designed to control accelerated soil erosion. Temporary measures are installed to control soil erosion during construction or until soils in the contributing drainage area are stabilized. Permanent measures remain after the project is completed.

Storage facility means a basin, structure, or area, either natural or human made, which is capable of holding stormwater for the purpose of controlling or eliminating discharge from the site.

Stormwater discharge means the volume of water passing a given point at a given time expressed in cubic feet per second. Also referred to as "peak rate of discharge."

Storm drain means a conduit, pipe, ditch, swale, natural channel or manmade structure which serves to transport stormwater runoff. Storm drains may be either enclosed or open.

Stormwater management measure and facility means any facility, structure, channel, area, process or measure which serves to control stormwater runoff in accordance with the purposes and standards of this article.

Stormwater management plan means drawings and/or written information prepared by a registered professional engineer or registered landscape architect which describe the way in which accelerated soil erosion and/or stormwater flows are proposed to be controlled, both during and after construction, having as its purpose to ensure that the objectives of this article are met.

Stormwater management system means the entire existing or proposed stormwater conveyance and storage facilities and all appurtenances thereto.

Swale means a defined contour of land with gradual slopes that transports and directs the flow of stormwater. Also known as a shallow ditch. Generally, a swale is located between homes or through rear yards and is not within a public easement.

Watercourse means any natural or manmade waterway or other body of water having reasonably well-defined banks. Rivers, streams, creeks and brooks and channels, whether continually or intermittently flowing, as well as lakes and ponds are watercourses for purposes of stormwater management.

Watershed means an area in which there is a common receiving body of water into which stormwater ultimately flows, otherwise known as a drainage area.

Wetlands means land characterized by the presence of water at a frequency and duration sufficient to support, and that under normal circumstances does support, wetland vegetation or aquatic life and is commonly referred to as a bog, swamp or marsh, as defined by State law.

(Ord. No. 19-07, § 10-83, 11-21-2019)

Sec. 16-151. Construction of language.

The following rules of construction apply to the text of this article:

- (1) Particulars provided by way of illustration or enumeration shall not control general language.
- (2) Ambiguities, if any, shall be construed liberally in favor of protecting natural land and water resources.
- (3) Words used in the present tense shall include the future, and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
- (4) Terms not specifically defined in this article shall have the meaning customarily assigned to them.
- (5) Considering that stormwater management in many cases requires sophisticated engineering design and improvements, some of the terms of this article are complex in nature. Effort has been made to simplify terms to the extent the subject matter permits. In addition, assistance and examples will be provided by or on behalf of the City as needed for the interpretation and understanding of this article.

(Ord. No. 19-07, § 10-81, 11-21-2019)

Sec. 16-152. Purposes.

The purpose of this Chapter is to prevent contamination of surface and ground-water by regulating and controlling the construction, operation, and use of stormwater runoff facilities and discharge to the public storm drainage system and waterways; to protect public health, safety, and general welfare; and prevent the pollution, impairment, and destruction of natural resource and the environment of the City and the State. Specifically, the purpose of this article shall be too:

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- (1) To protect public health, safety, and welfare by requiring stormwater management i.e. quantity and quality enhancements, whenever site improvements or developments are undertaken and existing stormwater features are to be expanded, modified, or altered.
 - (2) To protect surface water and groundwater quality by minimizing pollutants, hazardous substance, sedimentation, soil erosion, flooding, and other adverse impacts associated with stormwater.
 - (3) To promote the minimization or degradation of water resources by reducing and/or avoiding impacts on the hydrology of stormwater runoff.
 - (4) To reduce the need for costly maintenance and repairs to streets, embankments, ditches, streams, lakes, wetlands and storm-water infrastructure, which are the result of inadequate soil erosion and storm-water runoff control.
 - (5) To ensure that stormwater management facilities are properly designed, constructed, maintained, and operated in a cost-effective and functionally effective manner to reduce the need for future remedial projects and infrastructure repairs.
 - (6) To regulate the quantity, rate, direction, and quality of stormwater discharge to prevent harmful effects and damage to adjacent properties, downstream areas, watercourses, lakes, wetlands, groundwater recharge areas, and public or private stormwater infrastructure and allow for off-site stormwater facilities and measures if the proposals meet the requirements of this chapter.
 - (7) To protect the public health, safety, and welfare by preserving, protecting, maintaining, and utilizing existing natural and manmade drainage systems and stormwater management facilities where feasible.
 - (8) To require the incorporation of stormwater management practices and runoff control measures into the early stages of site planning, design, construction, operation, and maintenance.
 - (9) To prevent groundwater contamination and accelerated soil erosion and to control stormwater runoff resulting from proposed earth changes both during and after construction.
 - (10) To ensure that stormwater runoff from development is controlled so that the water quality in watercourses, groundwater recharged by stormwater, and the habitat situated in areas impacted by stormwater are protected, and that siltation and pollution are minimized to the extent possible.
 - (11) To eliminate illicit stormwater connections, discharge to sanitary sewer system, and protect the integrity of the public storm drainage system.
 - (12) To ensure that property owners control the volume and rate of stormwater runoff originating from their property, so stormwater and groundwater quality is protected, soil erosion minimized, and flooding reduced.
 - (13) To encourage stormwater management systems that provide multiple benefits, including, but not limited to, flood control, water quality protection, groundwater recharge, and environmental preservation.
 - (14) To ensure compliance with all applicable local, State, and Federal stormwater, water quality, and environmental laws and regulations.
 - (15) To establish standards, administrative procedures, enforcement authority, and penalties necessary to implement and enforce the provisions of this chapter.
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- ~~(2) To protect the public health, safety, and welfare by protecting existing manmade or natural stormwater management facilities.~~

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- ~~(4) To establish regulations to prevent harmful effects of changes in the quantity and quality of surface water discharge into water bodies that are in the City or in downstream areas.~~
 - ~~(5) To protect homeowner/property owners from neighboring runoff.~~
 - ~~(7) To provide for cost-effective and functionally effective stormwater management, and to reduce the need for future remedial projects.~~
 - ~~(8) To minimize soil erosion and sedimentation.~~
 - ~~(9) To ensure that all stormwater management facilities will be properly maintained.~~
 - ~~(10) To eliminate stormwater connections to the separated sanitary sewer.~~
 - ~~(11) To recognize private responsibility to incorporate stormwater management systems into the early stages of site planning and design.~~
 - ~~(12) To ensure compliance with State and federal law and regulations relating to water quality.~~

(Ord. No. 19-07, § 10-80, 11-21-2019)

Sec. 16-153. Abrogation and conflict of authority.

- (a) Nothing in this article shall be interpreted to conflict with present or future State statutes in the same subject matter. Conflicting provisions of this article shall be abrogated to the extent of the conflict. The provisions of this article shall be construed, if possible, to be consistent with and in addition to relevant State regulations and statutes.
- (b) In their interpretation and application, the provisions of this article shall be held to be minimum requirements and shall be liberally construed in favor of achieving the objectives of this article, and shall not be deemed a limitation or repeal of any other powers granted by State statutes.
- (c) This article is not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this article imposes greater restrictions, the provisions of this article shall prevail. If there is another ordinance that is inconsistent, the terms of the ordinance that promotes the objectives of this article to the greatest extent shall apply.

(Ord. No. 19-07, § 10-82, 11-21-2019)

Sec. 16-154. Standards for stormwater management plan approval.

All developments requiring a stormwater management plan shall comply with the Oakland County Water Resources Commissioner's Office stormwater standards to prevent flooding and protect water quality. The particular facilities and measures required on-site shall take into consideration the natural features, wetlands, and watercourses on the site; the potential for on-site and off-site adverse stormwater impacts, water pollution, and erosion; and the size of the site. Developments shall be held to OCWRC Standards; site improvements will require a grading plan and must comply with the following:

- (1) *Protecting existing stormwater management systems.*
 - a. Natural drainage courses such as ditches, swales, streams, creeks, lakes, etc. shall be protected from:
 - 1. Increased discharge of pollutants or sedimentation;
 - 2. Adverse impacts from increased water quantity or velocity;

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3. Encroachments that could be otherwise avoided;
 4. Improvements, such as enclosures, for purely aesthetic reasons.
- b. Existing stormwater management systems shall not be obstructed, blocked or their route otherwise altered without the submittal of a stormwater management plan in accordance with this article and the approval granted by the City.
 - c. Regrading, such as cutting or filling, in a wetland is prohibited unless permitted by EGLE.
 - d. Regrading, such as cutting and filling, in a floodplain may be completed as long as a 1:1 cut to fill ratio is maintained and no adverse impact to the floodplain is created. Regrading in the floodplain requires approval from the City based on engineering review and administrative consent unless otherwise indicated.
 - e. Depositing soil, leaf, lawn, plant or other yard waste materials within an existing drainage facility or body of water shall be strictly prohibited.
 - f. All stormwater management plans shall first take into account existing drainage and stormwater facilities and preserve and protect these features.

(2) *Discharge onto neighboring property.*

- a. Site drainage or discharge originating from one (1) property (including filling low-lying areas) is prohibited to flow onto another adjacent property, unless it is through an intended stormwater conveyance path through a right-of-way (ROW), such as a ditch, or protected by an easement. Increased site drainage must either be contained on site or drained to an intended conveyance path on the originating property.
- b. In the case of a violation, a solution shall be proposed by the discharging party within ten (10) business days to resolve the issue. The solution must be agreed upon by both parties and by the City for a resolution to occur. If an agreement is made, the discharging entity will have 30 business days to implement the solution and resolve the issue.
- c. If any entity violates this provision or an agreement cannot be reached, the City will determine and implement a solution. A lien will be placed on the discharging party's property for the cost of the solution. The property will be subject to a fine not exceeding \$500.00.

(3) *Improving existing stormwater management systems.*

- a. Most existing stormwater conveyance paths, such as ditches and culverts, are located within county drainage districts or the City's public road ROW. The responsibility for routine maintenance (i.e., mowing, removing obstructions and debris, improving landscaping, etc.) lies with the adjacent property owners.
- b. Under the provisions herein, property owners adjacent to the stormwater facility may individually or in concert with other such property owners petition the City to establish a Special Assessment District (SAD) to evaluate, design, construct, administer, and finance an improvement to a stormwater management facility. The SAD will be facilitated in accordance with the provisions herein, State law, and the City Charter. The benefiting property owners will be assessed their portion of the project costs based on benefit. Typically, drainage area, percent impervious, capacity, or other means as determined by the City are used to determine benefit. The City may elect to contribute to the project costs based on a review of the petition and benefit to the City at large.
- c. Improvements to existing stormwater management systems can also be petitioned through the Oakland County Water Resources Drain Commissioner's Office in accordance the Drain Code of 1956 (MCL 280.1 et seq.).

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- d. Historically, drainage ditches have been filled in or regraded without approval or without an alternative drainage path constructed. The City has the right to require that drainage areas on or offsite be improved or restored as part of any site improvement or development.
 - e. Design and construction provisions for improving existing stormwater management systems shall be as indicated herein.

(4) *Ditches and driveway culverts.*

- a. It is recognized that existing roadside ditches and driveway culverts are an integral part of the City's overall stormwater management system and are important to local drainage patterns.
- b. Typically, maintenance of roadside ditches and driveway culverts are the responsibility of the adjacent property owner. As such the property owner is responsible for maintaining the drainage pattern through these facilities, removing obstructions, mowing in the case of a grassed ditch, and replacing or repairing these facilities if deteriorated or damaged.
- c. Should a property owner wish to modify or replace a driveway culvert, a plan meeting the requirements of this article shall be prepared, submitted, and include the following specific items:
 - 1. Size and material of the culvert to be replaced and any culverts within 100 feet on the same street of the culvert to be replaced.
 - 2. The existing and proposed inverts of the culvert to be replaced and any culverts within 100 feet on the same street of the culvert to be replaced and any other piping near the proposed replacement.
 - 3. Provisions for the replacement of the driveway including materials, cross sections, construction requirements, etc.
 - 4. The existing and proposed width of the driveway and culvert.
 - 5. Details of any culvert end treatments such as headwalls, end sections, bar grates, etc.
- d. Should a property owner wish to enclose an existing ditch and/or swale, a plan meeting the requirements of this article shall be prepared and submitted and include the following specific items:
 - 1. Size and material of the culvert to be installed and any culverts within 100 feet on the same street of the culvert to be replaced.
 - 2. The proposed inverts of the culvert to be installed and any culverts within 100 feet on the same street of the culvert to be replaced and any other piping near the proposed replacement.
 - 3. A cross section of the ditch enclosure showing the existing ditch bottom, pipe invert, bedding, backfill and at least six (6) inches of fall from the existing edge of the road to a swale over the top of the culvert.
 - 4. Drainage calculations showing the proposed culvert is sized adequately to convey the upstream drainage area.
 - 5. Drainage calculations showing the downstream culverts are sized adequately to convey the upstream drainage area.
 - 6. Location and details of at least two (2) inlets, catch basins or structures per property, to receive and inlet surface drainage into piping.
- e. Requests for enclosing ditches shall not be granted unless it can be demonstrated that:

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1. The proposed enclosure is sized accordingly and can be extended for a future storm sewer;
 2. The enclosure will not affect the subsurface drainage for the adjacent roadways; and
 3. Surrounding properties will not adversely be affected.
- f. All design, construction and maintenance costs for driveway culverts and ditch enclosures will be the responsibility of the adjacent property owner. The City may request a surety bond or escrow deposit be placed with the City to guarantee the completion of the project.
- g. If a City-initiated roadway or drainage project requires the cleaning or repairing of a driveway culvert or ditch enclosure the City shall cause said cleaning, repair or enclosure to be done at the project's cost. All other cleaning or repairing to maintain flow shall be completed by the property owner or at the City's request in accordance with the provisions herein. Failure to comply with the City's request may result in the City completing the project. Costs will be assessed to the adjacent property owner and a lien placed on the property if payment is not received.

(5) *Soil erosion control.*

- a. Cutting, filling and grading shall conform with the requirements of the grading ordinance and the soil erosion control permit issued by the Oakland County Water Resources Drain Commissioner's Office.
- b. All development and other earth changes shall be designed, constructed, and completed in such a manner that the exposed area of any disturbed land is limited to the shortest practical period of time. Proposed erosion control measures shall be submitted to the City for determination that such measures comply with the City regulations in the zoning ordinance that require property owners to obtain a grading permit, if relevant.
- c. Approved soil erosion control measures shall be installed and maintained between the disturbed area and any down gradient watercourses (including rivers, streams, creeks, lakes, ponds, and other watercourses), wetlands, roadways, and property lines.
- d. Sediment resulting from accelerated soil erosion shall be removed from runoff water before it leaves the site of the development.
- e. Temporary and permanent soil measures designed and constructed for the conveyance of water around, through, or away from the development or earth change area shall be designed to limit the water flow to a nonerosive velocity.
- f. Temporary soil erosion control measures shall be removed after permanent soil erosion control measures have been implemented and stabilized. All developments and earth change areas shall be stabilized with permanent erosion control measures.
- g. If inland lakes, ponds, rivers, creeks, wetlands, streams or other watercourses are located on or near the site, measures which trap sediment shall be provided. Straw bale berms may be used as temporary stormwater diversion structures but will not be considered sufficient by themselves for trapping sediment on-site. The use of temporary sediment basins, sediment traps, filter fabric, and rock filters in lieu of straw bale berms shall be employed as required as part of a permit. Other measures may be required if reasonably determined to be necessary to protect a watercourse or wetland.
- h. When it is not possible to permanently stabilize a disturbed area after an earth change has been completed or where significant earth change activity ceases, temporary soil erosion control measures shall be implemented within two (2) calendar days.
- i. Permanent soil erosion control measures for all slopes, channels, ditches, or any disturbed land area shall be completed within 15 calendar days after final grading or the final earth change has

been completed. All temporary soil measures shall be maintained until permanent soil measures are implemented and stabilized.

- j. Vegetated filter strips, 25 feet in width, shall be created or retained along the edges of all lakes, creeks, streams, and other watercourses. As part of permit approval, the width of a particular filter strip may be reduced to the extent it is demonstrated that a portion of the width will serve no useful function, e.g., to the extent the grade is such that water flow will be away from the watercourse and the filter strip does not serve to protect wildlife habitat or other useful function.
- k. The City shall have the authority to issue stop-work orders for failure to comply with the requirements of this section, provided a proprietor shall be entitled to a hearing before the chief building inspector or designee within three (3) business days to determine whether the stop-work order shall continue.

(6) Stormwater quality treatment requirements.

All new and substantially redeveloped non-single-family residential projects, regardless of size or disturbed area, shall incorporate stormwater management practices that improve stormwater runoff quality before discharge from the site. Untreated stormwater runoff to lakes, wetlands, watercourses, or municipal storm sewers shall be minimized to the maximum extent practicable through green infrastructure and other approved best management practices. Acceptable practices must follow the most current version of the Oakland County Water Resources Commissioner's Stormwater Engineering Design Standards.

The selected management practices shall be designed to remove pollutants, reduce sediment transport, promote infiltration, and protect downstream water resources. The City Engineer or designated reviewing authority may approve alternative practices that provide equivalent or greater water quality benefits based on site conditions and proposed land use.

(7) Post construction stormwater management and infiltration requirements.

- a. All development and redevelopment projects disturbing one acre or more shall comply with the post-construction stormwater management, water quality treatment, and infiltration requirements contained in the most current version of the Oakland County Water Resources Commissioner's Stormwater Engineering Design Standards.
- b. All non-single family residential development and redevelopment projects, regardless of site size, shall provide stormwater quality treatment in accordance with the most current version of Oakland County Water Resource Commissioner's Stormwater Design Standards.
- c. These requirements apply to development and redevelopment projects involving land disturbance, including but not limited to clearing, grading, excavating, construction and paving, that results in an earth change or disturbance in the existing cover or topography of land, including any external demolition, modification, or alteration of a site or the footprint of a building.
- d. Exemptions from these requirements shall be consistent with the exemptions contained in the most current version of the Oakland County Water Resources Commissioner's Stormwater Engineering Design Standards. Common exemptions to these stormwater standards include, but are not limited to, the following:
 - 1. Resurfacing of an asphalt, concrete, or similar surface (mill and fill) that does not expose the aggregate or subgrade or result in replacement of the onsite drainage system.

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2. The practices of clearing, plowing, and tilling soil and harvesting for the purpose of crop production.
 3. The project does not meet the development or redevelopment criteria as dictated by the City of Keego Harbor.
 4. The development or redevelopment project is for one single family detached dwelling that is not part of a common plan of development.
 5. The development or redevelopment project is for emergency maintenance and work performed to protect public health and safety.
 6. Development or redevelopment projects discharging to a Road Commission of Oakland County (RCOC) stormwater system or right-of-way shall comply with all applicable City of Keego Harbor, Oakland County Water Resource Commissioner, and Road Commission for Oakland County stormwater management requirements. Where requirements differ, the most restrictive standard shall apply as determined by the City Engineer.
 7. Other exemptions may apply based on technical infeasibility but must be approved by the City Engineer or will be updated based on the most current version of the Oakland County Stormwater Design Standards.
- e. Where site conditions prevent full compliance with infiltration due to groundwater conditions, unsuitable soils, contamination concerns, or other documented constraints, the application shall demonstrate infeasibility and provide alternative stormwater management measures acceptable to the City Engineer.
 - f. Compliance with this subsection shall not relieve an applicant from obtaining any other permits or approvals required by the City, Oakland County Water Resources Commissioner, Road Commission for Oakland County, Oakland County Health Division, Michigan Department of Environment, Great Lakes, and Energy (EGLE), or other applicable agencies.

(Ord. No. 19-07, § 10-84, 11-21-2019)

Sec. 16-155. Storm-water runoff control permits and soil erosion and sediment control permits.

- (1) *Regulated land uses and earth changes.* Earth changes and other construction and activity requiring a construction permit from the City Engineer, unless otherwise exempt by this Chapter, shall be required for the following:
 - a. Any activity requiring a grading permit, as specified in Article XV, Section 15.26, Site Grading, including grading, excavation, filling, stockpiling, or other alternations to the land.
 - b. Any development, redevelopment, or earth change activity that creates, modifies, replaces, or increases impervious surface area.
 - c. Any multiple-family, commercial, industrial, institutional, recreational, public, or mixed-use development involving earth change activities.
 - d. Any earth changes activities requiring stormwater management facilities, best management practices, or other runoff control measures pursuant to this Chapter.

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- e. Any earth change activity identified by the City Engineer as having the potential to increase flooding, erosion, sedimentation, pollutant discharge, drainage impacts, or environmental degradation on-site or off-site.
 - f. Landscaping and routine grounds maintenance activities shall be exempt from permit requirements provided such activities do not alter drainage patterns, increase impervious surface area, or otherwise violate the requirements of this Chapter.
 - g. Separate permits pursuant to Part 91, Soil Erosion and Sedimentation Control, and other applicable federal, state, and local, or county regulations may be required as determined by the applicable enforcing agency.

(2) *Application Submittal.*

- a. All applications for Construction permit shall include three copies of the proposed groundwater protection and stormwater runoff control plan, unless more copies are requested by the City Engineer. Copies of the permit application form shall be made available by the City Engineer.
- b. Permit applications shall be submitted to the City Engineer, who may coordinate review with the Zoning Administrator, Building Official, Planning Commission, and other City consultants as necessary.
- c. Application for a permit shall be made prior to the start of any earth change or activity requiring a permit, including construction of access roads, driveways, tree and shrub removal, or grading. Permit approval shall be given prior to the initiation of any work activity. Any unauthorized work shall be considered a violation of this chapter regardless of any later actions taken toward compliance. Soil tests boring, cutting of vegetation for land surveys, percolation tests, and normal maintenance shall not be considered as a type of work under this chapter.
- d. Proposed groundwater protection and stormwater runoff control plan facilities shall be included into any site plan, grading plan, engineering plan, or other development plan required by the City.
- e. The application review period begins upon receipt of a completed application, upon the City Engineer's determination, with all required drawings, supporting documents, and fees.
- f. Issuance of a Construction permit under this Chapter shall not relieve the applicant of the responsibility to obtain any grading permit, site plan approval, building permit, special land use approval, or other authorization required by the City Code or Zoning Ordinance.

(3) *Sequential application*

- a. On projects which are so large or complex that a plan encompassing all phases of the project cannot reasonably be prepared prior to initial groundbreaking, application for a permit on successive major incremental earth change activities may be allowed. Requests for sequential applications shall be approved by the zoning administration prior to submittal of a permit application.
- b. Approval of sequential applications shall take place in two phases. First, the overall conceptual plan for the entire development shall be submitted for review and approval. Second, detailed plans for sections of the total project may be submitted for review and approval.
- c. All permits processed and issued for phases of a project shall be clearly defined as to the nature and extent of work covered. Each phase of the project must be reviewed and permitted prior to construction.

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- d. Approval of a sequential permit application shall not relieve the applicant from obtaining any site plan approval, grading permit, special land use approval, or other authorization required by the City Code or Zoning Ordinance. Sequential permit approval shall apply only to the earth change activities specifically identified in the approved permit phase.

(Ord. No. X, § X, X)

ARTICLE III. LAND PARCEL IMPROVEMENTS

Sec. 24-56. Purpose, intent and validity of article.

- (a) *Purposes.* This article has been enacted for the purpose of protecting the public health, safety and general welfare of the residents of the City and of ensuring the orderly growth and harmonious development of the City by requiring:
- (1) Adequate and convenient open spaces for traffic, utilities, access of firefighting equipment, recreation, light, air, privacy and safety from fire hazards.
 - (2) Establishment of standards for the construction of any and all improvements as required in this article.
- (b) *Interpretation.* The provisions of this article shall be construed to be the minimum requirements necessary for the preservation of public health, safety and welfare within the City. This article is not intended to repeal, abrogate or supersede any existing regulations of the City, or to conflict with any statutes, laws or regulations of the State or the County; except that these regulations shall prevail in cases where these regulations impose a lawful restriction or requirement more severe than existing statutes, laws or regulations. If any section or provision of this article shall be held invalid by a court of competent jurisdictions, this shall not affect the validity of other sections or provisions of this article.

(Code 2001, § 14-71; Ord. No. 252, 3-19-1987)

Sec. 24-57. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Grading means any change or alteration of existing ground surface elevations of any parcel of land by excavating or filling.

Improvements means any additions to or change of the natural state of the land which increase its value, utility or habitability.

Parcel means a unit of land described by survey or metes and bounds, or identified by lot number in a plat.

Surface drainage means any stormwater collecting on and flowing over the surface of the ground.

(Code 2001, § 14-72; Ord. No. 252, 3-19-1987)

Sec. 24-58. Procedures, requirements, fees and standards.

- (a) *Deposit of plans and specifications.* Any land developer or owner of a parcel of land, prior to construction of any sanitary sewer, any storm sewer, any water main or any stormwater retention pond, or prior to any grading or changing of surface drainage or paving, shall deposit with the City Building Department the required number of copies, as provided in Subsection (b) of this section, of drawings and specifications, together with estimated costs of the improvements.
- (b) *Plans and specifications.*

- (1) The plans and specifications shall be prepared by, and each sheet of the plans signed and sealed by, a professional engineer. Plans detailing parcel surveys must be signed and sealed by a licensed land surveyor.
- (2) Plans shall be prepared on 24-inch by 36-inch size sheets and shall generally be drawn to scale of not more than 50 feet to the inch. The drawings shall contain sufficient detail to properly show the proposed locations and methods of construction or grading. The City consulting engineer may require the plans to be drawn to a scale of 30 feet to the inch when it is deemed necessary to properly show existing conditions. Site plan and profile drawings may also be required when deemed necessary by the engineer.
- (3) As-built plans on a polyester film base and acceptable to the City must be submitted, showing the exact location of all water mains, sewers and appurtenances, after completion of the project and before it is accepted by the City. These plans must be prepared and certified by the developer's engineer.
- (4) The number of copies of plans required to be submitted to the City Building Department shall be as follows:

<i>Type of Improvement</i>	<i>Initial Submission</i>	<i>Final Submission</i>
Grading and surface drainage	3	4
Water mains	3	4
Sanitary sewers	3	4
Storm sewer and paving	3	4
Retention basins	3	4

- (5) Before any construction takes place, all appropriate governmental permits covering noncity jurisdiction must be on file at City Hall.
- (c) *Grading and surface drainage plans.*
- (1) All fill brought on to the site shall be clean, inert granular or cohesive soil. Building debris, broken concrete, organic material or other objectionable materials will not be allowed to be dumped on a site being filled.
 - (2) In order to provide effective erosion and sediment control without impeding surface water flow, practical combinations of the following technical principles shall be applied to the erosion control aspects of the grading plan:
 - a. The smallest practical area of land should be exposed at any one (1) time during development.
 - b. When land is exposed during development, the exposure should be kept to the shortest practical period of time.
 - c. Temporary vegetation and/or mulching should be used to protect critical areas exposed during development.
 - d. Sediment basins (debris basins or silt traps) should be installed and maintained to remove sediment from runoff waters from land undergoing development.
 - e. Provision should be made to effectively accommodate the increased runoff caused by changed soil and surface conditions after development.
 - f. The permanent final vegetation and structures should be installed as soon as practical in the development.

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- g. The development plan should be fitted to the topography and soil so as to create the least erosion potential.
 - h. Wherever feasible, natural vegetation should be retained and protected.
 - i. Asphalt paved or grass covered areas shall have a minimum general slope of one (1) percent with specific water-carrying swales having a minimum slope of four-tenths (0.4) percent.
 - j. Concrete paved surfaces shall have a minimum slope of four-tenths (0.4) percent.
 - k. All project areas shall drain stormwaters to suitable inlet structures which will prevent such stormwater from flowing across adjacent private property and prevent damage to both private and public properties.
 - l. It shall be unlawful for any person to interfere with or obstruct the flow of surface water over easements for public utilities or to impede the flow of surface water across private property in a manner different from the approved grading plan and drainage pattern.
 - m. Prior to the issuance of a certificate of occupancy, it will be necessary that a grading survey, prepared and signed by a registered civil engineer or land surveyor, be submitted to the City Building Department attesting to the fact that the site is graded in accordance with the drainage pattern approved at the time of issuance of the building or land use permit. This may be submitted as part of the as-built construction drawings.
 - n. In lieu of this land survey, a surety bond, letter of credit or cash deposit in the amount set by the City Building Department may be required to ensure grading and submission of each survey at a later date when a building, land or structure is otherwise suitable for occupancy during that season of the year when weather conditions make finish grading unfeasible. In such case a temporary certificate of occupancy may be issued, and the date for completion of grading shall be indicated on the temporary certificate of occupancy or its related documents.
- (d) *Storm sewer system and retention basin design criteria and construction requirements.*
- (1) The developer's engineer must submit copies of all design data, together with plans for any storm drainage system.
 - (2) Determination of surface water runoff and sizing of sewer system pipes, culverts, open channels shall be as follows:
 - a. All storm drain systems shall be designed to carry the maximum anticipated stormwater runoff flowing full from the entire contributing acreage. The hydraulic gradient shall generally be kept at the top of pipe, and in no case shall it be higher than two (2) feet below any manhole or catchbasin cover.
 - b. The "rational method" of design shall be used to determine flow (Q), where $Q=CIA$.
 - c. The ten-year storm frequency of $I-175/(T+25)$ shall be used.
 - d. A realistic coefficient of runoff shall be used based upon the imperviousness of the contributing acreage.
 - e. An initial time of coefficient of 15 minutes shall be used on residential developments. A shorter time of concentration shall be used in industrial developments.
 - f. To select pipe sizes the manning's formula with an "N" factor of 0.013 for concrete pipe and an "N" factor of 0.025 for C.M.P. shall be used.
 - g. The minimum velocity of flow through pipes shall be two and one-half (2.5) feet per second when flowing full.

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- h. Pipe joints shall be such as to prevent excessive infiltration.
 - i. Minimum pipe size shall be 12 inches in diameter unless a restricted outlet is required. Design data must support restriction.
 - j. Inlet headwater control or outlet tailwater control nomographs with proper "K" factors shall be used to determine culvert size.
 - k. The Manning's formula shall be used to size an open channel and/or ditch. A minimum "N" factor of 0.035 shall be used unless special treatment is given to the bottom and side slopes, such as riprap or paving.
- (3) Stormwater retention is required as follows:
- a. On-site retention will be required if the storm drainage outlet is incapable of handling the developed runoff.
 - b. The allowable outflow from a retention basin shall be restricted to agricultural runoff, which is defined as 0.2 cfs per acre.
 - c. The volume of retention provided must be equal to or in excess of that required by the County Drain Commissioner's simplified retention basin design procedure for a ten-year frequency storm.
 - d. All retention basins should have a positive method in which to be dewatered such as by gravity flow or pump outlet.
 - e. Retention volume on a gravity outflow retention basin is defined as the volume of retention provided above the invert of the outflow pipe. Any volume provided below the invert of the outflow pipe will not be considered as retention.
 - f. Retention volume must be provided for all acreage contributing to the retention basin, including that acreage off the site.
 - g. Retention may be provided by either an in-line or off-line retention basin.
 - h. All in-line basins must have a control structure capable of passing the upstream ten-year storm flow.
 - i. Provision for maintenance of the retention basin shall be made by the developer with the property owners. The City will not accept the responsibility for the maintenance of any retention basin.
 - j. All retention basins must have provision for an overflow.
 - k. The bottom of all retention basins shall be graded in such a manner as to provide positive flow to the pump or pipe outlet.
 - l. One foot of freeboard shall be provided above the ten-year storm water elevation.
 - m. Fencing will be required as needed, depending upon basin depth, steepness of side slopes, etc.
 - n. All retention basins must be permanently stabilized to prevent erosion.
 - o. It is not acceptable to retain water on parking lots in excess of one (1) foot of depth. This depth shall not include curbs.
- (4) Drainage structures, open channels and/or ditches are regulated as follows:
- a. All drainage structures shall be constructed according to latest issue of standard details and specifications of the State Department of Transportation.

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- b. Minimum size of all manholes and catchbasins shall be four (4) feet in diameter, and all inlets shall be two (2) feet in diameter.
 - c. Inlets shall be used only in paved areas and shall not be connected to a sumpless drainage structure, e.g. an inlet can precede a catchbasin.
 - d. Drainage inlets and catchbasins shall be located as follows:
 - 1. To ensure complete positive drainage of all areas of the development.
 - 2. At all low points of streets and rear yards.
 - 3. Such that there is no flow across a street intersection.
 - 4. Such that there is a maximum of 500 feet of drainage from any particular point in the development to an inlet or catchbasin.
 - e. The flows to specific catchbasin or inlet castings shall conform to the following:
 - 1. Combination curb and gutter casting (M.D.O.T. Cover K) and gutter casting (M.D.O.T. Cover D-4) a maximum of 3.1 cfs at zero (0) percent grade (sump condition) and decreasing as grade increases.
 - 2. Rear yard or ditch (beehive) casting (M.D.O.T. Cover E) a maximum of 2.5 cfs at zero percent grade (sump condition) and decreasing as grade increases.
 - f. All drainage systems discharging into lakes, creeks, open drains or natural drainage courses shall terminate with A.M.D.O.T. standard headwall; and the first manhole upstream of a headwall shall have a two-foot-deep sump.
 - g. Leach basins will not be recognized as acceptable methods of providing adequate storm drainage.
 - h. Side slopes of all open channels and/or ditches shall be no steeper than one (1) vertical to four (4) horizontal.
 - i. Special erosion protection shall be placed at bends, drain inlets or outlets or other location as required in all open channels and/or ditches.

(5) Post construction stormwater management requirements are as follows:

- a. The Oakland County Water Resources Commissioners Stormwater Engineering Design Standards, as amended from time to time, are hereby adopted by the City of Keego Harbor in this chapter for the control and treatment of stormwater runoff.
- b. In addition, all new non-single family residential development and redevelopment projects shall comply with the post-construction stormwater management, water quality treatment, and infiltration requirements of the Oakland County Water Resources Commissioner's Stormwater Engineering Design Standards and as specified in Chapter 16, Section IV, Stormwater Management.
- c. All permanent and temporary stormwater management BMPs, constructed as part of the requirements of this section, are subject to these standards.
- d. These standards shall also apply to any activities that may affect the quantity or quality of a private or stormwater conveyance system or any waterway within the city. Any person(s) engaged in activities that may result in excessive quantities or pollutants entering any stormwater conveyance systems or waterways may be subject to the remedies for violation of this section. Examples of such pollutants may include, but are not limited to, debris, concrete washings, de-

icing materials, fertilizers, heavy metals, automobile fluids, topsoil, yard wastes, and commercial or light industrial wastes.

- e. Natural swales and channels should be preserved, whenever possible. If channel modification must occur, the physical characteristics of the modified channel will meet the existing channel in length, cross-section, slope, sinuosity, and carrying capacity. Streams and channels will be expected to withstand all events up to the two-year storm without increased erosion.
 - f. The construction plan review and approval shall demonstrate compliance with the Oakland County performance standards. The city will pursue enforcement if the site is not constructed in accordance with the approved construction plan.
 - g. The City reserves the right to adopt alternative standards as appropriate. The City Administrator shall have the authority to grant waivers and variances from specific control provisions of the stormwater management standards due to site-specific conditions, provided that any approved waiver or variance does not result in a level of stormwater management protection less stringent than that required by the Oakland County Water Resources Commissioner's Stormwater Engineering Design Standards.
 - h. The post construction stormwater requirements in this chapter supersede any other post construction stormwater requirements found in other city ordinances.
 - i. Long-term operation and maintenance through maintenance agreements of all structural and vegetative best management practices (BMPs) must be implemented to meet the performance standards. The maintenance agreements must allow for BMP inspection, the ability to perform necessary maintenance neglected by the BMP owner or operator, and to track the transfer of operation and maintenance responsibility of the BMP.
 - j. Where site conditions prevent full compliance with infiltration requirements due to groundwater conditions, unsuitable soils, contamination concerns, or other document constraints, the applicant shall demonstrate technical infeasibility and provide alternate stormwater management measures acceptable to the City Engineer.
- (e) *Water main and sanitary sewer regulation.* Water mains and sanitary sewers are regulated as follows:
- (1) All water mains and appurtenances shall be designed and constructed according to and in conformity with the requirements and specifications of the appropriate County and State agencies.
 - (2) All sanitary sewers and appurtenances shall be designed and constructed in accordance and conformity with the requirements and specifications of the appropriate County and State agencies.
 - (3) Copies of all required permits must be on file with the City before construction commences.
- (f) *Pavement design and construction.* Pavement design criteria and construction requirements are as follows:
- (1) *Grades.*
 - a. Minimum grades on roadways with curb and gutter section shall be four-tenths (0.4) percent and maximum grade shall be six (6.0) percent.
 - b. Minimum grades in parking lots shall be one (1.0) percent and maximum six (6.0) percent.
 - c. Vertical curves will be required at all intersection grades where the grade change exceeds one (1.0) percent.
 - (2) *Subbase and aggregate base material and construction.*
 - a. Subbase materials shall meet the requirements for granular material Class II of M.D.O.T. specifications.

-
- b. Base material shall consist of either 21AA crushed stone, 21A slag or 22A aggregate meeting the gradation requirements of M.D.O.T. specifications.
 - c. The base shall be constructed in two (2) equal courses. In no instance shall the depth of any one (1) layer be more than six (6) inches compacted thickness nor less than three (3) inches compacted thickness. Each layer shall be spread uniformly and located with an approved motor grader until the surface is smooth and evenly distributed. The floating and leveling shall be done in combination with rolling by a tamping type, vibrating type or pneumatic tired roller until each layer is compacted to 95 percent of its maximum density, measured according to ASTM Designation D-1557, also known as AASHTO No. T-180, for a minimum depth of nine (9) inches. Compaction tests of the base shall be conducted by an independent testing laboratory and results furnished to the City's Engineer upon request.
- (3) *Bituminous aggregate pavement and construction.* All materials and construction shall meet the requirements of the latest edition of M.D.O.T. specifications.
- (4) *Full-depth asphalt pavement and construction.* Bituminous aggregate base course shall conform to the latest edition of M.D.O.T. specifications.
- (5) *Concrete pavement and construction.*
- a. All concrete shall have a compressive strength at 28 days of not less than 3,500 psi.
 - b. All concrete shall be produced by use of air entraining Portland cement. Air entrained concrete shall contain six and one-half (6.5) percent entrained air with a tolerance of plus or minus one and one-half (1.5) percent.
 - c. All concrete pavement shall be minimum six-inch uniform thickness and shall have six-inch integral roll curb or four-inch mountable curbs, except industrial development pavements shall have eight-inch minimum uniform thickness, with six-inch roll curbs.
 - d. All longitudinal and transverse contraction joints shall be sawed one-fourth-inch wide and to a depth of one-fourth (1/4) of the pavement thickness plus one-half (1/2) inch.
 - e. On pavements with widths of 31 feet or less, longitudinal joints will be required at the third points of the pavement; and on pavements with widths greater than 31 feet, longitudinal joints will be required at the quarter points of the pavement.
 - f. Prior to sealing, all joints shall receive a cleaning with a jet of compressed air supplied at a working pressure of not less than 90 psi in addition to any other cleaning which may be required to ensure a thoroughly clean joint.
 - g. All joints, either contraction or expansion, shall be filled and sealed with a hot-poured rubber-asphalt type compound which shall be placed in two (2) applications.
 - h. Maximum single pour width for concrete pavement shall not exceed 31 feet back of curb to back of curb. Pavements with widths greater than 31 feet back of curb to back of curb shall be placed by part width construction.
 - i. The subgrade shall be constructed for the entire development (special consideration may be given to large developments) prior to the installation of any subbase or concrete pavement and shall be compacted to 95 percent of its maximum density measured according to AASHTO T-180 test, accurately trimmed to within one-fourth (1/4) inch plus or minus of the established grade and shaped to provide adequate drainage.
 - j. When required, subbase material, in addition to conforming to requirements of Subsection (f)(2)a of this section, shall be placed not less than four (4) feet wider than the proposed width of

the concrete pavement, and compacted for its entire width to not less than 95 percent of its maximum density as measured according to AASHTO No. T-180 test.

- k. All forms shall be set on a true line and on grade with a minimum of 1,000 lineal feet set prior to and maintained during all paving operations. The proprietor's engineer is to verify the setting of the forms, in writing, prior to placing of the concrete pavement.
- l. Concrete pavement placed in intersections and approaches shall be constructed with independent grades to provide smooth riding transitions and a variable joint layout. In addition, concrete pavement placed within all intersections and approaches shall be poured as a single unit from radius point to radius point and shall be constructed two (2) inches greater in thickness than the uniform widths portions of the streets, but shall not exceed nine (9) inches in thickness.
- m. All compaction tests of subgrade and subbase shall be conducted by an independent testing laboratory and results furnished to the City's Engineer upon request.

(6) *Pavement thickness.*

- a. In residential developments:
 - 1. Pavement on existing natural granular subgrades shall consist of 2 1/2-inch asphalt surface on eight-inch 22 aggregate base or on six-inch 21AA stone, or 21A slag base, or six-inch full-depth asphalt, or six-inch uniform concrete pavement.
 - 2. Pavement on cohesive (clay) soil subgrades shall consist of:
 - (i) Nine-inch full-depth asphalt or eight-inch uniform concrete pavement.
 - (ii) Seven-inch full depth asphalt or six-inch uniform concrete with six-inch subbase, and full-length edge drain.
 - (iii) Seven-inch full-depth asphalt or six-inch uniform concrete with six-inch lime stabilized subgrade and edge drains as needed.
 - (iv) Eight-inch full-depth asphalt or seven-inch uniform concrete on 12-inch excavated, replaced and compacted subgrade.
- b. For industrial developments, pavement shall meet County Road Commission specifications as to type, construction procedures, materials and thickness requirements.
- c. All concrete curb and gutter sections shall meet requirements of section 6:09 of current M.D.O.T. specifications and shall be constructed according to M.D.O.T. standard details.

- (g) *Deposit to cover expenses for consulting engineering review work.* At the time of initial submittal of the required number of copies to the City Building Department, the land developer or owner shall also deposit the sum of one and one-half (1.5) percent of the total estimated cost of improvements or \$100.00, whichever sum is greater, which amount will be used by the City to defray their expenses incurred for consulting engineering review work.
- (h) *Copies of plans, specifications, cost estimates and fees required for review.* Upon receipt of the required number of copies of plans, specifications, cost estimates and fees, the Building Department shall transmit all except one (1) copy to the City's consulting engineers for their review.
- (i) *Approval of plans, specifications, cost estimates and fees; noncompliance with design and construction standards.* Upon completion of the review, the City's consulting engineer shall approve the plans, specifications, cost estimates and fees if they comply with the City's design and construction standards and shall forward such items to the cognizant governmental agencies. If any item does not comply with such design and construction standards, the plans shall be returned to the land developer or owner or their agents with the engineer's notations as to any deficiency. Upon correction of the necessary deficiency, the

land developer or owner shall again submit the required number of copies directly to the City's consulting engineer.

- (j) *Submission of approvals and/or permits of governmental agencies.* Before commencement of construction of any improvements, the owner or the owner's agent shall submit copies of approvals and/or permits of all cognizant governmental agencies to the City's Building Department.
- (k) *Grading work or facilities' installation undertaken without inspection.* No grading work or construction of improvements shall be undertaken without City inspection. Any facilities installed without inspection may be required to be removed and reinstalled at the owner's or land developer's expense with proper City inspection.
- (l) *Deposit to cover inspection costs.* Prior to commencement of construction, the developer or owner shall deposit with the City the sum as shown below to cover the inspection costs:
 - (1) On projects less than \$100,000.00, the deposit shall be five (5) percent of the total estimated cost.
 - (2) On projects of \$100,000.00 or more, the deposit shall be three and one-half (3.5) percent of the total estimated cost.

The inspection fees will be drawn from the moneys deposited with the City. The actual inspection cost will be normal hourly billing rate of the City's consulting engineer. Any unused moneys will be rebated, and moneys due will be billed at the completion of the construction.

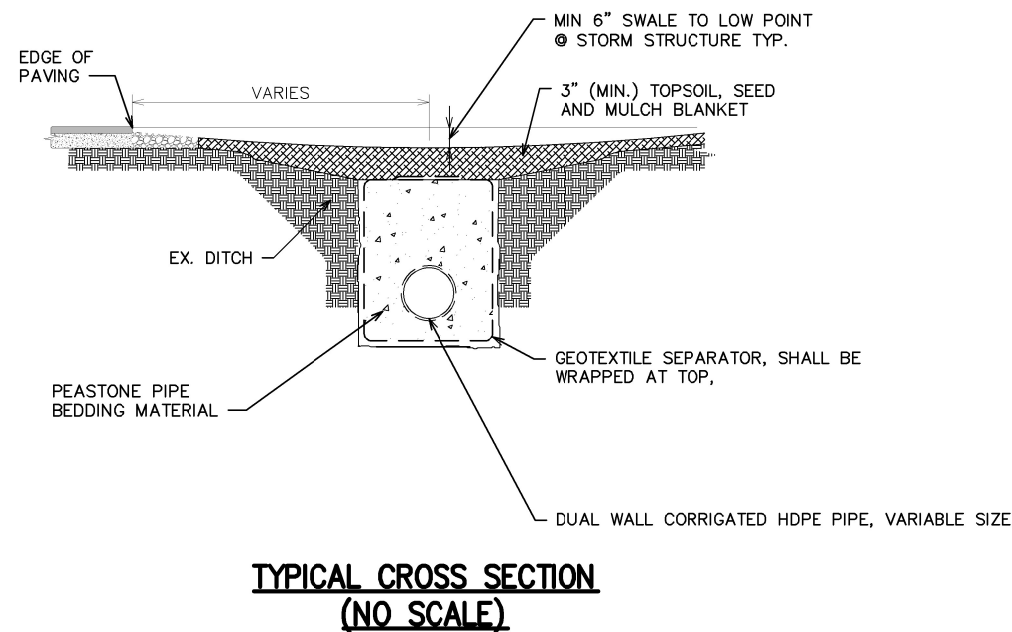
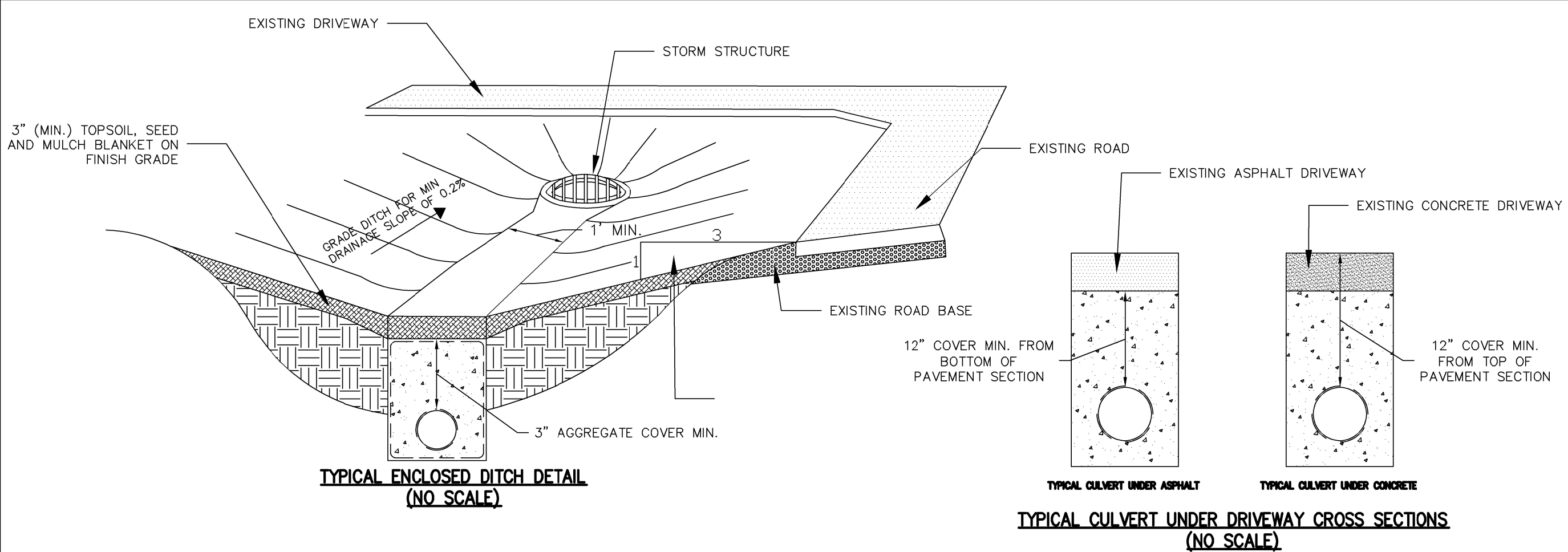
- (m) *Posting of performance bond.* The owner or contractor shall post a performance bond issued to the City for all grading work, either excavation or filling operations. The amount of the bond shall be equal to the construction cost as estimated by the City Engineer or as set by the City Engineer if the construction cost cannot be reasonably established.

(Code 2001, § 14-73; Ord. No. 252, 3-19-1987)

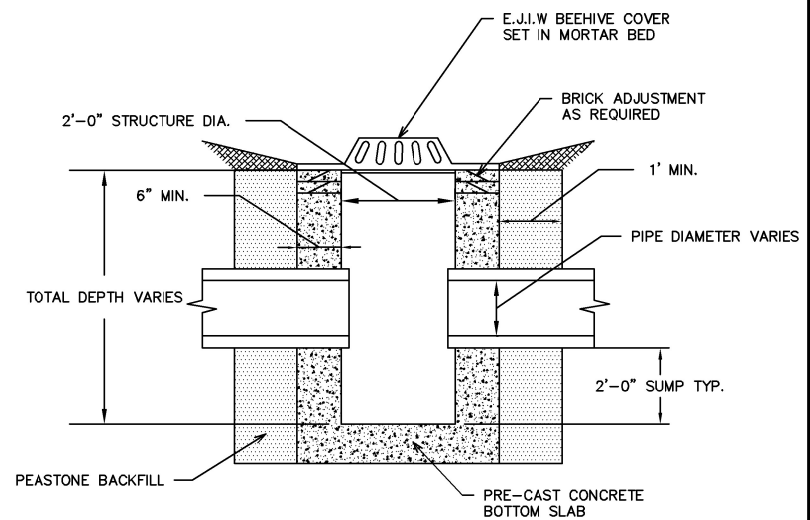
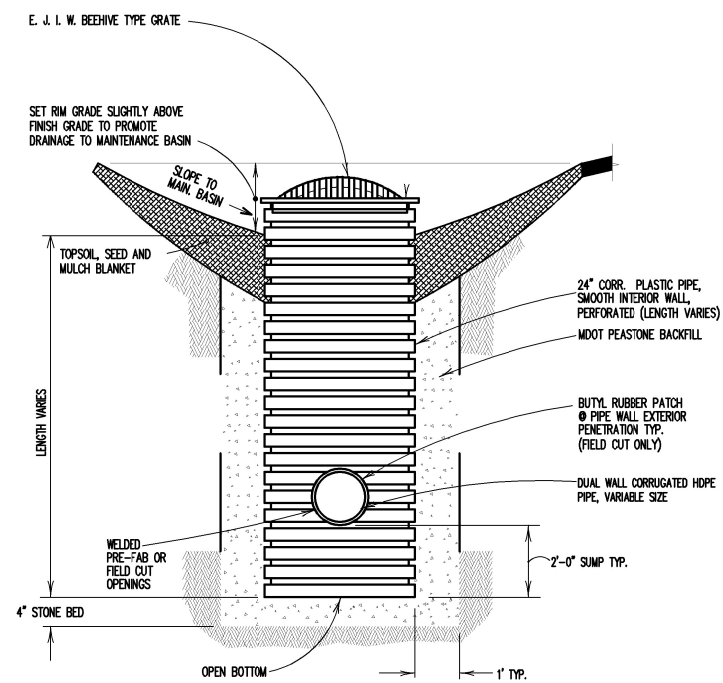
Sec. 24-59. Penalties.

Any person violating any of the provisions of this article shall be guilty of a misdemeanor and upon conviction shall be punished as provided in Section 1-7.

(Code 2001, § 14-74; Ord. No. 252, 3-19-1987)



1) CONTRACTOR SHALL RE SHAPE EXISTING DITCH LINE TO MAINTAIN POSITIVE DRAINAGE



HRC HUBBELL, ROTH & CLARK, INC CONSULTING ENGINEERS SINCE 1915 555 HULET DRIVE BLOOMFIELD HILLS, MICH. P.O. BOX 824 48303-0824	
CITY OF KEEGO HARBOR WATER QUALITY IMPROVEMENTS DITCH AND DITCH ENCLOSURE DETAILS	
JOB NO. 20220262	DATE 7/8/2026
FIGURE NO. 1	

HEART OF THE LAKES



ADMINISTRATIVE STAFF

Joel Ross
Mayor

Robert Kalman
Mayor Pro Tem

Joe Gacioch
Interim City Manager

Denise Hanley
City Treasurer

Stacy Goodall
Interim Clerk

Jamie Clufetos
Administrative Clerk/ Building
Department
Code Enforcement

Doug Waldon
DPW Foreman

CITY HALL
2025 Beechmont St.
Keego Harbor, Michigan
48320

Telephone: (248) 682-1930
<https://www.keegoharbor.org/>

CITY OFFICE HOURS

8:00 a.m. to 4:00 p.m.
Monday – Thursday
Closed

OFFICIAL NEWSLETTER FOR KEEGO HARBOR

STORY HEADER

By:

[Insert cover story]

Fall Fertilizing

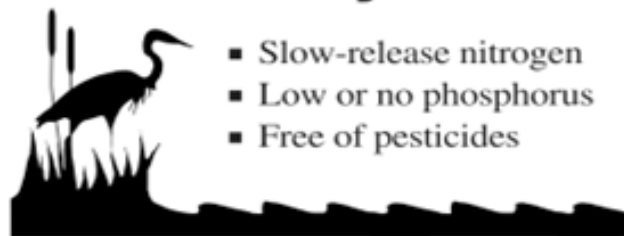
A lawn care option you may not have considered this fall is fertilizing. Fall is the best time to fertilize your lawn for quickly improving vigor and growing a healthier, greener lawn next spring.

When applying fertilizer this fall, consider:

- **Earth-friendly fertilizers.** The over-application of lawn fertilizers has been linked to water quality problems in watersheds and local lakes. Earth-friendly fertilizers can reduce the problem by building turf density and health while minimizing the risk of excess nutrients such as phosphorus and nitrogen. Try fertilizers that have 50% or more slow-release nitrogen and do not contain herbicides or weed-control.
- **How much?** The key to putting down the right amount of fertilizer is by reading the directions on the back of the bag. Twice as much is never twice as good.

If you use a lawn care service, ask the company if they have earth-friendly fertilizing options. For more information on healthy lawn care providers, contact Michigan Green Industry Association at 248-646-4992 or visit their website <http://www.landscape.org/>.

Earth-Friendly Fertilizer



Protecting Our Waterways – Illicit Discharges FAQs

While many of us think first of industries dumping chemicals as the source of water pollution, the truth is our water can also be harmed by things that we do every day at our homes. When it rains, water washes over lawns, sidewalks, and streets. In addition to litter, this water picks up chemicals found in lawn fertilizers, bacteria found in pet waste, and oil from cars. This polluted water then enters roadside ditches and the storm drains found in our streets, and large pipes connect the storm drains to the closest lake or stream.

We all live on a lake or stream. We might not be able to see it from our window, but it's there. It might be a small stream or ditch or even the storm drain in the street. All of these lead to a river or lake.

An illicit discharge is any discharge containing polluting material, such as sediment, nutrients, oil and bacteria. These discharges can drain to lakes and streams via storm drains. The communities in Southeast Michigan are required to prevent illicit discharges from entering storm water. You can do your part by notifying the appropriate agency when you spot a potential illicit discharge.

Here are some Do's and Don'ts you can take for controlling the amount of pollutants that lead into the municipal storm water system.

Don'ts

- Do not discharge or dump any polluting materials into the storm water system
- Do not construct an illicit connection of sewage or non-stormwater to the storm water system – this is an illegal discharge
- Do not leave spills on ground without cleaning up
- Do not wash cars on the driveway – these soap materials discharge to the storm water system
- Do not leave pet waste on lawns
- Do not store liquids on the ground
- Do not leave grass clippings on the driveway or sidewalk
- Do not oversalt sidewalks and driveway
- Do not hose down driveway – this sends pollutants to the storm drain
- Do not fertilize before a rain event

Continued page 4

Continued from page 3

- Do not feed wild animals – this can create unnaturally high populations and problems in parks and lakes. Waterfowl waste can pollute our water with harmful bacteria
- Do not dump household hazardous waste down storm drains, sinks, or on the ground

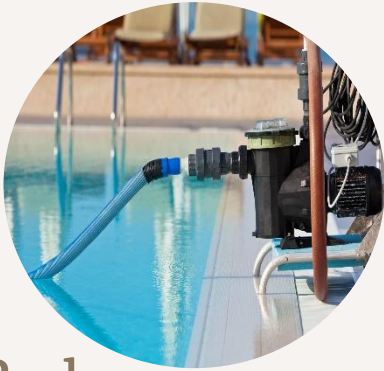
Do's

- Only rain in the drain – if you see a suspicious discharge or someone dumping chemicals, contact local or state authorities
- Clean up pet waste from lawns
- Fertilize in the fall and use a low or no phosphorus fertilizer
- Hire knowledgeable contractors for lawn care – Michigan Green Industry Association, <https://www.landscape.org/>, has a list of endorsed companies
- Keep a 15-foot buffer along waterfronts in your yard by not fertilizing or just letting the grass grow
- Clean up extra grass clippings, leaves, and salt from the driveway or sidewalks and sweep back onto lawn – this prevents rain from washing these materials down the drain to the storm system
- Volunteer for local watershed groups
- Carefully store liquids and household hazardous waste (HHW) materials away from the ground – store on shelves to avoid spillage to storm drains
- Wash cars on lawns or take car to commercial car wash. If washing on the lawn, use biodegradable soap
- Plant native plants on lawn
- Dispose of household hazardous materials properly – take to your local HHW collection days

For more easy steps on protecting our lakes and streams, visit www.semcog.org. Remember, our water is our future – and it's ours to protect!

Clinton River Watershed Council

Social Media Updates



Pools

Splash! When the pool fun is done, follow these tips for a watershed friendly discharge method.

- Limit frequency of pool draining and refilling. Only drain and refill pool when required for water quality or winterizing reasons.
- Dechlorinate before draining. Simply stop adding treatment chemicals and let the pool sit for **2 weeks** exposed to sunlight with the pump running or use a chlorine neutralizer.
- Do not discharge pool water directly into storm drains on the street. These drains empty into local waterways and drain pool water into them is unlawful.

For more information, check out our partner, the [Clinton River Watershed Council](#).

Fall Yard Care

Time to tuck in for the fall. Follow these tips for a watershed friendly transition.

- Leave your leaves. Did you know that leaves can help enrich your lawn's soil? Those colorful leaf "bits" provide much-needed organic matter for your soil and habitat for critters including Fireflies.
- Cut Back In Spring, Not Fall. Many perennial plants and ornamental grasses provide vital fall and winter food sources and shelter for native wildlife through the winter.



For more information, check out our partner, the [Clinton River Watershed Council](#).

Shoreline Protection

Choosing to live on the shores of an inland lake brings a responsibility to protect water quality that is critical to fish, wildlife, and quality of life for lakefront property owners. Maintaining native vegetation, eliminating fertilizer use, keeping hard surfaces away from the lake, and using soft engineering erosion control techniques are just a few management practices that can help prevent erosion and protect the lake from pollutants and nutrients that cause excessive algae and weed growth.

As lakefront lots are developed, natural vegetation is also replaced by impervious (hard) surfaces such as driveways, rooftops and parking areas. These types of surfaces do not allow water to soak into the ground thus creating more stormwater runoff. The water that used to soak into the ground very slowly to the lake underground is now quickly getting to the lake. To allow stormwater to soak into the ground, slowing and filtering runoff as it moves towards the lake, allowing more water to be absorbed into the ground than runoff, and protecting the lake edge from wave and ice erosion with a good mixture of native plants both on the land and in the water will help.

For more information please visit the Michigan Natural Shoreline Partnership website at www.mishorelinepartnership.org.

Stormwater Rules and Regulations

Tips from our City Ordinances

Protecting our Waters

Stormwater runoff can carry sediment, fertilizers, pet waste, oil, and other pollutants directly into lakes, rivers, and streams. Help keep our waterways clean by managing stormwater on your property before it reaches a water body.

- Properties adjacent to a receiving water body should direct stormwater runoff through a 15-foot vegetated buffer whenever possible. Bioswales, native plantings, rain gardens, or other green infrastructure help filter out pollutants and promote infiltration.

- Larger commercial and non-residential developments may be required to install additional stormwater treatment systems to improve water quality before discharge.

By slowing down and filtering stormwater, these practices help reduce pollution, protect aquatic habitat, and improve the health of our community's waterways!

See City Ordinance Chapter 16, Section III, for more information.



City News

Stay up to date with the most important City updates

Ordinance Updates

The City of Keego Harbor had adopted new ordinances. Visit our website or City of Keego Harbor Municipal Code to review the updated guidelines for the following ordinances before any new developments:

- Chapter 16 – Environmental and Natural Resources
 - Article III – Illicit Discharge to Storm Drain Systems
 - Article III – Stormwater Management
- Chapter 21 – Land Development
 - Article III – Land Development

September

2026



Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2	3	4	5
6	7 City Hall Closed	8	9 10am to 12pm Developer Day 7pm to 9pm Parks & Rec	10	11	12
13	14	15 6pm to 8pm Study Session Meeting	16	17 7pm to 9pm City Council Meeting	18	19
20	21	22 7pm Planning Commission Meeting CANCELED	23	24	25	26
27	28	29	30			

October

2026



Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2	3
4	5	6	7	8	9	10
11	12	13 5pm to 6:30pm Fire Board Meeting 7pm to 9pm Study Session	14 7pm to 9pm Parks & Rec Meeting	15 7pm to 9pm City Council Meeting	16	17
18	19	20	21	22	23	24
25	26	27 7pm Planning Commission Meeting CANCELED	28	29	30	31

November

2026



Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3	4	5	6	7
8	9	10	11 City Hall Closed 7pm to 9pm Parks & Rec Meeting	12	13	14
15	16	17 6pm to 8pm Study Session Meeting	18 7pm to 9pm City Council Meeting	19	20	21
22	23	24	25	26 City Hall Closed	27 City Hall Closed	28
29	30					

