

**ZONING ORDINANCE  
CITY OF MOUNT CLEMENS, MI  
ord. eff. April 24, 2021**

**ARTICLE 1 PURPOSE AND TITLE**

**SEC. 1.1 SHORT TITLE**

This Ordinance shall be known and may be cited as the City of Mount Clemens Zoning Ordinance and shall be referred to herein as "this Ordinance."

(ord. eff. April 24, 2021 )

**SEC. 1.2 APPLICATION**

No building or structure, or part thereof, shall hereinafter be moved into the City, erected, constructed, reconstructed or altered and maintained, and no new use or change shall be made or maintained of any structure or land, or part thereof, except in conformity with the provisions of this Ordinance.

(ord. eff. April 24, 2021 )

**SEC. 1.3 INTERPRETATION**

In interpreting and construing the respective provisions of this Ordinance, they shall be interpreted and construed to be the minimum requirements for the promotion of public health, safety, convenience, comfort, prosperity and general welfare. Wherever any provision of this Ordinance imposes more stringent requirements, restrictions or limitations than are imposed or required by the provisions of any other ordinance, then the provisions of this Ordinance shall govern. Whenever the provisions of any other ordinance impose more stringent requirements than are imposed or required by this Ordinance, then the provisions of such ordinance shall govern.

(ord. eff. April 24, 2021 )

**SEC. 1.4 VESTED RIGHT (STRUCTURES UNDER CONSTRUCTION)**

Any structure for which a building permit has been issued and construction begun, or for which a contract or contracts have been entered into pursuant to a building permit issued prior to the effective date of this Ordinance, may be completed and used in accordance with the plans and applications upon which said building permit was granted. Any such permit for a use which would be nonconforming under this Ordinance, or any amendment hereto, shall not be renewed in the event construction pursuant to such permit is not commenced within one (1) year from the date of issuance of the permit.

(ord. eff. April 24, 2021 )

## ARTICLE 2 DEFINITIONS & RULES OF MEASUREMENT

### SEC. 2.1 CONSTRUCTION OF LANGUAGE

The following rules of construction apply to the text of this Ordinance.

1. The words "shall" and "will" are always mandatory and not discretionary. The word "may" is permissive.
2. 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.
3. A "building" or "structure" includes any part thereof.
4. The term "lot" includes any site or parcel comprising an individual piece of land, whether created by platting, splitting, condominium or other legal process.
5. The phrase "used for" includes "arranged for", "designed for", "intended for", "maintained for", or "occupied for".
6. The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
7. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunctions "and", "or", "either...or", the conjunction shall be interpreted as follows:
  - a. "And" indicates that all the connected items, conditions, provisions, or events shall apply.
  - b. "Or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
  - c. "Either...or" indicates that the connected items, conditions, provisions or events shall apply but not in combination.
  - d. Terms not herein defined shall have the meaning customarily assigned to them.

(ord. eff. April 24, 2021 )

### SEC. 2.2 DEFINITIONS

**ABANDONMENT:** To cease or discontinue a use or activity without intent to resume, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.

**ABUTTING:** Having a common border with, or being separated from such a common border by, a right-of-way, alley or easement.

**ACCESSORY BUILDING (ACCESSORY STRUCTURE):** A subordinate building or structure detached from, but located on the same lot as, the principal structure, the use of which is clearly incidental and accessory to that of the principal structure. For measurement of area proposed, an attached garage or deck shall be considered an accessory structure.

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**ACCESSORY USE, OR ACCESSORY:** A use which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading) located on the same lot as, the principal use to which it is related.

When "accessory" is used in this text, it shall have the same meaning as accessory use.

An accessory use includes, but is not limited to, the following:

- A. Residential accommodations for servants and/or caretakers.
- B. Swimming pools for the use of the occupants of a residence or their guests.
- C. Domestic storage in a shed, tool room or similar accessory building or other structure.
- D. Uses clearly incidental to a main use, such as but not limited to, offices of an industrial or commercial complex located on the site of the commercial or industrial complex.

**ADDITION:** Any new construction which increases the size of an existing structure.

**ADULT USES:**

- A. **ADULT BOOK STORE:** An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", or an establishment with a segment or section devoted to the sale or display of such material.
- B. **ADULT NOVELTY STORE:** An establishment specializing in the sale of paraphernalia, devices, or equipment distinguished or characterized by an emphasis on depicting or describing specific sexual conduct or used in connection with specified sexual conduct.
- C. **GROUP "D" CABARET:** A cabaret which features topless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators or similar entertainers.
- D. **SPECIFIED ANATOMICAL AREAS:**
  - 1. Less than completely and opaquely covered: human genitals, pubic region; buttock; and female breast below a point immediately above the top of the areola; and
  - 2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- E. **SPECIFIED SEXUAL ACTIVITIES:**
  - 1. Human genitals in a state of sexual stimulation or arousal.
  - 2. Acts of human masturbation, sexual intercourse or sodomy.
  - 3. Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

**ALLEY:** Any dedicated public way affording a means of access to abutting property and not intended for general traffic circulation and not more than eighteen (18') feet wide.

**ALTERATIONS:** Any change, addition or modification in construction in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed." (Also see Structural Alteration.)

**ANTENNA:** A wire or set of wires used in transmitting and receiving electromagnetic waves and including the supporting structure including, but not limited to, amateur radio antennas, television antennas and satellite receiving dishes.

**ARCHITECTURAL FEATURES:** Architectural features of a building shall include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys and decorative ornaments.

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**AUTOMOBILE HEAVY REPAIR GARAGE:** Truck repair, collision service (such as body, frame, or fender straightening and repair), overall painting and vehicle rustproofing.

**AUTOMOBILE REPAIR AND SERVICE CENTER:** General repair, engine building, rebuilding and reconditioning of motor vehicles, not including collision service and painting.

**BASEMENT (CELLAR):** A basement is that portion of a building partly below grade but so located that the average vertical distance from the grade to the floor is greater than the average vertical distance from the grade to the ceiling; provided, however, that if the average vertical distance from the grade to the ceiling is five (5') feet or more, such areas shall be considered as a story.

**BED AND BREAKFAST ESTABLISHMENT:** An owner-occupied dwelling unit that contains no more than eight (8) guest rooms where overnight lodging, with or without meals, is provided for compensation.

**BEDROOM:** A room in a dwelling unit planned and intended for sleeping, separable from other rooms by a door.

**BERM:** An earthen mound graded, shaped and improved with landscaping in such a fashion as to be utilized for screening purposes.

**BLOCK:** The property abutting one side of a street and lying between the two nearest intersecting streets, (crossing or terminating) or between the nearest such street and railroad right-of-way, unsubdivided acreage, lake, river or live stream; or between any of the foregoing and any other barrier to the continuity of development or boundary lines of the City.

**BUILDING:** A structure, either temporary or permanent, having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals or chattels in a building. This shall include tents, awnings or vehicles situated on private property and use for purposes of a building. When any portion thereof is completely separated from every other part thereof by division walls from the ground up, and without openings, each portion of such building shall be deemed a separate building.

**BUILDING, APARTMENT:** A building containing three (3) or more residential dwelling units.

**BUILDING ENVELOPE:** That portion of a lot or parcel remaining after all setbacks have been subtracted.

**BUILDING, MAIN OR PRINCIPAL:** A building in which is conducted the principal use of the lot on which it is situated.

**BUILDING PERMITS:** A building permit is the written authority issued by the Community Development Director permitting the construction, removal, moving, alteration or use of a building in conformity with the provisions of this Ordinance.

**BUILDING, TEMPORARY:** A structure without permanent foundation erected or devoted to the development of, or in connection with, the principal site used for a limited period of time.

**CAR WASH, FULL SERVICE:** An area of land and/or structure with machine- or hand-operated facilities used principally for the cleaning and washing of motor vehicles. In no instance shall a commercial car wash so defined be considered an accessory use.

**CARPORT:** A partially open structure for sheltering vehicles erected in conformity with the site requirements for garages.

**CEMETERY:** Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums and mortuaries, when operated in conjunction with and within the boundaries of such cemetery.

**CHURCH OR PLACE OF RELIGIOUS WORSHIP:** An institution that people regularly attend to participate in or hold religious services, meetings and other activities. The Term "church" shall not carry a secular connotation and shall include buildings in which the religious services of any denomination are held. The word "church" shall not include or mean an undertaker's chapel or funeral building.

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**CITY COMMISSION:** The words "City Commission" shall mean the City Commission of the City of Mount Clemens.

**CLINIC:** A place for the care, diagnosis and treatment of sick or injured persons and those in need of medical or minor surgical attention. A clinic may incorporate customary laboratories and pharmacies incidental or necessary to its operation or to the service of its patients, but may not include facilities for in-patient care or major surgery.

**CLUB, LODGE OR FRATERNITY:** An organization of persons for special purposes or for the promulgation of agriculture, sports, arts, science, literature, politics or the like, but not for profit.

**COMMERCIAL USE:** An occupation, employment or enterprise dealing with the public that is carried on for profit by the owner, lessee or licensee.

**COMMISSION:** The word "Commission" shall mean the City of Mount Clemens Planning Commission.

**CONDOMINIUM:** An estate in real property consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with a separate interest in space. A condominium may include, in addition, a separate interest in other portions of such real property.

**CONSERVATION EASEMENT:** An easement granting a right or interest in real property that is appropriate to retaining land or water areas predominately in their natural, scenic, open or wooded condition, retaining such areas as suitable habitat for fish, plants or wildlife, or maintaining existing land uses.

**CONVALESCENT OR NURSING HOME:** See HUMAN CARE FACILITIES.

**COURT:** An open space on the same lot with a building or group of buildings and which is bounded on two (2) or more sides by such building or buildings. A court shall be unoccupied, except as otherwise herein provided.

**DECK:** A wooden platform structure higher than eighteen (18) inches above the mean yard grade.

**DENSITY:** The number of families residing on, or dwelling units developed on, an acre of land.

**DEVELOPMENT:** The division of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining excavation, fill or land disturbance; and any use or extension of the use of land.

**DISTRICT (ZONING DISTRICT):** A portion of Mount Clemens within which, on a uniform basis, certain uses of land and buildings are permitted and within which certain regulations and requirements apply under the provisions of this Ordinance.

**DRIVE-IN ESTABLISHMENT:** A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle (i.e., restaurants, cleaners, banks, theaters, etc.).

**DRIVE-THROUGH:** A maneuvering lane established for the sole purpose of directing traffic to a service window which is intended to be used for sales and/or service to patrons who remain in their vehicles.

**DWELLING UNIT:** A dwelling unit is any house or building, or portion thereof, having cooking facilities, which is occupied wholly as the home, residence or sleeping place of one (1) family, either permanently or transiently, but in no case shall a travel trailer, automobile chassis, tent or portable building be considered a dwelling unit.

**EASEMENT:** The right of a person, government agency or public utility company to use public or private land owned by another for a specific purpose.

**ENCLOSED PATIO OR ATRIUM:** An enclosed patio or atrium shall be defined as an accessory structure having over eighty percent (80%) of the exterior building elevations constructed of glass. At least one side of the accessory structure shall be connected to a principal building.

**ERECTED:** The word "erected" includes built, constructed, reconstructed, moved upon, or any physical operations on the premises required for the building. Excavations, fill, drainage and the like shall be considered a part of erection.

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**ESSENTIAL SERVICES:** The term "essential services" means the erection, construction, alteration, maintenance addition, reconstruction or replacement by public utilities or municipal departments or commissions of underground, surface or overhead distribution of gas, electricity, communications, steam or water transmission or distributing systems, collection, supply or disposal system including poles, mains, drains, sewers, pipes, conduits, wires, cables, high voltage transmission lines, towers in connection with such lines, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, including buildings reasonably necessary for the furnishing of adequate service to this municipality and immediate surrounding territory by such public utilities or municipal departments or commissions. Such facilities both above and below ground, including storage fields and high pressure mains designated to serve users principally outside of this municipality and immediate surrounding territory, shall not be considered essential services under this definition.

**EXCAVATION:** Any breaking of ground, except common household gardening and ground care.

**FACADE:** The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

**FAMILY:** One or more persons occupying a dwelling unit and living as a single, non-profit housekeeping unit; provided that a group of four (4) or more persons who are not within the second degree of kinship shall not be deemed to constitute a family.

Notwithstanding the definition of the preceding paragraph, a family shall be deemed to include four or more persons not within the second degree of kinship occupying a dwelling unit and living as a single, non-profit housekeeping unit, if said occupants are disabled, as defined in the Fair Housing Act of 1988.

**FAMILY DAY-CARE:** See HUMAN CARE FACILITIES.

**FENCE:** Any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

**FILLING:** Shall mean the depositing or dumping of any matter onto or into the ground, except common household gardening.

**FOOT CANDLE:** The unit of illumination when the foot is taken as the unit of length. It is the illumination on a surface one (1) square foot in area on which there is a uniformly distributed flux of one (1) lumen, or the illumination produced on a surface all points of which are at a distance of one (1) foot from a directionally uniform point source of one (1) candela.

**FUNERAL HOME:** A building, or part thereof, used for human funeral services. Such building may contain space and facilities for: a) embalming and the performance of other services used in preparation of the dead for burial; b) the performance of autopsies and other surgical procedures; c) the storage of caskets, funeral urns and other related funeral supplies; and d) the storage of funeral vehicles, but shall not include facilities for cremation. Where a funeral home is permitted, a funeral chapel shall also be permitted.

**GARAGE, ATTACHED:** A private garage which is attached to a principal building or is less than five (5') feet from the closest point of the principal building.

**GARAGE, DETACHED:** A private garage maintaining a minimum distance of five (5') feet from a principal building.

**GARAGE, PRIVATE:** An accessory building or portion of a main building designed or used solely for the storage of motor-driven vehicles, boats and similar vehicles owned and used by the occupants of the building to which it is accessory, with no facilities for mechanical service or repair of a commercial or public nature, having capacity for not more than three (3) automobiles.

**GARAGE, PUBLIC:** Any building or premises, other than a gasoline filling station, used for housing or care of more than three (3) automobiles, or where any such automobiles are equipped for operation, repaired or kept for remuneration, hire or sale.

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**GARBAGE:** Garbage shall mean all wastes, animal, fish, fowl or vegetable matter incident to the preparation, use and storage of food for human consumption, spoiled food, dead animals, animal manure and fowl manures.

**GASOLINE SERVICE STATION:** A place for the dispensing, sale or offering for sale of motor fuels directly to users of motor vehicles, together with the sale of minor accessories and services for motor vehicles, but not including automobile repair as herein defined for Automobile Repair and Service Center.

**GREENBELT (Also see Screening):** A strip of land of definite width and location reserved for the planting of shrubs and/or trees to serve as an obscuring screen or buffer strip in carrying out the requirements of this Ordinance.

**GROUP DAY-CARE:** See HUMAN CARE FACILITIES.

**HOME OCCUPATION:** An activity carried on by an occupant of a dwelling unit as a secondary use which is clearly incidental to the use of the dwelling unit for residential purposes.

**HOSPITAL:** A building, structure or institution in which sick or injured persons are given medical or surgical treatment and operating under license by the Health Department and the State of Michigan, and is used for primarily in-patient services, and including such related facilities as laboratories, out-patient departments, central service facilities and staff offices.

**HOTEL:** See LODGING.

**HUMAN CARE FACILITIES:**

**A. Adult Care Facilities:**

1. **Adult Care Facilities, State-Licensed:** A facility for the care of adults, over eighteen (18) years of age, as licensed and regulated by the State under Michigan Public Act 218 of 1979, and rules promulgated by the State Department of Human Services, providing foster care to adults. It includes facilities and foster care homes for adults who are aged, mentally ill, developmentally disabled, or physically handicapped who require supervision on an ongoing basis, but do not require continuous nursing care. An adult foster care facility does not include nursing homes, homes for the aged, hospitals, alcohol or substance abuse rehabilitation center, or a residential center for persons released from or assigned to a correctional facility.
2. **Adult Day-Care Facility:** A facility other than a private residence, which provides care for more than six (6) adults for less than twenty-four (24) hour period.
3. **Adult Foster Care Family Home:** A private home with the approved capacity to receive 6 or fewer adults to be provided with foster care for twenty-four (24) hours a day for 5 or more days a week and for 2 or more consecutive weeks. This may include adult day care for 6 or fewer adults. The adult foster care family home licensee must be a member of the household and an occupant of the residence.
4. **Adult Foster Care Large Group Home:** A private home with approved capacity to receive at least thirteen (13) but not more than twenty (20) adults to be provided supervision, personal care, and protection, in addition to room and board, for compensation, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks. This may include adult day care for 20 or fewer adults.
5. **Adult Foster Care Small Group Home:** A private home with the approved capacity to receive more than six (6) but not more than twelve (12) or fewer adults who are provided supervision, personal care, and protection in addition to room and board, for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks for compensation. This may include adult day care for 12 or fewer adults.

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6. Adult Congregate Care Facility: A private home with the approved capacity to receive more than twenty (20) adults for twenty-four (24) hours a day, five (5) or more days a week, and for two (2) or more consecutive weeks.
  7. Convalescent or Nursing Home: A structure with sleeping rooms, where persons are housed or lodged and are furnished with meals, nursing and limited medical care.

**B. Daycare/Childcare and Child Foster Care.**

1. Child Care Facility: A facility for the care of children under 18 years of age, as licensed and regulated by the State under Michigan Public Act 116 of 1973 and the associated rules promulgated by the State Department of Human Services.
2. Child Care Centers, Nursery Schools, and Day Nurseries: A facility, other than a private residence, receiving pre-school or school age children for group care for periods of less than 24 hours a day, and where the parents or guardians are not immediately available to the child. It includes a facility which provides care for not less than two consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, or drop-in center. "Child care center" or "day care center" does not include a Sunday school conducted by a religious organization where children are cared for during short periods of time while persons responsible for such children are attending religious services.
3. Family day care home (six or fewer children less than 24 hours per day): A private home in which not more than six minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.
4. Group day care home (seven to 12 children less than 24 hours per day): A private home in which more than six but not more than 12 children are given care and supervision for periods of less than 24 hours a day unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption. It includes a home that gives care to an unrelated child for more than four weeks during a calendar year.
5. Foster Family Group Home: A private home in which more than four but less than seven children, who are not related to an adult member of the household by blood, marriage, or adoption, are provided care for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.
6. Foster Family Home: A private home in which one but not more than four minor children, who are not related to an adult member of the household by blood, marriage, or adoption, are given care and supervision for 24 hours a day, for four or more days a week, for two or more consecutive weeks, unattended by a parent or legal guardian.

**IMPERVIOUS SURFACE:** A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes surfaces such as compacted sand, lime rock or clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots and other similar improvements and structures.

**INTERSTATE HIGHWAY:** A highway officially designated as a part of the national system of interstate and defense highways by the department and approved by the appropriate authority of the Federal government.

**JUNK:** For the purpose of this Ordinance, the term "junk" shall mean any motor vehicles, machinery, appliances, product, merchandise with parts missing or scrap metals or other scrap materials that are damaged, deteriorated, or are in a condition which cannot be used for the purpose for which the product was manufactured.



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**JUNKYARD:** An open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. A "junkyard" includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk, but does not include uses established entirely within enclosed buildings.

**KENNEL:** The keeping on a lot for commercial purposes of four or more dogs, cats or other household pets which are more than six months old. Keeping includes, but is not limited to, boarding, breeding or training.

**LABORATORY:** A place devoted to experimental or routine study, such as testing and analytical operations and in which manufacturing of product or products is not permitted.

**LOADING SPACE:** An off-street space on the same lot with a building or group of buildings for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

**LODGING:** A building or part of a building, with a common entrance or entrances, in which the dwelling units or rooming units are used primarily for transient occupancy, and/or in which one or more of the following services are offered: maid service, furnishing of linen, telephone, secretarial or desk service, and bellboy service.

**LOT:** A parcel of land occupied or intended to be occupied by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such yards and open spaces as are required under the provisions of this Ordinance. A lot may or may not be specifically designated as such on public records. Each such parcel shall also have its front lot line abutting a public street or approved private road.

**LOT OF RECORD:** A parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or a system of registration used by City or County Officials, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

**LOT, SUBSTANDARD:** A lot or parcel of land that has less than the required minimum area, depth or width as established by the zone in which it is located, and provided that such lot or parcel was of record as a legally created lot on the effective date of this Ordinance.

**MAJOR THOROUGHFARE:** An arterial street which is intended to serve as a large volume trafficway for both the immediate municipal area and the region beyond, and is designated as a major thoroughfare, parkway, freeway, expressway or equivalent term to identify those streets as depicted in the Master Plan.

**MANEUVERING LANE:** A paved lane designed to accommodate the on-site circulation of motorized vehicles.

**MANUFACTURED HOME:** A structure, transportable in one or more sections, which is built on a chassis and designed to be used as a dwelling with or without permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained in the structure. A manufactured home does not include a recreation vehicle.

**MANUFACTURED HOUSING COMMUNITY:** A parcel or tract of land under the control of a person upon which two (2) or more manufactured homes are located on a continual non-recreational basis and which is offered to the public for that purpose regardless of whether a charge is made therefore, together with any building, structure, enclosure, street, equipment or facility used or intended for use incident to the occupancy of a manufactured home and which is not intended for use as a temporary trailer park and licensed pursuant to the provisions of Act 419, Public Acts of 1976, as amended.

**MANUFACTURING, HEAVY USES:** Manufacturing, fabrication and assembly uses may include stamping operations, chemical processing plants, tool and die or machine shops, foundries, or similar.

**MASTER PLAN:** The comprehensive long-range plan, adopted by the Planning Commission, intended to guide growth and development within the city of Mount Clemens that includes analysis, recommendations, and proposals for the community's population, economy, housing, transportation, community facilities and land use.

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**MEZZANINE:** An intermediate floor in any story occupying an area not to exceed one-third (1/3) of the floor area of such story.

**MUNICIPALITY:** The City of Mount Clemens.

**NONCONFORMING STRUCTURE OR BUILDING:** A structure or building, or portion thereof, lawfully existing at the effective date of this Ordinance, or amendments thereto and that does not conform to the provisions of this Ordinance in the district in which it is located.

**NONCONFORMING USE:** A use which lawfully occupied a building or land at the effective date of this Ordinance, or amendments thereto, and that does not conform to the use regulations of the district in which it is located.

**NUISANCE:** The word "nuisance" shall be held to embrace public nuisance as known at common law or in equity jurisprudence; and whatever is dangerous to human life or detrimental to health; and any dwelling or building which is overcrowded with occupants or is not provided with adequate ingress or egress to or from the same, or is not sufficiently supported, ventilated, sewerred, drained, cleaned or lighted in reference to its intended or actual use; and whatever renders the air or human food or drink unwholesome, are also severally, in contemplation of this Ordinance, nuisances and all such nuisances are hereby declared illegal.

**NUISANCE FACTORS:** An offensive, annoying, unpleasant or obnoxious thing or practice, a cause or source of annoyance, especially a continuing or repeating invasion of any physical characteristics of activity or use across a property line which can be perceived by or affects a human being, or the generation of an excessive or concentrated movement of people or things, such as, but not limited to, noise, dust, smoke, odor, glare, fumes, flashes, vibration, shock waves, heat, electronic or atomic radiation, objectionable effluent, noise of congregation of people (particularly at night), passenger traffic, and invasion of non-abutting street frontage by traffic.

**NURSERY, PLANT MATERIALS:** A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for wholesale or retail sale on the premises, including products used for gardening or landscaping. The definition of nursery within the meaning of this Ordinance does not include any space, building or structure used for the sale of fruits, vegetables or Christmas trees.

**NURSING HOME (ALSO CONVALESCENT OR REST HOME):** See HUMAN CARE FACILITIES

**NURSERY SCHOOL, DAY SCHOOL, CHILD CENTER:** See HUMAN CARE FACILITIES

**OCCUPANCY LOAD:** The number of persons that a building can hold, as determined by the Fire Marshall or as determined by the City Building Code.

**OCCUPIED:** The word "occupied" includes arranged, designed, built, altered, converted to, rented or leased, or intended to be occupied.

**OUTDOOR RETAIL SALES:** Open air business uses not conducted from a wholly enclosed building, if operated for profit, shall include the following uses:

- A. Bicycle, trailer, mobile home, motor vehicle, farm implements, boats, or home equipment sale or rental services.
- B. Outdoor display and sale of garages, swimming pools and similar uses.
- C. Retail sales of fruit, vegetables and perishable foods.
- D. Retail sale of trees, shrubbery, plants, flowers, seed, topsoil, humus, fertilizer, trellises, lawn furniture, playground equipment, and other home garden supplies and equipment.

**OPEN SPACE:** Land used for recreation, resource protection, amenity and/or buffers. In no event shall any area of a lot constituting the minimum lot area nor any part of an existing or future road or right-of-way be counted as constituting open space.

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**OPEN SPACE, COMMON:** Open space within or related to a development, not in individually owned lots or dedicated for public use, but which is designed and intended for the common use or enjoyment of the residents of the development.

**OUTDOOR RETAIL SALES.** The retail sales of plant materials, lawn furniture, playground equipment, and garden or building supplies.

**OUTDOOR STORAGE:** The keeping, in an unroofed area, of any goods, junk material, merchandise or vehicles in the same place for more than twenty-four (24) hours.

**PARCEL:** A continuous quantity of land in the possession of or owned by, or recorded as the property of, the same person or persons.

**PARK:** Any public or private improved land available for recreational, educational, cultural or aesthetic use, or scenic purposes.

**PARKING, SURFACE:** Parking provided at street level. Such parking requires no building structure to support additional levels of building space or parking area above or below the at-grade parking area.

**PARKING AREA:** Any area of a site designated for the use of parking or access to parking spaces. The parking area shall include all drives, aisles and maneuvering lanes necessary to accommodate such parking.

**PARKING LOT, OFF STREET:** A facility providing vehicular parking spaces along with adequate drives and aisles for maneuvering so as to provide access for entrance and exit for the parking of more than two (2) automobiles.

**PARKING SPACE:** An area of definite length and width, exclusive of drives, aisles or entrances giving access thereto, and full accessibility for the parking of permitted vehicles. Tandem parking stalls in single-family detached, single-family attached, and townhome residential uses shall be considered to be fully accessible for the purpose of this definition.

**PARKING STRUCTURE:** A building constructed for the purpose of providing multiple stories of parking area above or below street level.

**PERSON:** Any natural person, firm, partnership, association, corporation, or limited liability company; however, this definition does not include any governmental unit.

**PLACES OF ASSEMBLY:** Any structure wherein persons regularly gather for religious activity, entertainment, or political purposes including, but not limited to, places of worship, theaters, fraternal organizations, and trade union halls. A place of worship is a structure used to conduct a religious service, including, but not limited to, the usual accessory structures and uses, such as convents, rectories, parsonages, monasteries, gymnasiums and church halls.

**PLANNED UNIT DEVELOPMENT (PUD):** A development of land that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages. The development may include streets, circulation ways, utilities, buildings, open spaces, and other site features and improvements.

**PLANNING COMMISSION:** The City of Mount Clemens Planning Commission.

**PRINCIPAL BUILDING:** A building which contains the primary use of the lot.

**PRINCIPAL USE:** The main use of land or structures, as distinguished from a secondary or accessory use.

**PRIVATE STREET OR ROAD:** A street or road which is not under public ownership or control serving two or more lots.

**PUBLIC ROAD:** All public property reserved or dedicated for street traffic.

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**PUBLIC UTILITY:** Any persons, firm, corporation, governmental unit or other entity duly authorized to furnish to the public, electricity, gas, sanitary sewers, water, communications, transportation or other services or commodities pursuant to Federal, State or municipal regulations.

**COMMERCIAL RECREATION USES (INDOOR):**

**COMMERCIAL RECREATION USES (OUTDOOR):** Tennis courts, archery courts, shuffleboard, horseshoe courts, miniature golf, golf driving range, children's amusement park or similar recreation uses.

**RECREATION VEHICLES:**

- A. A "travel trailer" is a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified "travel trailer" by the manufacturer.
- B. A "pick-up camper" is a structure designed primarily to be mounted on a pick-up or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational and vacation uses.
- C. A "motorized home" is a portable dwelling designed and constructed as an integral part of a self-propelled vehicle.
- D. A "folding tent trailer" is a metal, plastic or canvas folding structure, mounted on wheels and designed for travel and vacation use.
- E. "Boats" and "boat trailers" shall include boats, jet skis, floats and rafts, plus the normal equipment to transport the same on the highway.
- F. "Snowmobiles" and "all terrain vehicles", plus the normal equipment to transport the same on the highway.

**REPAIRS:** The rebuilding or removal of a part of an existing building for the purpose of maintaining its original type and classification.

**RESIDENTIAL, DETACHED.** A single-family dwelling unit designed and/or used exclusively for residential purposes for one family only and containing one dwelling unit.

**RESIDENTIAL, ATTACHED.** A structure used for residential occupancy by more than one family living independently of each other. Typical configurations of attached residential units consist of the following:

- A. **DUPLEX/TRIPLEX.** Structures that contain two or three dwelling units stacked or placed side by side with each unit having access directly to the street.
- B. **TOWNHOUSE.** A group of dwellings having party walls with each other and located side by side. Townhouses are typically narrow, 2-3 story residential buildings with each unit having access directly to the street.
- C. **FLAT/APARTMENT.** Multiple dwelling units placed side by side or stacked, typically with one shared entry.

**RESTAURANT:** A business establishment whose principal business is the selling of unpackaged food to the customer in a ready-to-consume state, in individual servings, or in non-disposable containers, and where the customer consumes these foods while seated at tables or counters located within the building.

**RESTAURANT, DRIVE-IN:** An establishment that delivers prepared food and/or beverages to customers in motor vehicles, regardless of whether or not it also serves prepared food and/or beverages to customers who are not in motor vehicles, for consumption either on or off the premises.

**RESTAURANT, DRIVE-THROUGH:** A use that involves the delivery of prepared food to the customer within a vehicle, typically passing through a pass-through window, for consumption off of the premises.

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**RETAIL SALES AND SERVICE:** Establishments providing the sale of goods sold on the premises and services to the general public, including, but not limited to, drug store, hardware store, laundry or cleaners pick up, jewelry store, florist, gift shop, book store, clothing store, photographer, bakery, shoe repair, tailoring, salons and barbershops.

**RIGHT-OF-WAY:** The right-of-way line shall be the line established City's adopted Master Plan, the Macomb County Road Commission or Michigan Department of Transportation in their right-of-way requirements established for Mount Clemens.

**ROOM:** For the purpose of determining lot area requirements and density in a multiple-family district, a room is a living room, dining room or bedroom, equal to at least eighty (80) square feet in area. A room shall not include the area in kitchen, sanitary facilities, utility provisions, corridors, hallways and storage. Plans presented showing 1, 2 or 3-bedroom units and including a "den", "library," or other extra room shall count such extra room as a bedroom for the purpose of computing density.

**RUBBISH:** Means the miscellaneous waste materials resulting from housekeeping, mercantile enterprises, trades, manufacturing and offices, including other waste matter, such as slag, stone, broken concrete, fly ash, ashes, tin cans, glass, scrap metal, rubber, paper, rags, chemicals, or any similar or related combinations thereof.

**SECONDARY ROAD:** A road that conducts and distributes traffic and carries through-traffic as a lower order major thoroughfare to major activity centers. This is the highest order of street appropriate to a residential neighborhood and residential frontage along it should be prohibited or severely restricted.

**SCREENING:** The method by which a view of one site from another adjacent site is shielded, concealed or hidden. Screening techniques include fences, walls, hedges, berms or other features. Screening may include one or a combination of the following materials of sufficient mass to be opaque or that shall become opaque after twelve (12) months and which shall be maintained in an opaque condition: walls, berms or plantings.

**SELF-SERVICE STORAGE WAREHOUSE:** A building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractors' supplies.

**SHOPPING CENTER:** A group of three (3) or more commercial establishments built primarily for retailing the principal goods and services required by a household. These centers are built on sites readily accessible by automobile with common parking provided.

**SITE:** A parcel of land.

**SPECIAL LAND USE:** A use that, owing to some special characteristics attendant to its operation or installation (for example, potential danger, smoke or noise) is permitted in a district, subject to approval by the City and subject to special requirements, different from those usual requirements for the district in which the special land use may be located.

**STATE EQUALIZED VALUATION:** The value shown on the City's assessment roll as equalized through the process of State and County equalization.

**STREET:** A public thoroughfare which affords traffic circulation and principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare, except an alley.

**STRUCTURE:** Anything constructed or erected on the ground or attached to the ground, including, but without limitation to, buildings, factories, sheds.

**STRUCTURAL ALTERATION:** Any change in the supporting members of a building or structure, such as bearing walls or partitions, columns, beams or girders, stairways, or any change in the width or number of exits, or any substantial change in the roof.

**SWIMMING POOL:** The term "swimming pool" shall mean any structure or container intended for swimming, located either above or below grade designed to hold water to a depth of twenty-four (24) inches or greater.

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**TEMPORARY USE OR BUILDING:** A use or building permitted by the Zoning Board of Appeals to exist during periods of construction of the main building or use, or for special events or purpose.

**URGENT CARE FACILITY:** A facility or institution principally engaged in the immediate treatment of minor injuries and/or illnesses of an acute nature.

**USE:** It is the purpose for which land or a building is designed, arranged or intended to be used, or for which land or a building is or may be occupied.

**UTILITY ROOM:** A utility room is a room used primarily for storage, for housing a heating unit, or for laundry purposes.

**VARIANCE:** A relaxation by the Zoning Board of Appeals of the dimensional regulations of the Ordinance where such action will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions or the situation of the applicant, a literal enforcement of this Ordinance would result in practical difficulty or unnecessary and undue hardship.

**VEHICLE STACKING LANE:** A paved surface designed to accommodate a motor vehicle waiting for entry to any drive-in/thru facility or auto-oriented use, which is located in such a way that a parking space is not obstructed.

**VERTICAL PROJECTION:** Any architectural feature which projects into the yard space from the ground up through the first story.

**WALLS, OBSCURING:** An obscuring structure of definite height and location constructed of wood, masonry, concrete or similar material.

**WAREHOUSING AND DISTRIBUTION:** The storage, wholesale and distribution of manufactured products, supplies and equipment, but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.

**WORKSHOP/SHOWROOM:** A workplace for a craftsperson or contractor primarily used for fabrication or repair of goods. Contractor establishments including an office, showroom, warehouse or workshop for indoor maintenance and indoor storage of equipment, Retail sales or education are permitted accessory uses to small-scale production or contracting. providing such use is within a completely enclosed building and excludes outside storage yards.

**ZONE:** (See: DISTRICT, ZONING)

**ZONING BOARD OF APPEALS:** Shall mean the Zoning Board of Appeals of the City of Mount Clemens.

(ord. eff. April 24, 2021 )

## **SEC. 2.3 RULES OF MEASUREMENT**

**BUILD-TO:** Build-to is a line parallel to the public street right-of-way to which buildings must be constructed.

- A. Build-to is measured from and perpendicular to the lot line abutting a street. Where a public access easement abuts the public street right-of-way on a lot, the build-to shall be measured from the easement rather than the lot line.
- B. **Percentage of frontage.** Required build-to is calculated as a percentage using the length of the primary building wall divided by the total lot width, as measured at the lot line abutting the subject street right-of-way. Buildings shall be built at or within the build-to requirement for at least the minimum percentage (%) required along the Primary and/or secondary frontage.
- C. **Building depth.** The horizontal distance at the ground floor measured perpendicular from the exterior of the street facing building wall at the build-to line to the opposite exterior wall enclosing the permitted street level active uses.

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- D. **Permitted articulations of architectural features.** Architectural features utilized for building wall articulation that are within 2 feet of the primary building wall may be utilized in the length of applicable building wall meeting the build-to.
1. Recessed entries at a maximum depth of 15 feet, measured perpendicular to the build-to, and a maximum width of 15 feet, measured parallel to the build-to may be utilized in the length of applicable building wall meeting the build-to.

**CLEAR VISION TRIANGLE:** To ensure that landscape materials do not constitute a driving hazard, clear vision site triangles shall be established at all street intersections and at the intersection of site driveways and streets. No fence, wall, shrubbery, sign, or other obstruction to vision above a height of thirty-six (36") inches from the established street grades shall be permitted within the triangular area formed at the intersection of any street right-of-way lines by a straight line drawn between said right-of-way lines at a distance of twenty five (25') feet from their point of intersection. Internal parking lot landscaping improvements should be of an appropriate size, location, and species to avoid blocking the vision of drivers within the parking lot.

**DOORYARD:** The Dooryard is defined as the area between the property line and the front facade/build-to. It is intended as a transitional area between the public realm and private property for pedestrian-oriented amenities.

- A. The Dooryard shall accommodate entrances, outdoor seating, projections such as awnings, balconies, stoops and porches.
- B. The Dooryard shall contain urban-style landscape (concrete pavement, planters, street furniture). Lawns are only permitted in the Dooryard of stoop frontages in the Urban Flex district.
- C. The unbuilt portion of the build-to shall be considered an additional Dooryard for a minimum depth of 5 feet.

**FENESTRATION:** Openings in the building wall, including windows, doors and open areas.

1. When measuring fenestration, framing elements (such as muntins) with a dimension of 2 inches or less are considered part of the opening.
2. Ground floor fenestration shall be measured as a percentage of glass per total wall area between 2 and 8 feet above the ground floor elevation.
3. Ground floor windows may not be made opaque by window applications). Operable sun blocking devices are permitted, as well as solar protection tinting with no less than 75% light transmittance.
4. A minimum of 80 percent of the window surface on the ground floor shall allow a view into the building interior for a depth of at least 12 feet.
5. Upper level windows shall be vertically proportioned.

**FLOOR AREA, GROSS (for the purpose of computing parking):** Floor area is the sum of the gross horizontal areas of the several floors of the building measured from the exterior walls or from the centerline of walls separating two buildings. "Floor area" shall include elevator shafts and stairwells at each floor, floor space used for mechanical equipment (except equipment, open or enclosed, located on the roof), attic space having headroom of seven (7) feet ten (10) inches or more, interior balconies and mezzanines.

**FLOOR AREA, USEABLE (for the purposes of computing parking):** Useable floor area shall be considered the gross floor area as defined herein, minus the area used or intended to be used principally for elevator or stair bulkheads, or for areas dedicated to heating and cooling mechanisms, server rooms, or other areas which are necessary for the physical operation of the building itself.

**FLOOR AREA, RESIDENTIAL:** For the purpose of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) dwellings. The floor area

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measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

**FRONT BUILDING LINE.** Once a building line has been established by the construction of a principal building upon an approved site, no other principal building or use shall be located between the established building line and the front lot line (or side lot line abutting a side street) without first obtaining approval of the Planning Commission. The Planning Commission shall review the building and/or use proposed to be located in front of the established building to determine whether the building or use is of such location, size and character to be in harmony with the appropriate and orderly development of the balance of the site, is not detrimental to the development of adjacent uses, does not create any vehicular or pedestrian hazards, and is aesthetically compatible with the buildings and uses located (or to be located) upon the site. Landscaping plans, site plans (including signs and the location of trash receptacles), and elevations of all sides of any building to be constructed shall be submitted to enable the Planning Commission to determine whether the proposed additional front building and/or use conforms with the requirements of this Section. In reviewing this request, the Planning Commission shall apply the standards contained herein and in Section 13.3 and may impose reasonable conditions as authorized by Section 13.4.5. to ensure that the standards are satisfied.

**FRONTAGE.** The side of a building abutting a street or right-of-way.

- A. Every dwelling or principal building shall be located on a lot which shall front upon an improved public or an existing private street, road or highway. Modification of this requirement may be permitted by the Planning Commission in cases where unusual topographic or geographic conditions exist.
- B. **Determining front yard.** The placement of all buildings on corner lots and lots having frontage on two streets shall observe the required front yard setback from the street side of the building where the front entrance of the structure is located. Where front entrances are located on more than one street side, the applicant shall determine the street side that will be considered the front of the building. The portion of the building determined to be the front shall go on record as such at the Community Development Department and shall conform to the applicable setback requirements. The street side of the building that has not been designated as the front shall conform to side or rear yard setback requirements, whichever is applicable.
- C. **Primary frontage** is located along the front lot line.
- D. **Secondary frontage.** Corner lots, through lots, or any lot with more than one street frontage, shall have a secondary frontage on every lot line abutting a street other than the front lot line. Alleys shall not be considered street frontage.
- E. For through lots on Main Street, Main Street shall be the primary frontage and Gratiot the secondary frontage.

**GRADE:** The lowest point of elevation of the finished surface of the ground. The established grade of the street or sidewalk shall be the elevation of the curb, or the centerline of the road if there is no curb, at the midpoint of the front of the lot.

**GRADE, MEAN:** Mean grade is defined as the arithmetic average of elevations of points on the boundary lines of a site (parcel of land) uniformly spaced and not more than one hundred (100) feet apart.

**GRADE, BUILDING:** The finished grade at the building shall be the building grade.

**GROSS SITE AREA:** The total site area under the ownership of the applicant before any deductions are made for roads, open space, parcels to be separated or planned for later development, and the like.

**HEIGHT:** The vertical distance to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and the ridge for gable, hip and gambrel roofs, measured from the curb level if the building is not more than ten (10) feet from the front lot line or from the grade in all other cases.



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- A. The minimum height shall be satisfied from the build-to line back to a depth of at least 30 feet.
  - B. Second floor finished elevation shall be measured from the grade to the second story finished floor elevation.
  - C. Upper floor clear height is measured from finished floor elevation to finished ceiling elevation

**LOT AREA:** The total horizontal area within the lot lines of a lot.

**LOT, CORNER:** A lot where the interior angle of two adjacent sides at the intersection of two streets is less than one hundred thirty-five (135) degrees. A lot abutting upon a curved street or streets shall be considered a corner lot for the purposes of this Ordinance if the arc is of less radius than one hundred fifty (150) feet and the tangents to the curve, at the two points where the lot lines meet the curve or the straight street line extended, form an interior angle of less than one hundred thirty-five (135) degrees.

**LOT COVERAGE:** The percent of the lot occupied by buildings or structures, including accessory buildings or structures.

**LOT, THROUGH LOT:** Any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all yards of said lots adjacent to streets shall be considered frontage, and front yard setbacks shall be provided as required.

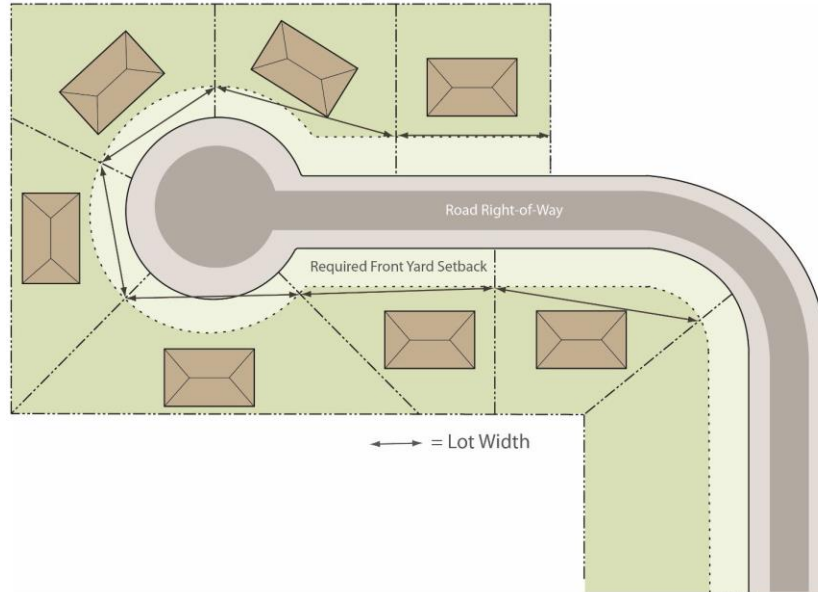
**LOT, DEPTH:** The depth of a lot is the dimension measured from the front of the lot to the extreme rear line of the lot. In the case of irregularly shaped lots, the mean depth shall be taken.

**LOT, INTERIOR:** Any lot other than a corner lot.

**LOT LINES:** The lines bounding a lot as defined herein:

- A. **Front Lot Line:** In the case of an interior lot, is that line separating said lot from the street. In the case of a double-frontage lot, is the line separating said lot from the street side which has been designated as the front of the building.
- B. **Rear Lot Line:** That lot line opposite the front lot line.
- C. **Side Lot Line:** Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

**LOT WIDTH:** The horizontal straight line distance between the side lot lines, measured between the two points where the front setback line intersects the side lot lines.



**SETBACK: Measurement.** The measurement for determining front, rear and side yard setback requirements shall be made from the exterior wall of the principal building to the nearest applicable property line.

**STORY:** That portion of a building, other than a cellar or mezzanine, included between the surface of any floor and floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it. A "mezzanine" shall be deemed a full story when it covers more than fifty (50) percent of the area of the story underneath said mezzanine, or if the vertical distance from the floor next below it to the floor next above it is twenty-four (24) feet or more.

**STORY, HALF:** An uppermost story lying under a sloping roof, having an area of at least two hundred (200) square feet, with a clear height of seven feet six inches (7' 6"). For the purposes of this Ordinance, the usable floor area is only that area having at least four (4) feet clear height between floor and ceiling.

**YARD:** An open space, unoccupied and unobstructed from the ground upward except as otherwise provided herein and being on the same lot with a building. The measurement of a yard shall be construed as the minimum horizontal distance between the lot line and the building or structure.

**YARD, FRONT:** A yard on the same lot with a building between the front line of the building and the front lot line and extending to the other side lot line.

**YARD, REAR:** A yard on the same lot with a building between the rear line of the building and the rear lot line and extending to the other side lot line.

**YARD, SIDE:** A yard on the same lot with a building between the side lot line and the nearest side line of the building and extending from the rear yard to the front yard.

(ord. eff. April 24, 2021 )

## ARTICLE 3 ZONING DISTRICTS & ZONING MAP

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### SEC. 3.1 ZONING MAP

The Zoning Map of the City of Mount Clemens, which together with all explanatory matters thereon, is hereby adopted and declared to be a part of this Ordinance.

Regardless of the existence of purported copies of the Zoning Map which may from time-to-time be made or published, the Zoning Map, which shall be located in the Office of the City Clerk, shall be the final authority as to the current status of zoning in the City of Mount Clemens.

In the event that the Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the City Commission may, by resolution, adopt a new Zoning Map. The new Zoning Map may correct drafting or other errors or omissions in the prior Zoning Map, but no such corrections shall have the effect of amending the original Zoning Map or any subsequent amendment thereof.

Unless the prior Zoning Map has been lost or has been totally destroyed, the prior Map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

(ord. eff. April 24, 2021 )

### SEC. 3.2 ZONING DISTRICTS

For the purpose of this Ordinance, the City of Mount Clemens is hereby divided into the following districts:

R1-A	Single-Family Residential District
R1-B	Single-Family Residential District
RM-1	Mixed Residential District
RM-2	Planned Multiple-Family Campus Residential District
RMH	Multiple-Family High Rise Residential District
MHC	Manufactured Housing Community District
MU	Mixed-Use District
GC	General Commercial District
CBD	Central Business District
INST	Institutional Campus District
I-1	Light Industrial District
I-2	Heavy Industrial District

(ord. eff. April 24, 2021 )

### SEC. 3.3 DISTRICT BOUNDARIES

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning Map, the following rules shall apply:

- A. Unless shown otherwise, the boundaries of the districts are lot lines; the centerlines of streets, alleys, roads or such lines extended; railroad right-of-way lines; and the City of Mount Clemens limits. Dimensions shown are to the center of the adjacent road or street.
- B. Where, due to the scale, lack of detail or illegibility of the Zoning Map for this Ordinance, there is any uncertainty or contradiction as to the location of any district boundaries shown thereon, interpretation concerning the exact location of district boundary lines shall be determined, upon written application

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or upon its own motion, by the Zoning Board of Appeals. The Zoning Board of Appeals, in arriving at a decision on these matters, shall apply the following standards:

1. The district boundaries, as set forth in this Section, shall first be considered with reference to the standards cited in subsection 1. above.
  2. Where a district boundary divides a site, the location of any such boundary, unless the same is indicated by dimensions shown on said map, shall be determined by the use of the map scale shown thereon.
- C. If, after the application of the foregoing standards, uncertainty, contradiction or dispute remains as to the exact location of a district boundary, the Zoning Board of Appeals shall determine and fix the location of said boundary line as all of the facts and circumstances shall require.

(ord. eff. April 24, 2021 )

### **SEC. 3.4 DISTRICT REGULATIONS**

- A. No structure or land shall be used, occupied, erected, constructed, moved or altered, except in conformity with the regulations specified for that zoning district. Unless a use is permitted in a particular zoning district, it shall be prohibited in that zoning district.
- B. Except as otherwise provided, regulations governing land and building use, minimum lot size, lot area per dwelling unit, building height, building placement, required yards and other pertinent factors are hereby established as stated in the detailed provisions for each of the zoning districts. In each zoning district, a "Permitted Use" shall be a use of land or buildings subject to the minimum requirements specified for such use in the zoning district in which such use is located, plus applicable requirements found elsewhere in this Ordinance. A Special Land Use shall be a use of land or buildings which may be permitted in that district only after following special procedures designed to ensure site and use compatibility with existing or proposed surrounding land uses. In evaluating and deciding each application for such permission, the Planning Commission shall apply the standards contained in Article 12 of this Ordinance and any special conditions imposed for that use.

(ord. eff. April 24, 2021 )

### **SEC. 3.5 ZONING OF VACATED AREAS**

Whenever any street, alley or other public way within the City of Mount Clemens is vacated by official government action, and when the lands within the boundaries thereof attach to and become a part of the land adjoining such street, alley or other public way, such lands formerly within such vacated street, alley or public way shall automatically and without further governmental action thenceforth acquire and be subject to the same zoning regulations as are applicable to the lands to which same shall attach.

(ord. eff. April 24, 2021 )

## **ARTICLE 4 RESIDENTIAL DISTRICTS**

### **SEC. 4.1 RESIDENTIAL USE TABLE**

In the Residential Districts, land, buildings, and other structures shall be used only for one or more of the uses specified in the table below. Uses denoted by a "P" are permitted by right and uses denoted by a "SLU" are

considered special land uses and may be approved by the Planning Commission subject to the applicable general and specific standards in Article 13: Special Land Uses. Additional applicable use standards are listed in the column at right.

Use	R1-A	R1-B	RM-1	RM-2	RMH	MHC	Add'l Req'ts
Single-Family detached dwellings	P	P	P	P	P	P	
Two-Family dwellings	SLU	SLU	P	P	P	P	7.1.A
Attached residential			P	P	P	P	4.6.C
Mobile Home Parks						P	7.1.B
<b>Human Care Facilities</b>							
Adult day care facility							
Adult foster care family home (6 or fewer adults)	P	P	P	P	P	P	
Adult foster care small group home (12 or fewer adults)	SLU	SLU	SLU	SLU	SLU	SLU	
Adult foster care large group home (13 to 20 adults)			SLU	SLU	SLU		
Adult Foster Congregate Care Facility			SLU	SLU	SLU		
Convalescent, Nursing Homes or Hospices	SLU	SLU	SLU	SLU	SLU	SLU	7.2.A
Foster family home (4 or fewer children 24 hours per day)	P	P	P	P	P	P	
Foster Family group home (5 or 6 children 24 hours per day)	P	P	P	P	P	P	
Family day care home (6 or fewer children less than 24 hours per day)	P	P	P	P	P	P	
Group day care home (7 to 12 children less than 24 hours per day)	SLU	SLU	SLU	SLU	SLU	SLU	7.2.B
Child care centers, preschools, and commercial day care	SLU	SLU	SLU	SLU	SLU	SLU	7.2.C
<b>Commercial</b>							
Bed and Breakfasts	SLU	SLU	SLU	SLU	SLU	SLU	7.3.B
Funeral Homes and Mortuaries	SLU	SLU	SLU	SLU	SLU	SLU	7.3.D
General Hospitals			SLU	SLU	SLU		7.3.E
Urgent Care Facilities	SLU	SLU	SLU	SLU		SLU	
<b>Institutional</b>							
Cemeteries	SLU	SLU	SLU	SLU	SLU	SLU	7.6.A
Colleges and Universities			SLU	SLU	SLU		7.6.B
Municipal or public utility uses	SLU	SLU	SLU	SLU	SLU	SLU	7.6.C
Parks	P	P	P	P	P	P	
Places of assembly, including places of worship	SLU	SLU	SLU	SLU	SLU	SLU	7.6.D
Public Library, Public Museum	SLU	SLU				SLU	

Schools	SLU	SLU	SLU	SLU	SLU	SLU	7.6.E
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Accessory commercial uses may be conducted in a manufactured housing community in separate, permanent structures and for such purposes as the office of the manager, laundry and dry cleaning facilities, or other services for the residents of the park. Accessory uses may also include clubhouses and recreational facilities. Adequate parking for such services shall be provided. All accessory uses shall require full site plan review and approval.

(ord. eff. April 24, 2021 )

**SEC. 4.2 PROVISIONS APPLICABLE TO RESIDENTIAL DISTRICTS.**

- A. **ACCESSORY BUILDINGS IN THE RESIDENTIAL DISTRICTS** shall be subject to the following regulations (also see City Building Code):
  1. The sum total floor area of all accessory buildings, whether attached or detached, shall not exceed 20% of the lot area, provided that in no instance shall the total ground floor area of all accessory buildings never be below 920 square feet.
  2. No more than two accessory buildings shall be allowed for each lot.
  3. The height of detached accessory buildings and sheds shall not exceed eighteen (18) feet in total height.
  4. When an accessory building is structurally attached to a main building, it shall conform to all regulations of this Ordinance applicable to the main building.
  5. A detached accessory building incidental to the main building shall not be located in a front yard. No accessory building shall be located closer than three (3') feet to any lot line. Accessory buildings shall be setback a minimum of five (5') feet from any lot line directly abutting an alley.
  6. No detached accessory building shall be located closer than ten (10) feet to any main building. No accessory building shall be constructed over or located within one (1') foot of a recorded easement.
  7. No accessory building shall be constructed prior to the enclosure of the main building.
  8. An accessory building, irrespective of location, shall be incidental to the principal permitted use and shall not involve any business, profession, trade or occupation.
  9. All accessory buildings, including sheds, shall have a foundation and/or ratwall.
- B. **DWELLINGS PER LOT OR PARCEL.** No more than one (1) single-family residential dwelling shall be permitted per lot or parcel, except as provided in subsection F. below.
- C. **DWELLINGS WITHOUT BASEMENTS.** Each one-family and two-family dwelling unit without a basement shall provide not less than an additional one hundred (100) square feet of floor area for utility rooms and/or storage space greater than the minimum floor area per dwelling unit.
- D. **MEASURING MINIMUM FLOOR SPACE REQUIREMENTS.** Minimum floor space requirements as established by the various provisions of this Ordinance for residential dwelling shall be measured from the exterior surface of enclosing walls and the centerline of common partition walls for each dwelling unit. Minimum floor area shall not include cellars or basements, attached garages or attics, unheated breezeways, porches or decks.
- E. **RESIDENTIAL ENTRANCEWAY.** In all residential districts, so-called entranceway structures, including, but not limited to, walls, columns and gates, marking entrances to single-family subdivisions may be permitted and

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may be located in a required setback, provided that such entranceway structures shall comply with all codes and ordinances of the City and be approved by the Planning Commission.

- F. **SITE CONDOMINIUM SUBDIVISION.** The intent of these requirements is to ensure that all site condominium subdivisions are developed in compliance with accepted planning and engineering standards applicable to similar forms of development, as reflected in the City's ordinances and requirements.

One-family detached condominiums may be allowed as a permitted use in any single-family zoning district, subject to site plan review by the Planning Commission. Commercial and industrial condominiums that result in condominium unit(s) shall also be regulated by this Section and the district in which they are located.

1. **Submission Requirements.** All site condominium subdivision plans shall be submitted for review, as required by Article 3 of this Ordinance and Section 66 of the Condominium Act, and include the following additional information:
  - a. A boundary survey of the site condominium subdivision site.
  - b. A plan delineating all natural and man-made features on the site, including, but not limited to, drains, ponds, lakes, streams, floodplains, wetlands and woodland areas.
  - c. The location, size, shape, area and width of all condominium units and common areas and the location of all proposed streets.
  - d. A copy of the Master Deed and a copy of all restrictive covenants to be applied to the project. Such deeds shall include an acceptable means of converting the project to a platted subdivision, under the provisions of Act 288 of 1967, at some future date.
2. **Review Procedures.** Pursuant to authority conferred by Section 141 of the Condominium Act, all site condominium subdivision plans shall require approval by the Planning Commission before units may be sold or site improvement initiated. In determining whether to approve a site condominium subdivision plan, the Planning Commission shall consult with the City Attorney, Planner and Engineer regarding the adequacy of the submission as it relates to the City of Mount Clemens Zoning Ordinance and requirements of the Condominium Act. The review process shall consist of the following two steps:
  - a. **Preliminary Plan Review.** In the preliminary review phase, the Planning Commission shall review the overall plan for the site, including basic road and unit configurations and the consistency of the plans, with all applicable provisions of the City of Mount Clemens Zoning Ordinance. Plans submitted for preliminary review shall include information specified in items a. to c. of the Submission Requirements in subsection 1. above.
  - b. **Final Plan Review.** Upon receipt of Preliminary Plan Approval, the applicant shall prepare the appropriate engineering plans and apply for Final Review by the Planning Commission. Final plans shall include information as required by the Submission Requirements in subsection 1. above. Such plans and information shall be reviewed by the City Attorney, Engineer and Planner. Further, such plans shall be submitted for review and comment to all applicable local, County and State agencies. Final approval shall not be granted until such time as all applicable review agencies have had an opportunity to comment on said plans.
3. **District Requirements.** The development of all site condominium subdivisions shall observe the applicable yard setback and minimum floor area requirements of the zoning district within which the project is located. The density of development of the project shall be no greater and spacing no less than would be permitted if the property were a platted subdivision.
4. **Design Standards.** All development in a site condominium subdivision shall conform to the design and improvement standards of the City of Mount Clemens Subdivision Regulations. All streets and roads shall be dedicated to the public, unless otherwise permitted by the Planning Commission as essential

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to the preservation of the overall character of the proposal. Street and road connections and/or stubs shall be required, where necessary to provide continuity to the public road system.

5. In any of the foregoing referenced sections, the term "plat" shall be substituted with the term "site condominium subdivision plan"; the term "tentative preliminary plat approval" shall be substituted with the term "preliminary plan review"; the term "final preliminary plat approval" shall be substituted with the term "final plan review"; and the term "proprietor" shall be deemed to refer to the applicant pursuant to this Ordinance. Any applications, fees, procedures for review or hearing, as set forth in these ordinances and their other provisions, shall be fully complied with, except as provided herein.
  6. **Utility Easements.** The site condominium subdivision plan shall include all necessary easements granted to appropriate authority for the purpose of constructing, operating, inspecting, maintaining, repairing, altering, replacing and/or removing pipelines, mains, conduits and other installations of a similar character for the purpose of providing public utilities, including, but not limited to, the conveyance of sewage, water and stormwater run-off across, through and under the property, subject to said easement.
  7. **Final Acceptance.** The City shall also require all the appropriate inspections. After construction of the site condominium subdivision, an as-built reproducible mylar of the completed site improvements (excluding dwelling units) is to be submitted to the City for review by the City Engineer. A final certificate of occupancy and any construction bonds or letter of credit will not be released to the developer/owner until said as-built mylar has been reviewed and accepted by the City.
- G. **OCCUPANCY OF PORTABLE UNITS.** In no case shall a travel trailer, motor home, automobile chassis, tent or portable building be considered a dwelling. Mobile homes shall not be used as dwellings, except when located in, and as part of, a mobile home park; or when located in zoning districts set forth in this Ordinance. All travel trailers, motor homes and mobile homes parked or stored on lands not approved for such use as herein set forth shall not be occupied.

(ord. eff. April 24, 2021 )

### **SEC. 4.3 SINGLE-FAMILY RESIDENTIAL DISTRICTS, R1-A AND R1-B**

- A. **Intent.** The Single-Family Residential Districts are established to provide principally for one-family dwellings at a scale consistent with existing residential development in the City. The specific interest of these districts is to encourage the continued use of single-family dwellings, prohibit land use which would substantially interfere with the development of one-family dwellings and to discourage any land use which, because of its character and size, would result in the depreciation of existing property values.
- B. **DESIGN STANDARDS.** In any single-family residential district, there shall be variation in the appearance of dwelling units using the following as minimum standards. The foregoing standards shall not apply to a manufactured home located in a licensed manufactured housing community, except to the extent required by State or Federal law or otherwise specifically required in the Zoning Ordinance of the City pertaining to such parks.
  1. The front elevation of single-family detached dwelling units shall not recur in the same or a substantially similar structural form on another dwelling within the same block frontage, without there being at least three (3) other dwellings with a different building elevation between the dwellings that repeat the front elevation. Different colors alone will not constitute different front elevations.
  2. Plans for modulares, prefabricated units and similarly constructed units shall be approved by the State of Michigan Construction Code Commission as meeting the State Construction Code (Public Act 230 of 1972 and Public Act 371 of 1980, as amended) prior to the issuance of a building or occupancy permit. Manufactured/mobile homes or trailers shall meet or exceed the requirements imposed by the United



States Department of Housing and Urban Development Mobile Home Construction and Safety Standards (24 CFR 3280 and as, from time-to-time, such standards may be amended). The Planning Commission shall be furnished a certificate stating that such dwelling meets the minimum building code requirements applicable to such structure or shall include a seal attached to the unit. Any addition to such manufactured home must be designed and constructed by the manufacturer of such home or must be based upon an architectural plan deemed compatible with the overall design of the manufactured home and approved by the Planning Commission.

3. All one-family dwelling units shall have a minimum width across any front, side or rear elevation of twenty-four (24') feet.
4. All dwelling units shall be attached to a permanent foundation constructed on the site in accordance with the building code and shall have a wall of the same perimeter dimensions of the dwelling and additions thereto and constructed of such materials and type as required in the building code. In the event that the dwelling is a manufactured home, as defined herein, such dwelling shall also be installed pursuant to the manufacturer's set-up instructions and shall be secured to the premises by an anchoring system or device complying with the rules and regulations of the Michigan Mobile Home Commission and shall have a continuous perimeter wall, as required above.
5. Single-family dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity. In making such determination of compatibility, the Planning Commission, while taking into consideration comments made by the Community Development Director and/or the Mount Clemens Historic Commission, may consider the following factors: total square footage; length-to-depth proportions; value and quality of construction; exterior building materials; architectural style and design and roof line; as well as the character, design and appearance of a majority of the residential dwellings (excluding manufactured housing communities) within two thousand (2,000) feet of the subject dwelling. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.

**6. AREA, HEIGHT, BULK, AND PLACEMENT REGULATIONS.**

Building	R1-A		R1-B	
Height (max.)	2 stories	35 ft.	2 stories	35 ft.
Lot Coverage (max.)	35%		35%	
Impervious surface (max.)	40%		40%	
Floor area (min.) (first floor/total)				
1-story	1200/1200		1000/1000	
1½-story	940/1340		800/1200	
2-story	750/1500		650/1300	
Tri-level structures shall meet the minimum floor area requirements for story and one-half buildings and quad-levels shall meet the minimum floor area requirements for the two-story buildings.				
Siting	R1-A		R1-B	
Front setback (min.)	25 ft.		25 ft.	
Side Setback (min.)				
Least	5 ft.		3 ft.	
Total of Both	15 ft.		9 ft.	
Rear Setback (min.)	30 ft.		30 ft.	
Lot area (min.)	6,000 sq. ft.		5,000 sq. ft.	
Lot width (min.)	60 ft.		50 ft.	

For new construction in the R1-B district, the minimum distance between primary structures shall not be less than nine (9') feet.

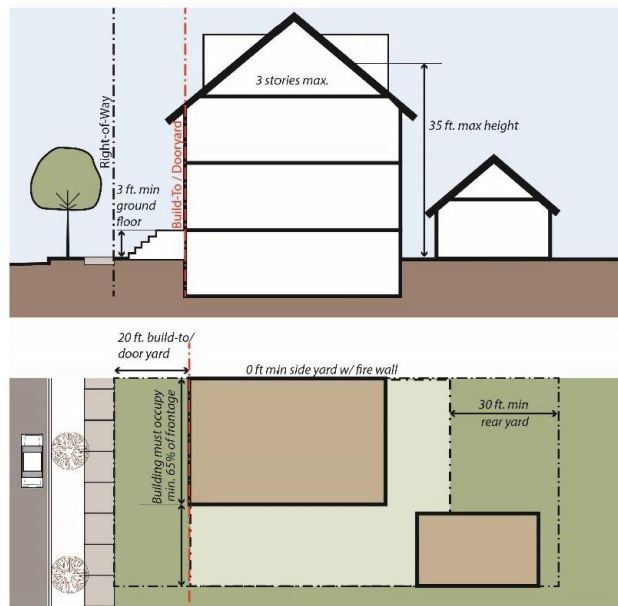
(ord. eff. April 24, 2021 )

## SEC. 4.4 RM-1—MIXED RESIDENTIAL DISTRICT

- A. **Intent.** The RM-1 district is intended for a mixture of housing types along corridors, adjacent to single-family detached neighborhoods, and near the downtown. Infill development consisting of urban-style attached residential units including townhouses, flats, and small apartment buildings should be designed to fit the context of the adjacent residential neighborhoods.



Illustrative example of the intent of this district.



**B. Siting and Building Requirements**

<b>Height</b>		
Minimum	2 stories	24 ft.
Maximum	3 stories	35 ft.
Ground Floor Elevation (min.)		3 ft.
<b>Siting</b>		
Build-To/Dooryard		20 ft.
Frontage Build-To (min.)		65%
Side Setback (min. with firewall)		0 ft.
Side Setback (min. without firewall)		5 ft.
Rear Setback (min.)		30 ft.
Building footprint per unit (max.)		1,500 sq. ft.
Facade width per unit (max. per unit)		50 ft.
Facade width total (max)		120 ft.
Surface parking is not permitted directly between a building facade and a street frontage.		
<b>Architectural Elements</b>		
Ground Floor Fenestration		25 to 70%
Upper Story Fenestration		25 to 70%

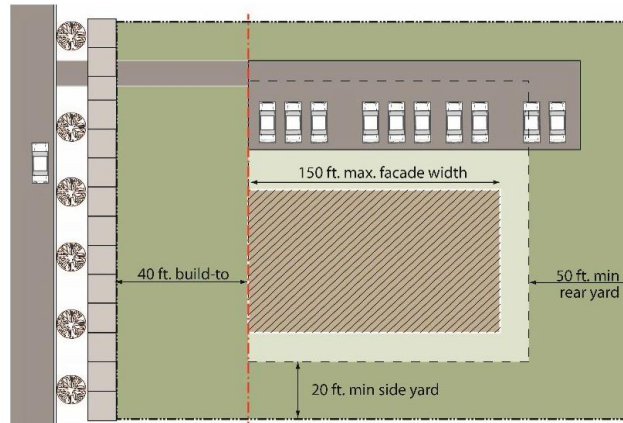
(ord. eff. April 24, 2021 )

**SEC. 4.5 RM-2—PLANNED MULTI-FAMILY CAMPUS DISTRICT**

- A. **Intent.** The RM-2 district is intended for larger scale, planned multi-family development consisting of apartment buildings. RM-2 complexes should be designed with a campus-like character, providing shared open space, landscape buffering, and consistent site design features.



Illustrative example of the intent of this district.



**B. Siting and Building Requirements**

<b>Height</b>		
Minimum	2 stories	24 ft.
Maximum	4 stories	45 ft.
<b>Siting</b>		
Build-To/Dooryard		40 ft.
Side Setback (min.)		20 ft.
Rear Setback (min.)		50 ft.
Facade width total (max)		150 ft.
<b>Architectural Elements</b>		
Ground Floor Fenestration		25 to 70%
Upper Story Fenestration		25 to 70%

(ord. eff. April 24, 2021 )

**SEC. 4.6 RMH—MULTIPLE-FAMILY HIGH RISE DISTRICT**

A. **Intent.** The Multiple-Family High-Rise District is designed to provide sites adjacent to high traffic generators commonly found in the proximity of large acreage non-residential development and areas abutting major thoroughfares. This district is further designed to provide a zone of transition between traffic generators and residential districts through the requirements of lesser land coverage which, in turn, will result in more open space.

**B. SITE REQUIREMENTS.**

1. Minimum lot width: one hundred (100) feet.
2. Maximum lot coverage: The overall ratio of residential useable floor area to total area shall not exceed one to one (1:1).
3. Minimum Yard Setback from the Project's Perimeter: Perimeter setbacks shall not be based on building orientation.
  - a. The minimum front, side and rear setbacks shall be equal to one-half the building height, but not less than twenty-five (25') feet. Subject to site plan review the Planning Commission may approve

and recommend a greater building height and lesser building setbacks than provided for above, taking into consideration the particular location and environs, building design, and adjoining uses, all subject to final approval by the City Planning Commission.

<b>Minimum gross site area and open space in square feet, per dwelling unit:</b>		
<b>Number of bedrooms</b>	<b>Gross site area (min). per unit</b>	<b>Open space area (min.) per unit</b>
1	2,500 sq. ft.	300 sq. ft.
2	2,900 sq. ft.	400 sq. ft.
3	3,400 sq. ft.	500 sq. ft.

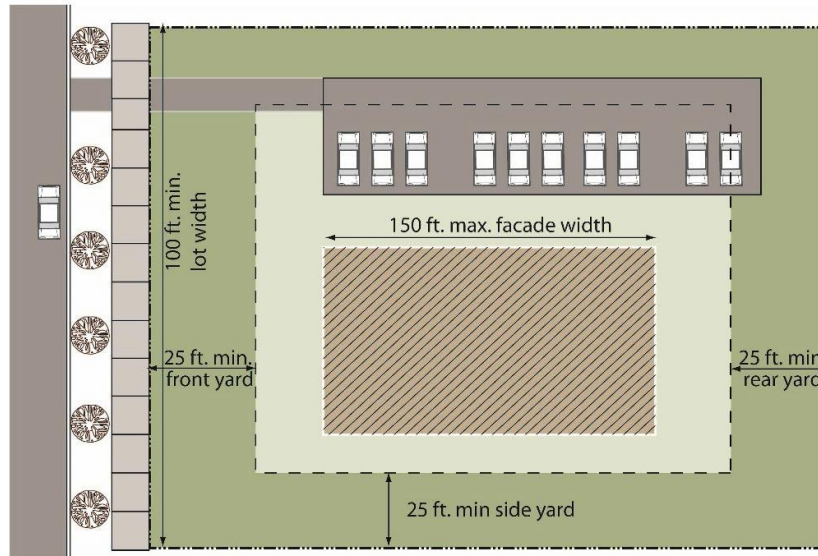
Units with more than three (3) bedrooms shall provide an additional 1,000 square feet of site area for each additional bedroom.

- b. Plans presented which include a den, library or extra room shall have such extra room counted as a bedroom for purposes of this Ordinance.
  - c. Efficiency units shall be regulated the same as one (1) bedroom units
  - d. The minimum number of square feet of open space area shall be provided in addition to all required setbacks and greenbelts.
4. Landscaped greenbelts must be provided adjacent to, and surrounding each building on the following basis:

<b>Side of Building</b>	<b>Required Greenbelt</b>
Front	30 feet
Rear	40 feet
Sides	15 feet

- 5. Buildings which include attached garages may eliminate the required greenbelt on sides of the building where garages are located in order to permit a parking apron and paved access to garages. However, pavement shall not surround more than forty (40) percent of the overall perimeter of the building.
  - a. Each square foot of pavement which encroaches into a required greenbelt must be replaced on another side of the same building. Site plans must clearly dimension landscaped greenbelts and provide calculations in instances of greenbelt transfer.
  - b. Areas used to facilitate utilities must maintain a thirty (30') foot greenbelt.
- 6. Landscaping. Areas of the site not required to be hard-surfaced shall be sodded and, where appropriate, planted with trees and shrubs as provided in Article 9 of this Ordinance. In addition to the requirements of Article 9, one (1) tree shall be provided for each unit within the development. Such trees shall be placed within the required front yard greenbelt for each building. The Planning Commission may also approve decorative plants and art objects which must be maintained as required for greenbelts and planted strips under this Ordinance.
- 7. Driveways. All drives shall be twenty-four (24') feet in width. For the purposes of this Section, all paved areas within the site utilized for vehicular access and circulation shall be considered drives.
- 8. Lighting. Adequate lighting facilities shall be provided for service drives and parking areas and indicated on the site plan approved by the Planning Commission. Lighting shall not exceed the standards provided in Section 9.6 of this Ordinance.
- 9. Sidewalks. Sidewalks shall be provided along both sides of all drives within the development.

10. Parking. In the RMH District, areas devoted to off-street parking, drives or maneuvering lanes may not cover more than thirty (30) percent of the area of any required setback.



\* all setbacks shall be equal to one-half the building height but not less than 25 ft.

### C. BUILDING REQUIREMENTS.

1. Maximum Height of Each Building:
  - a. In Stories: Six (6).
  - b. In Feet: Eighty (80).
2. Building Length. No multiple-family building shall exceed one hundred fifty (150') feet in length along any one face of the building.
3. Minimum Floor Areas for Multiple-Family shall be as follows:
  - a. **EFFICIENCY UNIT.** The term "Efficiency Unit" shall mean a dwelling unit containing a minimum of six hundred fifty (650) square feet of floor area and consisting of not more than one (1) room in addition to kitchen, dining and necessary sanitary facilities.
  - b. **ONE-BEDROOM UNIT.** The term "One-Bedroom Unit" shall mean a dwelling unit containing a minimum floor area of at least seven hundred fifty (750) square feet per unit, consisting of not more than two (2) rooms in addition to kitchen, dining and necessary sanitary facilities.
  - c. **TWO-BEDROOM UNIT.** The term "Two-Bedroom Unit" shall mean a dwelling unit containing a minimum floor area of at least nine hundred fifty (950) square feet per unit, consisting of not more than three (3) rooms in addition to kitchen, dining and necessary sanitary facilities.
  - d. **THREE OR MORE BEDROOM UNIT[S].** The term "Three or More Bedroom Unit" shall mean a dwelling unit wherein for each room, in addition to the three (3) rooms permitted in a two (2) bedroom unit, there shall be provided an additional area of two hundred (200) square feet to be minimum floor area of one thousand one hundred fifty (1,150) square feet.
    - i. In addition to the above minimum floor area per unit, thirty-two (32) square feet shall be provided in each unit for utilities space (washer, dryer and work space). Buildings with enclosed common tenant or occupant hallways, such as apartment structures, may provide central utility rooms in lieu of the individual unit spaces required above. In each building

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where a central utility room is permitted, internal access shall be provided from each dwelling unit; the central utility room shall contain twenty (20) square feet for each dwelling unit in the building; and there shall be one (1) washer and one (1) dryer for every four (4) dwelling units or fraction thereof.

4. Each development shall be limited to a maximum of ten (10) percent efficiency units and a maximum of fifty (50) percent one-bedroom units.

(ord. eff. April 24, 2021 )

#### **SEC. 4.7 MANUFACTURED HOUSING COMMUNITY DISTRICT, MHC**

A. **Intent.** The Manufactured Housing Community District is a residential district. The rules are those set forth by the Mobile Home Commission, except for the following regulations designed to provide adequate space and land use separation in harmony with the City's other zoning districts.

B. **GENERAL SITE REGULATIONS.**

1. **Building Height.** The maximum height of service buildings and permitted office structures shall be two (2) stories or thirty-five (35') feet.
2. **Fire Hydrants.** Fire hydrants of a size and a pressure to be used by the Mount Clemens Fire Department shall be placed within said trailer coach park so that no trailer coach shall be more than three hundred (300') feet from a fire hydrant measured along roadway or parking area.
3. **Plumbing, Electrical and Cable TV.** Plumbing and electrical installations shall be maintained in accordance with Mount Clemens Plumbing and Electrical Codes. All electric and telephone wiring shall be underground. Externally-mounted antennas shall be prohibited, except that a master antenna shall be constructed and maintained with underground leads servicing each manufactured home site.
4. **Access to Public Roads.** A manufactured housing community access road shall be hard-surfaced and not less than thirty-six (36') feet in width. Access roads shall meet construction and all other requirements as determined by the City of Mount Clemens, the Road Commission of Macomb County, and/or the Michigan Department of Transportation.
5. Reference is hereby made to Sections 11, 12 and 13 of the Mobile Home Commission Act (No. 419, P.A. 1976) which required, among other things, that a person who desires to develop a manufactured housing community shall submit a preliminary plan to the Mount Clemens Planning Commission for approval. The preliminary plan shall include the location, layout, general design and a general description of the project (see Article 3 for submission requirements and procedures). The preliminary plan shall not include detailed construction plans.

(ord. eff. April 24, 2021 )

#### **SEC. 4.8 RESIDENTIAL RENTAL RESTRICTION OVERLAY DISTRICTS.**

Residential rental restriction overlay districts "RO-1" are hereby established.

A. **PURPOSE AND OBJECTIVES.**

1. The residential rental restriction overlay district "RO-1" is a zoning classification which permits owners of property within R1-A and R1-B residential zoning districts to petition the City Commission to establish an overlay district, and district use regulations in their residential neighborhood, which would prohibit or restrict the rental uses of single- family dwellings within the neighborhood. These districts establish restrictions which operate to preserve the

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attractiveness, desirability and privacy of residential neighborhoods by precluding all or certain types of rental properties and thereby preclude the deleterious effects rental properties can have on a neighborhood with regard to property deterioration, increased density, congestion, crime, noise and traffic levels and reduction of property values. The goal of the overlay district is to allow owners of property within residential neighborhoods to control the types of rental properties, if any, that are permitted in one-family dwellings within their neighborhood.

2. It is also the purpose of the districts to achieve the following objectives:
    - a. To protect the privacy of residents and to minimize noise, congestion and nuisance impacts by regulating the types of rental properties;
    - b. To maintain an attractive community appearance and to provide a desirable living environment for residents by preserving the owner-occupied character of the neighborhood; and
    - c. To prevent excessive traffic and parking problems in the neighborhoods.
- B. **PERMITTED USES.** Uses permitted in the Residential Rental Restriction Overlay District RO-1 are as follows:
1. In a Residential Rental Restriction Overlay District RO-1 that overlaps a portion of a district zoned as an R1-A or R1-B district, permitted uses are all uses permitted in the underlying zoning district except the use or occupancy of a single-family dwelling unit as a rental unit within the meaning of Section 16.202, Sec. 2 et seq. of the city code is prohibited and a single-family dwelling converted into a two-family dwelling unit after the introduction of an ordinance to create said overlay district, may not be used or occupied as a rental unit within the meaning of Section 16.202, Sec. 2 et seq.
  2. Notwithstanding the foregoing, the overlay restriction does not impact properties that already have a valid rental certificate of compliance, or have begun the rental certificate of compliance process, as such will be considered a pre-existing non-conforming use and will be "grandfathered". However, if a property owner allows a rental certificate of compliance to remain expired more than 12 months, then the property would lose any prior legal, non-conforming grandfathering and the property will be subject to the restrictions set forth in 15.077 Sec. 7.7(B)(1) and/or 15.077 Sec. 7.7(B)(2).
- C. **PROCEDURES TO ESTABLISH A RESIDENTIAL RENTAL RESTRICTION OVERLAY DISTRICT RO-1.** The following procedures must be complied with in order to establish a Residential Rental Restriction Overlay District:
1. A petition requesting an overlay district must be submitted to the City Clerk on forms provided by the City Clerk. The petition requirements are as follows:
    - a. The proposed boundaries of the overlay district must be entirely within an R1-A or R1-B zoning district and the parcels within the proposed district must be contiguous.
    - b. There must be at least 40 separate lots or parcels within the proposed district as described in the petition or the proposed district must constitute a discrete neighborhood geographic area.
    - c. The proposed boundaries may not overlap a boundary of existing overlay districts or the boundary of an overlay district that is already the subject of an introduced ordinance pursuant to this section.
    - d. The proposed district boundaries must be approved by the Community Development Department in conjunction with the petitioner prior to the petition being circulated for



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signatures. Once approved by the Community Development Department and the petitioner, the proposed district boundaries may not be changed.

- e. The petition must identify the specific overlay district that is sought by specifying the proposed boundary of the overlay district. The proposed boundaries of the overlay district must be described in the petition and the boundaries must, if practicable, consist of streets, alleys, platted subdivision boundaries or existing zoning district lines which totally enclose the proposed district.
  - f. The petition must accurately advise the signer of the rental restriction that would be imposed on the property if the overlay district is established.
  - g. Each petition must be circulated by a person who owns property within the proposed district and be signed by the circulator.
  - h. The petition must contain the signature and address of two-thirds of the parcel owners within the proposed boundary of the overlay district, exclusive of public property. Jointly owned parcels will be considered owned by a single person for purpose of petitioning and any co-owner may sign a petition for such parcel. Only one owner of each parcel will count towards the two-thirds requirement. If a person owns more than one parcel of property within the proposed district, they may sign the petition for each parcel they own.
  - i. Each person signing the petition must also enter on the petition, adjacent to their signature, the date that the person signed the petition and the address of the parcel they own.
  - j. When submitted, no signature dated earlier than six months prior to the time the petition is filed with the City Clerk shall be counted in determining the validity of the petition.
2. Upon presentation to the City Clerk for review, the Clerk shall verify the signatures and property ownership and dates on the petitions. If insufficient signatures are presented, the Clerk shall return the petitions to the person filing the petitions and identify the valid and invalid signatures. If sufficient valid signatures are presented, the Clerk shall refer the petitions to the Community Development Department which shall then, within 30 days, determine whether the petitions are in conformity with the remaining conditions of this section.
- a. If the petition is determined to be in conformity with the requirements of this section, the Community Development Director shall draft an appropriate ordinance in accordance with the petition procedures set forth in 15.0157 Sec. 15.7. All procedures set forth in 15.0157 Sec. 15.7 for zoning changes by petition shall thereafter be followed.
  - b. If the petition is not in conformity with the requirements of this section, the Community Development Director shall reject the petition and return it to the Clerk with a written explanation as to why the petition does not meet the requirements of this section. The Clerk shall then forward the petitions, and the explanation, to the person who filed the petitions.
  - c. If the petition is rejected for failure to comply with the boundary requirements, it may be resubmitted with the proper boundary lines if it is accompanied by certification that a copy of the petition and written notice was mailed to each property affected by the change, notifying them that their property was either added to or deleted from the petition and if by the correction of the boundary line the petition still meets all other requirements of the code.

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- d. If the petition is rejected for an insufficient number of valid signatures, it may be resubmitted with the additional signatures necessary to have it comply as long as the other signatures remain valid.
  3. No earlier than one year after the adoption of an ordinance establishing an overlay district, a petition for a change or removal of the overlay district may be submitted by following the procedures for establishing an initial overlay district.

**D. EFFECT OF OVERLAY DISTRICT ORDINANCE.**

1. Upon introduction of an ordinance to create an overlay district and at all times while the ordinance is pending final decision there shall be a moratorium on the issuance of initial rental unit certifications to the extent that no initial rental housing certification shall be issued within the proposed overlay district to the owner of a single-family dwelling unit that would be precluded if the overlay district was adopted, or a single-family dwelling converted into a two-family dwelling unit after the introduction of an ordinance to create said overlay district, regardless of whether the license was applied for prior to or subsequent to the ordinance's introduction.
2. Upon passage of an ordinance by the City Commission establishing an overlay district, no initial rental unit certification shall be issued to an owner of property in the overlay district inconsistent with the restrictions of the overlay district and it shall be unlawful to use or allow any property to be used except in conformity with the requirements of the underlying zoning district and overlay district. Any property in the overlay district that has an existing rental housing certification, or has had a rental certification within one year of adoption of the overlay district, shall be allowed to continue its use and occupancy in accordance with the law existing prior to the date of the adoption of the overlay district. No existing rental housing use or occupancy in an overlay district shall be considered to be a nonconforming use as the result of adoption of an overlay district unless the rental license expires for more than one year. If an owner surrenders an existing certification or allows, either intentionally or unintentionally, a license to remain expired for more than one year, any subsequent use of the property shall be subject to the restrictions imposed by the overlay district.
3. If an ordinance introduced pursuant to this section is denied, a subsequent ordinance for an overlay district that includes the same parcels may not be introduced for one year following introduction of the previous ordinance.
4. Any ordinance which is not adopted within six months of its introduction shall be deemed denied.

**E. RENTAL CERTIFICATION HARDSHIP EXCEPTION.** In zoning districts RO-1, Residential Rental Restriction Overlay Districts, where new residential rental certifications are prohibited, no new rental certifications shall be issued except a rental certification obtained through the following procedure established for a hardship exception:

1. Any property owner desiring a "hardship exception" must submit their request for a hardship exception in writing to the Zoning Board of Appeals, which shall make a determination of whether a hardship exists as defined by this article.
2. A "hardship" for purposes of this article shall be defined as the inability of the owner to purchase or pay for one or more of the following without the ability to obtain rents on the subject property:
  - a. Medical care or a medical device for the owner or the owner's dependents;

- b. Debts of the owner resulting from a mortgage, land contract or other loan used to purchase the subject property where there is no other available source to pay such debts; or
  - c. Debts of the owner due to child support, alimony, a tax lien, funeral expenses, or a judgment.
3. A "hardship" shall also include the following circumstances: Where a homeowner owns property that is occupied by the owner and a change in the owner's personal circumstances require a rental to preserve the financial stability of the owner. For example, this section would apply to a person who is required to temporarily relocate their residence for a period of time and needs to rent their home in their absence.
  4. The hardship exception allows the issuance of a rental certification for a period of 12 months or less and only one appeal per property is permitted per year.
  5. Any owner who has already been renting property without having obtained the required rental certification is disqualified from seeking a hardship exception.
  6. It shall be the burden of the person seeking the hardship exception to provide proof of the hardship, including submission of financial documentation necessary for the Zoning Board of Appeals to make a reasoned decision on the request.
  7. Any person requesting a hardship exception shall have a right to a hearing before the Zoning Board of Appeals within 30 days of the initiation of the request, and the Zoning Board of Appeals shall issue a final and binding written decision within 14 days of the hearing.

(ord. eff. April 24, 2021 )

## ARTICLE 5 COMMERCIAL/MIXED-USE DISTRICTS

### SEC. 5.1 COMMERCIAL/MIXED-USE USE TABLE

In the Commercial/Mixed-Use Districts, land, buildings, and other structures shall be used only for one or more of the uses specified in the table below. Uses denoted by a "P" are permitted by right and uses denoted by a "SLU" are considered special land uses and may be approved by the Planning Commission subject to the applicable general and specific standards in Article 13: Special Land Uses. Additional applicable use standards are listed in the column at right.

Use	MU	CBD	GC	INST	Add'l Req'ts
<b>Residential</b>					
Single-Family detached dwellings	P				
Attached residential	P	P <sup>1</sup>			
<b>Human Care Facilities</b>					
Convalescent, Nursing Homes or Hospices	P		P		7.2.A
Family day care home (6 or fewer children less than 24 hours per day)	P		P		
Group day care home (7 to 12 children less than 24 hours per day)	SLU		SLU		7.2.B

Child care centers, preschools, and commercial day care	P	P	P	P	7.2.C
<b>Commercial</b>					
Adult Entertainment and Business Uses		SLU			7.3.A
Bank	P	P	P		
Bed and Breakfasts	SLU	SLU			7.3.B
Commercial recreation			P		
Drive-through facilities	SLU		P		7.3.C
Eating and Drinking establishments	P	P	P		
Funeral Homes and Mortuaries	SLU		SLU		7.3.D
General Hospitals	P	SLU	P	P	7.3.E
Kennel			P		7.3.F
Lodging		P	P		
Outdoor Retail Sales			SLU		7.3.H
Professional, Medical, and Business Offices	P	P	P	P	
Retail Sales and Services	P	P	P		
Urgent Care Facilities	SLU	SLU	P	P	
Automobile maintenance and repair (minor)			SLU		
Car washes			SLU		
Outdoor Vehicle Sales or Leasing			SLU		
Gasoline Service Stations			SLU		
Medical Marihuana Provisioning Centers			P		
<b>Industrial</b>					
Brewery/Distillery	SLU	P	P		7.5.A
Research, Development, and Testing Services, including Laboratories	SLU		SLU		
Production of consumer goods, such as food, beverages, art, or clothing		P	P		7.5.B
Contractor Outdoor Storage Yards			SLU		
Workshop/Showroom	P		P		
<b>Institutional</b>					
Colleges and Universities	SLU	SLU		SLU	7.6.B
Municipal or public utility uses		P		P	7.6.C
Parks	P		P	P	
Places of assembly, including places of worship	SLU	SLU	SLU	SLU	7.6.D
Public Library, Public Museum	SLU	P	SLU	P	
Schools	SLU		SLU	SLU	7.6.E
Studio, such as art, dance, health, music or other similar place of instruction	P	P	P	P	

<sup>1</sup> Attached Residential not permitted on ground floor in CBD  
(ord. eff. April 24, 2021 )

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## SEC. 5.2 PROVISIONS APPLICABLE TO COMMERCIAL DISTRICTS

- A. **EXTERIOR FACING MATERIALS.** The exterior of all buildings hereafter erected shall be constructed of aesthetically pleasing brick and/or stone building materials. Other durable, decorative building materials may be approved by the Planning Commission in instances where the character and style of the proposed structure warrants special consideration. The architecture and approved exterior finish of any building shall be complementary and compatible in style and be of uniform finish on all sides of its exterior when the site is adjacent to any residential district. Within the Commercial Districts, the architecture and approved exterior finish shall be returned on the building side(s) a sufficient distance, as determined by the Planning Commission, to provide a continuous appearance when viewed diagonally from the street.
- B. **DESIGN STANDARDS.** Buildings shall have architectural variety but enhance the overall cohesive community character.
1. Walls visible from the public right-of-way shall include architectural features customarily found on the front facade of a building, such as windows, awnings, cornice work, columns, edge detailing or other decorative finish materials. Wall massing shall be broken up with vertical pilasters or other architectural elements to reduce scale.
  2. Building walls over one hundred (100) feet long shall be broken up with varying building lines, vertical architectural features, windows, architectural accents, and trees.
  3. Building entrances shall utilize windows, canopies, and awnings; provide unity of scale, texture, and color; and clearly identify the entry.
  4. Building-mounted mechanical equipment shall be screened.
- C. **EXISTING BUILDINGS.** The following shall apply to additions or remodeling of existing buildings or to accessory buildings on existing sites:
1. Where a new wall material is proposed for an existing building wall, only that portion of the building being altered shall be subject to this Section. However, in considering the proposed alteration, the City may modify the material requirements of this Section to ensure consistency with the architecture of the remainder building.
  2. Where an addition is proposed to an existing building, the Planning Commission or Community Development Director may allow the use of existing or compatible wall materials for the addition; provided that the design of the alteration is consistent with the existing building wall design.
- D. **ACCESSORY BUILDINGS.** In commercial/mixed-use districts, accessory buildings shall only occupy any of the ground area which the principal building is permitted to cover. Accessory buildings, such as buildings for parking attendants, guard shelters, gate houses and transformer buildings, may be located in the front or side yard setback in non-residential districts, upon Planning Commission approval. All such buildings or structures shall be architecturally and aesthetically compatible with the principal building and be located and landscaped to reduce the visual impact from surrounding properties and from public streets.

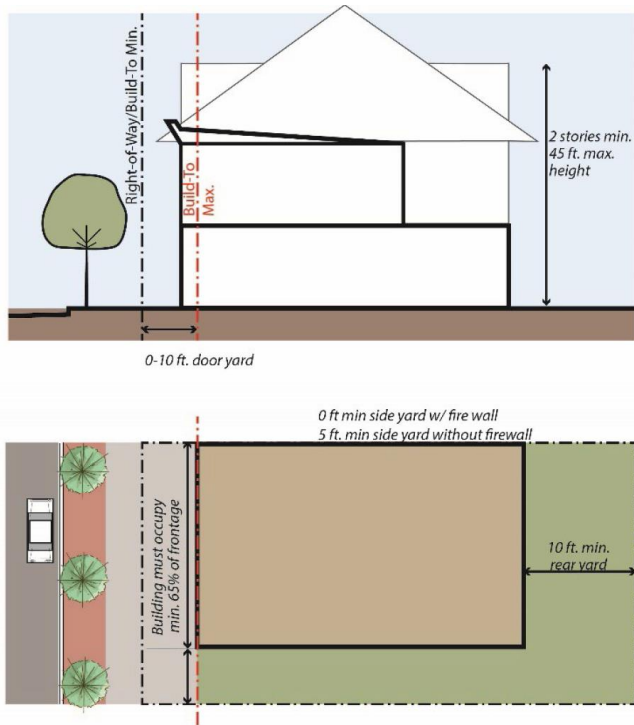
(ord. eff. April 24, 2021 )

## SEC. 5.3 MU—MIXED-USE DISTRICT

- A. **Intent.** The intent of the Mixed-Use district is to accommodate a flexible variety of uses and scales; preserve historic detached houses; integrate context-sensitive mixed residential, office, and service uses; and serve as a transition from the denser CBD to surrounding residential neighborhoods.



Illustrative example of the intent of this district.



**B. Siting and Building Requirements**

Height		
Minimum	2 stories	24 ft.
Maximum	4 stories	45 ft.
Ground Floor Elevation—Residential Units (min.)		3 ft.
Siting		
Build-To/Dooryard	0—10 ft.	
Block-Sensitive Setback	Required	
Frontage Build-To (min.)	65%	
Side Setbacks (min.)	0 ft.	

Rear Setback (min.)	10 ft.
Adjacent single-family residential setback (side and rear)	25 ft.
Architectural Elements	
Ground Floor Fenestration	25 to 90%
Upper Story Fenestration	25 to 70%

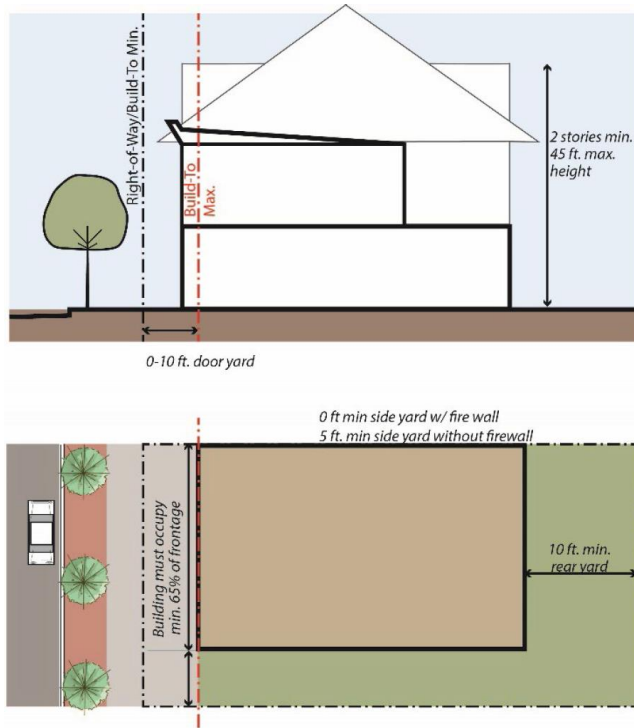
(ord. eff. April 24, 2021 )

**SEC. 5.4 CBD—CENTRAL BUSINESS DISTRICT**

- A. **Intent.** The intent of the CBD is to create a pedestrian-friendly, compact, mixed-use district. This district is intended for the most density in Mount Clemens. Typically, the mixture of uses are ground floor storefronts with retail and entertainment uses and offices and residential on upper stories.



Illustrative example of the intent of this district.

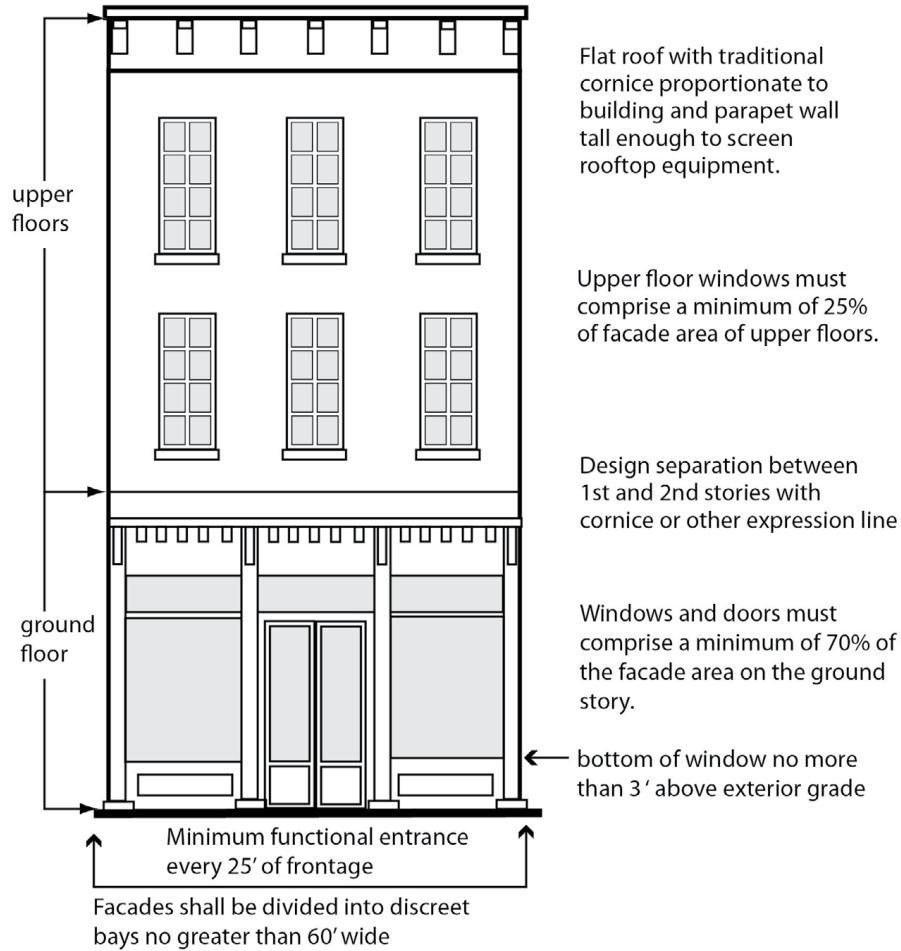


**B. Siting and Building Requirements**

<b>Height</b>		
Minimum	2 stories	30 ft.
Maximum	7 stories	75 ft.
Second Floor Finished Elevation		16 ft. to 22 ft.
Upper Stories Clear Height (min.)		9 ft.
<b>Siting</b>		
Build-To/Dooryard		0 ft.
Frontage Build-To (min.)		85%
Side Setbacks (min.)		0 ft.
Rear Setback (min.)		0 ft.
<b>Architectural Elements</b>		
Ground Floor Fenestration		40 to 90%
Upper Story Fenestration		25 to 90%

- C. **Storefront Frontage.** This additional designation in the CBD and Mixed-Use districts requires ground floor storefront uses and architectural requirements in order to preserve the walkable, active downtown interface with the public realm. Storefront buildings shall also meet the design specifications for the CBD and Mixed-Use districts, except as provided herein:





The above drawing is intended to illustrate the application of the design standards in this ordinance, but not require a specific architectural style.

1. Fenestration

- a. Ground floor fenestration shall comprise between 70% and 90% of the ground story facade.
- b. Ground floor windows may not be made opaque by window treatments (except operable sunscreen devices). A minimum of 80% of the window surface shall allow a view into the building interior for a depth of at least 12 feet.
- c. The bottom of the window must be no more than 3 feet above the adjacent exterior grade.

2. Horizontal Articulation

- a. Horizontal articulation is the arrangement and proportion of facade materials and elements (windows, doors, columns, pilasters, and bays) into discreet bays.
- b. For each block frontage, facades shall be divided into discreet horizontally articulated bays at no greater than 60 feet each.
- c. Adjacent facades shall contain different wall materials and rhythm of bays to distinguish each storefront in the horizontal plane.
- d. There shall be a minimum of one functional entrance every full 25 feet of frontage.

- 3. Ground floor Articulation
  - a. Storefront buildings shall be designed to create a distinct and separated ground floor area through the use of a horizontal expression line, such as a string course, change in material or textures, awnings or canopies, or sign band between the first and second stories.

4. Uses

Only Active Ground Floor Uses are permitted:

- a. Retail sales and services
- b. Restaurant/Bar/Lounge
- c. Residential and Lodging Uses: Support functions such as lobbies, rental offices, and club rooms may be located on the ground floor.
- d. Offices

(ord. eff. April 24, 2021 )

**SEC. 5.5 INST—INSTITUTIONAL CAMPUS DISTRICT**

- A. **Intent.** The Institutional Campus district is established for the development of major educational, governmental, and medical facilities and other complementary and supporting uses such as office developments and attached residential. The Institutional district encourages campus-type character, which includes landscaped open space between buildings, a green buffer at the perimeter, and uniform site design and details.



Illustrative example of the intent of this district.

**B. Siting and Building Requirements**

Height		
Minimum	1 story	16 ft.
Maximum	9 stories	95 ft.
Siting		
Setbacks		30 ft.

For the elevation adjacent to a residential district, the floors above the second story shall be tiered-back so that the highest point of the building is setback from the adjacent residential district a distance at least equal to the height of the building.	
Lot Coverage (max.)	75%
Wherever an off-street parking area is adjacent to a residential district, there shall be a minimum parking lot setback of 50' with a continuous obscuring wall, fence and/or landscaped area at least 42" in height shall be provided. The zoning administrator may reduce this buffer based on the provision of landscaping, the presence of existing trees or in consideration of topographic conditions.	
<b>Architectural Elements</b>	
Ground Floor Fenestration	40 to 90%
Upper Story Fenestration	25 to 90%

(ord. eff. April 24, 2021 )

## SEC. 5.6 GC—GENERAL COMMERCIAL DISTRICT

- A. **Intent.** The GC General Commercial District is designed to provide for a wide diversity of business activities which are predominantly, but not necessarily, totally retail in character. In addition to retail uses, a number of other activities, usually requiring considerable land area and access to major thoroughfares, are permitted. Uses in this district normally must have good automobile accessibility but should not cause congestion on adjacent thoroughfares.
- B. **Siting and Building Requirements**

<b>Height</b>		
Minimum	1 story	16 ft.
Maximum	2 stories	30 ft.
<b>&gt; Siting</b>		
Front Setback (min.)	20 ft.	
The Planning Commission may vary the front yard setback upon site plan review where it is found that the change in setback serves to promote more uniform access, interconnection of adjacent parking facilities or the aesthetic quality of the block front.		
Rear Setback (min.)	20 ft.	
Setback when adjacent to residential (min.)	30 ft.	
Lot Area (min.)	15,000 sq. ft.	
Lot Width (min.)	80 ft.	

((ord. eff. April 24, 2021 )

## ARTICLE 6 INDUSTRIAL DISTRICTS

### SEC. 6.1 INDUSTRIAL USE TABLE

In the Industrial Districts, land, buildings, and other structures shall be used only for one or more of the uses specified in the table below. Uses denoted by a "P" are permitted by right and uses denoted by a "SLU" are considered special land uses and may be approved by the Planning Commission subject to the applicable general

and specific standards in Article 13: Special Land Uses. Additional applicable use standards are listed in the column at right.

Uses	I-1	I-2	Add'l Req'ts
<b>Residential</b>			
Single-Family detached dwellings	SLU	SLU	
Attached residential	SLU	SLU	
<b>Commercial</b>			
Commercial recreation	SLU	SLU	
Kennel	P	P	
Nurseries and Greenhouses	SLU	P	7.3.G
Outdoor Retail Sales	P	P	7.3.H
Professional, Medical, and Business Offices	P		
Retail sales adjunct to a principal use	P	P	
<b>Transportation</b>			
Automobile engine and body repair (major)	P	P	
Automobile maintenance and repair (minor)	P	P	
Boat service facilities	P	P	
Boat storage (indoor or outdoor)	P	P	
Outdoor Vehicle Sales or Leasing	P	P	
Truck Terminals		SLU	
<b>Industrial</b>			
Brewery/Distillery	P	P	7.5.A
Research, Development, and Testing Services, including Laboratories	P	P	
Production of consumer goods, such as food, beverages, art, or clothing	P	P	7.5.B
Warehousing/distribution and wholesale establishments	P	P	
Mini-warehouse or self-storage facilities	P	P	
Light manufacturing, compounding, processing, assembly, and packaging of previously prepared raw materials	P	P	
Heavy manufacturing, fabrication, and assembly of raw materials that may have external physical impacts to surrounding districts		P	
Junk yards, composting, incinerators, transfer, and recycling stations		SLU	
Contractor Outdoor Storage Yards	P	P	
Wireless communication towers	SLU	SLU	
Workshop/Showroom	P	P	
Medical Marihuana Grower Facilities as authorized by City of Mount Clemens Ordinance No. 20. 124.	P	P	
Medical Marihuana Safety Compliance Facilities as authorized by City of Mount Clemens ordinance No. 20. 124.	P	P	
Medical Marihuana Processor Facilities as authorized by City of Mount Clemens Ordinance No. 20. 124.	P	P	

Medical Marihuana Secure Transporter Facilities as authorized by City of Mount Clemens Ordinance No. 20. 124.	P	P	
Medical Marihuana Provisioning Centers as authorized by City of Mount Clemens Ordinance No. 20. 125.	P	P	
<b>Institutional</b>			
Municipal or public utility uses	P	P	7.6.C
Studio, such as art, dance, health, music or other similar place of instruction	P	P	

((ord. eff. April 24, 2021 )

## SEC. 6.2 PROVISIONS APPLICABLE TO INDUSTRIAL DISTRICTS

- A. **EXTERIOR FACING MATERIALS.** A minimum of fifty (50) percent of the front yard exterior of all buildings hereafter erected shall be constructed of aesthetically pleasing clay brick and/or stone building materials. The remainder of the building shall be constructed of color impregnated split-block or pre-fabricated decorative metal siding. Other durable, decorative building materials may be approved by the Planning Commission in instances where the character and style of the proposed structure warrants special consideration. The architecture and approved exterior finish of any building shall be complementary and compatible in style and be of uniform finish on all sides of its exterior when the site is adjacent to any non-industrial district. Within the Industrial Districts, the architecture and approved front yard exterior finish shall be returned on the building side(s) a sufficient distance, as determined by the Planning Commission, to provide a continuous appearance from the street.
- B. **ADDITIONAL SITE REQUIREMENTS.** The following additional site requirements also apply to the Industrial Districts:
1. No part of any building, parking access and/or service area, loading/unloading, outdoor storage, gas tanks, or similar structure or facility may be located closer to any property line adjacent to a residential district than specified in the I-1 or I-2 building setback requirements.
  2. No outdoor storage shall be permitted unless it is part of an approved site plan. If no outdoor storage will be created, then the site plan shall contain a signed certified statement to that effect by the owner of the property.
  3. I-2 Industrial uses to be conducted wholly within a building or within a building and/or an area enclosed within a wall or fence to the standards of Section 4.10 and/or 11.2B. with a landscaped front yard and with the side or rear yard used for loading, unloading and parking; the fence shall be located not less than fifty (50') feet from the front property line and street side property line. Outside of said fence shall be provided a twenty (20') foot wide greenbelt with plantings not less than eight (8') feet in height to screen the view of storage materials and/or activity from the street and adjacent properties. On the interior side property line and rear property line, the fence shall be located on the property line.
  4. **General Regulations and Limitations on Uses.**
    - a. Noise. Noise shall not exceed sixty-five (65) decibels measured at the front site line and as measured at any site line which is adjacent to any MU, GC, or CB commercial zone or any residential use or zoning district.
    - b. Odors and gases. No obnoxious odors or gases shall be emitted which may be harmful or irritating to the public health and/or safety.

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- c. Glare and heat. Glare and heat from arc welding, acetylene torch cutting or similar processes shall be shielded in such a manner as to prevent any danger or discomfort to persons outside of any building where such operation is being conducted.
  - d. Vibration. Shall not cause a ground displacement exceeding .003 inch as measured at any site line of the premises and not detectable at any residential district boundary.
  - e. Smoke. Emission of smoke shall not exceed the number 2 standard as established by the Ringlemann Chart for consecutive periods of four (4) minutes in any thirty (30) minutes. For the I-2 District this requirement shall be decreased to periods of three (3) minutes in any fifteen (15) minutes.
  - f. Dirt, dust and fly ash. The emission of dirt, dust and fly ash shall not exceed .3 grains per cubic foot of flue gas as measured at stack temperature of 500 degrees Fahrenheit with not to exceed fifty percent (50%) excess air. No haze shall be caused by such emission which would impair visibility.
  - g. Radioactive materials. No radioactive materials shall be emitted in excess of standards established for human safety by the National Institute of Standards and Technologies.
  - h. Power. Power utilized in any industrial activity shall be derived only from electrical energy or smokeless fuels containing less than twenty percent (20%) volatile content on a dry basis. Bituminous coal shall be fired only by mechanical equipment.
  - i. Electrical Radiation. Electrical radiation shall not adversely affect at any point any operations or any equipment other than those of the creator of the radiation. Avoidance of adverse effects from electrical radiation by appropriate single or mutual scheduling of operations is permitted.
  - j. Waste. All sewage and industrial wastes shall be handled, stored, treated, and/or disposed of in compliance with all Federal and State of Michigan laws and regulations.
  - k. Storage in the I-2 District. All outdoor storage shall require Planning Commission approval and meet the standards of Section 8.6.
    - i. Inside and underground storage other than junk: Such storage is permitted provided compliance is made with all applicable fire, safety and health regulations.
    - ii. Outside storage other than junk: No materials, goods, and/or supplies used in connection with or part of any industrial use shall be stored, located or deposited in a manner so as to obstruct or interfere with any roadway, driveway, or maneuvering lane on the premises which could be used as a means of access for fire-fighting equipment.
    - iii. Outside storage of junk and/or industrial waste incidental to an industrial use: Any such storage shall not exceed ten (10) days and shall be completely enclosed within a tight, unpierced masonry, wood or metal fence and shall comply with the requirements of Section 9.2 and 9.3 and 1(2) above.

**5. Requirements for and Limitations on Equipment and Machinery.**

- a. Automatic screw machines. Such machines must be equipped with noise silencers or other sound absorbing devices and must not be located closer than five hundred (500') feet to any residential zoned district.
- b. Stamping machines, punch presses, press breaks and hydraulic presses shall not be located closer than five hundred (500') feet to any residential zoning district or developed residential site. All such machines shall be placed on shock absorbing mountings located on suitable reinforced concrete footings. No such machine shall be loaded beyond such capacity as may be prescribed by the manufacturer of the machine.

c. Hammers, steam or board and hot forgings. Not permitted in the I-1 District. In the I-2 District, no such machine or operation is permitted closer than one thousand (1,000') feet to any residential zoning district. Such machine or operation is otherwise permitted when placed on shock absorbing mountings located on a suitable reinforced concrete footing, all of which shall be completely enclosed within a masonry type building.

6. **Accessory buildings.** In industrial districts, accessory buildings shall only occupy any of the ground area which the principal building is permitted to cover. Accessory buildings, such as buildings for parking attendants, guard shelters, gate houses and transformer buildings, may be located in the front or side yard setback in non-residential districts, upon Planning Commission approval. All such buildings or structures shall be architecturally and aesthetically compatible with the principal building and be located and landscaped to reduce the visual impact from surrounding properties and from public streets.

(ord. eff. April 24, 2021 )

**SEC. 6.3 I-1, LIGHT INDUSTRIAL DISTRICT AND I-2 HEAVY INDUSTRIAL DISTRICT**

A. **Intent.** The I-1 Light Industrial District is designed to primarily accommodate industrial operations conducted wholly within a building and whose external physical effects are restricted to the area of the district and in no manner impact in a detrimental way any of the surrounding districts.

B. The I-2 Heavy Industrial District is established primarily for manufacturing, assembling and fabrication activities including large scale or specialized industrial operations whose external physical effects will be felt to some degree by surrounding districts. The District is so structured as to permit, in addition to light manufacturing uses, the manufacturing, processing and compounding of semi-finished or finished products from raw materials.

**C. Siting and Building Requirements**

Height	I-1		I-2	
Maximum	2 stories	40 ft.	3 stories	50 ft.
<b>Siting</b>				
Front Setback (min.)		25 ft.		25 ft.
Side Setback (min)	Least	5 ft.		20 ft. <sup>1</sup>
	Total of Both	25 ft.		
Rear Setback (min.)		25 ft.		20 ft.
Setback when adjacent to residential (min.)	1 ft. for every 1ft. of building height or 25 ft., whichever is greater		1 ft. for every 1ft. of building height or 50 ft., whichever is greater	
Lot Area (min.)		-		20,000 sq. ft.
Lot Width (min.)		-		100 ft.

**D. Footnotes to I-2 Requirements:**

1. Corner lot side yards must equal the setback required for the front yards on the street to which they side. If an exterior yard borders a district other than an industrial district there shall be provided a side yard setback of not less than fifty (50') feet.
2. The distance, at the closest point, between any two (2) buildings on the same site shall not be less than thirty (30') feet.

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(ord. eff. April 24, 2021 )

## **ARTICLE 7 USE STANDARDS**

### **SEC. 7.1 RESIDENTIAL USE STANDARDS**

#### **A. TWO-FAMILY DWELLINGS.**

1. The proposed use shall be located on the corner lot of a local street; or the site shall front a road designated as a Local Collector or any roadway designation of a more intense use as specified in the City of Mount Clemens Master Plan.

#### **B. MOBILE HOME PARKS**

1. As defined and subject to the requirements as established and regulated by Act 419 of the Public Acts of 1976, as amended, and all applicable codes and ordinances of Mount Clemens.

(ord. eff. April 24, 2021 )

### **SEC. 7.2 HUMAN CARE USE STANDARDS**

#### **A. CONVALESCENT, NURSING HOMES OR HOSPICES.**

1. All such facilities shall have ingress and egress from a site directly onto an arterial or collector street.
2. There shall be provided at least eight hundred (800) square feet of lot area per bed.

#### **B. GROUP DAY-CARE HOME (7—12 CHILDREN).**

1. The proposed use shall not be located closer than one thousand five hundred (1,500') feet to any of the following facilities, as measured along a street, road or other thoroughfare, excluding an alley:
  - a. Another licensed group day-care home.
  - b. Another adult foster care small group home or large group home, licensed by the State of Michigan.
  - c. A facility offering substance abuse treatment and rehabilitation service to seven (7) or more people, whether or not it is licensed by the State of Michigan.
  - d. A community correction center, resident home, halfway house, or other similar facility which houses an inmate population, under the jurisdiction of the Department of Corrections or a similar governmental authority.
2. Fencing shall be required next to residential uses or districts in accordance with Section 4.10. All outdoor play areas shall be enclosed.
3. The requested site and building shall be consistent with the visible characteristics of the neighborhood. The group day-care home shall not require the modification of the exterior of the dwelling nor the location of any equipment in the front yard.
4. The proposed use, if approved, may have one (1) non-illuminated sign that complies with the Mount Clemens Sign Ordinance and shall display only the name and address of the family day-care home.
5. Operating hours shall be limited from 7:00 a.m. to 11:00 p.m. daily.

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6. The proposed use, if approved, shall be inspected for compliance with these standards prior to occupancy and at least once each year thereafter within ten (10) days of the anniversary of the Certificate of Occupancy.

C. CHILD CARE CENTERS, PRESCHOOLS, COMMERCIAL DAY CARE

1. There shall be a minimum of fifty (50) square feet of indoor or outdoor play area per child and provided that such total area shall not be less than two thousand (2,000) square feet.
2. The use shall abut and have direct access to an arterial or collector roadway.
3. The outdoor play area shall not be located in the required front yard and shall not abut a public road right-of-way. Outdoor play areas shall be fenced and located away from heavily traveled roads or other uses that could pose a safety hazard. As determined by the Planning Commission, the outdoor play area shall be enclosed by a minimum three (3) foot tall ornamental or black vinyl-coated chain link fence, and where the site abuts an adjoining single-family residential lot a six (6) foot tall privacy fence shall be provided.
4. An on-site drive shall be provided for drop-offs/loading. This drive shall be arranged to allow one way flows for drop off lanes.
5. Buildings and parking lots shall be setback a distance sufficient to meet the screening requirements of Section 9.2.
6. Landscaping and screening meeting the requirements of Section 9.2 for commercial uses shall be provided.
7. Where the outdoor play area adjoins an industrial use, adequate buffering shall be provided to ensure that the outdoor play area is safe for children in terms of air quality, noise, traffic, explosive/flammable/hazardous materials or other industrial hazards.
8. A copy of the State license shall be submitted to the Building Department prior to operation of the day care.

(ord. eff. April 24, 2021 )

## SEC. 7.3 COMMERCIAL USE STANDARDS

A. ADULT ENTERTAINMENT AND BUSINESS USES.

1. In the development and execution of this Ordinance, it is recognized that there are some uses which, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances, thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding neighborhood. In addition to the review standards contained in this Article, additional special regulations are itemized in this Section. The primary control or regulation is for the purpose of preventing a concentration of these uses in any one area (i.e., not more than two (2) such uses within one thousand (1,000') feet of each other) which would create such adverse effects.
2. The Planning Commission may waive the locational requirement established in subsection A. herein for adult entertainment and business establishments if the following findings are made:
  - a. That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this Ordinance will be observed.
  - b. That the proposed use will not enlarge or encourage the development of a "skid row" area.

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- c. That the establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation.
      - d. That all applicable regulations of this Ordinance will be observed.
    3. For establishments for the sale of beer or intoxicating liquor for consumption on the premises, the City Commission may waive the locational requirements if the findings required in subsection B. can be made and after receiving a report and recommendation from the Planning Commission.
      - a. It shall be unlawful to hereafter establish any adult book store, adult motion picture theater, adult novelty store, or class "D" cabaret within five hundred (500) feet of any building containing a residential dwelling or rooming unit. This prohibition may be waived if the person applying for the waiver shall file with the City Planning Commission a petition which indicates approval of the proposed regulated use by fifty-one (51) percent of the persons owning, residing or doing business within a radius of five hundred (500') feet of the location of the proposed use. The petitioner shall attempt to contact all eligible locations within this radius and must maintain a list of all addresses where no contact was made.
      - b. The City Clerk shall adopt rules and regulations governing the procedure for securing the petition of consent provided for in this Section of the Ordinance. The rules shall provide that the circulation of the petition requesting a waiver shall subscribe to an affidavit attesting to the fact that the petition was circulated in accordance with the rules of the City Clerk and that the circulation personally witnessed the signatures on the petition and that the same were affixed to the petition by the person whose name appeared thereon.
      - c. The City Planning Commission shall not consider the waiver of locational requirements set forth in subsections A., B. and C. until the above-described petition shall have been filed and verified.
  - B. BED AND BREAKFASTS.
    1. The room utilized for lodging purposes shall be part of the primary residential use and shall not have been specifically constructed for rental purposes.
    2. There shall be no separate cooking facilities used for the Bed and Breakfast rooms.
    3. The residence shall be occupied at all times by the owner or a staff member.
    4. Adequate lavatory, bathing facilities and kitchen facilities for the lodging room shall be provided, as per the requirements of the Macomb County Health Department.
    5. The stay for an individual guest shall be no more than 14 consecutive days and not more than 30 days in a calendar year.
    6. The structure shall maintain an exterior appearance that is in character with surrounding residential uses.
  - C. DRIVE-THROUGH FACILITIES.
    1. The site and use shall be located on an arterial or collector street having a right-of-way equal to, or greater than, one hundred and twenty (120') feet.
    2. Any freestanding drive-through restaurant located in a shopping center shall be aesthetically compatible in design and appearance with the other buildings and uses located in the shopping center. In making this determination, the Planning Commission shall consider the architectural design of the building, the signage and the landscaping to ensure that the design and appearance of the developed site is compatible with the design and appearance of the remainder of the shopping center.
    3. Drive-through service shall be permitted only if the development is located in a freestanding building and a satisfactory traffic pattern for the drive-through lane can be established to prevent traffic

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congestion and the impairment of vehicular circulation for the remainder of the development. Vehicle stacking lanes shall not cross any maneuvering lanes, drives or sidewalks.

4. In no instance shall multiple drive-throughs be permitted unless all drive-throughs on the site are controlled and operated by a single tenant. Multiple businesses, each having a distinct advertising identity, which are owned by the same parent company, shall not be considered a single tenant.
5. Devices for electronically amplified voices or music shall be directed or muffled to prevent any such noises from being audible at any lot line.

D. FUNERAL HOMES AND MORTUARIES, NOT INCLUDING CREMATORIUMS.

1. Sufficient off-street automobile parking and assembly area is provided for vehicles to be used in a funeral procession. The assembly area shall be provided in addition to any required off-street parking area. A circulation plan identifying the arrangement of the vehicular assembly area shall be provided as part of the required site plan.
2. The site shall be located so as to have one property line abutting an arterial or collector street of at least one hundred twenty (120) feet of right-of-way, existing or proposed.
3. No building shall be located closer than thirty (30) feet to the outer perimeter (property line) of the district when said property line abuts any single-family residential district.
4. Loading and unloading area used by ambulances, hearses or other such service vehicles shall be obscured from all residential view by a wall six (6) feet in height.

E. GENERAL HOSPITALS.

1. All such hospitals shall be developed only on sites consisting of at least five (5) acres in area and providing a minimum of one thousand five hundred (1,500) square feet of lot area per bed.
2. All ingress and egress from the site shall be directly onto an arterial or collector street having an existing or planned right-of-way width of at least one hundred twenty (120') feet.
3. Ambulance delivery and service areas, when visible from adjacent land zoned for residential purposes, shall be obscured from view by a wall at least six (6) feet in height.
4. No hospital shall be permitted unless its size is at least fifty (50) in-patient beds.

F. KENNELS.

1. The site shall abut an arterial or collector street.
2. There shall be provided an area of at least one hundred (100) square feet for each animal, including the area devoted to interior kennel space and runs.
3. All interior building areas used for the keeping of animals shall be soundproofed.
4. All animals shall be kept in soundproofed buildings between 8:00 p.m. and 8:00 a.m.
5. Exterior dog runs and non-soundproofed interior buildings shall not be located closer than two hundred (200) feet to any lot line.
6. Soundproofed interior buildings shall be located at least one hundred (100) feet from any property line.
7. Exterior areas for the keeping of dogs shall be provided with fencing capable of confining the animals.
8. All exterior dog runs shall be screened from view by adjoining parcels and the public road.
9. The design and appearance of buildings used as animal boarding places shall be consistent with surrounding uses.

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10. One (1) parking space shall be provided for every five (5) kennel runs.
  11. All kennel runs and interior building areas shall have concrete floors or a suitable equivalent that can be easily cleaned.

G. NURSERIES AND GREENHOUSES.

1. All such uses shall be located on a major or secondary road as designated in the City of Mount Clemens Master Plan.
2. Items accessory and incidental to nursery operations shall be permitted for retail sale, such as; shovels, hoes, rakes and planting pots. Craft items shall not be considered accessory and incidental to a nursery or greenhouse.

H. OUTDOOR RETAIL SALES

1. All outdoor areas designated for retail sales shall be enclosed by a decorative fence or masonry wall as defined in Section 8.6.3. The Planning Commission shall approve the height of said wall or fencing.
2. A greenbelt with a minimum width of seven (7') feet shall be provided around such fencing in all areas where no entrance/exit gate is located. The greenbelt shall be landscaped to meet the requirements of Section 9.2.E.1.

(ord. eff. April 24, 2021 )

## **SEC. 7.4 TRANSPORTATION USE STANDARDS**

A. AUTOMOBILE ENGINE AND BODY REPAIR (MAJOR).

1. All repair activities shall be confined to the interior of the building.
2. No outdoor storage shall be permitted.
3. An adequate means of waste disposal shall be provided.
4. The use shall not abut a residential district.

B. AUTOMOBILE MAINTENANCE AND REPAIR (MINOR).

1. All repair activities shall be confined to the interior of the building.
2. No outdoor storage shall be permitted.

C. BOAT SERVICE FACILITIES.

1. All repair activities shall be confined to the interior of the building.
2. Any temporary outdoor storage shall be screened per Section 8.6.

D. BOAT STORAGE (INDOOR AND OUTDOOR)

1. Commercial outdoor storage of boats shall require screening at a height equal or greater than what is being stored, per Section 8.6.
2. Commercial outdoor storage of boats shall require an office building with a minimum floor area of 600 square feet.

E. CAR WASHES.

1. Vehicular ingress and egress from the site shall be directly onto an arterial street, except that it may be permissible to allow vehicles to exit from the facility onto a public alley.

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2. All vehicles waiting or standing to enter the facility shall be provided off-street waiting space, and no vehicle shall be permitted to wait on the public right-of-way as part of the traffic approach.
  3. An on-site, fifty (50') foot long drying lane shall be required at the exit point of the car washing facility.
  4. A twenty-five (25') foot greenbelt in accordance with Section 9.2 shall be provided between all property lines abutting a residential use.

F. GASOLINE SERVICE STATIONS.

1. The site shall be located at the intersection of two public roads with at least one of the roads having a proposed right-of-way of one hundred twenty (120') feet.
2. Not more than fifty (50) percent of all lots located at the intersection of two roads shall be occupied by a gasoline service station.
3. The site for the gasoline service station shall have one hundred twenty (120') feet of frontage on the principal street serving the station.
4. The site shall contain an area of not less than one half (1/2) of an acre.
5. Gasoline service station buildings may encroach 10 feet into the front yard setbacks. The preferred orientation is to locate buildings between the right-of-way and the pumps.
6. In order to facilitate pedestrian circulation and safety, no parking or standing of customer vehicles shall be permitted in the area immediately adjacent to any customer entrance or payment window.
7. The design and materials of the canopy shall be compatible with the main building. The proposed clearance of any canopy shall be noted on the site plan. Any signs, logo or identifying paint scheme on the canopy shall be reviewed by the Planning Commission and considered part of the maximum wall sign permitted. Details on the canopy lighting shall be provided to ensure there is no glare on the public streets or adjacent property, and that lighting levels are in accordance with Section 9.6. Canopy lighting shall be recessed such that the light source cannot be seen from off site.
8. Only one (1) driveway from any abutting street shall be allowed unless the Planning Commission determines that additional drives would improve traffic conditions on site and any abutting Streets, as determined by Section 10.7 Access Management. A raised, concrete curb six (6) inches in height shall be erected by the applicant along all adjoining streets, except at driveway entrances.
9. A vehicle service station with a vehicle wash on the site may have one (1) additional curb cut. The additional curb cut shall be restricted to an exit only to serve the automobile wash and shall not be located closer than fifty (50) feet from any intersecting street right-of-way line, adjacent Residential District or use property, or other curb cut serving the facility.
10. There shall be no outdoor storage or display of vehicle components, parts, supplies, equipment, or merchandise except within an area defined on the site plan approved by the Planning Commission and which extends no more than ten (10) feet beyond the building.
11. Vehicle service centers/fueling stations that offer vehicle maintenance and minor repair shall also be subject to the requirements of Section 7.4.B. Vehicle service centers/fueling stations that include restaurants or other uses shall also be subject to the requirements of those other uses.

G. OUTDOOR VEHICLE SALES OR LEASING.

1. The lot or area shall be provided and maintained with a permanent, durable and dustless surface constructed of either asphalt or concrete and shall be so graded and drained as to dispose within the site of all surface water accumulated within the area.

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2. The location of the site shall be upon a street with a right-of-way of at least one hundred twenty (120') feet (existing or proposed) and shall contain no fewer than forty thousand (40,000) square feet.
  3. Such use shall be located no closer than five hundred (500') feet from any single-family zoning district.
  4. Ingress and egress points shall be located at least sixty (60') feet from the intersection of any two (2) streets.
  5. No vehicle repair, bumping, painting or refinishing shall be done on the site. Cleaning and refurbishing of vehicles or units shall be permitted if done completely within an enclosed building.
  6. Devices for the transmission or broadcasting of voices and/or music shall be prohibited.
  7. The applicant shall be required to meet all parking standards set forth in Article 10 unless one of the following standards has been met:
    - a. A three (3') foot high decorative masonry wall has been provided around all outdoor vehicle sales areas. In addition, landscaping in accordance with Section 9.2.E.1 shall be located around the exterior of such wall.

H. TRUCK TERMINALS.

1. All such uses shall be located on a parcel of land which is surrounded by abutting land zoned I-2 Heavy Industrial.
2. All sides of the development not abutting an arterial street shall be provided with a twenty (20') foot wide greenbelt planting and fence or wall so as to obscure from view all activities within the development.
3. No building or part thereof shall be erected closer than one hundred (100) feet from any property line.

(ord. eff. April 24, 2021 )

## **SEC. 7.5 INDUSTRIAL USE STANDARDS**

A. BREWERIES AND DISTILLERIES.

1. A minimum of 20% GFA shall be retail sales when located in a commercial or mixed-use district.

B. PRODUCTION OF CONSUMER GOODS.

1. A minimum of 20% GFA shall be retail sales when located in a commercial or mixed-use district.

(ord. eff. April 24, 2021 )

## **SEC. 7.6 INSTITUTIONAL USE STANDARDS**

A. CEMETERIES.

1. A greenbelt and decorative fence or wall (as specified in Section 9.2 of this Zoning Ordinance) shall be installed along the perimeter boundaries of the site. Along those boundaries of the site abutting a road, the greenbelt or wall shall not be located in the front yard. Along all other site boundaries, the greenbelt or wall may be placed on the property line.
2. Suitable gates for ingress and egress shall be provided, and the principal entrance shall not be closer than two hundred (200') feet to an adjoining residential site.

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3. If the applicant desires to install a cyclone wire fence (or other type of fencing) instead of a masonry wall, this shall be described on the application, and it may be approved in the discretion of the Planning Commission if the fence will be substantially compatible and harmonious with existing, adjacent types of installations.
  4. No building shall be erected closer than one hundred (100') feet to an adjacent site line, nor such building cover more than ten (10) percent of the site on which it is to be constructed.
  5. Any such use shall not be permitted in a floodplain.
  6. The applicant shall show with reasonable certainty that the elevations of the site when finished will provide adequate drainage.
  7. Minimum cemetery site shall be eight (8) acres. Where a State law specifically permits a smaller size or sets a maximum size less than eight (8) acres, this regulation shall not apply to an addition to the site of a use existing at the time of adoption of this Ordinance.
- B. COLLEGES AND UNIVERSITIES.
1. All ingress to and egress from the site shall be directly onto an arterial or collector street having an existing or planned right-of-way width of at least one hundred twenty (120') feet.
- C. MUNICIPAL OR PUBLIC UTILITY BUILDINGS.
1. No antenna or other exterior transmitting and receiving devices shall be permitted.
  2. All driveways or maneuvering areas servicing the facility shall be hard-surfaced, installed and maintained by the public utility in accordance with all applicable City standards.
  3. The parking of vehicles pertaining to said use shall be limited to the use of such vehicles in the performance of ongoing service work or repairs to the facility for the period of time necessary to complete such service or repairs.
  4. The structure shall be maintained against deterioration and/or damage from the elements or from any other cause by prompt and appropriate repairs, painting, and other protective measures.
  5. Outdoor storage shall not be permitted unless the site is located in the I-1 or I-2 District.
- D. PLACES OF ASSEMBLY
1. All such uses shall have ingress and egress directly onto an arterial or collector street having an existing or planned right-of-way width of at least one hundred and twenty (120') feet.
  2. All activities, other than parking of motor vehicles and loading and unloading, shall be conducted within a completely enclosed building, except for outdoor activity specifically approved and/or licensed by the City.
- E. SCHOOLS
1. The site shall abut a public road having a right-of-way of not less than that of a collector street (86 feet).

(ord. eff. April 24, 2021 )

## **ARTICLE 8 GENERAL PROVISIONS**

Except as hereinafter specifically provided, the following general regulations shall apply:

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## SEC. 8.1 EXCEPTIONS

### A. Height Exceptions

1. No building shall be converted, enlarged, reconstructed or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building.
2. Fire or parapet walls, skylights, towers, steeples, stage lofts and screens, flagpoles, chimneys, smoke stacks, solar or wind energy devices, individual domestic radio and television aerials and wireless masts, water tanks, or similar structures, excluding light poles, may be erected above the limits herein prescribed.
3. No such structure may be erected to exceed by more than fifteen (15) feet the height limits of the district in which it is located; nor shall such structure have a total area greater than ten (10) percent of the roof area of the building.
4. None of the structures described above shall be used for any residential, commercial or industrial purpose other than a use incidental to the principal use of the building.

### B. Projections

#### 1. Architectural Features

- a. Architectural features, such as, but not limited to, window sills, cornices, eaves, bay windows (not including vertical projections), may extend or project into a required side yard setback not more than two (2") inches for each one (1') foot of width of such required side yard, and may extend or project into a required front or rear yard setback not more than three (3) feet.

#### 2. Balconies

- a. Balconies shall not be located within 5 feet of any common lot line and shall not encroach into the public right-of-way.
- b. Balconies may be a single level or multiple balconies stacked vertically for multiple stories.
- c. Balcony shall be enclosed by balustrades, railings, or other means that block at least half of the view through them.
- d. The balcony support structure shall be integrated with the building facade; separate columns or posts supporting any balcony from the ground are prohibited.

#### 3. Awnings

- a. Awnings may project over a sidewalk; however, there must be a minimum of 8 foot clearance provided from the sidewalk.
- b. Awnings shall be positioned immediately above ground floor windows and have a straight shed that projects from the building at a straight angle.
- c. Awnings shall be constructed of durable materials such as canvas or metal that will not fade or tear easily. Plasticized, rigid, cubed or curved awnings or mansard style canopies are prohibited.
- d. Awnings shall not be internally illuminated and any signs shall be illuminated by fixtures located above the awning and directed downward.
- e. Awnings shall not interfere with street trees.

#### 4. Signage



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- a. Projecting blade signs are permitted but must be a minimum of 8-foot clearance from the sidewalk.
5. **Porches/Terraces, At-Grade Patios, Steps/Stairs and Decks.**
- a. Each residential unit with a separate entrance shall include a stoop or porch.
  - b. At-grade patios may be constructed within required front, side and rear yard setbacks. Porches or stoops may project into a required front or rear yard setback for a distance not exceeding four (4) feet.
  - c. Steps associated with a proposed porch, deck or other similar structure that are required by the building code and constructed to that standard shall be exempt from the setback requirements of the district in which it is located.
  - d. Ramps to improve accessibility to front porches and stoops are permitted to encroach into the front yard and shall be built to ADA specifications.
  - e. All porches constructed along the front facade or abutting a street shall not exceed a square footage equal to thirty (30) percent of the building footprint of the principal structure and shall be subject to the design criteria of Section 4.3.B.
  - f. Decks
    - i. Decks may be allowed to project not more than ten (10) feet into the required rear yard setback, provided that the following conditions are met.
    - ii. The deck does not encroach into any easement.
    - iii. The deck is not located facing any street.
    - iv. The deck conforms with applicable side yard setback requirements.
    - v. The deck is located not less than ten (10) feet from any detached accessory building. (This separation shall not apply to any accessory structure.)
    - vi. The deck elevation shall be no greater than eight (8) inches over the first floor grade elevation of the main structure. (Exception: a deck around a pool may match the height of the pool.)
    - vii. Any additional structures attached to the deck, such as a gazebo or pool, shall be located at least ten (10) feet from any structure.

(ord. eff. April 24, 2021 )

## **SEC. 8.2 DETERMINATION OF SIMILAR USES**

- A. A land use that is not cited by name as a use in any zoning district may be permitted upon determination by the Community Development Director that the use is clearly similar in nature and compatible with the uses that are listed in a particular district. In making this determination, the Community Development Director shall consider the following:
  - 1. In making the determination of compatibility, the Community Development Director shall consider specific characteristics of the use in question and compare these characteristics to those of the uses that are listed in the district. Characteristics considered shall include, but are not limited to, traffic generation, types of services offered, types of goods produced, methods of operation, noise, hours of operation and building characteristics.

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2. If the Community Development Director determines that the proposed use is consistent and compatible with permitted uses in a district, the Community Development Director shall determine whether the use shall be permitted by right or as a special land use, and the use requirements that the use shall be subject to. The proposed use shall be subject to the review and approval requirements for the district in which it is located.
    - a. Where a use is not clearly similar to a use listed in the Zoning Ordinance and the Community Development Director cannot make a determination of what district the use shall be allowed in, then the use shall be referred to the Planning Commission for a use determination based upon the above criteria.
    - b. The use determination of the Community Development Director or the Planning Commission may be appealed to the Zoning Board of Appeals for an interpretation of the use provisions of the Zoning Ordinance in accordance with Article 16.
    - c. Except where a use variance may be granted, a proposed use shall not be permitted in a district under the terms of this Section where the use is specifically listed in any other district, or where the Community Development Director determines that the use is more similar in nature and compatible with the uses that are listed in another district.
    - d. Any use that would constitute a violation of any other Federal, State or local law or regulation shall be prohibited.

(ord. eff. April 24, 2021 )

### **SEC. 8.3 ATTACHED GARAGES ACCESSORY TO A RESIDENTIAL USE**

- A. The new construction of front-loaded, attached garages shall not be permitted in the front or side yard of a residential use unless the following requirements have been met:
  1. The garage does not project past the front facade of the home. As defined, the front facade shall include porches, bay windows or any other permanent home improvement attached to the main structure.
  2. The dimension of the garage fronting the street is not greater than forty (40%) of the length of the home fronting the street.
- B. Attached garages, as defined in this Ordinance, which are rear or side loaded, or detached garages, shall not be subject to the above requirements.

(ord. eff. April 24, 2021 )

### **SEC. 8.4 HOME OCCUPATIONS**

- A. The use of the dwelling unit for a home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants and, not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used for the purposes of the home occupation and shall be carried out completely within such dwelling.
- B. There shall be no change in the outside appearance of the structure or premises or other visible evidence of the conduct of such home occupation.
- C. Such home occupation shall not require internal alterations or construction, equipment, machinery, or outdoor storage not customary in residential areas.

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- D. One (1) non-illuminated nameplate, not more than two (2) square feet in area, may be permitted, which shall contain only the name and occupation of the resident of the premises and mounted flat against the wall of the dwelling.
  - E. No home occupation shall be conducted, in whole or in part, in any accessory structure, attached or detached, including garages, breezeways, porches, patios and the like.
  - F. There shall be no sales of any goods, articles or services on the premises, except such as is produced by such approved home occupation.
  - G. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be provided by an off-street area, located other than in a required front yard.
  - H. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses of persons off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference with any radio or television receivers off the premises, or cause fluctuations in line voltage off the premises.
  - I. Handicapped persons applying for home occupation permits may be excused from certain provisions of this Section by the Planning Commission, based on necessity.
  - J. No person other than members of the family residing on the premises shall be engaged in such occupation.
- (ord. eff. April 24, 2021 )

## **SEC. 8.5 KEEPING OF ANIMALS**

No animals, livestock or poultry of any kind shall be raised, bred or kept on any residentially zoned or used property, except that non-vicious dogs, cats or other household pets may be kept, provided they are not kept, bred or maintained for any commercial purposes. All animals shall be maintained in accordance with applicable City Ordinances.

(ord. eff. April 24, 2021 )

## **SEC. 8.6 OUTDOOR SALES AND STORAGE**

- A. No person or business shall use any sidewalk or that space between the sidewalk and curb or any planted strips or park in sidewalks, or any parking area, or any area of a road right-of-way for displaying for sale, or for any other purpose, any goods or any other articles; or leave any goods, boxes, trucks, barrels, trunks or any other article or thing in or on such areas for a longer time than is necessary for the removal thereof from the transporting vehicle, into the place of business or residence to the transportation vehicle to which the sale is intended to be removed.
- B. Commercial sidewalk sales may be permitted for defined time periods by the City Commission. An applicant must be an owner or operator of an existing commercial operation who desires to display and sell goods or merchandise customarily sold within a building on the sidewalk abutting or in proximity to the existing facility. Commercial sidewalk sales shall be for a defined period specified in the permit, but not to exceed a total of twenty-eight (28) days per calendar year. Sidewalk sales shall be located and operated so as not to obstruct or interfere with pedestrian and vehicular traffic. The City Commission may establish a fee to defray the administrative costs for issuance of a permit.
- C. When permitted in a particular zoning district, an outdoor storage use shall be enclosed by an approved masonry wall or obscuring fence, as approved by the Planning Commission.

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1. All outdoor storage shall be screened from adjoining lots and streets.
  2. Such wall or fence shall not be less than four feet six inches (4'6") in height and may, depending upon land usage, be required to be ten (10') feet in height.
  3. An earth-toned, vinyl coated, chain link fence, or a landscaped earth mound (berm), both with intense evergreen shrub planting, may be permitted by the Planning Commission.
  4. Open storage areas shall be paved to parking lot standards and drained to meet City engineering requirements. In instances where the proposed storage items would place an excessive amount of stress on the paved surface, the Planning Commission may approve an alternative method of surfacing.
- D. No improvements for such use shall be erected closer to the site boundary lines than permitted by the setbacks of the I-2 Heavy Industrial District. No storage use shall be closer than one hundred (100') feet to the outer perimeter (property lines) of the district where said property lines abut any residential district or border other than an industrial district, and such space shall be fully landscaped and fenced at the setback line. Corner lot side yards must equal the setback requirements for the front yard on the street side as referenced herein.
- E. Whenever a different material is to be stored other than what was approved in the original request, a new approval shall be required from the Planning Commission.
- F. Uses expressly prohibited under this Section include the following:
1. Junkyards, including used auto parts.
  2. Used building materials.
  3. Storage of combustible or odoriferous materials.
- G. Whenever a storage, display, or sales lot or area does not meet the specifications hereinafter set forth, the Community Development Director shall give notice to the property owner to repair same within a specified time, and if such repairs are not made in accordance with such notice, he/she shall order the lot or area closed forthwith; such lot or area shall not be used for such purposes until repairs have been approved by the Community Development Director.

(ord. eff. April 24, 2021 )

## **SEC. 8.7 STORAGE, ACCUMULATION, DUMPING AND/OR COLLECTION OF WASTE, JUNK, GARBAGE AND OTHER SIMILAR MATERIALS**

- A. No site shall be used for the storage, accumulation, dumping and/or collection of waste, junk, garbage and other similar materials, except upon approval by the Planning Commission in compliance with Article 13 of this Ordinance or as otherwise permitted under this Ordinance.
- B. The owner or occupant of all land, structures and/or every part thereof shall have the duty to maintain same in a clean and sanitary condition, free from any accumulation of dirt, filth, rubbish, garbage and vermin, and the duty not to act or omit to act so as to create or permit the existence of a nuisance as defined in this Ordinance. This duty shall extend to any area of land between the site line and adjoining streets and curbs.
- C. The depositing of dirt, sand or earth materials shall be permitted in any district in accordance with the following requirements:
1. Any finish grade to be established shall be approved by the City Engineer.

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2. The finish grade shall be graded not later than sixty (60) days after completion of the deposits on the land, in a manner so as to prevent the collection of water and which will leave the ground surface in a condition suitable for other permitted uses within the district in which the site is located.

(ord. eff. April 24, 2021 )

## **SEC. 8.8 STORAGE AND REPAIR OF VEHICLES**

- A. The parking of commercial vehicles shall be prohibited in all zoning districts except Commercial and Industrial Districts, unless otherwise permitted.
- B. Commercial vehicles shall not be permitted in a Residential District except as permitted below:
  1. The vehicle shall be used as the principal means of transportation for a resident in the conduct of such resident's employment or profession or is the resident's sole means of motor vehicle transportation.
  2. The vehicle shall not be a utility trailer, dump truck, stake truck, flat-bed truck, wrecker, or semi-tractor.
  3. No part of the vehicle may exceed ten (10) feet in overall height, measured from grade.
  4. The vehicle shall not have more than four (4) rear wheels.
  5. The vehicle shall not exceed eleven thousand (11,000) pounds gross weight.
  6. In any Multiple-Family Residential District, the property owner or the controlling association shall provide a designated area, approved by the Planning Commission, to park or store commercial vehicles. Parking spaces required to meet the parking requirements of this Ordinance shall not be used for the parking or storage of commercial vehicles.
  7. The parking or storage of essential public service vehicles where the vehicle is operated by the homeowner or the occupant is exempt from these provisions.
- C. Commercial vehicles which are employed in conjunction within a Non-Residential District shall be parked or stored in compliance with the following provisions:
  1. For sites with a site plan approved subsequent to the effective date of this Section, such vehicles shall be parked or stored in parking or loading spaces designated for that purpose on the site plan and per site plan approval.
  2. For situations not covered under 1. above, commercial vehicles shall not be parked or stored in the front yard.
- D. The parking or storage of commercial vehicles for residential, office, or storage purposes shall not be permitted.
- E. The repair, restoration, and maintenance of vehicles in any Residential District, when such work is not conducted entirely within the interior of the vehicle, shall be subject to the following limitations:
  1. Procedures exceeding forty-eight (48) hours in duration or which require the vehicle to be immobile or inoperable in excess of forty-eight (48) hours shall be carried out within an enclosed building.
  2. Inoperable vehicles and vehicle parts shall be stored inside an enclosed building.
- F. The outdoor storage of inoperable and/or unregistered vehicles shall be prohibited.

(ord. eff. April 24, 2021 )

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## SEC. 8.9 ESSENTIAL SERVICES

Except as provided elsewhere in this Ordinance, the erection, construction, alteration, maintenance, addition, reconstruction or replacement by public utilities of underground, surface or overhead distribution of gas, electricity, communications (except transmitting or receiving towers), steam or water transmission or distributing systems, collection, supply or disposal system, including poles, mains, drains, sewers, pipes, conduits, wires, cables, high voltage transmission lines, towers in connection with such lines, and other similar equipment and accessories in connection therewith shall require City Commission approval, after review and recommendation by the Planning Commission based on the standards outlined in Article 13, Section 13.1.A. of this Ordinance.

(ord. eff. April 24, 2021 )

## SEC. 8.10 RECEIVING AND BROADCASTING ANTENNAS

Any exterior receiving or broadcasting antenna shall not be located in the yard between the building and the street. All mechanical and storage areas at the base of such antennas shall be screened from public view in a manner deemed acceptable by the Planning Commission.

(ord. eff. April 24, 2021 )

## SEC. 8.11 WIND ENERGY CONVERSION SYSTEMS (WECS)

- A. **Building-mounted WECS.** One (1) Wind Energy Conversion System (WECS) shall be a permitted use on a lot in any zoning district and shall only require a permit from the Building Department, subject to the following requirements:
1. The WECS is mounted to the roof of a structure;
  2. The WECS shall be a vertical axis wind turbine. Horizontal axis WECS with a propeller blade shall be specifically prohibited on top of a structure;
  3. The vertical axis wind turbine shall not exceed a height of more than fifteen (15) feet above the maximum permitted height in the zoning district in which it is located; and
  4. A building-mounted WECS shall be located no closer than fifteen (15) feet to a structure on a neighboring property.
- B. **Ground-mounted WECS.** One (1) WECS that is mounted on a tower attached to the ground shall be considered a permitted use on a lot in any zoning district and shall only require a permit from the Building Department, subject to the following:
1. The maximum height of the tower shall not exceed fifty (50) feet.
  2. The tower shall maintain a setback of 1.5 times the overall height of the tower.
- C. In addition to the WECS permitted as a matter of right in subsection A. and B. above, an applicant may erect a WECS after special land use approval from the Planning Commission for the following circumstances:
1. The installation of more than one (1) WECS on a property.
  2. Any ground-mounted WECS that exceeds an overall height of fifty (50) feet, subject to the setback requirements of subsection B.2.
- D. **General requirements.**

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1. Noise. No WECS shall produce a noise level that exceeds fifty-five (55) decibels (dbA) at the property line.
  2. Any proposed guy wires shall be setback of minimum distance of five (5) feet from a property line.
  3. The minimum vertical blade clearance from grade shall be fifteen (15) feet for a wind energy system employing a horizontal access rotor.
  4. Shadow flicker. The Planning Commission may request a shadow flicker analysis for any WECS requiring special land use review and approval. The analysis shall identify problem areas where shadow flicker may affect the occupants of nearby structures and describe measures that shall be taken to eliminate or mitigate the effects.
  5. Decommissioning. An operator shall remove any and all parts associated with a WECS within six (6) months once the device has become inoperable.
  6. An application to erect a tower-mounted WECS shall be accompanied by a structural engineer's report indicating that the proposed tower's design characteristics are sufficient to withstand winds, ice and other naturally-occurring hazards.
  7. An application for a structure-mounted WECS shall be accompanied by manufacturer specifications and building documentation sufficient to the Building Official to demonstrate structural stability. The owner shall also sign an affidavit taking responsibility for the WECS and the ability of the roof to support the device.

(ord. eff. April 24, 2021 )

## **SEC. 8.12 WIRELESS COMMUNICATION TOWERS**

Wireless communication towers, including their respective transmission towers, relay and/or receiving antennas, and normal accessory facilities involved in television, radio, microwave, cable systems, cellular, personal communication, and similar communication services and facilities, shall be permitted as a special land use in the Light and Heavy Industrial Districts, when found to be essential or desirable to the public convenience or welfare and in conformance with the following requirements:

- A. The applicant shall submit a written statement and technical verification regarding the nature of any transmissions, electromagnetic fields, or any other radiation emitted from the facility, and any potential hazards to humans, animals, and/or any other materials or property in the area. Further, communication towers and facilities shall be designed and operated to prevent broadcast interference with any equipment located on nearby properties.
- B. A written explanation of the design characteristics and ability of the structure(s) and attendant facilities to withstand winds, ice and other naturally occurring hazards shall be submitted. This information shall also address the potential for the tower or other mounting structure and/or antennae to topple over or collapse, and what tower configuration should be expected in such an event. Technical documentation of any information regarding these concerns shall also be provided. Monopole (stealth or equivalent type) antenna structures shall be required where such are technologically feasible. In all cases, communication towers shall be designed to blend into the surrounding environment to the maximum extent feasible.
- C. In order to maximize the efficiency of providing such services, while minimizing the negative impact of such facilities on the City, co-location of such facilities on an existing tower or other existing structure is required, when feasible. An applicant shall furnish written documentation as to why a co-location at another site is not feasible and whether they have, in fact, contacted the owners of existing facilities to determine if co-location is possible. If the application represents a new tower/antenna facility, the

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applicant shall provide a letter of intent to lease any excess space on a tower facility and shall commit itself to:

1. Promptly responding to any requests for information from a potential co-user of their tower/antenna;
  2. Negotiate in good faith and allow for leased, shared use of the facility, when it is technically practical; and
  3. Make no more than a reasonable charge for a shared use lease.
  4. If the application involves co-location on an existing tower or structure, the public hearing requirements shall be waived and approval shall only include a site plan and documentation by the co-user as to their compliance with all of the terms and conditions required of the host applicant. Co-location may be permitted by the Planning Commission, after site plan review, on all existing towers and existing similar structures, regardless of the zoning district in which it is located.
- D. Approval of a communication tower facility shall not be granted until such time that the applicant has demonstrated all of the following:
1. The proposed facility is needed because of proximity to an interstate highway or major thoroughfare, or is in proximity to areas of population concentration, or concentration of commercial, industrial, and/or business centers; or
  2. The proposed facility is needed because there are areas where signal interference has occurred due to tall buildings, masses of trees or other obstructions; and
  3. The proposed facility is needed because the telecommunications provider is unable to co-locate its facility with another provider or other structure; and
  4. The proposed facility is needed to complete its grid as it relates to the needs of the City of Mount Clemens, and its surrounding communities and that there are no suitable sites in any of said surrounding communities; and
  5. The proposed facility is designed to operate within the requirements for radio frequency emissions of the Federal Communications Commission and applicant has operated similar facilities within these requirements consistently.
- E. The development of any such facility, together with accessory uses, shall be in such a location, size and character as to be compatible with the orderly development of the zoning districts in which it is situated and shall not be detrimental to the orderly and reasonable development or use of properties in the adjacent areas or the community at large. Furthermore, the location and improvement of facilities, as provided for herein, shall also be subject to the following additional requirements.
1. Towers may be located in the I-1 and I-2 Zoning Districts after special land use approval, and provided the location of such facilities do not represent a hazard to the use and/or development of other uses on the site and in the area. The development of new towers is specifically prohibited in all other zoning districts in the City. The City strongly encourages the development of required towers on suitable City property. Consult with the City Community Development Department with regard to City property locations prior to submitting an application.
  2. The site shall be of such size and shape that the proposed tower facility may be developed in compliance with all requirements of the City, and any such tower/antenna shall not exceed one hundred sixty (160) feet in height above the average grade around the structure it is mounted upon.



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3. The tower site shall meet all City standards relating to drainage, lighting, landscaping, general safety and other applicable standards. All landscaping shall be placed in an aesthetically pleasing and functional manner. Such landscaping shall be incorporated along access drives servicing the tower site and around fencing and all associated cabinets. Maintenance of all landscaped areas associated with the construction of a tower or the co-location of an antenna shall be the sole responsibility of the tower owner. All landscaped areas shall be continuously maintained in a sound, weed-free, healthy and vigorous growing condition. All unhealthy and dead material shall be replaced within one (1) year.
  4. All communication towers and facilities shall be surrounded by a six (6') foot fence to prevent unauthorized access and vandalism, six (6') foot high evergreen trees shall be placed at intervals of ten (10') foot on center outside of said fence to screen the tower base and ancillary facilities.
  5. Lighting associated with communication towers and facilities shall comply with all applicable FAA regulations. Where tower lighting is required, it shall be shielded or directed to the maximum extent possible to minimize the amount of light that falls onto nearby properties.
  6. A twelve (12') foot wide paved access road shall be provided and maintained in a good condition to provide access for service and emergency vehicles. Such access road shall meet all City engineering design requirements.
  7. Setback requirements will be determined in relation to the tower/antenna design and collapse data previously required in this Section. Minimum setback requirements, unless otherwise provided for, are as follows:
    - a. When adjacent to non-residential zoning districts, the setback shall not be less than the overall height of the tower/antennas. This setback requirement shall also apply to any accessory buildings. If the design and collapse data for the tower properly documents its ability to collapse down upon itself, the setback requirements to any side or rear yard property line abutting a non-residential zoning district may be reduced to one-half the overall height of the tower. In no instance shall any tower facility be located within a front yard. Accessory buildings shall be screened from view by an obscuring greenbelt.
    - b. When adjacent to any residential zoning district, the tower setback shall not be less than the overall height of the tower/antennas, plus fifty (50) feet. If the design and collapse data for the tower properly documents its ability to collapse down upon itself, the setback requirement to any side or rear yard property line abutting any residential district may be reduced to the overall height of the tower/antenna. In no instance shall any tower be located within a required front yard. Accessory buildings and uses shall be screened from the view of any public right-of-way and residential zoning district by an obscuring greenbelt.
    - c. Further modifications to the side and rear yard setbacks may be considered when it is documented that the adjacent property is unbuildable due to wetlands, floodplains or other significant limitations. It shall also be found that no adverse effects on reasonable development patterns in the area would be created by developing the tower.
  8. Cellular antennae and supporting structures shall be permitted to be attached to buildings and structures in all zoning districts whether or not they are accessory to the building use, subject to the following conditions.
    - a. The principal use is a conforming use and the building is a conforming structure.
    - b. If connected directly to the main building, antennae may be attached to any portion of the building. Such antennae or antennae with supporting structure may not exceed twenty (20') feet in height.

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- c. The structure that supports antennae may not exceed ten (10') feet in height.
  - d. Such antennae with supporting structure shall not be credited to the overall height of the building.
  - e. Any structure that supports antennae shall be setback from the outermost vertical wall or parapet of the building, a distance equal to at least two times the height of such supporting structure.
- F. In addition to site plan review, the Commission, with a majority vote, may require an independent third-party review of an application. Such review shall be conducted by a professional engineer specializing in this type of communication technology and will be paid for by the applicant. The requirement for such a review shall be based on one or more of the following findings:
- 1. The applicant has not substantiated a need for a proposed tower to the satisfaction of the Commission.
  - 2. The applicant has been unable to disprove the ability to co-locate on an existing tower or structure to the satisfaction of the Commission.
  - 3. The applicant has not substantiated the structural safety of a structure to be commensurate with the requested setback.
  - 4. The data supplied by the applicant is determined to be disorganized, confusing or misleading by the Commission.
  - 5. The applicant has not substantiated that alternative technology cannot be utilized as a substitute to the proposed tower construction.
- G. All structures, buildings and required improvements shall comply with all other applicable codes and ordinances and shall be continuously maintained in a safe, healthful and complying condition. Every telecommunication provider with sites located in Mount Clemens shall provide the City with an annual report disclosing the radio frequency emissions of each tower or antenna it has within the City, and require annual inspections of radio frequency emissions of each tower or antenna by the City to insure that they are being operated within the requirements of the Telecommunications Act of 1996. The permit may include a requirement for periodic structural and safety inspections and reports, as deemed necessary by the City Commission. The City shall charge a fee for the annual inspection to cover its costs.
- H. Every telecommunication provider with sites located in Mount Clemens shall attend an annual meeting with the City Administration to advise the City of their current and future needs and plans, changes of technology, and possible modifications of their systems in Mount Clemens. The purpose of these meetings shall be to foster a better understanding of the needs of the industry, the concerns of the City, and promote a mutually beneficial working relationship between the two in order to better serve the community.
- I. A condition of every approval of a wireless communication facility shall be adequate provision for the removal of the facility by users and owners when the facility has not been used for one hundred eighty (180) days or more. Removal of the tower/antenna and its accessory use facilities shall also include removing the top three (3) feet of the caisson upon which the tower is located and covering the remaining portion with top soil. For purposes of this Section, the removal of towers, antennas or other equipment from the facility, or the cessation of operations (transmission and/or reception of radio signals) shall be considered as the beginning of a period of nonuse.
- J. The applicant shall deposit with the City, in a form which is satisfactory to the City, a performance guarantee in an amount established by the City Commission resolution as security for the removal of tower if abandoned for use of cellular facilities.

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(ord. eff. April 24, 2021 )

### **SEC. 8.13 TEMPORARY BUILDING AND USES**

Temporary buildings, structures and uses may be permitted as follows:

- A. To receive approval for a temporary building, structures and/or use, the following are required:
  - 1. The applicant and the property owner must not be delinquent on any property taxes or fees owed to the City.
  - 2. The use must not be prohibited by any other ordinance of the City.
  - 3. The applicant must provide written permission from the property owner for the proposed temporary use.
- B. The Community Development Director may approve temporary buildings, structures and uses for not to exceed a period of one hundred eighty (180) days in a calendar year, provided the proposed use is an accessory use to an approved principal permitted use for the site and the principal permitted use is in compliance with city ordinances, with such additional conditions as may be determined by the City.
  - 1. The Community Development Director may also approve temporary buildings, structures and uses for not to exceed thirty (60) days in a calendar year if the proposed use is not an accessory use for the site, the principal permitted use is in compliance with this zoning ordinance, with such additional conditions as may be determined by the City.
  - 2. Applicants who are dissatisfied with the decision of the Community Development Director may appeal the decision to the Zoning Board of Appeals.
- C. The Zoning Board Appeals may permit temporary buildings, structures, and uses for up to twelve (12) months in a calendar year from the date of ZBA approval provided that all requirements and conditions relative to the type of structure and use, and timing and arrangements for termination and removal, are specified in writing.
  - 1. The Zoning Board Appeals may condition approvals related to setbacks, screening, off-street parking, liability coverage, and other conditions considered necessary to protect the health, safety, welfare, and comfort of the inhabitants of the City.
  - 2. A single six (6) month extension may be granted if the Board of Zoning Appeals is petitioned by the applicant prior to the expiration of the original approval.

(ord. eff. April 24, 2021 )

### **SEC. 8.14 TRANSPORTATION IMPACT ANALYSIS**

A transportation impact analysis for projects expected to have fifty (50) or more peak hour directional trips or five hundred (500) or more vehicle trips daily. Contents of the transportation impact study shall include:

- A. Illustrations and a narrative which describes the study area and existing operations for the street system (right of way, functional classification, lane configuration, speed limits, any sight distances limitations, driveways on both sides of streets adjacent to the site, current traffic conflicts, etc.)
- B. An evaluation for the a.m. and p.m. peak hour of both the use(s) and adjacent street system. This level of service evaluation shall be conducted for representative uses allowed under both the current and requested zoning districts. For uses expected to generate more than one hundred (100) peak hour

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directional trips or seven hundred fifty (750) trips daily, an evaluation of operations at major signalized or non-signalized intersections in proximity to the site is required in addition to site access points.

- C. A table that describes the peak hour and daily trips for representative uses under both the current and requested zoning district. The city may require concept or schematic drawings or other information to confirm the size of development permitted under each scenario.
- D. The traffic impact analysis shall be developed in accordance with published recommended practice in Michigan, the ITE handbook, and the Highway Capacity Manual. The preparation shall be conducted by a qualified professional. Traffic count data shall be collected using accepted practices and shall not be over two (2) years old. The forecasts shall be based on the data and procedures outlined in the most recent edition of Trip Generation published by the Institute of Transportation Engineers (ITE). The applicant may use other commonly accepted sources of data or supplement the standard data with data from at least 3 projects in similar locations in Michigan.
- E. The transportation study shall provide at least three (3) levels of analysis: current conditions, project impacts (projects permitted under requested zoning + existing), and future conditions (existing + project traffic + background traffic growth + traffic associated with other developments in the immediate area approved or under construction). The city may require corridor level computer modeling when multiple uses or projects are being considered or where multiple traffic signals will be impacted.
- F. In areas with observed pedestrian activity and near parks or schools, a multi-modal level of service evaluation (pedestrians and bicyclists) shall be include along with recommendations to improve the quality of such travel.
- G. Any trip reduction for pass by trips, transit, ridesharing, other modes, internal capture rates, etc. shall be based both on ITE findings and documented survey results acceptable to the city and applicable road agency. The community may elect to reduce the trip reduction rates used.
- H. The report shall evaluate the design of proposed access including conformance to the standards in Section 10.7 or support for an exception from those standards, any sight distance limitations, proper spacing, and relationship to other access points, and potential for shared access facilities.
- I. The study shall outline mitigation measures and demonstrate any changes to the level of service achieved by these measures. Any alternatives or suggested phasing of improvements should be described. The mitigation measures may include items such as roadway widening, need for bypass lanes or deceleration tapers/lanes, changes to signalization, use of access management techniques, or a reduction in the proposed intensity of use. Proposed mitigation measures must be acceptable to the applicable road agency (City, Macomb County, or MDOT). The responsibility, timing of roadway improvements, and relationship to available right-of-way shall be described.
- J. The requirement for a transportation impact study, or the specific study elements required may be waived or modified by the City. Reasons for the waiver or modification shall be documented. Factors to be considered include:
  - 1. Roadway improvements are scheduled which are expected to mitigate any impacts associated with the proposed project.
  - 2. The existing traffic level of service (LOS) along the roadway is not expected to drop below LOS "D" due to the proposed project.
  - 3. The existing level of service for all modes is considered acceptable and is not expected to be significantly impacted by the proposed project due to specific conditions at the location.
  - 4. A similar transportation study was previously prepared for the site and is still considered applicable.

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(ord. eff. April 24, 2021 )

## **SEC. 8.15 CONSTRUCTION-RELATED REGULATIONS**

### **A. BUILDING GRADES.**

When a new building is constructed on a vacant lot between two (2) existing buildings or adjacent to an existing building, the existing established grade shall be used in determining the grade around the new building, and the yard around the new building shall be graded in such a manner as to meet existing grades and not to permit run-off of surface water to flow onto the adjacent property. If necessary, drain systems will be installed to provide water run-off solutions from new buildings or existing buildings onto existing areas at the new building owner's expense. Final grades shall be approved by the Building Inspector. A "certificate of grading and location of building" shall be duly completed and certified by a registered engineer or land surveyor before construction begins.

### **B. BUILDINGS TO BE MOVED.**

Any building or structure which has been wholly or partially erected on any premises, located either within or outside of this City, shall not be moved to and placed upon any other premises in this City until a permit for such removal shall have been secured. Any such building or structure shall fully conform to all the provisions of this Ordinance in the same manner as a new building or structure.

Before a permit may be issued for moving a building or structure, the Building Inspector shall inspect same and shall determine if it is in a safe condition for moving, whether it may be reconditioned to comply with the current Building Code and other City requirements for the use and occupancy for which it is to be used. Provided these conditions can be complied with, a permit shall be issued for the moving of said building or structure.

### **C. EXCAVATIONS OR HOLES.**

The construction, maintenance or existence within the City of any unprotected, unbarricaded, open or dangerous excavations, holes, pits or wells, which constitute or are reasonably likely to constitute a danger or menace to the public health, safety or welfare, are hereby prohibited; provided, however, this Section shall not prevent any excavation under a permit issued, pursuant to this Ordinance, where such excavations are properly protected and warning signs posted in such manner as may be approved by the Community Development Director. Such excavations and holes shall not be permitted beyond a sixty (60) day duration. This Section shall not apply to drains created or existing by the authority of any governmental agency.

### **D. TEMPORARY BUILDINGS**

Temporary buildings pursuant to the establishment of a permanent building and permitted use. All such temporary buildings shall be immediately removed upon expiration of their time limit established as a condition of their construction.

(ord. eff. April 24, 2021 )

## **ARTICLE 9 SITE DEVELOPMENT STANDARDS**

### **SEC. 9.1 INTENT**

The intent of the General Site Development Standards is to preserve the quality and character of the City's environment by regulating man-made development and by preserving existing environmental amenities. The requirements of this Section are designed to achieve the following objectives:

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- A. Uphold the City's right and duty to protect its natural resources and amenities, as established within the State Constitution and the enabling legislature.
  - B. To enhance the visual quality of the City, while preserving and/or enhancing each individual property's economic value.
  - C. To protect adjacent property owners, persons passing by, and the City from activities and/or negative impacts created by development.
    - 1. Reduce or eliminate glare into and from adjacent sites and activities.
    - 2. Reduce or eliminate debris, dust and other pollutants from the air.
    - 3. Control noise and provide acoustical modification into and from adjacent sites.
    - 4. Control the direction and velocity of surface water runoff and minimize soil erosion.
    - 5. Minimize visibility of undesirable elements contained within the site.
  - D. Recognizing the above-cited benefits of the natural environment, it is important to integrate these features into development to improve the community's environmental qualities and to enhance the visual character of the built environment.

(ord. eff. April 24, 2021 )

## SEC. 9.2 LANDSCAPING AND SCREENING REQUIREMENTS

- A. **Applicability.** Screening is required between different zoning districts and uses according to the requirements of this Section of the Zoning Ordinance. The type of screening required in different situations is based on minor or major impact rankings.
  - 1. Where screening is required, only one adjoining use shall be responsible for its installation, except as noted herein. This use shall be referred to as the "use providing screening." The other less intense use shall be the "protected use." In instances where a "protected use" is developed adjacent to and after the use which is intended to provide the screening, the "protected use" shall provide the required screening.
  - 2. To determine the appropriate level of impact, refer to the adjoining zoning districts on the following Schedule of Screening Requirements. The level of impact is indicated where both uses interface. Specific requirements for screening improvements are described in the following subsection. If the Planning Commission determines that more intense and/or compatible screening is necessary due to the nature of the proposed use and/or the nature of the "protected use," it may require additional and/or alternative screening methods. These requirements are in addition to specific screening requirements set forth elsewhere in the Zoning Ordinance. The Planning Commission may waive the following screening requirements for a portion of the site where the building setback does not provide adequate space to install a required greenbelt.
- B. **General Requirements.**
  - 1. Whenever any yard (front, side or rear) is not designated for building, off-street parking, loading and unloading, storage, or other purpose within the terms and requirements of a given zoning district, it shall be landscaped with either approved natural materials or living plant materials which shall be maintained in an aesthetically pleasing condition.
  - 2. All landscaped areas shall be protected from the encroachment of vehicles by concrete curbing or other suitable device. Installation of sprinklers shall be required to ensure the maintenance of all landscaped areas.

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3. A detailed landscape plan for all unpaved areas shall be submitted to the Planning Commission, showing the names (common and botanical), location, spacing, planting size, planting and staking details of all plantings to be installed, and the location and types of all-natural materials proposed to be included in the landscape treatment of the yard areas. This provision shall apply to all landscape yards except for single-family residential uses. This landscape plan shall be reviewed and approved by the Planning Commission.
  4. Existing significant trees, tree stands, natural vegetation, and wildlife habitat shall be integrated into the site landscape plan to the maximum extent possible.
  5. Undeveloped portions of the site shall be seeded, mowed and maintained.
  6. Maintenance. The owner of the site shall maintain such landscaping in good condition to present a healthy, neat and orderly appearance, free from refuse and debris. All plant materials shall be continuously maintained in a sound, weed-free, healthy and vigorous growing condition and shall be kept free of plant diseases and insect pests. All unhealthy and dead material shall be replaced within one (1) year or the next appropriate planting period, whichever comes first.
  7. Quality. Plant and grass materials shall be of acceptable varieties and species, free of pests and diseases, hardy in Macomb County, and shall conform to standards of the American Association of Nurserymen and the City and shall have passed any inspections required under State Regulations.
  8. No plant materials used to satisfy all or some of the planting requirements of this Section shall be compromised of non-living materials.
  9. Approved ground cover used in lieu of grass, in whole or in part, shall be planted in such a manner as to present a finished appearance and reasonably complete coverage after one (1) complete growing season, with at least three (3) plants per square foot.
  10. Lawn Grass. Grass areas shall be planted in species normally grown as permanent lawns in Macomb County. Grass may be plugged, sprigged, seeded or sodded, except that rolled sod, erosion reducing net or suitable mulch shall be used in swales or other areas subject to erosion. Grass, sod and seed shall be clean and free of weeds and noxious pests or diseases. Grass shall be maintained at a length no greater than six (6") inches in height.
- C. **Design Objectives.** The following general design objectives and criteria shall be considered in the evaluation of landscape plans:
1. Ample variety and quantity of ornamental plants, trees and shrubs should be provided. Variety should be achieved with respect to seasonal changes, species selected, texture, color and size at maturity.
  2. Landscaping should be encouraged that will serve the functions of enhancing the visual environment, ensuring public safety, moderating the microclimate and minimizing nuisances.
  3. Landscaping should serve to integrate the project with the site, with sensitivity to the natural topography, drainage and existing native vegetation. It should enhance the architecture of surrounding structures, when possible, by being of similar scale.
  4. Preservation of the existing landscape material and landforms is mandatory, particularly where mature trees are a part of the site.
  5. Landscaping shall be protected from vehicular encroachment. Raised planting surfaces and the use of curbs are required.
  6. The aesthetic and functional aspects of the proposed landscaping, both at installation and at maturity, shall be a paramount consideration in review and approval by the Planning Commission.

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D. **Sustainability and Low Impact Design Considerations.** As part of site design, the following sustainable building practices are strongly encouraged:

1. Naturalized stormwater management features such as rain gardens, green roofs, bioswales, and bio-retention basins, which are integrated in a cohesive and logical manner to take advantage of site topography, orientation and visibility
2. Use of pervious paving in lieu of impervious paving
3. Paved areas reduced to the minimum necessary to accomplish efficient site circulation and parking
4. Use of native landscaping
5. Publicly accessible natural and open space
6. Renewable energy features such as wind, solar, and geothermal
7. Building siting to take advantage of solar orientation and wind protection
8. Use of recycled products for infrastructure, site, and building materials

E. **Screening Requirements for Each Intensity/Impact Classification.**

1. **Minor.** The purpose of screening in this situation is to soften the impact of one land use on another. This creates an impression of space separation without necessarily eliminating visual contact. Screening intended to satisfy these objectives shall conform to the following standards:
  - a. Seven (7') foot wide greenbelt.
  - b. Eight (8') foot high evergreens and/or three (3") inch caliper deciduous trees planted at intervals not exceeding thirty (30') feet on center.
  - c. A minimum of five (5) shrubs per thirty (30') feet which have an average height of three (3') feet. If evergreens are utilized as the primary screening device, deciduous shrubs shall be utilized. If deciduous trees are utilized as the primary screening device, evergreen shrubs shall be utilized.
2. **Major.** Where major impacts occur, the required screening is intended to block the view of obtrusive or undesirable visual elements, provide protection from noise and blowing debris and create a strong impression of spatial separation. Screening in these situations shall conform to the minimum standards below:
  - a. A minimum buffer zone of ten (10') feet shall be maintained between the protected use and the more intense use. The buffer zone shall be developed with a six (6') foot high continuous, decorative masonry wall or two (2) continuous rows of evergreens (spruce or pine), measuring at least eight (8') feet in height, evenly staggered, with each row planted at intervals not exceeding twenty (20') feet on center.
  - b. One (1) deciduous tree, not less than three (3") inches in caliper, shall be planted within the greenbelt for every twenty (20') lineal feet.
  - c. Additional low-level plant material shall be required along the entire length of the wall to provide continuous coverage. All such plantings shall meet the height and spacing requirements specified herein.

F. **Other Screening Specifications.**

1. **Frontage Landscaping.** Large, deciduous street trees shall be provided within every zoning district. The trees shall be spaced evenly in a linear fashion along all road rights-of-way. One (1) tree shall be planted for each twenty-five (25') feet of road frontage and shall be planted five (5') feet outside of the road right-of-way. In the case of single-family residential development one (1) street tree shall be



required per lot or for every forty (40') feet of road frontage, whichever is greater. The Planning Commission may approve plantings within the road right-of-way in instances where setbacks or other similar circumstances prevent the applicant from planting said trees outside of the public right-of-way. Where street trees are permitted to be planted within the road right-of-way, final approval of such plantings shall be granted by the Mount Clemens Superintendent of Streets. Plantings within the road right-of-way shall meet all requirements of the Mount Clemens Trees, Shrubs and Plants Ordinance. In no way shall the plantings impair the clear vision triangle. The trees shall be a minimum of three (3") inch caliper at the time of planting. These trees may not be counted towards parking lot tree requirements.

2. **Landscaping of Buildings.** Wherever a building is constructed which abuts a drive, service aisle, road, or other means of access or maneuvering, a minimum of seven (7') feet of landscaped area shall be provided around the equivalent of three sides or seventy-five (75) percent of the building. Landscaping shall not include walkways or paved service areas. One (1) small deciduous tree (see "Plant Material Size" Table) shall be provided for every twenty (20') feet of building length of such building.
3. **Parking Lot Landscaping.** See Article 10.

**G. Schedule of Screening Requirements.**

USE PROVIDING SCREENING (1)	PROTECTED ZONING DISTRICT OR USE (1)			
	Single-Family	Multiple/MHC	Commercial/Office	Industrial
Zoning District				
Single-Family (R1-A, R1-B)	-	-		
Multiple Family or Mobile Home Park	Major	Minor	Minor	Major
Commercial/Office (MU, GC)	Major	Major	Minor	Major
Central Business (CB)	Minor	-	-	
Industrial (I-1, I-2)	Major	Major	Minor	Minor

<sup>1</sup>In instances where a "protected use" is developed adjacent to and after the use which is intended to provide the screening, the "protected use" shall provide the required screening.

**H. Prohibited Materials.** Where a landscape plan is required, the following plant materials are specifically prohibited:

Black Walnut	Cottonwood	Ribes (Gooseberry)
Boxelder	Fruit-bearing Trees	Soft maple (red, silver)
Catalpa	Horse Chestnut (nut bearing)	Tree of Heaven
Chinese or Siberian Elm	Mountain Ash	Willow
Chokecherry	Mulberry	All thorned trees and shrubs

**I. Plant Material Species and Size Requirements.**

1. Plant material species include, but are not limited to, the following:
  - a. **Evergreens.** Fir, spruce, pine, Douglas fir, red cedar, arborvitae, and juniper (selected varieties).
  - b. **Large Deciduous Trees.** Oak, maple, beech, linden, ash, gingko (male only), honey locust (seedless, thornless), birch, and sycamore.

- c. **Small Deciduous Trees (Ornamental).** Flowering cherry, plum, pear; flowering dogwood; hawthorn (thornless), magnolia, flowering crabapple, hornbeam, redbud, and Russian Olive (thornless).
  - d. **Large Evergreen Shrubs.** Hicks yew, upright yew, spreading yew, Pfitzer juniper, Savin juniper, and Mugho pine.
  - e. **Small Evergreen Shrubs.** Brown's, Ward's Sebion Yews, Dwarf Spreading Juniper, Dwarf Mugho Pine, and Euonymous Varieties.
  - f. **Large Deciduous Shrubs.** Honeysuckle, Lilac, Border Privet (hedge plantings), Sumac, Buckthorn, Pyracantha, Weigela, Flowering Quince, Barberry, Cotoneaster (Peking & spreading), Sargent Crabapple, Dogwood (Red Osier & Grey), Euonymous Varieties, Viburnum Varieties, and Tail Hedge (hedge planting).
  - g. **Small Deciduous Shrubs.** Dwarf Winged, Regal Privet, Fragrant Sumac, and Cotoneaster (Rockspray) Cranberry)
  - h. **Ground Cover.** Periwinkle, Euonymous Varieties, Hall Honeysuckle, and Pachysandra.
  - i. **Vines.** Euonymous Varieties, Virginia Creeper, Baltic Ivy, and Wisteria.
2. All proposed landscaped plantings shall meet the minimum size requirements specified in the Plant Material Size table listed below:

Landscaping Material	Minimum Allowable Size
Evergreens	8 feet in height
Large Deciduous Trees	3-inch caliper
Small Deciduous Trees (Ornamental)	2-inch caliper
Large Evergreen Shrubs	2'-3' in height (Hicks yew and upright yew) 18"-2' spread (all others)
Small Evergreen Shrubs	18"-2' spread
Large Deciduous Shrubs	18"-2' in height (Border Privet (hedge plantings)) 2'-3' in height (Honeysuckle, Lilac, Pyracantha, and Tail Hedge (hedge planting)) 3'-4' in height (all others)
Small Deciduous Shrubs	18"-2' in height
Ground Cover	2" peat pot
Vines	2" peat pot (Baltic Ivy) 2-gallon container (all others)

- J. **Existing Vegetation.** Existing vegetation that is going to be preserved may be counted towards meeting the landscaping requirements of this Article. The Planning Commission during site plan review may determine that existing landscaping or screening intended to be preserved would provide adequate landscaping and screening.
- K. **Modifications and Waivers.** Innovation in design of landscaping is encouraged. To that end, the Planning Commission may modify or waive these landscaping requirements upon a finding that sufficient screening would be provided, or the intent of the ordinance is met. Criteria which shall be used when considering a modification or waiver shall include, but shall not be limited to:
  - 1. Existing vegetation;
  - 2. Topography;

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3. Existing wetlands, floodplains, or other natural features;
  4. Existing and proposed building and parking lot placement;
  5. Building heights and views;
  6. Adjacent land uses and distance between land uses;
  7. Dimensional conditions unique to the parcel;
  8. Traffic sight distances;
  9. Alternative means of irrigation provided satisfactory to the Planning Commission.

(ord. eff. April 24, 2021 )

## **SEC. 9.3 FENCES AND SCREENING WALLS**

### **A. Residential Fences, Walls, Hedges and Protective Barriers**

1. The erection, construction or alteration of any fence, wall, hedge or other type of protective barrier in a single-family district shall be reviewed by the Community Development Director. The Community Development Director shall approve all fences that conform to the requirements of the zoning district wherein they are proposed and meet the requirements of this Section.
2. In any residential district, fences and walls are permitted along any lot line.
3. Unless otherwise stated, fences shall be a maximum of six (6) feet in height. A residential property line abutting a railroad right-of-way shall be permitted to maintain a fence with a maximum permitted height of nine (9) feet.
4. No fence located in the front yard shall be greater than forty-two (42) inches in height. Fences located in the front yard shall be decorative in nature. Chain link fencing shall not be considered decorative.
5. In any yard, no fence within fifteen (15) feet of the intersection of a driveway and the property line shall be constructed of view-obscuring materials to ensure adequate clear vision for vehicular traffic. No fence located within this area shall exceed thirty-six (36) inches in height.
6. No fencing shall have sharp design features and shall not contain barbed wire or razor wire.
7. All fences in multiple-family residential districts shall be subject to site plan review procedures.
8. For all fences hereinafter erected, the finished side of the fence shall face the property adjacent to the property where the proposed fence is installed.

### **B. Fences in Other Than Single-Family Residential Zoning Districts**

1. **Approval.** All fences erected in multiple-family, manufactured housing, commercial and industrial districts shall require approval by the Community Development Director as part of site plan review.
2. **Rear and Side Yard.** The height of fences in the side or rear yard shall not exceed eight (8) feet; except taller fences shall be permitted for recreation facilities, wireless communication facilities, and commercial uses that have received special land use approval for outdoor storage and industrial uses.
3. **Front Yard.** Substantially solid or opaque fences located in the front yard shall not exceed three feet, and four feet for wrought iron fences. The Community Development Director may permit a taller privacy fence or an obscuring wall in the front yard on nonresidential lots where necessary for screening from adjacent uses.

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4. **Materials.** All fences hereafter erected shall be of an enclosure type. Barbed wire, spikes, razor wire, nails or any other sharp point or instrument of any kind on top or on the sides of any fence, or electric current or charge in said fences, are prohibited, except barbed wire cradles may be placed on top of fences enclosing permitted rear or side yard storage in the General Commercial, Light Industrial and Heavy Industrial Districts and public utility buildings, as deemed necessary in the interests of public safety by the Planning Commission.
- C. **Walls.** Whenever a wall is used in conjunction with the previously mentioned screening requirements, it shall be constructed according to the following specifications:
1. Walls shall be constructed of reinforced protective decorative face brick (same as building), decorative poured reinforced concrete (to match building), or similar decorative building material determined to be acceptable by the Planning Commission. The color of brick or facing shall be compatible with brick used on the site and shall be durable, weather resistant, and easy to maintain.
  2. Walls shall be placed on the subject property with the outer edge of the wall located on the property line. Walls shall have no openings for vehicular traffic, unless providing vehicular cross-access as approved by the Planning Commission.
  3. The wall shall meet all Building and Engineering requirements of the City.
  4. No such wall shall be painted, nor constructed of exposed concrete block, cinder block, or wood products.
  5. Unless otherwise expressly directed by the provisions of this Ordinance, all protective walls or greenbelts shall be provided when required along, and immediately joining, the zoning district boundary line and/or property line and shall be installed to lie wholly on the land of the applicant seeking site plan approval. In instances where drains, trees or other obstacles preclude such location, the Planning Commission shall determine the most appropriate alternative location.
  6. All walls required by this Ordinance shall be completely installed prior to the issuance of an occupancy permit for the use of the premises, except as provided hereinafter.
  7. In any case where the development of the land and/or buildings has been fully completed and an occupancy permit would otherwise be issued, and the completed installation of the wall, greenbelt and/or landscaping required is prevented by inclement weather or acts of nature beyond the control of the owner, the owner may receive a six month temporary occupancy permit subject to the completion of all such landscaping, provided that a sufficient financial guarantee has been posted at the City by the applicant.
  8. Maintenance of the wall or any other substituted screening device shall be the responsibility of the property owner on whose property such wall or screen is located.

(ord. eff. April 24, 2021 )

## **SEC. 9.4 TRASH RECEPTACLES AND ENCLOSURES**

- A. The location of trash receptacles shall be indicated on a site plan. Trash receptacles shall facilitate collection and minimize negative impacts on persons occupying the site, neighboring properties, traffic, or any public right-of-way. Trash receptacles shall not be in the front yard.
- B. All trash receptacles shall be screened from the public right-of-way on three (3) sides by the existing building or by a durable masonry enclosure compatible with the existing building architecture. Further, evergreen plantings shall be included around the enclosure to provide a continuous screen. All trash receptacles shall be placed on an eight-by-ten (8'x10') foot concrete pad. Concrete or metal bollards shall be placed between

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the trash receptacle and the rear wall of the enclosure. The trash receptacle area shall be screened at the opening with a six (6') foot high metal framed wood screening gate.

- C. The height of the masonry screening walls shall be six (6') feet. The walls shall be maintained to remain structurally sound and neat in appearance. Trash receptacles shall be so located and arranged to minimize their visibility from adjacent streets and uses. All trash receptacles shall be located on site to be as accessible as possible without interfering with vehicular circulation patterns.

(ord. eff. April 24, 2021 )

## **SEC. 9.5 MECHANICAL EQUIPMENT**

- A. Mechanical equipment including central air conditioning units or generators, installed outside of residential dwellings and their attached structures, shall not become a noise nuisance and must be properly screened from view as required by the Community Development Department. Installation of such equipment shall also comply with all applicable provisions of the Zoning Ordinance, including the following:
1. The unit shall be located behind the rear wall of the structure, no less than three (3') feet from the wall of the main structure. However, generators shall be located a minimum of five (5') feet from the wall of the structure, unless otherwise permitted by the National Fire Protection Association.
  2. Where a hardship exists preventing the equipment from being in a rear yard, the equipment may be in the side yard. The Community Development Director shall determine whether a hardship exists preventing a rear yard location. All such equipment shall meet the minimum side yard setback requirements of this Ordinance.
  3. All equipment shall be located on a concrete pad or other manufacturer recommended material as deemed acceptable by the Building Official.
- B. Roof-mounted appliances, including, but not limited to, air conditioners, heating apparatus, dust collectors, filters, transformers, and any other such appliance or apparatus, shall be enclosed on all sides by view-obscuring screening so as not to be visible from off the site. The design of the screening shall be approved by the Planning Commission as compatible with the architectural design of the building upon which it is located. Ground mounted appliances shall be screened using decorative landscaping, a decorative wall or wood screening fence, whichever the Planning Commission determines to be most appropriate.

(ord. eff. April 24, 2021 )

## **SEC. 9.6 LIGHTING**

- A. Outdoor lighting in conjunction with any site plan or special land use approval in all use districts shall conform to the following requirements as to type, location and intensity.
1. All outdoor lighting used to light a specific site shall be shielded downward or below horizontal (maximum of 85 degrees from vertical) to reduce glare and shall be so arranged and designed to reflect light away from all adjacent residential districts or existing adjacent residences and public right of ways. No light shall cast a glare onto adjacent roadways.
  2. Artificial light shall be stationary and constant in intensity and color always when in use. There shall be no flashing, oscillating, moving or intermittent type of lighting or illumination. In addition, there shall be no bare bulb illumination of any kind exposed to public view.

3. The lighting sources (bulbs or lenses) for non-residential properties shall not be visible from adjoining properties or rights-of-way. Also, the height of the non-residential lighting fixture, including the base, measured from the established grade shall not exceed twenty (20') feet.
4. Carriage style and similar decorative lights which may have lighting sources which are not directed downward may be utilized in any district, however, such lights shall have internal shields to direct light downward and away from adjacent properties and roadways as necessary. The height of such lights shall not exceed fifteen (15') feet.
5. Lighting at any nonresidential drive and street intersection may be required upon Planning Commission determination. Fixtures located at an intersection shall be full cut-off fixtures. Such lighting shall not exceed an average of one (1) foot-candle. Lighting at major intersections shall not exceed an average of 1.4 foot-candles.
6. Ground lighting (up-lighting) used for illuminating signs, landscaping and architectural details shall be shielded away from public view, directed solely at the object to be lit and landscaped as necessary.
7. A ground level photometric plan (in foot-candles) demonstrating compliance with ordinance standards and including the following information may be required for each development, as determined necessary by the Planning Commission.
  - a. Lighting plan showing light pole and fixture locations and type designations.
  - b. Photometric plan showing horizontal luminance levels in a point by point format with contour lines. Canopy lighting will also be included in luminance levels.
  - c. Lighting manufacturers' equipment specifications and data sheets on the photometric plan, and
  - d. Any other presentations required to convey the intent of the design.
8. Light poles shall be located within parking islands or at the boundary of the parking lot area. In instances where parking abuts such location, the light pole must be set back a minimum of two and one-half feet to ensure proper overhang clearance.
9. The intensity of outdoor lighting in all use districts shall be limited to the following amounts:

Schedule of Illumination (in foot-candles measured at the surface)

Use	Average Illumination Level* (Foot-candles)	Uniformity Ratio
Residential, Church, School, and Child Care Facility	0.8	4:1
Nonresidential	4.0	4:1

\* No light measured (at eye level) at the property line shall be greater than one-tenth (0.1) foot-candle at the side and rear property line, nor greater than one-half (0.5) foot-candle or the intensity of the available street lighting at the front property line, whichever is greater.

(ord. eff. April 24, 2021 )

## SEC. 9.7 SIDEWALKS AND NON-MOTORIZED PATHWAYS

- A. **Intent.** The purpose of this section is to enhance the health, safety, and welfare of the public by the development and maintenance of non-motorized infrastructure to allow for improved access to transportation and recreation opportunities.
- B. **General Standards.** All sidewalks and pathways shall adhere to the following standards:

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1. Sidewalks shall be installed along both sides of all streets and private roads or drives.
  2. **Construction Standards.** All sidewalks shall be concrete, at least five (5) feet in width, and constructed to the applicable standards of the State of Michigan and City of Mount Clemens Engineering Standards.
  3. **Crosswalks.** An inclined approach is required where sidewalks and bike paths intersect curbs for barrier free access to the sidewalk. Crosswalk pavement markings and signs may be required at intersections. Crosswalks may also be required to connect sidewalks across parking lots.
  4. **Location.** Sidewalks shall be installed within one foot of the right-of-way or easement. Sidewalks shall be located to align with existing or future sidewalks on adjacent lots.
  5. **Non-motorized Pathways.** The Planning Commission may require non-motorized pathways within open space areas. Pathways shall be a minimum five (5) foot wide asphalt. Alternative pervious materials, such as crushed gravel or wooden boardwalks may be permitted by the Planning Commission in areas with sensitive environmental features.
  6. **Interior Sidewalks.** An on-site sidewalk shall also be required as a means of connecting the principal building entrance with the road frontage sidewalk. Sidewalks may be required in other interior locations as part of site plan review where the Planning Commission determines that they are needed for pedestrian safety or convenience.

(ord. eff. April 24, 2021 )

## **SEC. 9.8 MAILBOX CLUSTERS**

- A. The location of mailbox clusters shall not conflict with pedestrian or vehicular circulation. A dedicated pull-off area shall be provided that is out of the main travel lanes.
- B. The design of the mailbox cluster shall be integrated into the design of the overall development by utilizing decorative structures that are compatible with the site design and building architecture.

(ord. eff. April 24, 2021 )

## **SEC. 9.9 CHARITABLE DONATION DROP BOXES**

- A. Charitable donation drop boxes or other similar items shall be permitted in the rear yard or non-required side yard (meeting building setback requirements). These items shall not be permitted in the front yard, or any landscape greenbelt and shall not be permitted in a location that would block parking spaces, or loading areas and shall not obstruct vehicular circulation, fire lanes, or sidewalks.
- B. Drop boxes are limited to two (2) boxes per property in an area not to exceed a total of 120 square feet.
- C. Regular collection of dropped items is required and no items shall be left outside the drop box.
- D. The name and telephone number of the owner/operator, who's responsible for describing the kinds of items sought for donations and removing items must be noted on the outside of the box. A statement must also be included on the box that liquids, hazardous materials and dumping are prohibited.
- E. Written permission from the property owner is required.

(ord. eff. April 24, 2021 )

# **ARTICLE 10 OFF-STREET PARKING & LOADING REQUIREMENTS**

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## SEC. 10.1 INTENT

The off-street parking and loading requirements of this Ordinance are established to prevent congestion on public streets by providing clearly defined parking areas that are separated from roadways; to remove the hazard to pedestrians of emerging between parked vehicles onto a public street; to facilitate proper storm-water runoff; to prevent the generation of dust; and to ensure safe, on-site circulation for pedestrians and automobiles.

(ord. eff. April 24, 2021 )

## SEC. 10.2 GENERAL PARKING REQUIREMENTS

It shall be the duty of both the owner and occupant of any premises to provide off-street parking areas as required in this Article. Such off-street parking areas shall be laid out, constructed and maintained in accordance with the following standards and regulations:

1. Whenever a use or an activity requiring off-street parking is created, enlarged or increased in activity or intensity, off-street parking spaces shall be provided on site and maintained as required by this Ordinance.
2. The amount of required off-street parking for new uses of buildings, additions to existing buildings, new uses of land and accessory buildings shall be determined in accordance with the regulations in effect at the time the new use or addition is proposed, and the space so required shall be shown on the site plan and shall be irrevocably reserved for such use.
3. Off-street parking existing at the effective date of this Ordinance in conjunction with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or new use.
4. Nothing in this Section shall be construed to prevent the collective provisions of off-street parking areas for two or more buildings or uses. Such collective parking may be reduced by up to fifteen (15) percent of the required minimum number of spaces for the various uses computed separately, provided that a parking study is presented to the Planning Commission which substantiates the requested reduction.
5. Where the owners of two (2) buildings, whose peak operating hours do not overlap, desire to utilize common off-street parking areas, the Planning Commission may permit such dual function provided that the following conditions have been met:
  - a. The peak business hours of the two (2) buildings or uses do not overlap. The applicant requesting shared parking shall demonstrate to the Planning Commission that the amount of parking required for each individual site may be accommodated for in the future. In the event that there is a change of uses that no longer meets the criteria established for shared parking, the required number of spaces as provided in Section 10.3 shall be installed.
  - b. The common parking area meets the off-street parking requirements of the larger building or more intensive use.
  - c. The common parking area meets all of the locational requirements of this Ordinance with respect to each building or use.
6. Off-street parking areas required herein shall be located within three hundred (300') feet of the permitted use it is intended to serve, such distance to be measured along lines of public access to the property between the nearest point of the parking area and the building to be served, provided that



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the said off-street parking area shall not be separated from the building to be served by any major or secondary thoroughfare, drain or physical barrier, or public improvement.

7. Required off-street parking may not be enclosed with a gate that would permit it to be closed to either employees or patrons.
8. When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction shall require one (1) parking space.
9. For the purpose of determining off-street parking requirements for all uses, floor area shall mean one hundred (100) percent of the gross floor area as measured from the interior of all exterior walls.
10. Whenever drive-through or vehicle stacking lanes are provided, such lanes shall be located so as not to impede pedestrian or vehicular circulation on the site or on abutting sites, nor shall any drive-through lane cross a vehicle maneuvering lane or aisle or block any space used for parking.

(ord. eff. April 24, 2021 )

### **SEC. 10.3 OFF-STREET PARKING REQUIREMENTS**

The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule. For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accord with a use which is most similar in type as determined by the Planning Commission.

#### **A. RESIDENTIAL.**

1. The off-street parking area required for single-family dwellings shall be located on the same lot or plot of ground of the building they are intended to serve and shall consist of a paved parking strip, parking apron, carport and/or garage on the basis of two (2) parking spaces for each dwelling unit. Parking shall be restricted to paved areas. The parking of recreation vehicles shall be regulated by all applicable ordinances within the City.
2. Multiple-family residential dwellings shall have two (2) paved off-street parking spaces for each one-bedroom dwelling unit. Multiple-family dwelling units in the Central Business Zoning District shall be required .75 paved off-street parking spaces per each dwelling unit.
3. Housing for the Elderly. Two (2) spaces for each three (3) dwelling units, and one (1) for each employee. Should the dwelling units revert to general occupancy, then two (2) spaces per unit shall be provided. The location of this reserved parking area shall be shown on the site plan at the time of the original approval.
4. Manufactured Homes. Two (2) spaces per unit, plus one (1) space for every three (3) manufactured home sites for visitor parking. Visitor parking shall be located within three hundred (300') feet of the manufactured home sites they are intended to serve.
5. Community Buildings (Multiple-Family and Manufactured Housing Community). One (1) space for each four (4) persons allowed within the maximum occupancy load, as determined by the Fire Department.

In Multiple-Family Residential Districts and Manufactured Housing Communities where recreation vehicles are permitted, a secured storage area for such vehicles shall be provided and buffered from adjacent uses. Such parking shall be collective and in a central location. In no case, however, shall a recreation vehicle be parked or stored closer than thirty (30') feet to any building or site boundary line. No unlicensed motor vehicle of any type shall be parked within the development at any time, except within a covered building or the enclosed storage area. In the Manufactured Housing Community District, no motorized recreation vehicles or boats shall be parked on individual home sites. All group off-street parking lots shall be adequately lighted during hours of darkness with no

more than one-half (1/2) foot candle of illumination. Storage of commercial vehicles or trailers on the premises is prohibited.

**B. INSTITUTIONAL.**

Use	Minimum Spaces Required
Auditoriums (incidental to churches, schools, and hospitals)	One (1) space for every three seats; plus one (1) for every two (2) employees. If no seats, one (1) for every fifty (50) square feet of floor area.
Places of Worship	One (1) space for every four (4) seats or six (6) feet of pew in the main worship area.
Convalescent Homes	One (1) space for every two (2) beds; plus one (1) for each staff member.
Elementary and Junior High Schools	Ten (10) spaces; plus one (1) for every two (2) employees; plus auditorium requirements.
Hospitals	One (1) space per bed; plus one (1) space per employee and doctor on peak employment shift.
Libraries/Museums	One (1) space for every five hundred (500) square feet of floor area
Nursery Schools, Day Nurseries or Child Care Facilities	One (1) space for each employee; plus one (1) space for every four students on the premises at one time.
Private Clubs and Lodges	One space for every two hundred (200) square feet of floor area.
Senior High Schools and Colleges	One (1) space for every one (1) employee; plus one (1) space for every four (4) students; plus the requirements of the auditorium.

**C. RECREATIONAL.**

Use	Minimum Spaces Required
Bowling Alleys	Five (5) spaces per lane; spaces required for ancillary uses, such as lounges or restaurants, shall be determined on the basis of the individual requirements for each use as specified herein.
Dance Halls, Amusement Device Centers, Ice Skating Rinks, Indoor Shooting and Archery Ranges, and Exhibition Halls	One (1) space per three persons allowed at maximum occupancy load, as determine by the Fire Department.
Miniature Golf, Par 3 Courses and Driving Ranges	Two (2) spaces per each golf hole; plus one (1) space for each driving range tee; plus one (1) space per employee.
Private Golf, Swimming or Tennis Clubs and Similar Uses	One (1) space for every three (3) member families; plus one (1) per employee.
Private Parks	One (1) space for every two (2) individual members.
Public Golf Courses (not including miniature golf, driving ranges or par 3 courses)	Six (6) spaces for each golf hole.
Public Recreation (other)	One (1) space for every two (2) users at maximum capacity; plus one (1) space for each employee.
Stadiums and Sports Arenas or similar places of assembly	One (1) space for every four (4) seats or every ten feet (10') of bench.
Racquet/Tennis and Exercise Clubs	One (1) space for every two (2) persons allowed within maximum occupancy, as determined by the Fire Department.

Theaters	One (1) space for every four (4) seats; plus one (1) space for every two (2) employees. If no seats then one space for every seventy-five (75) square feet of floor space.
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**D. OFFICES.**

Use	Minimum Spaces Required
Banks	One (1) space for every two hundred (200) square feet of floor area. Stacking lanes for drive-through tellers shall be provided.
Business and Professional Offices or free-standing administrative offices, except as indicated below	One space for every two hundred and fifty (250) square feet of usable floor area.
Clinics, Medical, Dental, Veterinary	One (1) space for each employee; plus one (1) space for every two hundred (200) square feet of floor area.

**E. AUTO-RELATED USES.**

Use	Minimum Spaces Required
Auto Wash, hand or coin-operated	Four (4) exterior waiting spaces at entry, plus two (2) exterior drying spaces for each bay; plus one (1) space for each employee.
Full-Service Auto Wash	One (1) space for each employee, plus twenty (20) exterior spaces at entry.
Auto Service Stations and Auto Repair Services, excluding heavy and major repair	In addition to a service space to be provided at each pump, the following additional requirements shall apply: three (3) spaces for each service bay; plus one (1) space for every two hundred (200) square feet of retail floor area; plus one (1) space for each employee.
Self Service Gasoline Stations (gasoline and convenience retail; no repair or fast food restaurants)	In addition to a service space to be provided at each pump, the following additional requirements shall apply: one (1) space for every two hundred fifty (250) square feet of retail floor area; plus one (1) space for each employee.
Heavy and Major Auto Repairs	Three (3) spaces for each service bay. No wrecked vehicles to be parked or stored outside.
Quick Oil Changes	Two (2) spaces per bay; plus one (1) space for each employee at the peak shift; one (1) space for every two hundred (200) square feet of floor area used for retail sales.
Vehicle Sales/Rental Establishments	One (1) space for every three hundred (300) square feet of sales area; one (1) space for every two hundred (200) square feet of office area; and two (2) spaces for each service bay.

**F. COMMERCIAL.**

Use	Minimum Spaces Required
Banquet/Catering Halls	One (1) space for every two (2) persons allowed within maximum occupancy, as determined by the Fire Department
Beauty Parlors/Barber Shops	Three (3) spaces for the first two (2) chairs, plus one (1) space for each additional chair; or one (1) space for every seventy-five (75) square feet of floor area, whichever is less.

Dry Cleaners	One (1) space for every two (2) employees, with a minimum of four (4) spaces.
Funeral Homes/Mortuaries	One (1) space for every seventy-five (75) square feet of assembly room floor space, parlors, and slumber rooms.
Furniture and Appliance retail stores; household equipment repair shops; showroom of a plumber, decorator, electrician or similar trade; clothing and shoe repair and other similar uses.	One (1) space for every five hundred (500) square feet of floor area. For floor area used in processing or storage, one (1) additional space shall be provided for each two (2) persons employed within or each one thousand (1,000) square feet, whichever is greater.
Greenhouses and Nurseries	One (1) space per employee; plus one (1) space for every two hundred (200) square feet of actual permanent or temporary areas devoted primarily to sales.
Laundromats and Coin-operated Dry Cleaners	One (1) space for every three (3) machines.
Motel, Hotel, or other transient uses.	One (1) space for each occupancy unit, plus one (1) space for each employee; spaces required for ancillary uses, such as lounges, restaurants or conference areas, shall be determined on the basis of the individual requirements for each use as specified herein.
Open Air Businesses	One (1) space for every five hundred (500) square feet of lot area used for retail sales, services, and uses.
Retail Stores, except as otherwise specified herein	One (1) space for every two hundred and fifty (250) square feet of floor area.
Restaurants/Lounges (excluding fast-food or carry-out establishments)	One (1) space for every one hundred fifty (150) square feet of floor area, or one space for every three (3) persons allowed within the maximum occupancy, whichever is greater.
Restaurants—Fast-Food and Drive-Ins	One space (1) for every two (2) employees; plus one (1) space for every three (3) seats intended for patrons within the restaurant building; plus one (1) space for every twenty (20) square feet of building floor area available in the order-waiting area.
Restaurants - Carry-out only	One space (1) per employee plus fifty percent (50%) of the minimum parking requirement for restaurants with permanent seating.
Specialty Shops	One (1) space for every three hundred (300) square feet of floor area.

**G. INDUSTRIAL.**

Use	Minimum Spaces Required
Industrial and Wholesale	One space for every five hundred (500) square feet of floor area.
Warehouse	One space for every seventeen hundred (1,700) square feet of usable floor area.
Office-Research	One (1) space for every three hundred (300) square feet of floor area.
Mini-Warehouses or Self-Storage Units	Two (2) spaces for the residential caretaker's unit; plus one (1) space per fifty (50) square feet of floor area used for office purposes.

**H. Maximum Number of Parking Spaces Permitted.**

1. In no circumstance shall any use provide a number of surface parking spaces which exceeds the required minimum amount defined in Section 10.3 by more than ten (10%) percent, unless otherwise stated in this Ordinance.

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I. **PARKING Requirements for the Central Business District.**

1. **Intent.** It is the intent of this Section of the Ordinance to minimize the amount of privately owned surface parking areas in the Central Business Zoning District. The City of Mount Clemens shall provide primary parking areas to service the Central Business District, concentrated in publicly owned lots and/or structures. By limiting on-site surface parking the City aims to achieve the following goals:
  - a. Preserve an environment that is unique to the City of Mount Clemens and Macomb County by preventing the future development of scattered, random areas of surface parking that break up the continuity of the built environment in the Central Business District.
  - b. Preserve the high density character that defines downtown Mount Clemens by minimizing the space reserved for parking, thus allowing sites to be developed at a greater intensity.
  - c. Preserve the aesthetic and environmental appeal of downtown Mount Clemens by limiting the amount of impervious surface dedicated to surface parking.
  - d. Create a downtown environment that minimizes pedestrian conflicts with the automobile. By regulating the location and number of off-street parking areas, the potential for conflict is greatly reduced.
  - e. Enhance the visual quality of downtown, while preserving and/or enhancing each individual property's economic value.
  - f. Maintain the character of the downtown district by allowing structures, not pavement, to define its space.
2. **CBD STANDARDS.**
  - a. Property zoned CB, Central Business, shall not be required to provide an off-street parking area, with the exception of residential uses, which shall meet the requirements of Section 10.3A2.
  - b. Privately owned off-street parking shall not be permitted in the Central Business Zoning District except where one of the following requirements can be met:
    - i. The property owner is providing an off-street parking area through the construction of a parking structure meeting the requirements of Section 10.5.
    - ii. The off-street parking area is located at the rear of the site and does not exceed 4,500 square feet or 20% of the gross site area, whichever is less.

J. **Mixed-Use District Reduction Standards**

The required parking in Section 10.3 may be reduced in the Mixed-Use District according to the following standards:

1. **Shared Parking:** The parking requirement may be satisfied through shared parking with an adjacent use. All uses must be located within 300 feet of the shared parking with a copy of an executed easement that provides for continued use and maintenance of the parking is filed with the County Register of Deeds and a copy is submitted to the City. Where uses with different peak hour parking demands, such as a restaurant and office share the same parking lot, the total cumulative parking requirement for all uses may reduce by up to 50%.
2. **Mixed-Use:** In a mixed-use project, parking may be shared by the different uses. A mixed-use project composed of residential and retail uses may reduce the total vehicle parking up to 30 percent of the total required parking. A mixed-use project composed of residential and office or institutional uses may reduce the total vehicle parking up to 40 percent of the total required

parking. A mixed-use project composed of office or institutional uses and retail uses may reduce the total vehicle parking up to 20 percent of the total required parking. The reduction in parking for mixed-use development may be below the noted percentage by may not exceed. The Zoning Administrator or his/her designee, shall determine the reduction by taking into consideration the proposed land use, peak parking usage periods, and Institute of Transportation Engineers (ITE) parking generation rates manual.

3. On-street Parking: Public on-street parking that is located along the developments frontage shall be counted towards the number of spaces required for the commercial component, but not for the residential component, within the development.
4. Reductions: The parking requirement may be reduced where the applicant can demonstrate, based on supporting documentation provided by the applicant, the parking need for that particular use is less than required by this Ordinance or valet service to a satellite parking lot will be provided.

(ord. eff. April 24, 2021 )

## SEC. 10.4 OFF-STREET PARKING DESIGN

Wherever the requirements in Section 10.3 require the construction of an off-street parking area, such off-street parking area shall be laid out, constructed and maintained in accordance with the following standards and regulations:

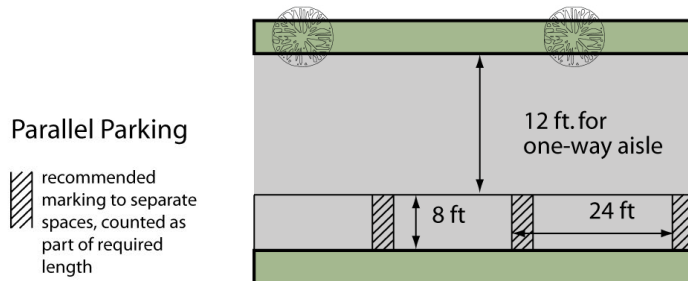
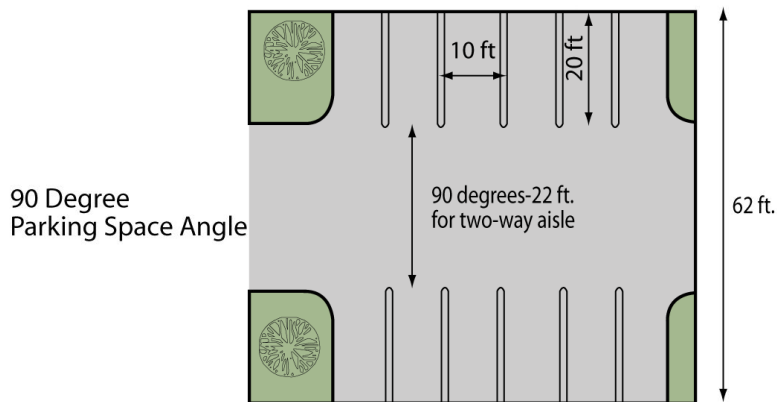
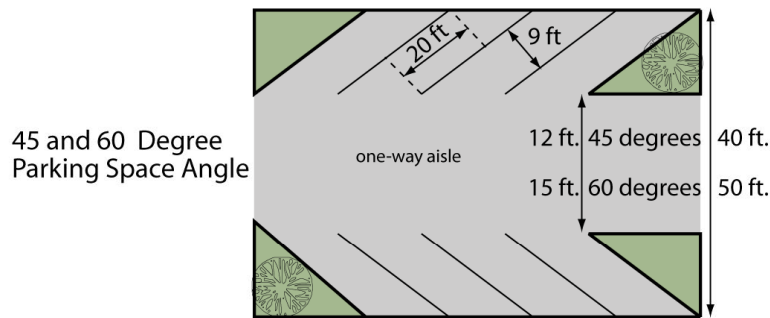
1. No parking lot shall be constructed unless and until a permit therefore is issued by the Community Development Department. Applications for a permit shall be submitted as per the requirements of Site Plan Review (Article 3).
2. All parking serving other than single-family dwellings shall be side-by-side or parallel. Tandem parking shall be prohibited, except where a multiple-family unit has its own separate two-car garage, their separate approach apron can be used for visitor parking. Tandem parking to a depth of three (3) cars may be permitted in vehicle storage and inventory areas provided such areas are under the control of employees and are not accessible by the general public. Any parking or vehicle circulation areas accessible to the public shall meet the size standards specified in this Section.
3. Except as otherwise provided in this Article, required off-street parking space shall be for the use of occupants, employees, visitors, customers, clients and patrons. Off-street parking areas shall not be used for other than parking purposes or allowed to become unusable, except for temporary repairs. The storage of vehicles or merchandise in any off-street parking space is prohibited, except as permitted in conjunction with the approved principal or accessory use. Further, no repairs or service to vehicles and no display of vehicles for the purpose of sale shall be carried on or permitted upon any off-street parking area, except as permitted in conjunction with the approved principal or accessory use.
4. Dimensions. Plans for the layout of an off-street parking area shall have dimensions consistent with the following standards:

	90 degree	60 degree	45 degree	Parallel
Space Width	10 ft.	9 ft.	9 ft.	8 ft.
Space Length	20 ft.	20 ft.	20 ft.	24 ft.
Aisle Width	22 ft.	15 ft.	12 ft.	12 ft.
Total for a row	62 ft.	50 ft.	40 ft.	—

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(Supp. No. 83)

- a. All other two-way drives or maneuvering lanes not indicated above shall have a minimum width of twenty-two (22') feet. One-way drives shall have a minimum width of ten (10') feet. All proposed maneuvering lanes less than twenty-two (22') feet in width are subject to approval by the City of Mount Clemens Fire Department.
- b. Parking spaces to accommodate vehicles with trailers (boats and recreational vehicles) shall be at least ten (10') feet by forty (40') feet.
- c. All parking area stalls shall be striped and maintained.
- d. In any area where front-end parking abuts a curbed area or a raised sidewalk, a two (2') foot vehicle overhang shall be required.
- e. In any area where a row of front-end parking abuts a curbed lawn area at least two (2) feet in width or a raised sidewalk having a minimum width of at least five (5) feet, the minimum parking stall depth may be reduced by up to two (2) feet in depth in order to allow for a vehicle to overhang such area or such sidewalk. In no case shall the parking stall depth be decreased to allow a vehicle to overhang a required parking setback or property line.



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5. **Drainage.** Site drainage and water detention/retention in a proposed parking area shall be approved by the City of Mount Clemens Engineer. On-site stormwater filtration through the provision of rain gardens and bioswales is encouraged.
  6. **ADA Accessibility.** Barrier Free parking spaces shall be furnished as required by State and Federal law.
  7. **Pavement.** The entire parking area, including parking spaces, maneuvering lanes and drives required under this Section, shall be provided with asphaltic or concrete surfacing in accordance with the City of Mount Clemens Engineering Standards or a permeable pavement alternative as approved by the City Engineer. The parking area shall be surfaced prior to the issuance of the certificate of occupancy for the building or buildings which it serves.
  8. **Landscaping.** Curbed, landscaped islands shall be placed at the ends of parking space groupings to separate parking spaces from maneuvering aisles and provide for safe traffic flow.
    - a. All off-street parking areas shall incorporate and provide curbed tree planting spaces to be laid out square and constructed to provide not less than one hundred and twenty-six (126) square feet of land area for each tree planting. These curbed islands shall be planted with sod (landscape rock, gravel, or other similar material is prohibited).
    - b. All landscaped areas shall be protected by a six (6) inch standard or rolled concrete curb, except where landscape islands are being utilized as part of a stormwater detention or conveyance system.
    - c. Curbed, landscaped islands shall be placed at the ends of all parking space groupings to separate the parking spaces from the maneuvering lanes and to provide for safe traffic flow. These planting areas shall not be less than seven (7') feet in width.
    - d. Trees shall be planted throughout the parking area. Trees shall be a minimum of three (3") inches caliper at the time of planting and shall be provided at a ratio of one (1) tree for each six (6) parking spaces or fraction thereof. These trees shall not be counted towards street frontage tree requirements. The following trees or similar types are suitable for parking lot and urban conditions:
      - i. White Fir (only when clear vision is maintained)
      - ii. Norway Maple
      - iii. Tulip Tree
      - iv. Ginkgo Tree (male only)
      - v. Red Oak.
  9. **Lighting.** Parking lot lighting shall meet the requirements of Section 9.6.
  10. **Maintenance.** The surface of the parking lot area, shall be maintained and kept free from weeds, rubbish, refuse and debris.
  11. **Ingress/Egress.** Adequate ingress and egress to the parking area by means of clearly limited and defined paved drives shall be provided for all vehicles.
    - a. All parking areas shall be provided with an entrance and exit from the abutting public thoroughfare. Such entrance and exit may be combined as one, which shall be thirty (30') feet in width.
    - b. Each site shall be limited to one access drive per road frontage that the property abuts subject to the provisions of Section 4.15B.



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- c. Ingress and egress to a parking lot for non-residential purposes shall not be provided across land zoned for single-family residential purposes. All such entrances and exits shall also be located at least ten (10') feet from any property zoned for single-family residential use.
12. **Cross Access.** The Planning Commission may require an access easement to provide for vehicular access to existing or contemplated adjacent parking areas to minimize the need for driveways to each facility and thereby decreasing hazards to vehicular traffic. In such instances, a reciprocal use agreement shall be signed by each owner.
13. **Space Access.** All parking spaces shall be provided with adequate access by means of maneuvering lanes. Spaces shall not be designed to permit or encourage vehicles from backing out of a space directly onto a street or alley, with the exception of single-family residential uses.
14. **Curbs.** Reinforced concrete curbs, meeting the City of Mount Clemens Engineering Standards, and as approved by the City Engineer, shall be required. The use of bumper blocks is prohibited, except in such circumstances as determined by the Planning Commission where the site characteristics warrant their use.
15. **Location and Screening**
- a. **Location in Rear Yard.** Parking areas shall be located in the rear yard of all uses, with the exception of single-family residential. Where the applicant can show that the placement of a parking area in the rear yard is not feasible due to unique characteristics of the site or the location of an existing structure, the Planning Commission may approve placement of a screened parking area in the side yard.
- b. **Through Lots.** Surface parking is not permitted directly between a building facade and a street frontage except on through lots' secondary frontages where any surface parking shall be screened.
- c. **Setbacks.** No parking area shall be located closer than five (5') feet to any property line. Single-family residential development shall not be required to meet this provision.
- d. **Screening.** In cases where parking or other vehicle circulation areas are visible from a public street, a three (3) foot tall brick wall shall be installed between the parking/vehicle circulation area and the sidewalk. Alternatives can be considered by the approving body such as a hedge row with trees, wrought iron fencing with brick pilasters, or a combination of these improvements. The hedgerow shall consist of evergreen shrubs planted four (4) feet on center to create a solid row of shrubs.
- e. **Adjacent to single-family residential.** Where a parking lot or loading area for a nonresidential use adjoins a single-family residential district or use, a minimum six (6) foot tall wall shall be provided between the parking lot and residential lot.
- i. Walls shall be constructed of brick or other masonry material compatible with the front facade of the principal building as determined by the City. Poured concrete with false brick design or plain concrete slag blocks are not permitted.
- ii. The City may approve a privacy fence where it is more compatible with adjacent residential uses.
16. **Noise.** The use of any outdoor noise-producing device or public address system that is deemed a nuisance to neighboring properties shall be prohibited.

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## SEC. 10.5 PARKING STRUCTURE DEVELOPMENT STANDARDS

It is intended that the provision of parking within structures or buildings shall serve to increase the value and convenience of related development and to enhance, rather than detract from, the appearance of the overall development. It is further intended that the provision of such facilities shall not negatively impact the safety and security of the public. All parking structures shall observe the layout, construction and maintenance requirements of Section 10.5, plus the following additional standards:

1. Parking structures shall be considered a permitted use in the following zoning districts: GC General Commercial, CB Central Business and I-2 Heavy Industrial. In all other zoning districts a parking structure shall require special land use approval (Article 13).
2. Parking structures shall be physically integrated into the overall design and functioning of the site, as well as the surrounding area. The exterior treatment of the parking structure element of a building complex shall be substantially the same in appearance to that of the main building element, and shall further be designed so that all architectural and vehicular lighting is shielded or screened from view from adjacent properties.
3. For storefront frontages, the ground floor shall have a minimum depth of 20 feet to be occupied by active uses as permitted in the district. Elsewhere and above the first story, parking structures are encouraged, but not required, to be lined on exterior elevations by non-parking uses.
4. Access drives shall be permitted on the ground floor, provided they are collectively no more than 25% of the frontage.
5. New parking structures shall be designed with an upper story minimum clear height of 9'.
6. The development of parking structures shall be in accordance with safety and security requirements established by the City.

(ord. eff. April 24, 2021 )

## SEC. 10.6 OFF-STREET LOADING AND UNLOADING

On the same premises with every building, structure, or part thereof, erected and occupied for manufacturing, storage, warehouse goods, a wholesale store, a market, a hotel, a hospital, a mortuary, or other uses similarly involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading, and unloading services adjacent to the opening used for loading and unloading in order to avoid interference with public use of the streets and alleys. Such loading and unloading shall be provided in accordance with the following:

Gross Useable Floor Area	Loading/Unloading Spaces Required
Up to 20,000 square feet	One (1) space
20,001 to 100,000 square feet	One (1) space plus one (1) space for each additional 20,000 square feet of excess over 20,000 square feet.
100,001 to 500,000 square feet	Five (5) spaces plus one (1) space for each 40,000 square feet over 100,000 square feet.
Over 500,000 square feet	Fifteen (15) spaces plus one (1) space for each 80,000 square feet over 500,000 square feet.

1. All loading or unloading areas shall provide a minimum area of ten (10') feet by fifty (50') feet with a height clearance of fourteen (14') feet.

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2. Loading and unloading areas shall be so located and designed that the vehicles intended to use them can maneuver safely and conveniently to and from a public right-of-way and complete loading and unloading operations without obstructing or interfering with any public right-of-way or any parking space or parking lot maneuvering lane or aisle. When required, loading and unloading areas shall be designated and defined.
  3. No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities, except as specifically authorized by this Ordinance.
  4. Unless otherwise specified, loading and unloading areas shall be provided only in rear yards. Side yard loading may be permitted by the Planning Commission when it is determined that such space and loading facilities would not interfere with parking and circulation, either vehicular or pedestrian, or with abutting uses.
  5. All loading and unloading areas shall be surfaced, drained, and otherwise developed in accordance with the provisions applicable to off-street parking areas (Section 10.5).
  6. Loading and unloading in the Central Business Zoning District shall be provided for on a case by case basis, as determined necessary by the Planning Commission.
  7. Overhead doors shall be considered as loading/unloading areas and shall not be placed on the front of the building.

(ord. eff. April 24, 2021 )

## **SEC. 10.7 ACCESS MANAGEMENT**

### **A. DRIVEWAYS FOR RESIDENTIAL USES.**

1. For any residential use, no driveway located in the front yard may exceed a width greater than thirty-three (33%) percent of the entire lot frontage or twenty (20') feet, whichever is less. Driveways entering from the rear or side yard shall not be subject to this requirement.
2. For new construction, no new drive may be constructed at the front yard of any residential property if the property is currently accessible through the use of a public alleyway. Such alleyway shall continue to function as the primary access to the site.
3. The new construction of horseshoe shaped driveways shall be prohibited.

### **B. NON-RESIDENTIAL DRIVEWAYS.**

1. Non-residential driveways, entrances and exits shall be subject to approval by the Road Commission of Macomb County and the Michigan Department of Transportation, where applicable, and by the Planning Commission for applications requiring site plan review after considering the effects on surrounding property, pedestrian and vehicular traffic and the movement of emergency vehicles.
2. All non-residential sites shall be permitted one (1) access drive onto the abutting public thoroughfare. Additional driveways may be permitted subject to special land use approval by the Planning Commission.
  - a. The Planning Commission shall consider the request for special land use approval after a traffic study has been submitted by the applicant which substantiates the need for additional access drives.
  - b. Tapers and bypass lanes shall be required, as determined by the Planning Commission. In making the determination as to whether or not additional access drives are necessary, the Planning

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Commission shall consider the location of driveways on adjacent sites and across the street, turning movements and traffic volumes.

- c. In the case of a corner lot or double frontage lot, the site shall be allowed the permitted number of driveways on each roadway frontage.

**C. GRATIOT AVENUE CORRIDOR OVERLAY ZONE.**

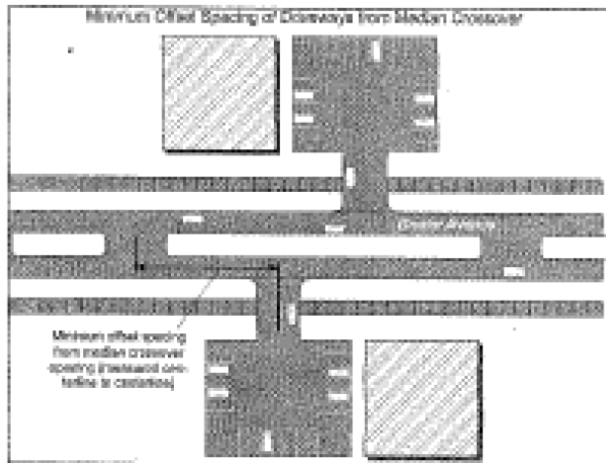
**1. INTENT.**

- a. The intent of the Gratiot Avenue Corridor Overlay Zone is to improve traffic operations; reduce potential for crashes; improve pedestrian and transit environments; and preserve the vehicular carrying capacity of Gratiot Avenue through regulations on the number, spacing, placement and design of access points (driveways and intersections). Published reports and recommendations by the Michigan Department of Transportation (MDOT) show a relationship between the number of access points and the number of crashes.
- b. Recognizing the existing built character and downtown land use characteristics in Mount Clemens relative to those of other communities along the Gratiot Avenue Corridor, this ordinance intends to apply the MDOT access management standards where practical, but to allow flexibility in their application, given the unique needs of this more urbanized area. The segment of Gratiot Avenue within Mount Clemens splits into north bound and south bound components referred to as "one-way pairs" which present unique traffic operations; therefore, this ordinance places less emphasis on the spacing and offsets of access from other driveways and greater emphasis on the design and placement of driveways relative to other nearby access and intersections, especially signalized intersections.

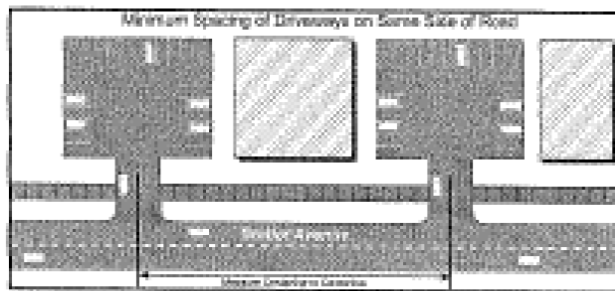
**2. APPLICABILITY.** This overlay zone shall apply to all land with frontage along Gratiot Avenue, except for single-family homes, duplexes or essential service facility structures. The following applications must comply with the standards in this section.

- a. New or Enlarged Building or Structure. Any new principal building or structure, or the enlargement of any principal building or structure by more than 25%.
- b. Land Division, Subdivision or Site Condominium. Any land division or subdivision or site condominium development, including residential developments.
- c. Change in Use or Intensity of Use. Any intensity of use as defined in Section 13.1.C. (15.0130.C.), or any increase in vehicle trips generated.

**3. ACCESS MANAGEMENT STANDARDS.** The following regulations of this Section shall be considered by the Planning Commission:



- a. Compliance with Corridor Plan. Access shall generally be provided as shown in the Gratiot Avenue Corridor Improvement Plan.
- b. Number of Driveways. The number of resulting driveways shall be the fewest necessary to provide reasonable access to the site. Each lot shall be permitted one driveway, which may consist of an individual driveway, a shared access with an adjacent use, or access via a service drive.
- c. Offsets and Spacing from Intersections. Driveways shall be either directly aligned or spaced/offset as far from intersections as practical, especially signalized intersections. A minimum spacing or offset of 150 feet is preferred.



- d. Spacing from Other Driveways on the Same Side of Gratiot. Driveways shall be spaced/offset as far as practical from other driveways along Gratiot. A minimum spacing of 150 feet is preferred.
- e. Offsets from Driveways on the Opposite Side of Gratiot. Driveways shall be either aligned with driveways on the opposite side of Gratiot or offset to the greatest distance practical. Consideration for weaving across travel lanes shall be given, especially where signalized intersections are present.
- f. Consideration of Adjacent Sites. Where the subject site adjoins land that may be developed or redeveloped in the future, the access shall be located to ensure the adjacent site(s) can also meet the access location standards in the future.
- g. Shared Driveways. Where direct access consistent with the above regulations cannot be achieved, access should be provided via a shared driveway or service drive.

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- h. Access Design. Where practical given right-of-way constraints, driveways shall be designed with radii, tapers and other geometrics as determined by MDOT that are required to minimize the impacts of inbound right turns on traffic flow.
4. **REVIEW PROCEDURE.** It is recognized that certain existing site conditions may prohibit full compliance with this Section. Modifications to the standards herein may be permitted by the Planning Commission according to the following procedure:
- a. Submittal Information. Along with any other required information, developments subject to review according to this Section shall submit:
- i. Detailed information showing nearby intersections; existing driveways on adjacent sites; proposed driveways; changes to existing access; and any information requested by the City necessary to review site access.
  - ii. The Planning Commission may require submittal of a traffic impact report, prepared by a qualified traffic engineer, to verify the need for additional driveways or to justify a modification.
- b. Allowed Modifications. The Planning Commission may, after considering the criteria in #3 below, modify the standards of this Section in the following situations:
- i. The modification will allow an existing driveway to remain that does not meet the standards of this Section but that has, or is expected to have very low traffic volumes (less than 50 in- and out-bound trips per day) and is not expected to significantly impact safe traffic operations.
  - ii. The use is expected to generate a relatively high number of trips and an additional driveway will improve overall traffic operations.
  - iii. Practical difficulties exist on the site that make compliance unreasonable (sight distance limitations, existing development, topography, unique site configuration or shape), or existing off-site driveways make it impractical to fully comply with the standards.
  - iv. Because of restricted turning movements or presence of a median that restricts turning movements, the driveway does not contribute to congestion or an unsafe situation.
- c. Modification Criteria. The Planning Commission may waive certain requirements of this Section upon consideration of the following:
- i. The proposed modification is consistent with the general intent of the standards of this overlay zone, the recommendations of the Gratiot Avenue Corridor Improvement Plan, and published MDOT guidelines.
  - ii. MDOT staff endorse the proposed access design.
  - iii. Driveway geometrics have been improved to the extent practical to reduce impacts on traffic flow.
  - iv. Shared access has been provided, or the applicant has demonstrated it is not practical.
  - v. Such modification is the minimum necessary to provide reasonable access, will not impair public safety or prevent the logical development or redevelopment of adjacent sites and is not simply for convenience of the development.

(ord. eff. April 24, 2021 )

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## SEC. 10.8 BICYCLE PARKING

- A. **Intent.** The intent of this section is to provide adequate and safe facilities for the temporary placement and use of bicycles. This section is intended to specify the required type, number, and location of bicycle parking spaces on a site. The regulations and requirements are designed to promote and encourage the safety and general welfare of the community by:
1. Promoting an alternative and energy-efficient mode of transportation.
  2. Encouraging a healthy lifestyle by promoting and accommodating the use of bicycles.
  3. Providing adequate and safe facilities for the temporary placement of bicycles.
- B. **Applicability.**
1. Bicycle parking shall be provided for any new building constructed after the effective date of this section. After the effective date of this section, bicycle parking shall also be provided on all sites when an addition to an existing building is constructed that results in the need for additional motor vehicle parking spaces or for any change in the use of a building that results in the need for additional motor vehicle parking spaces.
  2. This section does not prohibit the voluntary installation of bicycle parking that conforms to the requirements set forth in this section.
  3. Except as otherwise required, a bicycle parking area shall be treated in a similar manner as required motor vehicle parking area.
- C. **Exceptions.** Bicycle parking shall be required for all uses, with the exception of one- and two-family residential uses.
- D. **Location.**
1. A bicycle parking area shall be located such that it is visible, safe, and convenient with adequate lighting provided.
  2. Bicycle parking areas shall be located to maximize accessibility to building entrances.
- E. **Design criteria and dimensions.** Bicycle parking racks and lockers are encouraged to be unique in design and appearance; however, the bicycle parking area shall be functional, operational, and shall provide for the following:
1. A bicycle rack, bicycle locker, or functionally equivalent structures shall be used to secure a bicycle.
  2. Bicycle parking areas incorporating the standard inverted "U" shaped bicycle rack, or functionally equivalent structure, shall have the following dimensions:
    - a. The minimum height of the bicycle rack shall be thirty-six (36) inches from the base to the top of the rack.
    - b. The minimum length for the bicycle rack shall be two feet.
  3. A bicycle rack shall accommodate at least two bicycles.
  4. The exterior surface of bicycle racks and bicycle lockers shall be non-abrasive, non-marring, and durable.
  5. The bicycle parking area shall be constructed with adequate space to allow operation of the locking mechanism and each bicycle parking space shall be easily accessible. A bicycle parking area shall not interfere with any designated pedestrian sidewalk or pathway, required vehicle parking spaces or vehicle maneuvering lanes, and shall not eliminate any required landscape area.

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6. The bicycle parking rack shall be installed so that the rack supports the bicycle in an upright position and allows for the bicycle frame and front wheel to be securely locked.
  7. The bicycle parking area shall be hard surfaced with material such as asphalt, concrete, or a brick paving system and shall be adequately maintained and kept free of mud, dust, ice, and snow.
  8. The bicycle racks, bicycle lockers or functionally equivalent structures must be securely anchored.
  9. Up to one-half (1/2) of the required bicycle parking spaces on the site may be located inside of a building.
- F. **Shared bicycle parking facilities.** For sites containing multiple uses or tenants, a single bicycle parking area may be provided as long as the total number of bicycle parking spaces provided is not less than the sum of all of the separate uses combined.
1. Bicycle parking requirements. Unless otherwise provided, one bicycle parking space shall be provided for every ten motor vehicle parking spaces required. The minimum number of bicycle parking spaces provided shall not be less than two. The maximum number of bicycle parking spaces shall not exceed fifty (50).
  2. Reduction of required motor vehicle parking spaces. The number of required motor vehicle parking spaces on a site may be reduced by one motor vehicle parking space for every two bicycle parking spaces installed on a site in compliance with this section. Motor vehicle parking spaces may not be reduced by more than ten (10) percent of the total number of required motor vehicle parking spaces.
- G. **Waiver.** An individual may submit a written request to the Community Development Director, or designee, for a waiver from the requirements of this section. The request shall state the reason(s) for the waiver and contain any other applicable information related to the waiver. In making a determination regarding a waiver the Community Development Director, or designee, may consider characteristics of the site including the type of use, site layout (accessibility, maneuverability, design, and other related elements), or unique circumstances.

(ord. eff. April 24, 2021 )

## ARTICLE 11 SITE PLAN REVIEW AND APPROVAL

### SEC. 11.1 STATEMENT OF PURPOSE

- A. Site plan review provides the City with an opportunity to review the proposed use of a site in relation to all applicable provisions of the Zoning Ordinance and City planning policy. Site plan review also provides the City with an opportunity to review the relationship of the plan to surrounding uses, accessibility, pedestrian and vehicular circulation, off-street parking, public utilities, drainage, natural features, screening, and other relevant factors which may have an impact on the public health, safety and general welfare.
- B. It is further the intent of this Article to require the eventual upgrade of existing sites that do not conform with current standards of this Article and ensure that the arrangement, location, design and materials within a site are consistent with the character of the City and the goals in the City of Mount Clemens Master Plan.

(ord. eff. April 24, 2021 )



## SEC. 11.2 USES REQUIRING SITE PLAN REVIEW

- A. Site plan and sketch plan reviews and approvals shall be required for the activities or uses listed in Table 11.2.
- B. Approvals are obtained from the Planning Commission (PC), City Commission (CC), Community Development Department (Admin) depending upon the nature of the proposed construction or use. Certain activities and uses may require review and approval from the City Engineer as it relates to civil infrastructure, water, sewer, and utility systems. The Community Development Department reserves the right to refer any construction or use requiring Administrative Approval to the Planning Commission for additional review.
- C. Where City Commission approval is required, it shall be based upon the recommendation of the Planning Commission. Where the Ordinance allows the City to grant modifications or waivers to a specific requirement, the approval authority shall be the body with the authority to grant the associated modification or waiver, based upon the standards provided in that section. Variances may only be granted by the Zoning Board of Appeals (ZBA).
- D. Activities and uses that are exempt from site plan/sketch plan approval still require a building permit. All construction or building modification is subject to City building permit requirements of the Community Development Department in accordance with Article 15.
- E. Improvements to nonconforming sites, structures and uses are also subject to review according to Article 14, Nonconforming.

<b>Table 11.2 Plan Review Requirements</b>			
<b>Activity/Use</b>	<b>Site Plan</b>	<b>Sketch Plan</b>	<b>Building Permit</b>
<b>New Construction</b>			
Construction of any building or structure for a non-residential use	PC	---	---
Multiple-family dwellings, attached single-family dwellings	PC	---	---
Public utility or essential service buildings or structures (see Section 8.10)	PC	---	---
Establishment of a new special land use (whether in an existing structure or a new construction) (see Article 13)	PC	---	---
Planned Unit Development (Preliminary see Article 12)	CC - with PC recommendation		
Planned Unit Development (Final Site Plans see Article 12)	PC		
Construction, reconstruction, erection and/or expansion of a single-family or two-family dwelling on a single lot or parcel			<b>Admin</b>
Wireless communication facility (new or change)	Section 8.13	---	---
Wind Energy Conversion Systems (WECS)	Section 8.12		
<b>Expansion/Modification to Existing Building</b>			
Expansion of more than 2,500 sq. ft. or 25% from the existing square footage of a non-residential building, whichever is greater	PC	---	---

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(Supp. No. 83)

Expansion of less than 2,500 sq. ft. or 25% from the existing square footage of the building, whichever is greater (see Section 15.3)	---	<b>Admin</b>	---
Addition of truck docks, loading or storage areas less than 3,000 sq ft. or 25% of the existing area, whichever is greater	---	<b>Admin</b>	---
Construction solely on the building interior that does not increase UFA	---	---	<b>Admin</b>
Modifications to building façade (see Section 15.3)	---	<b>Admin</b>	---
Expansion/intensification of a special land use by more than 25% (see Section 13.5 for specific thresholds)	PC		
Expansion/intensification of a special land use by less than 25% (see Section 13.5 for specific thresholds)		<b>Admin</b>	
Expansion to existing long-term parking facility	PC	---	---
<b>Change in Use</b>			
Change of land or building to a more intensive use, as determined by the Zoning Administrator, that may involve substantial change in parking, traffic flow, hours of operation, public services, effluent discharge, or substantial alteration of the physical character of the site, such as loss of natural features (see Section 15.3)	---	<b>Admin</b>	---
Reuse or reoccupancy of an existing building where no building expansion is proposed only if the Building and Safety Director determines the new use is similar or less intense use in terms of parking, traffic generation, drainage, utility needs, noise, aesthetics and other external effects (see Section 15.3)	---	---	Admin
Change in use of an existing building to a special land use (see Article 13)	---	PC -Site Plan	
The following uses when requiring a special land use as accessory to a single-family residence: -adult foster care small group homes, group child or day care homes	---	PC -Site Plan	---
<b>Accessory Structures and Site Improvements</b>			
Non-residential accessory structures	---	Admin	---
New parking lot, loading area or storage area of more than 3,000 sq. ft., or improvements or expansion of an existing	PC	---	---

area of more than 3,000 sq. ft. or 25% of the existing area, whichever is greater			
Improvements or expansion to an existing parking lot, loading area or storage area of less than 3,000 sq. ft. or 25% of the existing area, whichever is greater	---	Admin	---
New driveway for a nonresidential use		Admin	---
Residential community buildings and facilities as part of a development	PC	---	---
Commercial outdoor storage, sales and display	PC	---	---
Outdoor storage of trucks, trailers, raw materials, supplies, equipment and products occupying an area of more than 3,000 sq. ft., or 25% of the existing area, whichever is greater	PC	---	---
Outdoor storage of trucks, trailers, raw materials, supplies, equipment and products occupying an area of less than 3,000 sq. ft., or 25% of the existing area, whichever is greater	---	Admin	---
New accessory parking lot/loading area of 10 spaces or more or addition of more than 3,000 sq. ft. or 25% of the existing area of pavement to an existing parking lot or addition of a new driveway for a non-residential use (see Section 10.3)	PC	---	---
Improvements or expansion to an existing parking lot of 10 or fewer new spaces, or less than 3,000 sq. ft. of pavement	---	Admin	---
Construction, relocation or erection of signs, retaining walls, fences, walls, waste receptacles, sidewalks, antennas, lights, poles, cooling/heating or other mechanical equipment	---	---	<b>Admin</b>
Modifications to comply with accessibility requirements	---	---	<b>Admin</b>
Buildings and structures accessory to a single-family or two-family dwelling in any zoning district	---	---	<b>Admin</b>
Stormwater detention/retention ponds	---	<b>Admin</b>	---
Grading, excavation, filling, soil removal or tree clearing over 1,000 square feet not associated with an approved site plan or plat	---	<b>Admin</b>	---
Removal or replaced of landscaping		<b>Admin</b>	
<b>Temporary Uses</b>			

Temporary uses, buildings, structures, and seasonal and special events (See Section 8.14)		---	Admin
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(ord. eff. April 24, 2021 )

### SEC. 11.3 SITE PLAN AND SKETCH PLAN REVIEW PROCEDURES

Site plans and sketch plans must be submitted in accordance with the following procedures and requirements:

- A. **Optional Conceptual Review.** The applicant has the option to meet with the Community Development Department or Planning Commission at a regularly scheduled meeting to present a conceptual site plan. The purpose of this meeting is to allow the applicant to introduce the site plan concept and receive comments or direction from the Planning Commission on the site plan or the need for additional material to evaluate the impacts of the use, such as a traffic or environmental studies. No formal action shall be taken. The applicant shall submit the following information in accordance with the review schedule and procedures adopted by the Planning Commission:
  - 1. Application form;
  - 2. Conceptual review fee;
  - 3. The name and address of the owner and any designated representative of the owner;
  - 4. Written description of the proposed use;
  - 5. Conceptual site plan, illustrating existing site features, lot dimensions, general footprints for proposed buildings and parking, and relationship to adjacent land uses; and,
  - 6. A location map.
  
- B. **Application Submittal.** The application shall be submitted by the owner of an interest in the land for which site plan approval is sought, or the designated agent of the owner, or with a statement signed by the owner granting permission from the property owner for the application. The Site Plan Review Application shall be furnished in the number of copies required by the City. The application shall include the following:
  - 1. Proof of ownership;
  - 2. A written use statement;
  - 3. The required fee, as established by the City Commission; and
  - 4. A complete signed and sealed site plan that includes the information required by Section 11.4.
  
- C. **Administrative Review**
  - 1. **Technical Reviews.** The Community Development Department shall forward the application and site plan/sketch plan to applicable departments for technical review.
  - 2. **Revised Plan.** Following the technical review, the applicant shall revise the site/sketch plan as necessary and provide revised plans with a letter describing all changes for follow-up review.
  - 3. **Administrative Approval**
    - a. Sketch Plans for Administrative Approval. For sketch plans and other types of applications that require administrative approval under Table 11.02, the sketch plans shall be approved by the Community Development Department once they are found to be in compliance with

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the requirements of the Zoning Ordinance and other applicable ordinances. Once approved by the Community Development Department, the process shall follow the requirements of subsections below.

- b. Site Plans for Planning Commission Review. For applications, site/sketch plans that require Planning Commission or City Commission approval, once the plans are in compliance with the requirements of the Zoning Ordinance and other applicable ordinances, the plans shall be forwarded to the Planning Commission for consideration under subsection (c) below.

**D. Planning Commission Review—Site Plans**

- 1. **Application and Review.** Following the Community Development Department review, site plans requiring Planning Commission or Commission approval shall be placed on the agenda of the Planning Commission. The Planning Commission shall review the application, together with the reports and recommendations from the Community Development Department and other reviewing departments and agencies, below, as appropriate.

- a. Macomb County Department of Roads or Michigan Department of Transportation.
- b. Macomb County Public Works Commissioner.
- c. Macomb County Health Department.
- d. Fire Department.
- e. Community Development Department.
- f. Assessor's Office (Check legal description).
- g. City Engineer.
- h. City Attorney.

- 2. **Planning Commission Action.**

- a. The Planning Commission shall make a determination based on the requirements and standards of this Ordinance.
- b. Where existing nonconforming conditions prevent compliance with these requirements and standards, the Planning Commission may allow reasonable modifications in accordance with Article 14, Nonconforming.
- c. The Planning Commission may take action to postpone a decision, approve, approve with conditions, or deny approval of the application.
- d. If approved, any conditions shall be made part of the motion to approve and documented in the Planning Commission's minutes, a copy of which shall be provided to the applicant.
- e. Approval of the site plan (as submitted, or with additions, corrections, or alterations) by the Planning Commission shall satisfy the requirements of this Zoning Ordinance for the issuance of a zoning compliance permit. It shall not, however, exempt the petitioner from compliance with other City ordinances.

- E. **City Commission Approval—PUDs.** Certain uses such as PUDs shall require City Commission approval, as noted in Table 11.2. For these uses, the Planning Commission shall hold a public hearing and forward a recommendation for approval, approval with conditions, or denial to the City Commission.

- F. **Final Approval of Conditionally Approved Site Plan.** The site plan shall be revised to reflect any conditions of approval imposed by the Planning Commission or City Commission and submitted to the Planning Department, accompanied by a letter describing all changes. The Community Development

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Department shall review the revised plans for compliance with conditions of site plan approval. The Community Development Director may grant final approval if the he/she finds the site plan to properly address the required revisions and conditions and otherwise complies with this Ordinance. Copies of the approved site plan will be filed with the Community Development Department and the Public Services Department and transmitted to applicant.

- G. **Agency Approvals.** The applicant shall obtain all other necessary agency permits from the Michigan Department of Environmental Quality, the Macomb County Office of Public Works, Macomb County Health Department, and all applicable utilities. Copies of applications for all applicable outside agencies shall accompany submission of the application and site plan to the City and approvals shall be obtained prior to the issuance of building permits, and before any substantial development activity takes place.
- H. **Engineering Review.** Following Planning Commission or administrative approval of a site plan or sketch plan, the City Engineer shall make a full review of the engineering plans. A building permit shall not be issued without the approval of the City Engineer.
- I. **Building Permit.** An application for a building permit may be submitted following final approval of the site plan, or sketch plan and engineering plans by the City Engineer. The applicant is responsible for obtaining all other applicable City, County, or State permits before a building permit is received.
- J. **As-Built Drawings.** Digital files submitted to the City shall be compatible with the City's geographic information system software (ArcGIS). Acceptable data formats are ESRI shapefiles (desired), DXF, or DWG. Digital files shall contain information which references either government corners or existing public right-of-way intersections in distance and direction from the project area. All digital files will be created at a one to one (1:1) scale. Feature or element information within the digital files shall be isolated by both feature groups (files) and layers / levels to meet the City's level specification. Any other information provided within the digital files shall be layer isolated from data included in the City's specification and shall include a written description of both the layer name and the information contained on the layer(s). Digital information provided to the City shall be delivered in a format compatible with the Microsoft Windows operating system. Acceptable delivery media shall be RW-CD.
- K. **Expiration of Approved Site Plan.** If construction has not commenced within twelve (12) months of site plan/sketch plan approval, approval becomes null and void and a new application for site plan review shall be required. If approval is not extended before expiration of the twelve (12) month period, then a new application and a new approval shall be required before a building permit may be issued. An extension may be granted for up to twenty-four (24) months. No more than one (1) extension shall be granted for any project. Planning Commission approval shall be required to extend site plans and Community Development Director approval shall be required to extend sketch plans.
- L. **Property Maintenance.** The owner of a property shall be responsible for maintaining the property on a continuing basis as required by the approved site plan until the property is razed, until new zoning regulations supersede the regulations upon which site approval was based, or until a new site plan approval is sought. Any physical changes to the site shall require approval of the City under the requirements of this Ordinance. This maintenance requirement includes healthy landscaping, walls, fences, pavement, pavement markings, signs, building exterior, drainage facilities and all other elements of a site. Any property owner who fails to maintain a property in compliance with an approved site plan shall be deemed in violation of this Ordinance and a nuisance per se.
- M. **Performance bonds.** The Planning Commission may require a cash deposit or irrevocable bank letter of credit acceptable to the City, covering the estimated cost of improvements associated with a project for which the site plan approval is sought, be deposited with the Clerk of the City to ensure faithful completion of the improvements. The performance guarantee shall be deposited at the time of the issuance of the permit authorizing the activity or project.

- N. **Appeals.** An applicant for a site plan approval may appeal the decision or absence of a decision of the Planning Commission to the City Zoning Board of Appeals.

(ord. eff. April 24, 2021 )

**SEC. 11.4 SUBMITTAL REQUIREMENTS**

The Site Plan Review Application shall be furnished in the number of copies required by the City, together with the same number of site plans, building drawings and required review fees. The following data shall be included with and as part of the site plan(s) or sketch plan(s) submitted for review unless waived by Community Development Department. Any and all waivers shall be recorded in the technical review including reasons for such waiver. If any of the items are missing and have not been waived by the Community Development Department, the site plan shall list each missing item and the reason(s) why each listed item is not considered applicable. The Community Development Department may require that additional data be included with the site plan(s) or sketch plan(s) where determined necessary by the nature of the proposed use or site conditions. Site plans shall be prepared by a professional engineer or registered architect licensed to practice in the State of Michigan.

<b>Table 11.4 Site Plan Requirements</b>		
<b>Site Plan Data</b>	<b>Required For</b>	
	<b>Site Plan</b>	<b>Sketch Plan</b>
<b>A. Application Form: The application form provided by the Community Development Department shall be completed in full with the following information:</b>		
Name and address of the applicant and property owner	X	X
Address, common description of property, complete legal description, and Sidwell number	X	X
Dimensions of land and total net and gross acreage	X	X
Zoning on the site	X	X
Description of proposed project or use, type of building or structures, and name of proposed development, if applicable	X	X
Description of proposed use(s) as permitted or special land use(s), including any demolition of existing structures	X	X
Name and address of firm or individual who prepared site plan	X	X
Proof of property ownership	X	X
A cover letter, signed by the owner and prospective developer holding an equitable interest in the property, including a general description and estimated timetable of the development	X	X
<b>B. Site Plan Descriptive and Identification Data:</b>		
The site plan shall be drawn to a scale of 1 inch = 20 feet. The	X	X

Planning Commission may accept other scales based on a large (or small) site area which can more clearly be presented at an alternative scale		
Sheet size shall be at least 24 x 36 inches, collated according to sheet number and folded to a size of 9 x 12 inches. If a large development is shown in sections on multiple sheets, then one overall composite sheet shall be included		
Title block with sheet number/title; name, address and telephone number of the applicant and firm or individual who prepared the plans; and date(s) of submission and any revisions (month, day, year)	X	X
Scale and north arrow	X	X
Location map drawn to a separate scale with north arrow, showing surrounding land, property lines, zoning and streets within a mile	X	-
Legal and common description of property and acreage	X	X
Identification and signature over the seal of the architect or engineer who prepared drawings	X	-
Zoning classification of petitioner's parcel and all abutting parcels	X	X
Proximity to section corner and major arterials	X	-
Net acreage (minus rights-of-way) and total acreage	X	X
Notation that says, Not to be Used as Construction Drawing	X	X
Use statement including the proposed number of employees and hours of operation	X	X
Aerial photograph showing the site and all areas within 150 feet of the site, with an outline of the site plan overlaid on top to scale	X	X
Date and/or revision dates	X	X
The plan shall include a note indicating that all State and Federal requirements (including the Americans with Disabilities Act and	X	X



all State Handicap Accessibility standards) shall be complied with as part of the development		
<b>C. Site Data:</b>		
Existing lot lines, building lines, structures, parking areas and other improvements on the site and within 100 feet of the site	X	X
Building footprints, floor plans and floor areas	X	X
Topography at two (2) foot contours or five (5) foot contour intervals in areas of extreme topography (existing and proposed). Grade shots at building corners, property lines, and for the parking lot and street may be substituted on small site plans	X	-
Proposed lot lines, lot dimensions, property lines, setback dimensions, structures, and other improvements on the site and within 100 feet of the site	X	X
Location of existing drainage courses, wetlands, lakes, streams, and floodplains with elevations	X	-
All existing and proposed easements	X	X
Location of waste receptacle(s) and transformer pad(s) and method of screening	X	X
Extent of any outdoor sales display or storage area	X	X
Location, height, and outside dimensions of all storage areas and facilities	X	X
Location, size, height and method of shielding for all site and building lighting	X	-
Lighting plan with details for light fixtures on the lighting plans and a photometric plan showing light intensities on the site	X	X
Project phasing, if proposed	X	-
<b>D. Access and Circulation:</b>		
Existing and planned right-of-way for all streets	X	X
Dimensions, curve radii and centerlines of existing and	X	-

proposed access points, roads and road rights-of-way or access easements within 100 feet of the site		
Opposing driveways and intersections within 250 feet of site	X	-
Location and cross section details of proposed roads, driveways, parking lots, sidewalks and non-motorized paths illustrating materials and thickness	X	-
Dimensions of acceleration, deceleration, and passing lanes	X	-
Dimensions of parking spaces including barrier free, islands, circulation aisles and loading zones (including loading dock/door orientation and screening)	X	X
Dimension and location of all clear vision areas	X	X
Calculations for required number of parking, stacking and loading spaces	X	X
Shared parking and access easements, if shared parking or access is proposed	X	X
Private road maintenance agreement, if a private road is proposed	X	-
Designation of fire lanes	X	X
Details of traffic regulatory signs, pavement markings and curbing	X	-
Truck circulation plan showing turning templates for trucks and emergency vehicles	X	-
Location of existing and proposed sidewalks/pathways	X	X
Location, dimension and cross-section of sidewalks	X	X
<b>E. Landscape Plans:</b>		
Existing woodlands being preserved	X	X
Whenever a tree or group of trees of three (3) inch caliper or greater is to be removed as part of the planned improvements, its or their location shall be shown on the site plan in dotted outline and noted to be removed	X	X

All landscaping installation and maintenance notes, indicating compliance with the requirements of Article 9	X	-
Calculations of all landscape requirements, as set forth in Article 9	X	-
Details of the proposed irrigation system	X	-
Description of methods to preserve existing landscaping, including fence details	X	-
The location of existing and proposed lawns and landscaped areas	X	X
Landscape plan, including location and type of all existing and proposed shrubs, trees, and other live plant material	X	X
Location, size, height and material of construction for all obscuring wall(s) or berm(s) with cross-sections	X	X
Vertical and horizontal cross sections at the same scale showing all buffer zones	X	-
Planting list for proposed landscape materials with caliper size or height of material, method of installation, botanical and common names, and quantity	X	X
Site irrigation (sprinklers). Indicate all areas to be irrigated	X	
Approximate dates of plant installation	X	-
<b>F. Building and Structure Details:</b>		
Building elevations for all facades, along with photos or color renderings of the building; elevation drawings shall indicate the height of building, materials, colors, architectural quality, including cross-sections and details of any proposed rooftop equipment and screening	X	-
Location, height, and outside dimensions of all proposed buildings or structures	X	X

Dimensioned building floor plans and total and usable floor area calculations	X	-
Details on accessory structures and any screening	X	-
Location, size, height, and lighting of all proposed site and wall signs	X	X
Description of exterior building materials and colors (samples may be required by the Community Development Department)	X	-
Sign base, location and size	X	X
<b>G. Information Concerning Existing and Proposed Utilities, Drainage and Related Issues:</b>		
Location of sanitary sewers and septic systems	X	-
Location and size of water mains, well sites, water service, storm sewers loads, and fire hydrants	X	-
Indication of site grading, drainage patterns and other stormwater management measures	X	X
Soil borings, locations and summary report data shall be shown where soil quality may be in question	X	X
Stormwater retention and detention ponds, including grading, side slopes, depth, high water elevation, volume and outfalls with calculations	X	X
Location and size of underground storm sewers and drains	X	X
Location of above and below ground gas, electric and telephone lines	X	-
Location of transformers and utility boxes	X	-
Locations, description and quantities of hazardous materials to be stored on the site and details for best management practices, such as secondary containment	X	-
<b>H. Additional information required for Residential Development</b>		
The number and location of each type of residential unit (one bedroom units, two bedroom units, etc.)	X	-

Density calculations by type of residential unit (dwelling units per acre)	X	-
Garage or carport locations and details, if proposed	X	-
Location and design of mailbox clusters	X	-
Location, dimensions, floor plans and elevations of common building(s) (e.g., recreation, laundry, etc.), if applicable	X	-
Swimming pool fencing detail, including height and type of fence, if applicable	X	-
Location and size of recreation and open space areas	X	-
Indication of type of recreation facilities proposed for recreation area	X	-
Description of any performance, site and/or noise impacts	X	-

- I. **Additional Information.** The City Planning Commission and/or the Community Development Department may also require additional information where the particular circumstances reasonably warrant their inclusion; such as flooding data, traffic analysis, or other similar data.

(ord. eff. April 24, 2021 )

**SEC. 11.5 SITE PLANS REVIEW STANDARDS**

A site plan or sketch plan shall be approved if it contains the information required by the Zoning Ordinance and is in compliance with the conditions imposed under the Zoning Ordinance, other statutorily authorized and properly adopted City planning documents, other applicable ordinances, and state and federal statutes, as outlined below:

- A. **ADEQUACY OF INFORMATION.** The site plan shall include all required information in a sufficiently complete and understandable form to provide an accurate description of the proposed use(s) and structure(s).
- B. **RELATIONSHIP TO SURROUNDING PROPERTY.** All site development features shall be arranged to minimize the potential for negatively impacting surrounding property or may have an effect upon the public health, safety, morals, and general welfare and its relationship and harmony with the adopted City Ordinance and Plans. In making this determination, the Planning Commission shall review the plan for negative conditions such as, but not limited to:
  1. Location of the principal building or buildings and any accessory buildings or uses.
  2. Channeling excessive traffic onto local residential streets.
  3. The lack of adequate screening of parking or service areas.
  4. The impediments to the access of emergency vehicles.
  5. Site drainage characteristics

- 
6. The accumulation of litter, production of noise, light, smoke, fumes, or the piling of snow.

C. **BUILDINGS AND SITE**

1. **Buildings.** Buildings and structures shall meet the minimum dimensional requirements of this Ordinance. Redevelopment of nonconforming structures shall bring the site into closer conformity to the extent deemed practical by the City. Expansions to nonconforming buildings shall be as provided for in Article 14, Nonconforming.
2. **Privacy.** The site design shall provide reasonable visual and sound privacy for dwelling units located adjacent to the site. Walls, berms, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and the privacy of adjacent uses.
3. **Exterior Lighting.** Exterior lighting shall be designed so that it is deflected away from adjacent properties and so that it does not impede the vision of drivers on public streets.
4. **Relationship to natural features.** All buildings, driveways, parking lots and site improvements shall be designed to be compatible with the physical characteristics of the site, including, but not limited to, woodlands, wetlands, slopes, floodplains and soil suitability. The proposed development shall not needlessly have an adverse impact on the natural environment of the site or the surrounding area.
5. **Landscaping.** The Planning Commission may require further landscaping, fences, walls and berms pursuant to the objectives of this Ordinance, and such improvements shall be provided and maintained as a condition of the establishment and the continued maintenance of any use to which they are appurtenant.
6. **Hazardous Materials.** Sites that include storage of hazardous materials or waste, fuels, salt, or chemicals shall be designed to prevent spills and discharges of polluting materials to the surface of the ground, groundwater, or nearby surface water bodies. These areas shall be designed to meet all applicable state and federal regulations and incorporate basic management practices for the handling of hazardous materials. Uses that involve the storage of large quantities of hazardous or combustible materials shall be located and designed to ensure no threat to nearby uses and residents is present.
7. **Site development.** During development, building, renovating or razing operations, the developer shall erect and maintain suitable protective barriers around the drip line of all trees specified to be maintained so as to prevent damage to said trees and shall not allow storage of equipment, materials, debris or fill to be placed in this preservation area.
8. **Site Redevelopment.** Redevelopment of existing sites shall conform to the site improvement provisions of this Ordinance to the extent deemed practical by the Planning Commission. The extent of upgrade to site improvements shall be relative to and proportionate with the extent of redevelopment or expansion in accordance with the nonconforming site requirements of Section 14.4.

D. **INFRASTRUCTURE.** The Planning Commission shall consider the City Engineer's evaluation of the adequacy of public or private utilities proposed to serve the site, including water, sanitary sewers and stormwater management.

1. **Drainage.** Stormwater management systems and facilities shall preserve natural drainage characteristics and enhance the aesthetics of the site to the maximum extent possible, and shall 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 the site.
2. **Soil Erosion.** Measures shall be included to prevent soil erosion and sedimentation.

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3. **Public Services.** The scale and design of the proposed development shall facilitate the adequate provision of services currently furnished by or that may be required of the City or other public agency including, but not limited to, fire and police protection, stormwater management, sanitary sewage removal and treatment, traffic control, and administrative services.

**E. ACCESS AND CIRCULATION**

1. **Ingress and Egress.** Every structure and dwelling unit shall be provided with adequate means of ingress and egress via public streets and walkways. Access to the site shall be located and designed to ensure minimal impact on the safety and efficiency of traffic flow along all adjoining roadways.
2. **Emergency Vehicle Access.** All buildings and site circulation shall be arranged to permit emergency vehicle access by practicable means to all buildings and areas of the site. Vehicle circulation shall meet turning radius requirements set by the Fire Department. Fire lanes shall be designated on the site and posted with signage by the developer/property owner at the developer's/property owner's expense prior to occupancy. Fire hydrants, fire suppression systems, fire detection, and fire extinguishers shall be provided as required by the Fire Department.
3. **Vehicular Circulation Layout.** The arrangement of public or common ways for vehicular and pedestrian circulation shall respect the pattern of existing or planned streets and pedestrian pathways in the area. Public streets adjacent or through the proposed development shall be required when it is essential to promoting and protecting public health, safety and general welfare and to provide continuity to the public road system.
4. **Vehicular access.** The location and design of driveways providing vehicular access to the site shall be arranged to promote the safety and convenience of vehicles and pedestrians and to provide access in a manner that promotes proper internal circulation. The Planning Commission shall require public streets adjacent or through a proposed development, when it is necessary for the public health, safety and welfare, and/or provide continuity to the public road system. In those instances where the Planning Commission determines that there are an excessive number of curb-cuts in relation to abutting public roads, thereby diminishing the capacity of the road or creating excessive points of conflict, a reduction in the number of driveways shall be required. For a narrow frontage which will require a single outlet, the Planning Commission may require that money be placed in escrow with the City so as to provide for a marginal service drive equal in length to the frontage of the property involved. Occupancy permits shall not be issued until the improvement is physically provided or monies have been deposited with the City.
5. **Pedestrian Circulation.** The site plan shall provide a pedestrian circulation system which is insulated as completely as is reasonably possible from the vehicular circulation system.
6. **Traffic Impact.** The expected volume of traffic to be generated by the proposed use shall not adversely affect existing roads and traffic patterns. Roadway access shall minimize excessive vehicle traffic on local residential streets to reduce the possibility of any adverse effects upon adjacent property. A transportation impact study as described in Section 8.15 may be required where the trip thresholds noted in that section are met to help determine compliance with this standard.

(ord. eff. April 24, 2021 )

## **SEC. 11.6 AMENDED PLANS**

### **A. Minor Changes**

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(Supp. No. 83)

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1. Prior to making any change to an approved site plan/sketch plan the applicant or property owner shall notify the Community Development Director of any desired change. The Community Development Director shall review the request and determine whether the requested change is minor or major. The following shall be considered minor changes:
    - a. Movement of a building or buildings by no more than five (5) feet, provided all setback, parking, landscaping and other site requirements are still met.
    - b. Plantings approved in the landscape plan may be replaced by similar types and sizes of landscaping which provides a similar screening effect on an equal or greater basis.
    - c. Trees to be preserved that were damaged or lost during construction may be replaced by trees of a similar species, with two (2) new trees required for each tree replaced.
    - d. Improvements to site access or circulation, such as deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, but not the addition of new driveways.
    - e. Changes of building materials to another of higher quality, as determined by the Building and Safety Director.
    - f. Changes in interior floor plans which do not alter the character of the use.
    - g. Slight modification of sign placement or reduction of size.
    - h. Changes required or requested by the City, County, State or Federal agency for safety reasons or for compliance with applicable laws.
    - i. Revisions that do not alter the basic design, compliance with the standards of approval, nor any specified conditions of the approved site plan.
    - j. Situations the Building Inspector deems similar to the above.
  2. Minor changes to an approved site plan may be approved by the Community Development Director.
- B. **Major Changes.** All other changes not considered minor shall be considered a major change requiring a new application for site plan review.

(ord. eff. April 24, 2021 )

## **ARTICLE 12 PLANNED UNIT DEVELOPMENTS (PUD)**

### **SEC. 12.1 PURPOSE AND INTENT**

The Planned Unit Development (PUD) concept is intended to provide a greater degree of flexibility in the regulation of land development and the arrangement of uses. Through this option, more creative approaches to development can be utilized which take advantage of the special characteristics of the land, which would otherwise not be possible through the strict enforcement of the Ordinance. The specific objectives of this article are to:

1. Encourage innovation in land use and creative reuse or redevelopment; variety in design, layout and type of structures constructed; while preserving the intent and integrity of the City Master Plan.
2. Achieve economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities.
3. Encourage the provision of useful open space.



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4. Permit flexibility in the placement, lot area, uses, and building type regulations, while assuring the application of sound site planning standards.

Three types of overlay PUDs are provided in this article: General PUD, Railroad PUD, and Riverfront PUD. Each type is required to meet the Qualifying Conditions in Section 12.2 and standards of Section 12.3, which apply simultaneously, or replace, standards of the underlying zoning district.

Establishment of a PUD shall be considered a Zoning Ordinance amendment creating a PUD District overlaying the existing zoning district. Except in the Railroad or Riverfront PUD, if, for any reason, the General PUD is not built, the underlying or original zoning district prevails.

(ord. eff. April 24, 2021 )

## SEC. 12.2 QUALIFYING CONDITIONS

- A. **General requirements.** The Planned Unit Development (PUD) regulations that follow shall be applied to the initiation and regulation of all Planned Unit Development projects. Where there are conflicts between the PUD regulations herein and general zoning, subdivision, or other regulations or requirements, these regulations shall apply for the PUD project. Where the City Commission shall find, in the particular case and upon recommendation of the Planning Commission, that provisions herein do not serve the public purpose to a degree at least equivalent to such general zoning, subdivision or other regulations or requirements, the City may apply such standard requirements of the Zoning Ordinance, Land Division Ordinance or other standard regulations.
- B. **Single Ownership or Control.** The planned unit development site shall be under the control of one owner or group of owners and shall be capable of being planned and developed as one integral unit.
- C. **Initiated by Petition.** A PUD zoning classification may be initiated only by a petition or by the City.
- D. **Availability and capacity of public services.** The proposed type and design of use shall not result in an unreasonable increase in the use of public services and/or facilities, and shall not unreasonably diminish utility capacities.
- E. **Compatibility with the master plan.** The proposed PUD shall be compatible with the overall goals and recommendations of the City of Mount Clemens Master Plan.
- F. **Compatibility with the PUD purpose.** The proposed PUD shall be consistent with the purpose and intent of this chapter.
- G. **Development impact.** The proposed PUD shall not impede the continued use or development of surrounding properties for uses that are permitted in this article.
- H. **Applicability.** A property meeting the conditions of this section may be rezoned to an appropriate PUD District based on the following locational criteria:
  1. Railroad PUD. Properties included in the Railroad PUD Overlay as designated on the zoning map shall be eligible to develop in accordance with the standards of this Article. As designated on the zoning map, the industrial, residential, and mixed-use areas to the east of the Grand Trunk Railroad.
  2. Riverfront PUD. As designated on the zoning map, the central business, mixed-use, industrial, and residential areas adjacent to the Clinton River.
  3. General PUD. All other areas of the City not designated for Railroad or Riverfront PUD.
- I. **Benefits.** The PUD site plan shall provide one or more of the following benefits not possible under the standards of another zoning district, as determined by the Planning Commission:
  1. preservation of significant natural or historic features;

2. a complementary mixture of uses or a variety of housing types;
3. common open space for passive or active recreational use;
4. mitigation to offset impacts; or,
5. redevelopment of a nonconforming site where creative design can address unique site constraints.

(ord. eff. April 24, 2021 )

### SEC. 12.3 PUD DISTRICTS

Rezoning of property to an appropriate PUD District shall be based on the standards contained in this Article and appropriate standards contained elsewhere in this ordinance. The following standards shall be specific to each type of PUD:

A. PUD Uses.

1. All uses permitted on a site under the existing zoning districts for the site shall be permitted in the PUD project. The uses identified in the table below supplement the uses permitted in their respective zoning districts. All such uses shall be subject to site plan approval.
2. All special land uses which may be considered for a site under the existing zoning district may be considered in the PUD project. All special land uses shall only be approved as part of a PUD upon a finding that the use or uses are consistent with all applicable special land use requirements and standards of Article 13 of the Zoning Ordinance.

Use	Railroad PUD	Riverfront PUD	Add'l Req'ts
<b>Residential</b>			
Single-Family detached dwellings	P		
Two-Family dwellings	P		7.1.A
Attached residential	P	P	
<b>Human Care Facilities</b>			
Group day care home (7 to 12 children less than 24 hours per day)		SLU	7.2.B
<b>Commercial</b>			
Bed and Breakfasts	SLU	SLU	7.3.B
Commercial recreation	P	P	
Eating and Drinking establishments	SLU	P	
Funeral Homes and Mortuaries	SLU		7.3.D
Kennel	P		7.3.F
Lodging		P	
Professional, Medical, and Business Offices	P	SLU	
Retail sales adjunct to a principal use	P	P	
<b>Transportation</b>			
Automobile maintenance and repair (minor)	SLU		
Boat service facilities		P	
Boat storage (indoor or outdoor)		P	
Marinas and other docking facilities		P	
<b>Industrial</b>			
Brewery/Distillery	P		7.5.A

Research, Development, and Testing Services, including Laboratories	P		
Production of consumer goods, such as food, beverages, art, or clothing	P		7.5.B
Workshop/Showroom	P		
<b>Institutional</b>			
Colleges and Universities		SLU	7.6.B
Municipal or public utility uses	P	SLU	7.6.C
Parks		P	
Places of assembly, including places of worship		SLU	7.6.D
Public Library, Public Museum	P	SLU	
Schools		SLU	7.6.E
Studio, such as art, dance, health, music or other similar place of instruction	P	P	

**B. PUD Site Design and Building Standards**

All development in PUDs shall provide the following, as applicable:

1. Adequate, safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways, off-street parking and loading space, facilities for waste disposal;
2. Arrangement of buildings, vehicular circulation and open spaces so that pedestrians moving between buildings are not unnecessarily exposed to vehicular traffic;
3. Adequate amount and proper location of pedestrian walks, landscaped areas, and public transportation loading places to separate from general vehicular circulation facilities;
4. Arrangement and orientation of buildings and location of off-street parking areas so as to minimize impacts on adjacent properties;
5. Proper arrangement of signs and lighting devices with respect to traffic control devices and adjacent residential districts to minimize hazardous distraction, glare, and reduce visual clutter;
6. Adequate amount and safe location of play areas for children and outdoor green or gathering spaces that contribute to the city's network of green infrastructure and walkable placemaking opportunities;
7. Adequate consideration for the access needs of residents with disabilities;
8. Adequate identification of buildings, particularly in developments where two or more buildings use one street address or where two or more buildings are located on private street or drives.
9. Only high-quality, durable building materials, such as brick or stone, shall be used on facades visible from the street or parking lot. Any other building materials shall be approved by the Planning Commission.
10. An entrance shall provide a clear, obvious, publicly accessible connection between the street and the primary use within the building.
11. The site shall be suitable for development in the manner proposed, without hazards to persons or property, on or off the tract, from probability of flooding, erosion or other dangers, annoyances, or inconvenience. Condition of soil, ground water level, drainage and topography shall all be appropriate to both type and pattern of use intended.

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12. Where setback criteria is not clearly provided within this subsection, the setbacks from the zoning district governing the subject use shall apply. In all cases, the Planning Commission may modify the required perimeter and interior setbacks upon a finding of one of following:
    - a. adequate buffering exists between uses.
    - b. other open space offered on the site will serve the intent of the setback.
    - c. a mixed-use has been provided and no setbacks are established.
    - d. layout, scale and architectural design are integrated into a compatible development scheme.

**C. General PUD**

1. **Intent.** The intent of applying the above standards as a General PUD is to promote unified redevelopment of shopping centers, and former institutional sites such as schools and churches.
2. **Applicability.** A General PUD can be applied anywhere in the city that is not designated as a Railroad or Riverfront PUD on the zoning map.

**D. Railroad PUD**

1. **Intent.** The intent of the Railroad PUD is to integrate a flexible mixture of uses into historically industrial areas. The Railroad PUD overlay generally are areas transitioning from older industrial and auto-oriented uses with pockets of residential to higher density modern infill and adaptive reuse that respects the adjacent residential neighborhoods. These areas are characterized by an eclectic mixture of live/work, office, residential, and lower intensity industrial uses in a warehouse setting that complement, but do not compete with, the CBD.
2. **Dimensional Standards.**
  - a. The City may grant flexibility in underlying zoning dimensional standards where necessary to allow for innovative design in redeveloping a site and where a clear public benefit is being derived.
  - b. Siting, area, and bulk standards shall be flexible based on the underlying zoning, the intended use, and the context of remaining buildings adjacent to the subject site to encourage flexibility and creativity consistent with the intent of the PUD.
  - c. The maximum height in a Railroad PUD shall be 3 stories.
3. **Siting and Site Design.**
  - a. Industrial adjacent to single-family residential shall be setback 25' and screened according to Section 9.2.
  - b. Site design and landscaping shall diminish the prominence of parking lots as viewed from public streets.
  - c. New buildings are encouraged to front the sidewalk to encourage a walkable neighborhood character.
4. **Access and Parking.**
  - a. Limited front yard parking, if so, screened from the sidewalk and street.
  - b. Garages are preferred to be side or rear-located.
  - c. To encourage a true integration of mixed uses and improved efficiency in land use, the Planning Commission may permit the overlap in parking requirements between uses that

have alternating peak-parking demands or where the mixture of uses on a site would result in multi-purpose trips. Approval for the parking reduction shall be based upon documentation submitted by the applicant indicating the types of uses, intensity and characteristics of the parking demands for such uses.

**E. Riverfront PUD**

1. **Intent.** The Riverfront PUD is intended to provide a safe and vibrant riverfront with a mixture of uses. The intent of the Riverfront District is to integrate the development of water-oriented, recreational and boating facilities, accessory retail and service uses with residential uses that maximize the use and views of the riverfront.
2. **Dimensional Standards.**

Height		
Minimum	1 stories	16 ft.
Maximum	3 stories	45 ft.
Siting		
Front Yard Setback (min.)	0 ft.	
Water-fronting Setback (min.)	20 ft. from water's edge <sup>1</sup>	
Side Setbacks (min.)	0 ft.	
Side Setback adjacent to single-family residential (min.)	10 ft.	

<sup>1</sup> If buildings on both waterfront lots adjoining the vacant subject waterfront lot are set back less than 20 but more than ten feet from the water's edge, the setback may be reduced to the average setback of those buildings. If one of those lots is vacant and the other occupied by a building which is set back less than 20 feet from the water's edge, the setback may be reduced to the average setback of that dwelling and 20-foot setback required by this section, though in no instance shall the setback be less than ten feet.

Michigan Department of Environmental Quality (MDEQ) flood plain regulations, Army Corps of Engineers regulations and standards applicable to the construction of buildings and establishment of uses in coastal zone management areas administered by the MDEQ land and water management division and other state and federal regulations may require greater setbacks than required by this section above. In such cases, those agencies' regulations and standards shall apply.

3. **Access and Parking.** Parking shall not be located between a building and the riverfront. Any parking fronting a street shall be screened from the sidewalk.

(ord. eff. April 24, 2021 )

**SEC. 12.4 APPLICATION AND REVIEW PROCEDURE FOR PRELIMINARY PUD SITE PLAN AND FINAL PUD SITE PLAN**

The application process for a PUD involves a three (3) step process including review of a preliminary (conceptual) site plan by both the Planning Commission and City Commission. Upon approval of the preliminary plan, a final site plan shall be reviewed by the Planning Commission. The procedures are described below.

- A. Prior to filing an application for a Planned Unit Development, a pre-application conference shall be held with the Community Development Department at which time consideration of basic site

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information and sketch plans will be discussed. If the project is to be developed in phases, the pre-application conference shall include a discussion of each development phase and an anticipated timetable for development. Following the pre-application conference, a planned unit development application shall be prepared and submitted by the applicant.

- B. The applicant shall prepare and submit to the City Clerk fifteen (15) copies of a preliminary PUD site plan for a PUD, meeting the requirements of Section 12.5 Preliminary PUD Site Plan Submittal Requirements, at least thirty (30) days prior to the meeting at which the Planning Commission shall first review the request; twenty-one (21) days for an applicant who has had a pre-application workshop on the proposal within sixty (60) days of the preliminary PUD site plan submittal. The Zoning Administrator shall promptly transmit this plan to the members of the Planning Commission.

The Planning Commission shall review the preliminary PUD site plan and shall conduct a public hearing in accordance with State Law. During this review, the Planning Commission may request additional materials supporting the PUD proposal, or recommend modifications or conditions based on the standards of Section 12.6 Preliminary PUD Standards for Approval. The Planning Commission shall then, within sixty (60) days of the submittal, make a recommendation on the preliminary PUD site plan to the City Commission. The applicant shall incorporate these modifications or conditions recommended by Planning Commission prior to the review by the City Commission.

- C. Following receipt of the Planning Commission recommendations, the City Commission shall conduct a public hearing on the preliminary PUD site plan and petition. Notice and procedures for public hearings for PUD's shall be as required under State Law. The City Commission shall take final action on said plan and petition within ninety (90) days of the date it receives a report from the Planning Commission or such reasonable extension of time as may be necessary for adequate review.
- D. If any conditions are imposed upon the approval of the preliminary PUD site plan by the City Commission, a list of those conditions shall be made part of the approval and shall be reflected in the final PUD site plan.
- E. Approval of the preliminary PUD site plan by the City Commission shall confer upon the owner the right to proceed through the subsequent PUD plan review phases for a period not to exceed three (3) years from date of approval. This period may be extended by the City Commission for one (1) additional three (3) year period.

The applicant shall submit fifteen (15) copies of detailed final site plans to the City Clerk, as described in Section 12.8 Standards for Approval of Final Site Plan, for all, or any phase of, the approved preliminary PUD site plan at least thirty (30) days prior to the Planning Commission meeting at which the Planning Commission shall first review the request.

- F. Upon submission of all required materials and fees, the Planning Commission shall review the final PUD site plan and shall approve, deny, or approve with conditions, in accordance with the standards and regulations of this Zoning Ordinance and for consistency with the preliminary PUD site plan.
- G. If the final PUD site plan was approved with conditions, the applicant shall submit a revised site plan to the Zoning Administrator in accordance with Section XX.XX Projects Eligible for Sketch Plan Review and Administrative Approval for approval prior to the issuance of any building permits.
- H. If the approved preliminary PUD site plan indicated that the proposed development was to occur in phases, final site plan approval may be granted on each phase of the development, provided that each phase contains all the necessary components to insure protection of significant natural, historical, and architectural features, and the health, safety, and welfare of the users of the PUD and the residents of the surrounding area. Subsequent phases shall also follow the process for final PUD site plan outlined in this Article.

(ord. eff. April 24, 2021 )

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## **SEC. 12.5 PRELIMINARY PUD SITE PLAN SUBMITTAL REQUIREMENTS**

The applicant shall submit the required number of prints of the preliminary PUD site plan to the Planning Commission. The preliminary PUD site plan shall contain, in addition to the requirements of Article 11, the following:

1. A boundary survey by a registered civil engineer or land surveyor of the exact acreage being requested for development.
2. A preliminary site plan for the entire parcel carried out in such detail as to indicate the functional uses being requested (residential, commercial, resort, golf, research, office, etc.); the densities and dwelling types being proposed; the proposed phases of development; the traffic circulation plan and street network; pedestrian circulation; and sites being reserved for parks, open space, public or semi-public land uses; type, location, height, bulk and capacity of buildings or structures; and, automobile parking and loading.
3. A written document detailing the community impact statement, suitability of the site, population densities, parking ratios, traffic generation, traffic impact analysis, and development schedule of buildings, units and uses supporting the proposed development or this phase of the development.
4. The preliminary plans for public water, sanitary sewer and water facilities.

(ord. eff. April 24, 2021 )

## **SEC. 12.6 PRELIMINARY PUD PLAN STANDARDS FOR APPROVAL**

Based upon the following standards, the Planning Commission may recommend denial, approval, or approval with conditions, and the City Commission may deny, approve, or approve with conditions the proposed planned unit development.

1. The planned unit development meets the qualification requirements.
2. The uses proposed shall have a beneficial effect, in terms of public health, safety, welfare, or convenience, on present and future potential surrounding land uses. The uses proposed will not adversely affect the public utility and circulation system, surrounding properties, or the environment. The public benefit shall be one which could not be achieved under the regulations of the underlying district alone, or that of any other zoning district.
3. The planned unit development is generally consistent with the goals, objectives and land use map of the Master Plan.
4. Judicious effort has been used to preserve significant natural and historical features, surface and underground water bodies and the integrity of the land.
5. Public water and sewer facilities are available or shall be provided for by the developer as part of the site development.
6. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation within and to the site is provided. Roads and driveways shall comply with the Subdivision Ordinance, Macomb County Road Commission standards and the private road regulations of Article 10, as applicable. Drives, streets and other elements shall be designed to discourage through traffic, while promoting safe and efficient traffic operations within the site and at its access points. The site shall provide for inter-connection of roads and the future integration of circulation between adjacent sites.

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7. Common open space shall be provided including natural areas, community greens, plazas and recreation areas. The open space and all other elements shall be in an appropriate location, suitably related to each other, the site and surrounding lands. The common open space may either be centrally located along the road frontage of the development, located to preserve significant natural features, or located to connect open spaces throughout the development. Connections with adjacent open space, public land or existing or planned pedestrian/bike paths may be required by the City. Grading in the open space shall be minimal, with the intent to preserve existing significant topographic features, where such resources exist.
  8. Building design shall be of a high quality.
  9. Any deviations from the applicable zoning regulations are reasonable and meet the intent of this Article.

(ord. eff. April 24, 2021 )

## **SEC. 12.7 FINAL PUD SITE PLAN SUBMITTAL REQUIREMENTS**

The final PUD site plan shall include all the following information, unless the Zoning Administrator determines that some of the required information is not reasonably necessary for the consideration of the PUD:

- A. All information required for site plan submittal in accordance with Section 11.3 Site Plan and Sketch Plan Review Procedures.
- B. Any additional graphics or written materials requested by the Planning Commission to assist in determining the impacts of the proposed site plan, including, but not limited to, economic or market studies; impact on public utilities; traffic impacts; impact on significant natural, historical, and architectural features and drainage; impact on the general area and adjacent property; and estimated construction cost.
- C. A report identifying all property owners within the area of the proposed district and giving evidence of unified control of its entire area. The report shall state agreement of all present property owners and/or their successors in title:
  1. To proceed with the proposed development according to the regulations in effect when the amendment creating the PUD District is passed, with all modifications as are set by the City Commission in such action;
  2. To provide bonds, dedications, guarantees, agreements, contracts and deed restrictions acceptable to the City Commission for completion of each separate phase of development according to the approved plan; and for continuing operation and maintenance of such areas, facilities and services as are not to be provided, operated or maintained at general public expense; and such dedications, contributions or guarantees as are required for provision of needed public facilities and services; and
  3. To bind further successors in title to any commitments made above.
- D. A proposed written Development Agreement specifying all the terms and understanding of the PUD development including:
  1. A survey of the acreage comprising the proposed PUD.
  2. All conditions upon which the PUD approval is based, with reference to the approved preliminary PUD plan and a description of all deviations from City regulations which have been requested and approved.
  3. The manner of ownership of the developed land.



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4. The manner of the ownership and of dedication or mechanism to protect any areas designated as common areas or open space.
  5. Provisions assuring that those open space areas shown on the plan for use by the public or residents of the development will be or have been irrevocably committed for that purpose; the City may require conveyances or other documents to be placed in escrow to accomplish this.
  6. Satisfactory provisions have been made to provide for the future financing of any improvements shown on the plan for site improvements, open space areas, and common areas which are to be included within the development and that maintenance of such improvements is assured by a means satisfactory to the City Commission.
  7. The cost of installing and maintaining all streets and the necessary utilities has been assured by a means satisfactory to the City Commission.
  8. Provisions to ensure adequate protection of natural features and assurance for replacement of any trees and woodlands.
  9. Any other concerns raised by the Planning Commission or City Commission regarding the construction and maintenance of the PUD.
  10. The preliminary PUD plan shall be incorporated by reference and attached as an exhibit.
- E. A written draft of PUD Design Guidelines specific to the PUD. Such document shall include provisions for site layout, access, vehicular and pedestrian circulation, parking, screening, building design and architecture, landscaping, open space, lighting, and signage. The Design Guidelines shall also include any variations to the dimensional standards of this Ordinance, such as density, lot sizes, setbacks, height limits, required facilities, buffers, open space, permitted sign area, and other similar dimensional standards.

(ord. eff. April 24, 2021 )

## **SEC. 12.8 STANDARDS FOR APPROVAL OF FINAL SITE PLAN**

The Planning Commission shall use the standards for approval of Section 11.2, Uses Requiring Site Plan Review, and any design requirements developed specifically for the PUD by the City Commission, in reviewing the final PUD site plan.

(ord. eff. April 24, 2021 )

## **SEC. 12.9 DEVIATIONS AND AMENDMENTS FROM APPROVED FINAL PUD SITE PLAN**

- A. **Deviations following approval:** Deviations following approval of the Final PUD Site Plan may occur only when an applicant or property owner who was granted Final PUD Site Plan approval notifies the Zoning Administrator of the proposed amendment to such approved site plan in writing, accompanied by a site plan illustrating the proposed change. The request shall be received prior to initiation of any construction in conflict with the approved Final PUD Site Plan.
- B. **Procedure:** The Zoning Administrator shall determine whether the change is major, warranting review by the Planning Commission, or minor, allowing administrative approval, as noted below.
- C. **Minor changes:** The Zoning Administrator may approve the proposed revision upon finding the change would not alter the basic design nor any conditions imposed upon the original plan approval by the Planning Commission. The Zoning Administrator shall inform the Planning Commission of such approval in writing. The Zoning Administrator shall consider the following when determining a change to be minor.

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1. For residential buildings, the size of structures may be reduced; or increased by five percent (5%), provided the overall density of units does not increase and the minimum square footage requirements are met.
  2. Gross floor area of non-residential buildings may be decreased; or increased by up to five percent (5%) or 10,000 square feet, whichever is smaller.
  3. Floor plans may be changed if consistent with the character of the use.
  4. Horizontal and/or vertical elevations may be altered by up to five percent (5%).
  5. Relocation of a building by up to five (5) feet, if consistent with required setbacks and other standards.
  6. Designated "Areas not to be disturbed" may be increased.
  7. Plantings approved in the Final PUD Landscape Plan may be replaced by similar types of landscaping on a one-to-one or greater basis. Any trees to be preserved which are lost during construction may be replaced by at least two (2) trees of the same or similar species.
  8. Improvements or slight relocation of site access or circulation, such as inclusion of deceleration lanes, boulevards, curbing, pedestrian/bicycle paths, etc.
  9. Changes of building materials to another of higher quality, as determined by the Zoning Administrator.
  10. Slight modification of sign placement or reduction of size.
  11. Internal rearrangement of parking lot which does not affect the number of parking spaces or alter access locations or design.
  12. Changes required or requested by the City, County or state for safety reasons.
- D. **Major Changes:** Where the Zoning Administrator determines the requested amendment to the approved Final PUD Site Plan is major, resubmittal to the Planning Commission shall be required. Should the Planning Commission determine that the modifications to the Final PUD Site Plan significantly alter the intent of the Preliminary PUD Site Plan, a revised Preliminary PUD Site Plan shall be submitted according to the procedures outlined in Section 12.5 Preliminary PUD Site Plan Submittal Requirements illustrating the modification shall be required.

(ord. eff. April 24, 2021 )

## **ARTICLE 13 SPECIAL LAND USES (SLU)**

### **SEC. 13.1 INTENT**

The formulation and enactment of the Zoning Ordinance is based upon the division of the City into zoning districts, in each of which are permitted specified uses which are considered to be mutually compatible. In addition to permitted compatible uses there are certain other uses which may be necessary or desirable to allow in certain locations within certain districts; but because of their actual or potential impacts on neighboring uses or public facilities, there is a need to carefully regulate them with respect to their location, site design, and operations. These uses, due to their peculiar locational needs or the nature of the service offered, may be established in a district where they cannot be reasonably allowed as a permitted use, but may be allowed on a case-by-case basis as special land uses upon a finding that the standards of this Article are met.

- A. Special land uses are uses considered to be more intense, or potentially more disruptive, compared to the various uses permitted by right in a particular zoning district. The uses classified as special land uses vary by district and are listed in the regulations of each zoning district. The special land use

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procedures and standards are intended to provide a procedure by which special land uses can be evaluated to determine their potential impacts; ensure impacts can be accommodated within the environmental, infrastructure, and public services capacities of the area; provide site design and operational standards to minimize any negative impact on adjoining or nearby properties; and provide for public input through a public hearing.

(ord. eff. April 24, 2021 )

### **SEC. 13.2 AUTHORITY**

In all cases, the power to grant special land use approval is vested in the Planning Commission. All applications for special land use approval shall first be forwarded by the Community Development Department to the Planning Commission for review and processing. The application shall be submitted in the number of copies required and accompanied by the same number of site plans, all prepared and filed to meet the requirements of Article 11.

The Planning Commission shall review the application after proper notice has been given as required by the Michigan Zoning Enabling Act and approve or deny the application. Approval may require conditions the Commission may find necessary; disapproval of the application will be accompanied by reasons in writing. If a public hearing is to be held as provided by State law, then the Planning Commission, after proper notice, shall hear any person wishing to express an opinion on the application.

(ord. eff. April 24, 2021 )

### **SEC. 13.3 STANDARDS**

The Planning Commission shall review each case individually as to its applicability and must find affirmatively to each of the following standards of the proposed land use if it is to be approved.

1. The proposed use shall be of such location, size and character that it will be in harmony with the appropriate and orderly development of the surrounding neighborhood and applicable regulations of the zoning district in which it is to be located.
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 pedestrian-vehicle conflicts.
3. The proposed use shall be designed as to the location, size, intensity, site layout and periods of operation of any such proposed use to eliminate any possible nuisance emanating therefrom which might be noxious to the occupants of any other nearby uses permitted, whether by reason of dust, noise, fumes, vibration, smoke or lights.
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 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 necessary for the public convenience at the proposed location.

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7. The proposed use is so designated, located, planned and operated so 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 vicinity in which it is to be located and will not be detrimental to existing and/or other permitted land uses in the zoning district.

(ord. eff. April 24, 2021 )

## SEC. 13.4 DECISION

1. **Approval.** If the Planning Commission determines that the particular special land use(s) should be allowed, it shall endorse its approval thereof on the written application and clearly set forth in writing thereon the particular use(s) which shall be allowed. Thereafter, the enforcing officer may issue a building permit in conformity with the particular special land use(s) so approved. In all cases where a particular special land use has been granted as provided herein, application for a building permit in pursuance thereof must be made and received by the City not later than one year thereafter, or such approval shall automatically be revoked. The Planning Commission may grant an extension thereof for good cause shown under such terms and conditions and for such period of time not exceeding one year as it shall determine to be necessary and appropriate.
2. **Denial.** If the Planning Commission shall determine that the particular special land use(s) requested does not meet the standards of this Ordinance, it shall deny the application by a written endorsement thereon which clearly sets forth the reason for such denial.
3. **Record.** The decision on a special land use shall be incorporated in a statement of conclusions relative to the special land use under consideration. The decision shall specify the basis for the decision and any conditions imposed.
4. **Hearings.** The Planning Commission shall investigate the circumstances of each such case and give notice of the time and place of any hearing, meeting or review which may be held relative thereto as required by State law and/or its rules or procedure.
5. **Conditions.** The Planning Commission may impose such conditions or limitations in granting approval as may be permitted by State law and this Ordinance which it deems necessary to fulfill the spirit and purpose of this Ordinance. The conditions may include conditions necessary to ensure 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, to protect the natural environment and conserve natural resources and energy, to ensure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall do all of the following:
  - a. Be designed to protect natural resources, the health, safety and welfare, as well as the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.
  - b. Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.
  - c. Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in this Ordinance for the land use or activity under consideration; and be necessary to insure compliance with those standards.
6. Once a Special Land Use has been approved, no Zoning Board of Appeals requests shall be permitted. Any changes in the development plans must be made in accordance with revision procedures contained herein.

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(Supp. No. 83)

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(ord. eff. April 24, 2021 )

### **SEC. 13.5 AMENDMENTS, EXPANSIONS OR CHANGE IN USE**

1. **Major Amendments:** Any person or agency who has been granted a special land use shall notify the Community Development Department of any proposed amendment. A major amendment to a special land use shall require submittal of a new application for special land use and follow the review procedures contained in this Article. The Community Development Director shall determine whether the proposed amendment constitutes a minor or major amendment based on the following standards:
  - a. Changes increase the buildings usable floor area by more than twenty five percent (25%);
  - b. Parking lots are expanded by more than twenty five percent (25%);
  - c. The occupancy, capacity or membership of the use is increased by more than twenty five percent (25%);
  - d. The use is expanded to occupy an additional twenty five percent (25%) or more land area;
  - e. The expansion will result in a twenty five percent (25%) or more increase in traffic generation;
  - f. The expansion will result in a twenty five percent (25%) or more increase in the demand for public water or sewer; or,
  - g. Other similar types of changes deemed by the Community Development Department to be "major".
2. **Minor Amendment:** Minor amendment to an approved special land use does not require submittal of a new application for a special land use, but may require submittal of a site plan following the requirements of Article 11.
3. **Change in Use:** Change to another special land use shall require submittal of a new application for special land use and follow the review procedures contained in this Article.
4. **Separate Approval.** A separate special land use approval shall be required for each use requiring such on a lot.

(ord. eff. April 24, 2021 )

### **SEC. 13.6 RESTRICTIONS ON RESUBMITTAL OF A SPECIAL LAND USE REQUEST**

No application for a special land use which has been denied wholly or in part shall be resubmitted for a period of one (1) year from the date of denial, except on the grounds of new evidence or proof of changed conditions relating to all of the reasons noted for the denial found to be valid by the Planning Commission. A resubmitted application shall be considered a new application.

(ord. eff. April 24, 2021 )

## **ARTICLE 14 NONCONFORMING**

It is the intent to recognize that the elimination, as expeditiously as is reasonable, of existing structures and uses that are not in conformity with the provisions of this Ordinance, is as much a subject of health, safety, and welfare as is the prevention of the establishment of new structures and uses that would violate the provisions of this Ordinance. It is therefore, the intent to administer the elimination of nonconforming structures and uses, recognizing established private property rights, and avoiding any undue hardship. The following regulations shall

apply to all nonconforming buildings and structures, or parts thereof, and nonconforming uses existing at the effective date of this Ordinance.

### SEC. 14.1 NONCONFORMING BUILDINGS AND STRUCTURES

- A. **CONTINUANCE OF NONCONFORMING BUILDING.** Any such nonconforming building or structure may be continued and maintained, provided there is no physical change other than necessary maintenance and repair in such building or structure, except as permitted hereinafter in subsections B, C, and D.
- B. **MAINTENANCE PERMITTED.** Except as otherwise provided in this section, a nonconforming building or structure may be maintained. The maintenance of such building or structure shall include necessary repairs and incidental alterations, which alterations, however, shall not extend to the extent or degree or nonconformity of such building or structure to this Ordinance, provided that in a building which is nonconforming as to use regulations, no structural alterations shall be made, except those required by law or ordinance. Provided further, that the cost of such work shall not exceed thirty (30) percent of the assessed valuation of such building or structure at the time such work is done. This requirement shall not be considered as prohibiting the bringing of a structure into conformity with the regulations of the district in which it is located.
- C. **RESTORATION OF DAMAGED BUILDING.** A nonconforming building or structure having been damaged or partially destroyed by fire or other calamity to an extent not exceeding sixty (60) percent of its assessed valuation, exclusive of foundations, at that time, may be restored; and its immediately previous occupancy or use existing at the time of such partial destruction may be continued or be resumed, provided that such reconstruction is approved by variance as authorized under Article 14 hereof, and the work of restoration is commenced within one (1) year of the date of such partial destruction and is diligently carried on to completion. Whenever a nonconforming building or structure is damaged in excess of sixty (60) percent of its assessed valuation, exclusive of foundations, at that time, the repair or reconstruction of such building shall conform to all of the regulations of the district in which it is located and it shall be treated as a new building.
- D. **ADDITIONS, ENLARGEMENTS, MOVING.**
1. A building or structure, nonconforming as to height regulations, may be added to or enlarged if such addition or enlargement conforms to the regulations of the district in which it is located. In such case, such addition or enlargement shall be treated as a separate building or structure in determining conformity to all of the requirements of this Ordinance.
  2. When a building or structure, or portion thereof, is moved from one district to another or to another location within the same district, it must conform or be made to conform to all of the regulations, ordinances and codes of the district to which it is moved.

(ord. eff. April 24, 2021 )

### SEC. 14.2 NONCONFORMING USES

- A. **CONTINUANCE OF NONCONFORMING USE.** Any such nonconforming use may be continued and maintained, provided there is no increase or enlargement of the area, space or volume occupied by, or devoted to, such nonconforming use within a building or on site.
- B. **ABANDONMENT; TERMINATION OF NONCONFORMING USE.** Any part of a building, structure or land occupied by a nonconforming use which hereafter is abandoned and remains unoccupied for a continuous period of one (1) year shall not thereafter be occupied, except by a use which conforms to the use regulations of the district in which it is located.

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- C. **CHANGE OF TENANCY OR OWNERSHIP.** There may be a change of tenancy, ownership or management of an existing nonconforming use, provided there is no change in the nature or character of such nonconforming use.
  - D. **EXPANSION PROHIBITED.** A nonconforming use of a portion of a building or structure, which building or structure otherwise conforms to the provisions of this Ordinance, shall not be expanded or extended into any other portion of such conforming building or structure, nor changed, except to a conforming use. If such nonconforming use, or portion thereof, is discontinued or changed to a conforming use, any future use of such building, structure, or portion thereof, shall be in conformity to the regulations of the district in which such building or structure is located.
  - E. **CHANGE OF USE.** The nonconforming use of a building, structure or land may not be changed to a different use unless one of the following conditions has been met:
    - 1. Such different use is permitted in the Zoning District under which the property is currently zoned, subject to site plan review and approval as required in the Zoning Ordinance.
    - 2. Such proposed use, while still nonconforming, is considered less intense than the previous nonconforming use as determined by the Mount Clemens Planning Commission, and would bring the site closer into conformance with existing Ordinance standards. A use may be deemed more intense if the Planning Commission determines that the proposed use meets any of the following criteria:
      - a. The proposed use generates more light, noise, air, or other pollution than the current use;
      - b. The proposed use generates more traffic and/or turning movements, or negatively alters the traffic circulation pattern on or off the site;
      - c. The use generates a greater need for parking on site;
      - d. The proposed use causes greater negative economic impacts on adjacent properties than the current use.
      - e. Where a use change requires submission of a site plan, the applicant shall be required to comply with all applicable zoning provisions as is deemed reasonably feasible by the Mount Clemens Planning Commission. Site plan compliance shall include but not be limited to such items as parking, landscaping, and signage.
  - F. **NONCONFORMING USE OF LAND.** Continuation of Use. The nonconforming use of land (where no building is involved) existing at the date this Ordinance becomes effective, may be continued, provided that:
    - 1. No such nonconforming use of land shall in any way be expanded or extended either on the same or adjoining property.
    - 2. If such nonconforming use of land or any portion thereof is discontinued or changed, any future use of such land shall be in conformity with the provisions of this Ordinance.

(ord. eff. April 24, 2021 )

## **SEC. 14.3 NONCONFORMING LOTS**

- A. **NONCONFORMING LOT OF RECORD.** Division of Nonconforming Lot. Parcels shall not be divided in a manner that increases nonconformity, causes an existing structure or site improvement to become nonconforming, or creates one or more nonconforming lots.
- B. **USE OF A NONCONFORMING LOT OF RECORD.** Any nonconforming lot of record shall only be used as permitted in the district in which it is located. A single nonconforming lot may be developed or improved

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with a principal building and permitted accessory structures, without the need for a variance, provided that the following conditions have been met:

1. The structure and lot shall conform with all applicable yard dimensions, setbacks and other requirements, other than minimum lot width and lot area, for the district in which it is located.
2. The lot in question meets seventy-five percent (75) of the minimum lot width and lot area requirements of the district in which it is located.
3. The lot is not under contiguous single ownership with other lots that could be combined into one or more conforming lots.

- C. **CONTIGUOUS NONCONFORMING LOTS UNDER THE SAME OWNERSHIP.** Two or more contiguous, nonconforming lots under the same ownership shall be considered one parcel. The applicant shall not be permitted to make improvements to the parcel prior to combining such lots to create one conforming lot of record.

(ord. eff. April 24, 2021 )

## **SEC. 14.4 NONCONFORMING SITES**

- A. Change in use, expansion or reconstruction on part of the site. The Community Development Director Zoning Administrator and/or Planning Commission may review the extent of the non-compliance and may require full or partial compliance, or allow certain non-conforming features to remain, based on the relationship to the extent of the change proposed for the lot. In making such a determination, the Community Development Director and/or Planning Commission Zoning Administrator may require an upgrade to the site based upon the following standards:
1. Reasonable site improvements to be made in relation to the scale and construction cost of the improvements.
  2. Improvements to the site are necessary to address safety-related site issues in accordance with the building code, fire code and other safety regulations.
  3. Existing parking and loading spaces do not meet the current requirements of Chapter 1254 - Parking Article 10. The Community Development Director and/or Planning Commission Zoning Administrator may allow for continued use of parking and loading spaces that do not meet the current required dimensions within all or a portion of the existing parking area if the intensity of the use will not increase. The Community Development Director and/or Planning Commission Zoning Administrator may require improvements to the pavement and parking lot striping.
  4. The closing, relocating, redesigning or reconfiguring of access points to allow shared access with an adjacent parcels for the purpose of reducing conflicts with traffic and non-motorized travel along the public street. (For example, driveways closest to signalized intersections or that have a poor offset spacing from driveways across the street may need to be closed, relocated or restrict certain turning movements to improve traffic flow and reduce crash potential). The Zoning Administrator Community Development Director and/or Planning Commission may defer to the City Transportation Engineer for required changes to access design. See CHAPTER 1254.01.12 - INGRESS AND EGRESS.
  5. Improved landscaping, to the extent practical, is necessary to provide sufficient buffering from less intensive adjacent uses, to improve the streetscape, mitigate the impact of non-conforming buildings or structures, and reduce the flowrate and improve the quality of stormwater runoff.
  6. Conformance with the standards of section will result in reduced glare onto adjacent residential or institutional properties and public rights-of-way



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7. Relocating and screening waste receptacles that are not fully conforming to current placement and screening standards will reduce conflicts with vehicles, improve views from the public street, and reduce impacts on adjacent residential property.

(ord. eff. April 24, 2021 )

## **SEC. 14.5 COMPLIANCE WITH REGULATIONS FOR NONCONFORMITIES**

- A. Whenever the owner shall fail to comply with the provisions of this Ordinance relating to removal or discontinuance of a nonconforming use, the Community Development Director shall serve notice in writing on such owner or his agent requiring him to comply therewith within a reasonable time after such notice. If, after such notice, the owner fails to comply therewith, the Community Development Director shall take such action as may be necessary, including civil action, to cause compliance with the provisions hereof.

(ord. eff. April 24, 2021 )

# **ARTICLE 15 ADMINISTRATION & ENFORCEMENT**

## **SEC. 15.1 ENFORCEMENT**

The provisions of this Ordinance shall be administered and enforced by the City Commission through the Community Development Director or any other employees, inspectors and officials as the City Commission may delegate to enforce the provisions of the Ordinance.

(ord. eff. April 24, 2021 )

## **SEC. 15.2 DUTIES OF THE COMMUNITY DEVELOPMENT DIRECTOR**

The Community Development Director shall have the power to grant building and occupancy permits, to make inspections of buildings or premises to carry out his/her duties in the enforcement of this Ordinance. It shall be unlawful for the Community Development Director to approve any plans or issue a building permit for any excavation or construction until he/she has inspected such plans in detail and found the plans/use to be in compliance with this Ordinance. To this end, the Community Development Director shall require that every application for a building permit for excavation, construction, moving, alteration, or change in type of use or the type of occupancy be accompanied by written statement and plans or plats drawn to scale and showing the following in sufficient detail to enable the Building Inspector to ascertain whether the proposed work or use is in conformance with this Ordinance:

1. The actual shape, location and dimensions of the lot.
2. The shape, size and location of all buildings or other structures to be erected, altered or moved and of any buildings or other structures already on the lot.
3. The existing and intended use of the lot and of all such structures upon it, including, in residential areas, the number of dwelling units the building is intended to accommodate.
4. The signature of the fee holder owner of the premises concerned.
5. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this Ordinance are being observed.

6. The Community Development Director under no circumstances is permitted to grant exceptions or vary the terms of this Ordinance.

(ord. eff. April 24, 2021 )

**SEC. 15.3 PROCESS AND APPLICABILITY**

The table below summarizes the approval and level of compliance required for development and re-occupancy applications. The following abbreviations represent the approval authorities for projects listed in the table:

SPR: Site Plan Review in accordance with Article 11, particularly Section 11.02

SLU: Special Land Use review by Planning Commission or City Council, see Article 13

Admin: Administrative review and approval in accordance with Article 11

Type of Project	Definition	Approval Required	Level of Compliance
New development	New buildings or principal structure, tear downs and complete rebuilds.	SPR	Application shall show full compliance with the ordinance and all applicable site plan standards for the project as detailed in Article 11.
Special land use	Establishment, change, or expansion of a special land use.	SLU	Application shall meet the standards of Article 13 and applicable site plan standards for the type of project in Article 11.
Major expansion	Expansion of building by more than 2,500 sq. ft. or parking, loading or storage area by more than 3,000 sq. ft. or 25% or more from the existing current area, whichever is greater.	SPR	Application shall include information on site and building conditions and changes as described in Article 11. Improvements needed to ensure public safety and safe circulation shall be required. See Article 14 for the extent of site upgrades required where the building or site do not meet current standards.
Minor building and/or parking expansions	Expansion of building by less than 2,500 sq. ft. or parking, loading or storage area by less than 3,000 sq. ft. or 25% or less from the existing current area, whichever is greater.	Admin	
Facade and site improvements beyond typical building maintenance and repair	Building or architecture changes or site improvements that do not involve expansion of the building or parking but will alter the physical character of the site.	Admin	Improvements shall be required to comply with the requirements of this Ordinance to an extent proportionate and reasonably related to the specific request. Improvements needed to ensure public safety, safe circulation, and compliance with other city codes shall be required.
Change in a permitted use.	Change in use or re-occupancy of a building.	Admin	Site improvements shall be required particularly those related to impacts associated with the new use such as the amount of parking to meet standards for the new use.

			If the site or building does not meet current city standards, improvements shall be required to bring the site and building into compliance, or greater compliance, with this and other city codes as noted in Article 14.
Nonconforming situation	Change in nonconforming use, building, structure, or site (i.e. where the existing building or site improvements do not meet the current zoning ordinance standard.	See Article 14	Level of compliance and approval body is dependent upon situation as described in Article 14.

(ord. eff. April 24, 2021 )

**SEC. 15.4 PERMITS**

The following shall apply in the issuance of any permit:

- A. **PERMITS REQUIRED.** It shall be unlawful for any person to commence excavation for, or construction of, any building, fence, shed, sidewalk, driveway or structure (except concrete work not requiring a foundation or ratwall), structural changes, repairs in any existing building or structure, or moving of an existing building without first obtaining a zoning compliance permit and a building permit from the Community Development Department. No permit shall be issued for construction, alteration or remodeling of any building, fence or structure until an application has been submitted in accordance with the provisions of this Ordinance, showing that the construction proposed is in compliance with the provisions of this Ordinance and the Building Code.
  - 1. No plumbing, electrical, drainage or other permit shall be issued until it has been determined that the plans and designated use indicate that the structure and premises, if constructed as planned and proposed, will conform to the provisions of this Ordinance. "Alteration" or "repair" of an existing building or structure shall not include any changes in structural members, stairways, basic construction type, kind of class occupancy, light or ventilation, means of egress and ingress, or any other changes affecting or regulated by the Building Code, the Housing Law of the State of Michigan, or this Ordinance, except for minor repairs or changes not involving any of the aforesaid provisions.
- B. **PERMITS FOR NEW USE OF BUILDINGS OR STRUCTURES.** Where the new use of a building or structure does not require Planning Commission review under (Section 3.3), The Community Development Director shall issue a permit for the new use if such use meets all applicable Ordinance requirements.
- C. **PERMITS FOR MANUFACTURED HOMES AS TEMPORARY USE.** The owner of any premises may move not more than one (1) manufactured/mobile home upon such premises and utilize the same for residence purposes, which does not include storage, during the actual construction of a permanent dwelling thereon, but not to exceed six (6) months beginning with the issuance of a permit for the construction of said dwelling. Application may be made for one (1) six (6) month extension. The City Commission shall require said owner to furnish a financial guarantee in a sum equal to the cost of removing said manufactured home from the premises and completion of the permanent structure. Such financial guarantee may be in the form of a corporate surety bond, irrevocable bank letter of credit or cash.

(ord. eff. April 24, 2021 )

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## SEC. 15.5 CERTIFICATES OF OCCUPANCY

It shall be unlawful to use or permit the use of any land, building or structure for which a building permit is required, and to use or permit to be used any building or structure hereafter altered, extended, erected, repaired or moved until the Community Development Director shall have issued a certificate of occupancy stating that the provisions of this Ordinance have been complied with.

- A. **CERTIFICATE VALIDITY.** The certificate of occupancy as required for new construction of or renovations to existing building and structures in the Building Code shall also constitute certificates of occupancy as required by this Ordinance.
- B. **CERTIFICATES FOR EXISTING BUILDINGS.** Certificates of occupancy may be issued for a part of a building or structure prior to the occupation of the entire building or structure, provided that such certificate of temporary occupancy shall not remain in force more than thirty (30) days, nor more than five (5) days after the building or structure is fully completed and ready for occupancy; and provided, further, that such portions of the building or structure are in conformity with the provisions of this Ordinance.
- C. **TEMPORARY CERTIFICATES.** Certificates of temporary occupancy may be issued for a part of a building or structure prior to the occupation of the entire building or structure, provided that such certificate of temporary occupancy shall not remain in force more than thirty (30) days (six (6) months for landscape and screening), nor more than five (5) days after the building or structure is fully completed and ready for occupancy; and provided, further, that such portions of the building or structure are in conformity with the provisions of this Ordinance.
- D. **APPLICATION FOR CERTIFICATES.** Certificates of occupancy shall be applied for in writing to the Building Administrator coincidentally with application for building permits, and shall be issued within five (5) days after notification of completion of the building, if it is found that the building or structure, or part thereof, or the use of the land is in accordance with the provisions of this Ordinance. If such certificate is refused for cause, the applicant shall be notified of such refusal and the cause thereof within the aforesaid five (5) day period.
- E. **APPLICATION FOR CERTIFICATES.** Certificates of occupancy shall be applied for in writing to the Community Development Director coincidentally with application for building permits, and shall be issued within five (5) days after notification of completion of the building, if it is found that the building or structure, or part thereof, or the use of the lands in accordance with the provisions of this Ordinance. If such certificate is refused for cause, the applicant shall be notified of such refusal and the cause thereof within the aforesaid five (5) day period.

(ord. eff. April 24, 2021 )

## SEC. 15.6 FINAL INSPECTION

The recipient of site plan approval, or any building permit for the construction, erection, alteration, repair or moving of any building, structure, or part thereof, shall notify the Community Development Department immediately upon completion of the work authorized by such permit for a final inspection.

(ord. eff. April 24, 2021 )

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## SEC. 15.7 PLANNING COMMISSION

The City of Mount Clemens Planning Commission, as established under Act 33 of the Michigan Public Acts of 2008, as amended, shall perform all of the duties of such commission in accordance with the law in such case made and provided, relating to amendments of this Ordinance, and such other duties as are established in this Ordinance.

(ord. eff. April 24, 2021 )

## SEC. 15.8 FEES

The City Commission shall establish, by resolution, fees for each of the following:

- A. **INSPECTION AND CERTIFICATION.** Fees for inspections and the issuance of permits or certificates, or copies thereof, required or issued under the provisions of this Ordinance shall be collected by the City Treasurer in advance of the issuance of such permits or certificates.
- B. **APPEALS.** Any person appealing under Article 14 of this Ordinance in all cases shall pay the established fixed fee, plus such additional fees as may be deemed reasonable by the City Commission for expert services necessary to render a proper decision.
- C. **REVIEWS.** Fees for the review of site plans, special approval uses or other matters requiring City Commission, Planning Commission or the Zoning Board of Appeals review, under the terms of this Ordinance, shall be paid to cover the cost of such reviews, including notice, publication, delivery, administration and professional services.
- D. **REZONINGS.** Any petition for the rezoning of land requiring an amendment of the City of Mount Clemens Zoning Ordinance shall be accompanied by a fee payable by the petitioner. Said fee shall be utilized to defray all costs, including necessary expert opinions in conjunction with the legislative review of the petition.
- E. **OTHER.** Fees for special resolutions pertaining to any matter relevant to this Ordinance or for the cost of special meetings of the City Commission, Planning Commission or the Zoning Board of Appeals shall be paid by the recipient or applicant prior to said resolution or meeting.
- F. **WAIVERS.** The City Commission may waive payment of any fees established by resolution when it finds that the necessity for an appeal, variance and/or rezoning is the result of an error or omission by the City Commission in enactment of this Ordinance.
- G. **APPROVAL DISALLOWED FOR NON-PAYMENT.**
  1. The City shall not approve any license, permit, variance, rezoning request or take any other municipal action of approval, unless the person or entity so requesting does not have any outstanding overdue payments to the City.
  2. Overdue payments defined. Overdue payments shall mean monies, whether disputed or otherwise, which are determined by the City to be overdue and owing, including by way of illustration only, real and personal property taxes, jeopardy assessments, permit fees, charges, contract balances, required deposits, required bonds, inspection fees or any other outstanding financial obligation.
  3. City defined. The term City shall mean the City, Zoning Board of Appeals, Planning Commission, all committees, commissions, boards, departments and employees.
  4. Appeal. A person aggrieved by a determination pursuant to this provision may appeal such claim to the Treasurer of the City in writing. The Treasurer shall make a determination on such appeal

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as to whether an issue of non-payment exists within fourteen (14) days after receipt of such appeal.

(ord. eff. April 24, 2021 )

## **SEC. 15.9 VIOLATIONS AND PENALTIES**

Any person, persons, firm or corporation, or anyone acting in behalf of said person, persons, firm or corporation, who shall violate any of the provisions of this Ordinance, or who fail to comply with any of the regulatory measures or conditions of the Zoning Board of Appeals or the City Commission, adopted pursuant hereto, shall, upon conviction thereof, be subject to a fine of not more than Five Hundred (\$500.00) Dollars and the costs of prosecution at the discretion of the Court, or imprisonment for a term not to exceed ninety (90) days, or both. Each day such violation continues shall be deemed a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance.

Uses of land and dwellings, buildings or structures, including tents, trailer coaches and manufactured/mobile homes, used, erected, altered, razed or converted in violation of any provision of this Ordinance, are hereby declared to be a nuisance per se. The Court shall order such nuisance abated and the owner and/or agent in charge of such dwelling, building, structure, tent, trailer, coach, manufactured home or land shall be adjudged guilty of maintaining a nuisance per se.

(ord. eff. April 24, 2021 )

## **ARTICLE 16 ZONING BOARD OF APPEALS**

### **SEC. 16.1 CREATION AND MEMBERSHIP**

There is hereby established a Zoning Board of Appeals, which shall perform its duties and exercise its powers as provided by Act 207, Public Acts of 1921, as amended, in such a manner that the objectives of this Ordinance shall be observed, public safety, morals and general welfare assured, and substantial justice done. The Zoning Board of Appeals shall consist of seven (7) members as follows:

- A. The first member shall be a member of the City Planning Commission.
- B. The remaining members shall be selected and appointed by the City Commission, of which members shall be representative of the population distribution and of the various interests present in the City. An elected officer of the City shall not serve as Chairman of the Zoning Board of Appeals. Further, an employee or contractor of the City Commission may not serve as a member or an employee of the Zoning Board of Appeals.
- C. The terms of each member shall be for three (3) years. A successor shall be appointed not more than one (1) month after the term of the preceding member has expired. All vacancies for unexpired terms shall be filled for the remainder of the term.
- D. The City Commission may appoint two alternate members for the same term as regular members of the Zoning Board of Appeals. An alternate member may be called to serve in the place of a regular member if the regular member will be absent or for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member having been appointed shall serve in the case until a final decision has been made. The alternate member shall have the same voting rights as a regular member of the Zoning Board of Appeals.

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- E. Members of the Zoning Board of Appeals shall be removable by the City Commission for non-performance of duty or misconduct in office upon written charges after public hearing. A member shall disqualify him or herself from a vote in which there exists a conflict of interest. Failure of a member to disqualify him or herself from a vote in which there is a conflict of interest shall constitute misconduct in office.
  - F. The Zoning Board of Appeals shall not conduct business unless a majority of the members of the Board are present.
  - G. The members of the Zoning Board of Appeals shall be appointed by the Mayor, with confirmation from the City Commission, at a regularly called meeting. The Zoning Board of Appeals may elect one of its members as Chairman, Vice Chairman and Secretary. The Board of Appeals shall submit an annual report of its proceedings to the City Commission documenting the case approval/denial rate for the year, as well as a proposed budget for the Board's consideration in appropriating necessary monies to the ZBA.

(ord. eff. April 24, 2021 )

## **SEC. 16.2 JURISDICTION**

The Board of Appeals shall have the following powers and it shall be its duty:

- A. To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the Community Development Department or Planning Commission in the administration or enforcement of this Ordinance.
- B. To grant variances from the provisions of this Ordinance as may be in harmony with its general purpose and intent so that the function of this Ordinance be observed, public safety and welfare secured, and substantial justice done, including the following:
  - 1. Interpret the provisions of the Ordinance in such a way as to carry out the intent and purpose of the plan as shown in the use districts accompanying the Zoning Map.
  - 2. Permit such modification of the height, setback and area regulations as may be necessary to secure and appropriate improvement of a lot which is of such shape, or so located with relation to surrounding development or physical characteristics, that it cannot otherwise be improved without such modification.
  - 3. Permit the phasing of required site plan improvements where the cost of the required improvements are relatively high in relation to the total cost of the applicants development or addition. Planning Commission recommendations shall be required, together with a bond in the amount of the deferred improvements.
  - 4. The Zoning Board of Appeals shall not have the right to review an appeal to a decision made by the City Planning Commission for cases involving Special Land Use or Planned Unit Development.

(ord. eff. April 24, 2021 )

## **SEC. 16.3 MEETINGS**

Meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such other times as such Board may determine or specify in its rules of procedure. All hearings conducted by said Board shall be open to the public. The Zoning Board of Appeals shall adopt its own rules of procedure and keep a record of its proceedings

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showing the vote of each member upon each question, or if absent or failing to vote, indicating said fact; and shall file a record of its proceedings in the Office of the City Clerk, and shall be a public record.

(ord. eff. April 24, 2021 )

## **SEC. 16.4 APPEALS PROCEDURES**

These procedures are instituted to hear and decide appeals from and review an order, requirement, decision or determination made by an administrative official or commission charged with the administration or enforcement of the City Zoning Ordinance.

- A. An appeal shall be filed with the officer from whom the appeal is taken and with the Zoning Board of Appeals specifying the ground for the appeal. The applicant shall file with the Zoning Board of Appeals, in writing or on forms furnished by the Community Development Department, giving notice of appeal and specifying the grounds thereof.
  - 1. The officer from whom the appeal is taken shall forthwith transmit to the Zoning Board of Appeals all papers constituting the record upon which the appeal is taken.
  - 2. Such appeal may be taken by any person aggrieved by any officer, department, commission, board or agency of the City charged with the administration or enforcement of this Ordinance.
  - 3. The Board shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties and decide the same within a reasonable time. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as, in its opinion, ought to be made in the premises, and, to that end, shall have all the power of the officer from whom the appeal was taken and may issue or direct issuance of a permit. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of such Ordinance, the Board shall have the power in passing upon appeals to vary or modify any of its rules, regulations or provisions so that the spirit of the Ordinance shall be observed, public safety secured and substantial justice done. The decision of such Zoning Board of Appeals shall be final. However, a person having an interest affected by the Zoning Ordinance may appeal to the circuit court which shall review the record prepared by the Zoning Board of Appeals consistent with the provisions of Section 5 (11) of Act 207, Public Acts of 1921, as amended.
  - 4. The concurring vote of a majority of the members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official or Commission.
  - 5. All actions of the Board shall be stated in writing.

(ord. eff. April 24, 2021 )

## **SEC. 16.5 VARIANCE REVIEW PROCEDURES**

These variance review procedures are instituted to provide an opportunity for the relaxation of the terms of the Zoning Ordinance where a literal enforcement of the Ordinance would result, through no fault of the applicant, in practical difficulties or unnecessary hardship. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in adjoining zoning districts.

- A. An application for the approval of a variance shall be made by an owner of an interest in the site to the Community Development Department, accompanied by the necessary fees and documents, as provided in this Ordinance.



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- B. The application shall be accompanied by a site plan drawn to the scale of 1" = 20' and placed on a standard sheet and containing the following information:
  - C. Dimensional elements for which a variance is requested.
  - D. Dimensional relationships of the subject lot to the structure on all adjacent lots.
  - E. The application shall be accompanied by an affidavit by the applicant explaining:
    - 1. How the strict enforcement of the provisions of the City Zoning Ordinance would cause practical difficulty and/or unnecessary hardship and deprive the owner of rights enjoyed by all other property owners owning property within the same zoning district.
    - 2. The conditions and circumstances unique to the property which are not similarly applicable to other properties in the same zoning district.
    - 3. The conditions and circumstances unique to the property were not created by the owner, or his predecessor in title, within the time following the effective date of the provisions alleged to adversely affect such property.
    - 4. Why the requested variance will not confer special privileges that are denied other properties similarly situated in the same zoning district.
    - 5. Why the requested variance will not be contrary to the spirit and intent of this Zoning Ordinance.
  - F. The Community Development Department shall notify the applicant and all owners of an interest in lots, as recorded on the City tax roll, and within three hundred (300') feet of the subject lot upon which a variance is requested, of the time and place of the Zoning Board of Appeals meeting at which such application will be considered, provided, however, such notice shall be given not less than seven (7) days before such meeting.
  - G. The Board shall consider the application for variance at its next regular meeting, which provides sufficient time for notice as required heretofore, or within not more than forty-five (45) days after receipt of the application by the Community Development Department and hear and question any witness appearing before the Board. Applications for ZBA review shall be submitted to the Community Development Department a minimum of thirty (30) days prior to the date of the meeting to qualify for said meeting's agenda.
  - H. The Board shall approve, with or without conditions, or disapprove the application and shall communicate its action, in writing, to the Community Development Department within one (1) week from the time of the meeting at which it considered the application.
    - 1. The Board shall not approve an application for a variance unless it has been found positively that:
      - a. The strict enforcement of the Zoning Ordinance would cause practical difficulty and/or unnecessary hardship and deprive the owner of rights enjoyed by all other property owners owning property within the same zoning district.
      - b. The conditions and circumstances are unique to the subject property and are not similarly applicable to other properties in the same zoning district.
      - c. The conditions and circumstances unique to the property were not created by the owner, or his predecessor in title, within the time following the effective date of the provisions alleged to adversely affect such property.
      - d. The requested variance will not confer special privileges that are denied other properties similarly situated and in the same zoning district.

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- e. The requested variance will not be contrary to the spirit and intent of the City Zoning Ordinance.
  - f. The Community Development Department shall, upon receipt of the notice of approval and upon application by the applicant, collect all required fees and issue a building permit or such other approval permitting the variance, subject to all conditions imposed by such approval.

(ord. eff. April 24, 2021 )

## **SEC. 16.6 ZONING BOARD OF APPEALS APPROVAL**

- A. No order of the Zoning Board of Appeals permitting the erection or alteration of a building shall be valid for a period longer than six (6) months, unless a building permit for such erection or alteration is obtained within such period, and such erection or alteration is started and proceeds to completion in accordance with the terms of such permit. The applicant may file, in writing, a request for an extension of said Zoning Board of Appeals approval of up to one hundred and eighty (180) days. The request shall be filed at the Community Development Department. The Community Development Director reserves the right to deny such request.
- B. No order of the Zoning Board of Appeals permitting a use of a building or land shall be valid for a period longer than six (6) months, unless such use is established within such period; provided, however, that where such order shall continue in force and effect if a building permit for said erection or alteration is started and proceeds to completion in accordance with such permit.

(ord. eff. April 24, 2021 )

## **ARTICLE 17 AMENDMENTS**

Amendments to this Ordinance may be made in the manner provided in Act 110 of the Michigan Public Acts of 2006, as amended, and in accordance with the initiatory procedure set forth hereinafter. Amendments may be initiated by the City Commission upon written request to the Planning Commission, or the Planning Commission may initiate amendments upon its own motion. Any person, firm or corporation affected by the provisions of this Ordinance may initiate a text amendment hereto by submitting the necessary forms, obtainable from the City, to the City Clerk. An amendment to the Zoning Map may only be initiated by a person, firm or corporation with a proprietary interest in the site proposed for rezoning.

### **SEC. 17.1 APPLICATION PROCEDURE.**

- A. An amendment to this Ordinance or the Zoning Map, except those initiated by the City, shall be initiated by submission of a completed application on a form supplied by the City, including an application fee, which shall be established from time to time by resolution of the City Commission.
- B. In the case of an amendment to the Official Zoning Map, the following information shall accompany the application form:
  - 1. A legal description and street address of the subject property, together with a map identifying the subject property in relation to surrounding properties.
  - 2. The name, signature and address of the owner of the subject property, a statement of the applicant's interest in the subject property if not the owner in fee simple title, and proof of consent from the property owner.
  - 3. The existing and proposed zoning district designation of the subject property.

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(Supp. No. 83)

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4. A site analysis site plan or current aerial photograph illustrating existing conditions on the site and adjacent properties such as woodlands, wetlands, soil conditions, steep slopes, drainage patterns, views, existing buildings, adjacent land uses, any sight distance limitations and relationship to other developed sites and access points in the vicinity.
  5. A written description of how the requested rezoning meets Section 17.3 "Criteria for Amendment to the Zoning Map."
- C. In the case of an amendment to the Zoning Map, the site must be staked to clearly indicate the location of the requested amendment. Flagged stakes shall be placed at each parcel corner.
  - D. In the case of an amendment to this Ordinance, other than an amendment to the Zoning Map, a general description and indication of the purpose of the proposed amendment shall accompany the application form.
  - E. An applicant for a rezoning may voluntarily offer certain conditions and limitations as part of the rezoning application (hereafter referred to as "conditional rezoning agreement"). The offer for a conditional rezoning agreement shall be submitted at the time the rezoning application is filed or in response to comments received at the Planning Commission public hearing. An election to file a conditional rezoning with a conditional rezoning agreement shall be in writing and shall be pursuant to the Michigan Zoning Enabling Act (Public Act 110 of 2006), and Section 17.4 below. When necessary, the conditional rezoning agreement shall also include and incorporate, by reference, a conceptual site plan. This plan shall not replace the requirement for a site plan review and approval as outlined in Article 11, which shall be conducted following the City Commission's approval of the conditional rezoning. The City may voluntarily accept the offer for a conditional rezoning agreement, but shall not be obligated to accept such offer.

(ord. eff. April 24, 2021 )

## **SEC. 17.2 AMENDMENT PROCEDURE; PUBLIC HEARING AND NOTIFICATION.**

- A. Upon initiation of an amendment, a public hearing on the proposed amendment shall be scheduled before the Planning Commission. Notice of public hearing shall be provided for in accordance with the Michigan Zoning Enabling Act.
- B. Where the applicant has offered a conditional rezoning, the conditional rezoning agreement may be offered or amended in response to comments raised during the public hearing; provided, that any amended or additional agreements are voluntarily offered by the applicant and they are in direct response to discussion at the public hearing.
- C. Following the public hearing, the Planning Commission shall identify and evaluate all factors relevant to the petition and shall report its findings and recommendation to the City Commission. In the case of an amendment to the Zoning Map, the Planning Commission shall consider the criteria contained in Section C below, in making its finding and recommendation.
- D. Where the applicant has offered a conditional rezoning, the conditional rezoning agreement shall be reviewed by the City attorney prior to the Planning Commission making a recommendation to the City Commission on the conditional rezoning application. The City attorney shall determine that the conditional rezoning agreement conforms to the requirements of Section D below and the Michigan Zoning Enabling Act, and shall confirm that the conditional rezoning agreement is in a form acceptable for recording with the County Register of Deeds.
- E. Following receipt of the findings and recommendation of the Planning Commission, the City Commission shall consider the proposed amendment.

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1. In the case of an amendment to the text of this Ordinance, the City Commission may modify or revise the proposed amendment as recommended by the Planning Commission, prior to adoption.
  2. In the case of an amendment to the Zoning Map, the City Commission shall approve or deny the amendment, based on its consideration of the criteria contained in Section 17.3 below.
- F. If a conditional rezoning has been offered by the applicant and recommended for approval by the Planning Commission, the City Commission may approve the conditional rezoning agreement as a condition to the rezoning if it meets all requirements of Section D below. If an applicant proposes a conditional rezoning agreement after the Planning Commission has made a recommendation on the rezoning request, the City Commission shall first remand the application back to the Planning Commission to review the agreement and resubmit a recommendation to the City Commission. The conditional rezoning agreement shall be incorporated by attachment or otherwise as an inseparable part of the ordinance adopted by the City Commission to accomplish the requested conditional rezoning. All of the following shall apply to a rezoning that was conditionally approved along with a conditional rezoning agreement:
1. The zoning classification of the rezoned property shall consist of the district to which the property has been rezoned, plus a reference to the conditional rezoning agreement. The zoning map shall specify the new district, plus a small letter "a" followed by a number to indicate that the property is subject to a conditional rezoning agreement and referencing the agreement number (e.g., "R1-A-a1").
  2. The City shall maintain a listing of all properties subject to conditional rezoning agreements. The approved conditional rezoning agreement shall be recorded by the applicant with the County Register of Deeds.
  3. Unless extended by the City Commission for good cause, the conditional rezoning agreement and associated conditional rezoning shall expire two (2) years after adoption of the conditional rezoning and conditional rezoning agreement, unless substantial construction on the approved development of the property, pursuant to building and other required permits issued by the City, commences within the two (2) year period and proceeds diligently towards completion.
  4. In the event that substantial construction on the approved development has not commenced within two (2) years, the zoning agreement shall be void and of no effect.
  5. Notwithstanding the above, if the property owner applies in writing for an extension of the conditional rezoning agreement at least thirty (30) days prior to the expiration date, the City Commission may, after recommendation by the Planning Commission, grant an extension of up to one (1) year.
  6. Should the conditional rezoning agreement become void, all development on the subject property shall cease, and no further development shall be permitted. The City may withhold or revoke permits and certificates, in addition to or in lieu of any other lawful action to achieve compliance.

If the conditional rezoning agreement becomes void as outlined above, the conditional rezoning shall be automatically revoked and the land shall be rezoned back to its original zoning classification.

(ord. eff. April 24, 2021 )

### **SEC. 17.3 CRITERIA FOR AMENDMENT TO THE ZONING MAP.**

In considering any petition for an amendment to the Zoning Map, the Planning Commission and City Commission shall consider the following criteria in making its findings, recommendations and decision:

- A. Consistency with the goals, policies and future land use map of the Master Plan, including any subarea or corridor studies. If conditions have changed since the Master Plan was adopted, the consistency with recent development trends in the area.

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- B. Compatibility of the site's physical, geological, hydrological and other environmental features with the host of uses permitted in the proposed zoning district.
  - C. The ability to the site to be reasonably developed with one (1) of the uses permitted under the current zoning.
  - D. The compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts (including a Traffic Impact Analysis per Section 8.15, when applicable), aesthetics, infrastructure and potential influence on property values.
  - E. The capacity of infrastructure and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety and welfare of the City.
  - F. The apparent demand for the types of uses permitted in the requested zoning district in the City in relation to the amount of land in the City currently zoned to accommodate the demand.
  - G. Where a rezoning is reasonable given the above criteria, a determination the requested zoning district is more appropriate than another district or amending the list of permitted or Special Land Uses within a district.
  - H. The request has not previously been submitted within the past one (1) year, unless conditions have changed or new information has been provided.

(ord. eff. April 24, 2021 )

#### **SEC. 17.4 AGREEMENTS FOR CONDITIONAL REZONINGS.**

- A. An applicant for a rezoning may voluntarily offer a conditional rezoning agreement as a condition for rezoning. An election to file a conditional rezoning with a conditional rezoning agreement shall be pursuant to the Michigan Zoning Enabling Act and this article. The conditions set forth in the conditional rezoning agreement must be voluntary and equally or more restrictive than the regulations that would otherwise apply under the proposed zoning district. The conditional rezoning agreement shall be a written agreement that is approved and executed by the applicant and the City and recorded with the County Register of Deeds. When necessary, the conditional rezoning agreement shall also include and incorporate, by reference, a site plan. This plan shall not replace the requirement for a site plan as outlined in Article 11. The conditional rezoning agreement must be voluntarily offered by the applicant and the City shall not have the authority to require modification to a conditional rezoning agreement without the consent of the petitioner; provided, the City shall not enter into a conditional rezoning agreement that is not found acceptable to the City Commission.
- B. The conditional rezoning agreement may include limitations on the uses permitted on the property in question, specification of lower density or less intensity of development and use, or may impose more restrictive measures on the location, size, height, or other measure for buildings, structures, improvements, setbacks, landscaping, buffers, design, architecture and other features. The conditional rezoning agreement may not authorize uses or developments of greater intensity or density, or which are not permitted in the proposed zoning district; nor may a conditional rezoning agreement permit variances from height, area, setback or similar dimensional requirements that are less restrictive than the proposed zoning district. The conditional rezoning agreement may include conditions related to the use and development of the property that are necessary to:
  - 1. Serve the intended use of the property, such as improvements, extension, widening, or realignment of streets, utilities, storm drains, or other infrastructure serving the site;

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2. Minimize the impact of the development on surrounding properties, such as landscape screening above and beyond minimum requirements or design elements to create transition to adjoining uses; and
  3. Preserve natural features, historic resources, and open space.
- C. In addition to any limitations on use or development of the site, preservation of site features or improvements described in paragraph B above, the conditional rezoning agreement shall also include the following:
1. Acknowledgement that the conditional rezoning agreement was proposed voluntarily by the applicant and that the City relied upon the agreement and may not grant the rezoning but for the conditions offered in the conditional rezoning agreement.
  2. Acknowledgement that the conditional rezoning agreement and its terms and conditions are authorized by all applicable state and federal law and constitution, and that the conditional rezoning agreement is valid and was entered into on a voluntary basis.
  3. Agreement and understanding that the property shall only be developed and used in a manner that is consistent with the conditional rezoning agreement.
  4. Agreement and understanding that the rezoning is conditioned upon obtaining site plan approval under Article 3, or subdivision approval under the Subdivision Control Ordinance and obtaining other necessary approvals required by the City and all applicable county, and state agencies.
  5. Agreement and understanding that no part of the conditional rezoning agreement shall permit any activity, use, or condition that would otherwise not be permitted in the new zoning district.
  6. Agreement and understanding that the approval of the conditional rezoning and the conditional rezoning agreement shall be binding upon and inure to the benefit of the property owner and the City, and also their respective heirs, successors, assigns, receivers or transferees.
  7. Agreement and understanding that, if a rezoning with a conditional rezoning agreement becomes void in accordance with this section, that no further development shall take place and the City shall initiate rezoning of the land back to its original zoning classification.
  8. A legal description of the land to which the agreement pertains.
  9. Any other provisions as are agreed upon by the parties.
- D. Any uses proposed as part of a conditional rezoning agreement that would otherwise require site plan approval or special land use approval shall be subject to the applicable review and approval requirements of Articles 11 and 13.
- E. Nothing in the conditional rezoning agreement, nor any statement or other provision, shall prohibit the City from later rezoning all or any portion of the land that is the subject of the conditional rezoning agreement to another zoning classification. Any rezoning shall be conducted in compliance with this ordinance and the Michigan Zoning Enabling Act.
- F. Failure to comply with the conditional rezoning agreement at any time after approval will constitute a breach of the agreement and also a violation of this ordinance, and further use of the property may be subject to legal remedies available to the City.

(ord. eff. April 24, 2021 )

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**SEC. 17.5 AMENDMENTS REQUIRED TO CONFORM TO COURT DECREE.**

Any amendment for the purpose of conforming to a decree of a court of competent jurisdiction shall be adopted by the City Commission and published, without necessity of a public hearing or referral thereof to any other board or agency.

(ord. eff. April 24, 2021 )

**ARTICLE 18 ENACTMENT PROVISIONS**

**SEC. 18.1 SEVERABILITY**

If any section, paragraph, clause or provision of this Ordinance is for any reason held to be invalid or unconstitutional, the invalidity or unconstitutionality of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

(ord. eff. April 24, 2021 )

**SEC. 18.2 REPEAL**

Other ordinances and parts of ordinances in conflict with this Ordinance, to the extent of such conflict and no further, are hereby repealed. The Zoning Ordinance for the City of Mount Clemens, Macomb County, Michigan, Code Section 15.000, effective April 21, 2003 and as amended, is specifically repealed in its entirety.

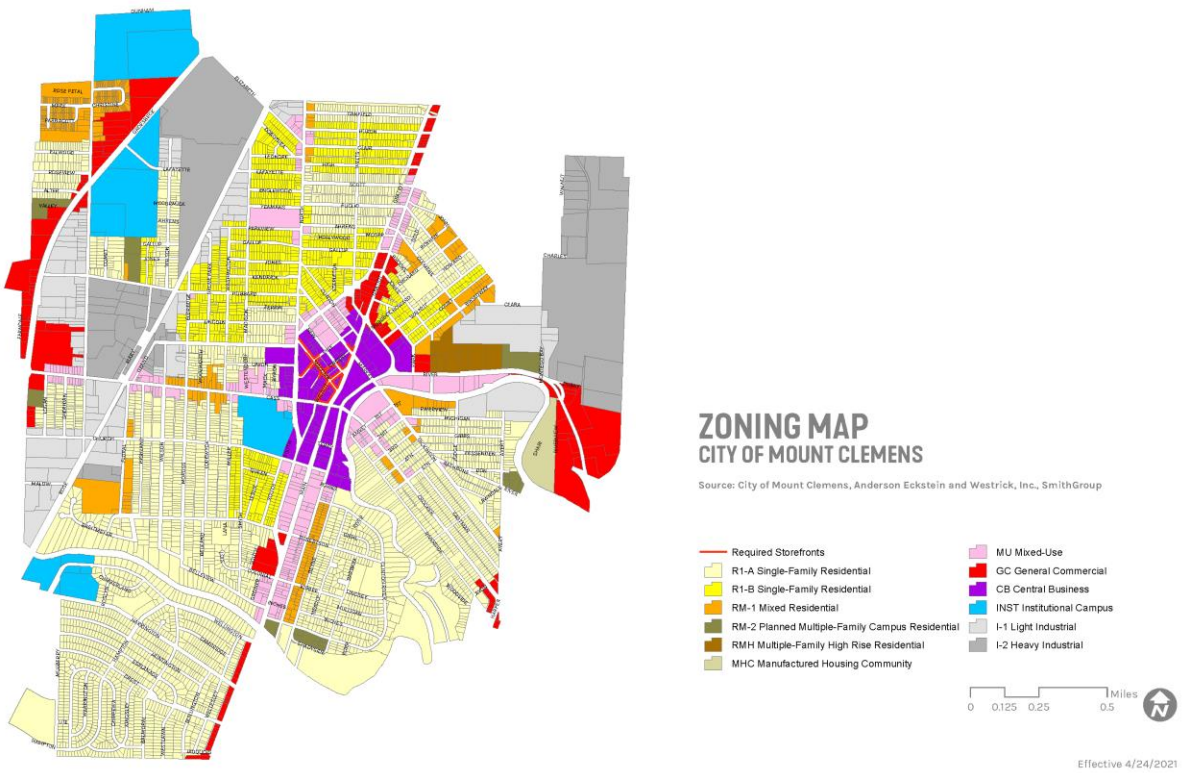
(ord. eff. April 24, 2021 )

**SEC. 18.3 ADOPTION AND EFFECTIVE DATE**

This Ordinance shall take effect ten (10) days from and after publication of a Notice of Adoption of said Ordinance in a newspaper of general circulation within the City of Mount Clemens, Macomb County, Michigan.

(ord. eff. April 24, 2021 )

APPENDIX A



The purpose of this combined use table is to provide a snapshot of uses allowed by district. It is not intended to replace the specific use tables in each chapter. Please refer to the specific article in which that district is found.

Use	R1-A	R1-B	RM-1	RM-2	RMH	MHC	MU	CBD	GC	INST	Rail road PUD	River-front PUD
<b>Residential</b>												
Single-Family detached dwellings	P	P	P	P	P	P	P				P	
Two-Family dwellings	SLU	SLU	P	P	P	P					P	
Attached residential			P	P	P	P	P	P (not ground floor)			P	P
Mobile Home Parks						P						
<b>Human Care Facilities</b>												
Adult day care facility												



APPENDIX A

Adult foster care family home (6 or fewer adults)	P	P	P	P	P	P						
Adult foster care small group home (12 or fewer adults)	SLU	SLU	SLU	SLU	SLU	SLU						
Adult foster care large group home (13 to 20 adults)			SLU	SLU	SLU							
Adult Foster Congregate Care Facility			SLU	SLU	SLU							
Convalescent, Nursing Homes or Hospices	SLU	SLU	SLU	SLU	SLU	SLU	P		P			
Foster family home (4 or fewer children 24 hours per day)	P	P	P	P	P	P						
Foster Family group home (5 or 6 children 24 hours per day)	P	P	P	P	P	P						
Family day care home (6 or fewer children less than 24 hours per day)	P	P	P	P	P	P	P		P			
Group day care home (7 to 12 children less than 24 hours per day)	SLU	SLU	SLU	SLU	SLU	SLU	SLU		SLU			SLU
Child care centers, preschools, and commercial day care	SLU	SLU	SLU	SLU	SLU	SLU	P	P	P	P		
<b>Commercial</b>												
Adult Entertainment and Business Uses								SLU				
Bank							P	P	P			
Bed and Breakfasts	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU			SLU	SLU

APPENDIX A

Commercial recreation									P		P	P
Drive-through facilities							SLU		P			
Eating and Drinking establishments							P	P	P		SLU	P
Funeral Homes and Mortuaries	SLU	SLU	SLU	SLU	SLU	SLU	SLU		SLU		SLU	
General Hospitals			SLU	SLU	SLU		P	SLU	P	P		
Kennel									P		P	
Lodging								P	P			P
Nurseries and Greenhouses												
Outdoor Retail Sales									SLU			
Professional, Medical, and Business Offices							P	P	P	P	P	SLU
Medical Marijuana Provisioning Centers									P			
Retail Sales and Services							P	P	P			
Retail sales adjunct to a principal use											P	P
Urgent Care Facilities	SLU	SLU	SLU	SLU		SLU	SLU	SLU	P	P		
<b>Transportation</b>												
Automobile engine and body repair (major)												
Automobile maintenance and repair (minor)									SLU		SLU	
Boat service facilities												P
Boat storage (indoor or outdoor)												P
Car washes									SLU			

APPENDIX A

Gasoline Service Stations									SLU				
Marinas and other docking facilities												P	
Outdoor Vehicle Sales or Leasing									SLU				
Truck Terminals													
<b>Industrial</b>													
Brewery/Distillery							SLU	P	P		P		
Research, Development, and Testing Services, including Laboratories							SLU		SLU		P		
Production of consumer goods, such as food, beverages, art, or clothing								P	P		P		
Warehousing/distribution and wholesale establishments													
Mini-warehouse or self-storage facilities													
Light manufacturing, compounding, processing, assembly, and packaging of previously prepared raw materials													
Heavy manufacturing, fabrication, and assembly of raw materials that may have external physical impacts to surrounding districts													

APPENDIX A

Junk yards, composting, incinerators, transfer, and recycling stations													
Contractor Outdoor Storage Yards									SLU				
Workshop/Showroom							P		P		P		
Wireless communication towers													
Medical Marihuana Grower Facilities													
Medical Marihuana Safety Compliance Facilities													
Medical Marihuana Processor Facilities													
Medical Marihuana Secure Transporter Facilities													
<b>Institutional</b>													
Cemeteries	SLU	SLU	SLU	SLU	SLU	SLU							
Colleges and Universities			SLU	SLU	SLU		SLU	SLU		SLU		SLU	
Municipal or public utility uses	SLU	SLU	SLU	SLU	SLU	SLU		P		P	P	SLU	
Parks	P	P	P	P	P	P	P		P	P		P	
Places of assembly, including places of worship	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU	SLU		SLU	
Public Library, Public Museum	SLU	SLU				SLU	SLU	P	SLU	P	P	SLU	
Schools	SLU	SLU	SLU	SLU	SLU	SLU	SLU		SLU	SLU		SLU	
Studio, such as art, dance, health, music or other similar place of instruction							P	P	P	P	P	P	

(ord. eff. April 24, 2021 )

**CODE COMPARATIVE TABLE  
(Beginning With Revision 7-83)**

Effective Date	Disposition this Code
11-26-81	12.350—12.359
12-17-81	19.000—19.004
12-17-81	25.073C.2
1-14-82	20.581—20.590
1-28-82	15.103B
1-28-82	22.058
2-11-82	15.081O
2-11-82	15.099
2-26-82	15.191K
2-26-82	20.581—20.594
3-18-82	15.112
	15.114
3-18-82	15.191L
3-18-82	20.412
3-18-82	22.400—22.411
4-15-82	20.591
5-13-82	15.099A
6-17-82	15.191M
9-30-82	20.201—20.208
	20.210—20.217
10-14-82	15.191N
10-28-82	15.191O
12-16-82	20.570—20.578
	20.580(note 2)
1-20-83	20.583D
2-17-83	15.191P
3-30-83	20.036
4- 9-83	14.300—14.310
4-29-83	25.073C.1—3
6-16-83	15.191Q
6-16-83	25.400—25.429
6-30-83	22.121
7- 1-83	20.574C
7-28-83	14.306

Mount Clemens, Michigan, Code of Ordinances  
 CODE COMPARATIVE TABLE (Beginning With Revision 7-83)

10-13-83	20.581E, 20.581F
3-29-84	12.001
	12.012
	12.016—12.020
3-29-84	20.206
	20.211D
4- 2-84	35.050—35.059
4-12-84	20.218
5- 4-84	20.0204.A
7-26-84	22.101
	22.114—22.118
9-20-84	12.406B, 12.406C
10-11-84	40.050—40.055
3-14-85	25.090—25.099
4-11-85	12.700—12.705
4-25-85	12.020
4-25-85	30.150—30.152
	30.157
6- 1-85	25.073B.1—3
7-17-85	25.300—25.315
11-14-85	12.017
11-14-85	35.051H
	35.052, 35.053
	35.055
12-26-85	40.003A
	40.006
	40.041
12-28-85	14.400—14.410
3-13-86	15.191R
3-13-86	25.013J
	25.073A.1
	25.073B.4
3-13-86	25.092DDa
	25.092EE
	25.092FF.1(a)
	25.092FF.3.1
	25.092FF.4
	25.092HH.4
	25.092JJ
	25.092LL
	25.092MM
	25.096D.1
5-15-86	14.203, 14.204
10-30-86	15.191S
12- 1-86	25.073

Mount Clemens, Michigan, Code of Ordinances  
 CODE COMPARATIVE TABLE (Beginning With Revision 7-83)

1-15-87 Rpld	12.100—12.122
Rpld	15.027U
	15.046
	15.081A(3)
3- 1-87	46.300, 46.301
3-26-87	35.280—35.287
5-14-87	11.005
	17.053
	19.004
	20.013B
	20.016A
	20.018C
	20.020B
	20.021C
	20.029(2)
	20.212A
	20.536
	20.624
	20.637
	20.708
	21.015
	22.119
	22.204
	22.385
	22.411
	25.162
	25.217
	30.124
	35.059
5-14-87	20.060—20.063
7-30-87	20.202
	20.206, 20.207
	20.211D, 20.211E
8-27-87	15.142
	15.163
8-27-87	20.275
	20.283, 20.284
	20.308
	20.344
	20.403
	20.509
	20.530, 20.531
	20.551
	20.557E
	20.573C, 20.573D

Mount Clemens, Michigan, Code of Ordinances  
 CODE COMPARATIVE TABLE (Beginning With Revision 7-83)

	20.583D, 20.583E
	20.654
	20.767, 20.768
	35.162
	46.006
	46.009
	46.016, 46.017
	46.106
8-27-87 Rpld	22.000—22.014
Added	22.000—22.007
Amd	22.014
	22.111C
Rpld	22.150—22.155
Added	22.150—22.152
Rpld	22.200—22.204
Added	22.200—22.202
	22.403
	22.409
	25.015C.66
	25.046, 25.047
	25.111Q
	25.143
	25.161
	30.101
	30.104
	40.018
	40.030
8-27-87 Rpld	18.087—18.090
	20.018
	20.272
	20.274B
	20.276
	20.320—20.326
	20.360—20.374
	20.380—20.389
	20.450—20.468
	20.502—20.504
	20.510
	20.527, 20.528
	22.040—22.055
	22.300—22.392
	25.048
	25.071, 25.072
	25.080
	35.200—35.232



Mount Clemens, Michigan, Code of Ordinances  
 CODE COMPARATIVE TABLE (Beginning With Revision 7-83)

	35.250—35.279
8-27-89	20.314 20.342B 20.511 20.536 20.560 20.578 20.590
10-29-87	20.200
	20.202
	20.204—20.207
	20.211A, 20.211B
	20.211D, 20.211E
11-11-87	22.404A
11-11-87	40.000, 40.001
12-17-87 Added	12.406D
Rnbd	12.406D as
	12.406E
12-17-87 Rpld	12.430—12.440
12-31-87	20.211D
4-14-88	21.011
Rpld	21.012
4-14-88	22.101
	22.114
	22.118
Rpld	22.115—22.117
7-15-88	20.301, 20.302
8-11-88	20.285
8-11-88	25.116A
	25.161D
9- 1-88	25.073
9-29-88	20.012
9-29-88	20.611
10-13-88	40.016
	40.016a—40.016c
12- 1-88	20.302.B
12-15-88	16.900—16.905
12-15-88	35.053
4-13-89	20.202
	20.208
5-11-89	12.201E
5-25-89	25.074
7-20-89	12.070—12.073
7-20-89	20.001A
7-20-89	20.001B

Mount Clemens, Michigan, Code of Ordinances  
CODE COMPARATIVE TABLE (Beginning With Revision 7-83)

7-20-89	40.051, 40.052
8-31-89	15.191T
11-16-89	15.191U
11-16-89	15.191V
3-29-90	20.283(13)
3-29-90	20.301—20.305
4-12-90	15.191W
4-12-90	35.161, 35.162

**CODE COMPARATIVE TABLE  
(Beginning With Supplement Number 1)**

Effective Date	Disposition this Code
12-28-89	20.001
12-28-89	20.001C
12-28-89	25.116
5-17-90	12.00112.012—12.020 12.022—12.031
7-12-90	19.100—19.105
8-18-90	20.283
	20.301—20.303a
	20.308
10- 1-90	16.200—16.212
10-11-90	22.101
	22.114
	22.118
10-25-90	15.191X
11- 1-90	16.100—16.109
11-15-90	40.051, 40.052
11-29-90	20.017
11-29-90	20.070—20.072
11-29-90	20.080—20.088
12-27-90	25.116
1-17-91	25.092BB
	25.092CC
	25.092EE
	25.092FF
	25.092MM
2- 1-91	46.031
3-14-91	15.131
3-28-91	15.081E3.

Mount Clemens, Michigan, Code of Ordinances  
 CODE COMPARATIVE TABLE (Beginning With Supplement Number 1)

4-25-91	16.202(g), (h)
	16.205
	16.213
8-29-91	20.088C
11-28-91	15.081E
	15.081F
1- 1-92	20.036
2-13-92	25.419
2-28-92	35.005, 35006
3- 2-92	25.170—25.196
3-12-92	20.283, 20.308
3-12-92	25.092BB25.092EE25.092FF25.092NN25.096
4-30-92	20.283
5-14-92	20.283
	20.641—20.652
5-14-92	25.074
5-14-92	25.161A
6- 1-92	25-173—25-175 25-188
7-30-92	12.012—12.015
Rpld	12.016, 12.017
8-13-92	14.209
Rpld	14.212
9-18-92	20.036
9-18-92	25.023
10-15-92	20.202
11-26-92	25.419E.—G.
3-11-93	18.052 G.
	18.052 AA.
	18.066 B.
	18.068 C.
Rpld	18.091
3-25-93	25.116 A.
4-15-93	25.161A
4-15-93 Rpld	40.100—40.106
5-27-93	35.051 A., I.—K.
	35.054 A., G.
	35.057
	35.058 F.
9-30-93	25.044 E., F.
	25.092FF 4.
	25.092HH 4.
	25.097
10- 1-93	25.401 J.
	25.402a
	25.403 B.(7)

Mount Clemens, Michigan, Code of Ordinances  
 CODE COMPARATIVE TABLE (Beginning With Supplement Number 1)

	25.410 L.
	25.415
	25.416 B.
	25.417
	25.422 A., A.(7)
	25.423 E.
10-15-93	25.451—25.461
1-13-94	35.156
Added	35.183
1-13-94 Added	15.191 Y.
2-17-94	12.001,
	12.013—12.015,
	12.019
Rpld	12.018
2-17-94	20.283 10.
	20.642, 20.645,
	20.647
2-17-94	25.020—25.022,
	25.023 A.
2-17-94 Added	15.191 Z.
3- 4-94	16-104
5- 1-94	46.301
5-12-94	46.302
6-16-94	15.134 A.
	15.135, 15.163
Added	15.044 E.
	15.133 B.
6-16-94	25.116 A.
6-20-94	47.001—47.026
7-28-94	20.040—40.042
7-28-94	35.201—35.204
9-25-94	25.116
3- 3-95	25.143, 25.146
3-30-95	20.017
3-30-95	40.051, 40.056
4-27-95	20.283 9.
4-27-95	35.250—35.263
5-11-95	20.036
6-29-95	20.036
6-29-95	20.090—20.093
7-14-95	22.100, 22.101,
	22.104, 22.114,
	22.118
Rpld	22.102, 22.103,
	22.105—22.113

Mount Clemens, Michigan, Code of Ordinances  
CODE COMPARATIVE TABLE (Beginning With Supplement Number 1)

Added	22.102
7-14-95	22.301—22.317
7-27-95	12.001A, 12.021
7-27-95	12.052 C.
	12.054 C., D.
8-31-95	20.283, 20.285
8-31-95	22.001, 22.002,
	22.004
Rpld	22.003
8-31-95	22.104
8-31-95	22.151, 22.152
8-31-95	22.201, 22.202
8-31-95	22.403, 22.409
8-31-95	25.116 G.
8-31-95	25.205 D.
8-31-95	30.101, 30.104
8-31-95	30.153
8-31-95	40.016c, 40.016d,
	40.018
9-28-95 Added	15.191AA
10-26-95	20.301 G.
11-30-95 Added	22.405 D.
	22.407, 22.409
11-30-95	30.153
12-28-95	15.163
1-12-96	20.206
6-13-96 Added	15.191(BB)
6-27-96	21.102, 21.109—21.112
7- 1-96	25.116 A.
7-25-96 Added	21.101—21.112
8-15-96	25.111
	25.115
	25.117
	25.137
	25.162
9-13-96 Added	30.051—30.054
Rpld	30.007
Rpld	30.113
10-31-96	20.036
12-26-96	12.235
11-25-99 1	15.180, 15.191
2	15.033

**CODE COMPARATIVE TABLE  
 (Beginning With Replacement Copy of March, 1997)**

Effective Date	Disposition this Code
1-16-97	25.401 F.
	25.405 A., C.
	25.407
	25.409 A., B.
	25.410, 25.411
	25.412 B., C., E.
	25.413 A.
	25.414 A.
	25.417
Rpld	25.419 G.
	25.421
	25.423 A.
	25.424 B.
	25.426 B.
	25.428
Added	25.430
1-31-97 Added	15.095 I.
3-13-97 Added	25.143 C.3.(f)
5-15-97	25.073
6-26-97 Added	35.157—35.159
8-28-97	20.036
9-12-97 Added	12.251, 12.252
9-25-97 Added	12.801—12.804
10-30-97	40.001
Rpld	40.002—40.012
Rpld	40.024, 40.015
Rpld	40.017
Rpld	40.022—40.025
Rpld	40.029
Rpld	40.031, 40.032
Rpld	40.034—40.038
Rpld	40.040, 40.041
1-15-98	15.191
3-26-98	25.092HH 2., 3,
5-28-98	20.017B.
Added	20.017E.

Mount Clemens, Michigan, Code of Ordinances  
 CODE COMPARATIVE TABLE (Beginning With Replacement Copy of March, 1997)

6-11-98	25.116G., 25.158
6-25-98	20.206
7- 1-98	25.073
7- 1-98	25.116A.
7-16-98	15.072
7-16-98	15.033, 15.180
Added	15.191(GG)
10-29-98	12.537
12-31-98	22.101
Rpld	22.102, 22.114
	22.118
5-27-99	21.107(2),
	21.108(1),
Added	21.110(1), (2)
7- 1-99 Added	20.101—20.105
7-16-99	15.033, 15.180,
Added	15.191(DD)
7-16-99	15.033, 15.180,
Added	15.191(EE)
7-29-99	12.251
9-13-96 Added	30.051—30.054
Rpld	30.007
Rpld	30.113
10-31-96	20.036
12-26-96	12.235
8-12-99	35.003B
11-25-99	15.180, 15.191
	15.033
12-30-99	15.163
8-26-99	15.033, 15.180,
Added	15.191(HH)
8-26-99 Added	20.100—20.117
8-26-99 Added	21.020—21.026
3-16-00	21.011
Rpld	22.100—22.121
3-16-00	22.409
3-16-00	30.153
6-15-00	15.084,
	15.091,
	15.092,
Added	15.0921,
Added	15.099b,
	15.103l.
8-19-00 Rpld	35.101—35.112
Added	35.101—35.115

Mount Clemens, Michigan, Code of Ordinances  
 CODE COMPARATIVE TABLE (Beginning With Replacement Copy of March, 1997)

8-31-00	15.071—15.074
10-12-00	46.031
11-30-00 Added	12.901—12.905
2-15-01 Added	15.099c
3-29-01 Added	12.601—12-609
6- 7-01 Added	20.810—20.815
7-26-01	20.201—20.218
9-14-01 Rpld	35.150—35.183
Added	35.210—35.246
9-27-01 Rpld	22.000—22.007
Added	22.011
9-27-01 Rpld	22.150—22.152
Added	22.161
9-27-01 Rpld	22.200, 22.201
Added	22.211
11-15-01	19.001—19.004
Added	19.005, 19.006
11-15-01 Rpld	18.050—18.097
Rpld	19.100—19.105
Added	23.000,
	23.001—23.043,
	23.045—23.066,
	23.070—23.085,
	23.090—23.234
11-29-01	20.091—20.093
Added	20.094—20.098
11-29-01 Rpld	40.000—40.012
Added	40.000—40.004
12-13-01 Added	22.250—22.253
3-14-02(1)	20.211
3-14-02(2)	23.72
3-28-02 Added	25.401—25.430
7-11-02	20.101—20.105
8-17-02(1)	25.015 5., 66.
	25.047
	25.073 1., 2.
8-17-02(2) Added	25.111 1.C.1.,
	25.111 N.1.,
	25.111 K.1.
	25.116 6.A.
	25.138 8.C.
	25.143 C.1
Added	25.154 4.C.
	25.155 5.A.
	25.161 11.C., D.



Mount Clemens, Michigan, Code of Ordinances  
CODE COMPARATIVE TABLE (Beginning With Replacement Copy of March, 1997)

4-12-01 Rpld	20-751—20-779
10-25-01(1) Added	12.336—12-345
10-25-01(2) Added	12.371—12-380
8-29-02(1)	15.033, 15.180,
	15.191 U.
8-29-02(2)	15.033, 15.180,
Added	15.191 II.
8-29-02(3)	15.033, 15.180,
Added	15.191 JJ.
12-26-02 Rpld	16.100—16.109
3-27-03	25.044C.3.
	25.044F.
	25.048A.
	25.096C.
4-21-03 Rpld	Tit. 15
Added	Tit. 15, Arts. 1—22
5-11-03 Added	19.500—19.504
5-29-03	20.071, 20-072
Added	20.073—20.076
3-13-03	35.050, §§ 35.051—35.060
8-11-03 Added	12.750, §§ 12.751—12.768
8-29-03	35.051I., M.
	35.059F.
12- 8-03	20.000, §§ 20.001A—20.001C
Added	20.001D
5-29-03	25.143
4-15-04 Rpld	23.001—23.234
5-13-04(1) Rpld	20.036
5-13-04(2) Added	20.037—20.039.3
5-13-04(3)	25.143
5-27-04(1) Rpld	12.250
Added	12.270—12.283
5-27-04(2) Rpld	25.200—25.205
9-30-04 Added	32.400—32.406
8-11-05	12.001
Rpld	12.001A
	12.002
Rpld	12.003
	12.005—12.007
	12.009
	12.012—12.015
	12.019, 12.021
	12.023, 12.024
Rpld	12.026, 12.027
	12.028—12.030

Mount Clemens, Michigan, Code of Ordinances  
CODE COMPARATIVE TABLE (Beginning With Replacement Copy of March, 1997)

Rpld	12.031
2-16-06	25.116A.
3-16-06(1)	15.061
	15.063
	15.064
3-16-06(2)	15.061
	15.063
	15.064
9-25-06	21.011—21.015
Rpld	21.016—21.026
6-28-07	25.073
6-28-07	25.116 A.1.—2.
7-26-07	15.084 C.5.
	15.0162
6-29-06	35.058
9-27-07 Rpld	12.336—12.341
9-27-07 Rpld	12.351—12.361
9-27-07 Rpld	12.371—12.381
9-27-07 Rpld	12.401—12.411
9-27-07 Rpld	12.801—12.804
9-27-07 Rpld	12.901—12.905
9-27-07 Added	23.000—23.006
9-27-07 Rpld	46.101—46.112
9-27-07 Added	46.000—46.026
	46.028—46.030
9-27-07 Rpld	46.201—46.203
11-29-07	12.201 I., J.
1-17-08 Rpld	12.072, 12.073
1-17-08 Rpld	12.231—12.234
Rpld	12.236, 12.327
1-17-08 Rpld	12.301—12.310
1-17-08 Rpld	12.451—12.479
1-17-08 Rpld	12.501—12.505
1-17-08	12.601—12.607
Rpld	12.608, 12.609
2-19-08	20.031—20.036
Rpld	20.040—20.042
3-27-08	40.001—40.004;
	40.015—40.018;
	40.020, 40.021, 40.028, 40.030, 40.042
5-14-08	46.024, 46.026
5-29-08 Rpld	20.301—20.314
5-29-08 Added	20.301—20.311
5-29-08 Added	21.301—21.313
6-12-08 Added	21.401—21.414

Mount Clemens, Michigan, Code of Ordinances  
CODE COMPARATIVE TABLE (Beginning With Replacement Copy of March, 1997)

6-26-08	12.750—12.771
6-26-08 Rpld	20.037—20.039.3
6-26-08 Rpld	46.031, 46.032
7-17-08 Added	18.500—18.509
8-14-08	25.043 E.
8-28-08 Rpld	22.056—22.058
10-30-08	35.014
10-30-08	15.033, 15.054
11-13-08	30.114
4-17-08 Added	30.030, 30.031—30.037
1-15-09	16.208
1-15-09	23.000, 23.001—23.006
1-15-09 Added	31.000, 31.001—31.010
3-12-09	15.071E
3-12-09	15.0115
3-12-09	15.01213
3-26-09	20.200, 20.201— 20.207
Rpld	20.208
	20.209—20.213
Rpld	20.214, 20.215
	20.216—20.218
4-16-09 Added	19.200, 19.201— 19.208
4-30-09	18.500, 18.501— 18.507
4-30-09	20.008
5-14-09 Added	21.350, 21.351— 21.362
6-25-09 Added	12.772
7-16-09	15.01246E.2.
8-13-09 Added	35.270—35.283
10-19-09 Added	15.066
2-11-10	25.000
	25.100
Rpld	25.170
3-25-10 Added	12.275(13)(g)
3-25-10	21.307
3-25-10	35.005, 35.006
4-29-10 Added	15.423
4-29-10	18.500, 18-501—18-509
5-27-10	17.101—17.103, 17.106
Rpld	17.104, 17.105, 17.107, 17.108
7-16-10 Rpld	35.003

Mount Clemens, Michigan, Code of Ordinances  
CODE COMPARATIVE TABLE (Beginning With Replacement Copy of March, 1997)

7-16-10 Added	36.000, 36.001—35.005
1-13-11	15.071E
4-28-11	25.143D
7-15-11	20.201—20.219
11-17-11	11.005
11-17-11 Added	11.501—11.508
11-17-11	30.034
12-15-11	21.410
3-29-12	12.201C., H.
3-29-12 Added	25.085
3-29-12 Added	25.147
4-26-12 Added	20.150—20.168
7- 2-12 Rpld	20.641—20.649.3
Added	20.641—20.644
8-16-12	21.101—21.108
Rpld	21.109—21.112
8-30-12 Added	20.670, 20.671—20.685
11-15-12	20.033
	20.034
11-29-12	21.013
12-13-12	12.702 2.A.
12-27-12 Added	21.200, 21.201—21.209
1-17-13	21.013
4-25-13	19.001—19.006
7- 1-13(1) Rpld	20.641—20-649.3
Added	20.641—20.644
7-25-13	25.044.E.
	25.097.A.
9-13-13 Added	20.215
11-14-13	23.001—23.006
3-13-14	15.072
	15.0127
5- 1-14 Added	12.261, 12.262
5- 1-14	20.001
5- 1-14	20.284
5- 1-14 Rpld	20.307
6-12-14	15.0158
7-21-14	14.305
9-12-14	11.005
10-16-14 Added	15.077
5-28-15(1)	40.001—40.004
5-28-15(2)	40.051, 40.052
Rpld	40.053
	40.054—40.056

Mount Clemens, Michigan, Code of Ordinances  
CODE COMPARATIVE TABLE (Beginning With Replacement Copy of March, 1997)

5-28-15(3)	25.301—25.311
10- 1-15	20-641
	20-643
12-31-15(1) Added	33.001—33.013
12-31-15(2) Added	46.401—46.419
2-26-16	14.209
11- 7-16	17.101—17.103
	17.106
5- 1-17(1) Added	12.951—12.973
5-10-17(1)	15.071A.
	15.082D.
6-29-17 Rpld	46.001—46.032
10- 2-17(1) Rpld	14.001—14.014
Added	14.001—14.020
4-11-18 Added	21.251—21.266
9-12-18 Rpld	20.101—20.105
Added	20.101—20.108
12-17-18 Added	20.064—20.069
12-27-18 Added	20.111—20.132
3- 4-19(1)	15.083.A.
3- 4-19(2)	15.093.A.
3- 4-19(3)	15.092.A.
3-18-19	20.640—20.644
4- 1-19	25.116
5- 6-19(1) Dltd	16.201—16.213
Added	16.201—16.210
7- 1-19(1) Added	18.521—18.533
2-13-20(1)	12.201
7-20-20(1)	12.050
9-23-20(1)	35.200, 35.201—35.204
10-15-20(1)	21.013
4-24-21(1) Rpld	15.021—15.023
	15.031—15.034
	15.041—15.423
	15.051—15.055
	15.061—15.066
	15.071—15.077
	15.081—15.084
	15.091—15.093
	15.0101—15.0107
	15.0111—15.0119
	15.0121—15.01246
	15.0131
	15.0141—15.0146
	15.0151—15.0158

Mount Clemens, Michigan, Code of Ordinances  
CODE COMPARATIVE TABLE (Beginning With Replacement Copy of March, 1997)

	15.0161, 15.0162
	Art. 17, 15.0170
	Art. 18, 15.0180
	Art. 19, 15.0190
	Art. 20, 15.0200
	Art. 21, 15.0210
	Art. 22, 15.0220
Added	Zoning, §§ 1.1—1.4
	Zoning, §§ 2.1—2.3
	Zoning, §§ 3.1—3.5
	Zoning, §§ 4.1—4.8
	Zoning, §§ 5.1—5.6
	Zoning, §§ 6.1—6.3
	Zoning, §§ 7.1—7.6
	Zoning, §§ 8.1—8.15
	Zoning, §§ 9.1—9.9
	Zoning, §§ 10.1—10.8
	Zoning, §§ 11.1—11.6
	Zoning, §§ 12.1—12.9
	Zoning, §§ 13.1—13.6
	Zoning, §§ 14.1—14.5
	Zoning, §§ 15.1—15.9
	Zoning, §§ 16.1—16.6
	Zoning, §§ 17.1—17.5
	Zoning, §§ 18.1—18.3
5- 8-21(1) Added	20.171—20.183
5- 8-21(2)	20.017.B
Added	20.017.F
10-19-21(1)	18.504
1-26-2022(1) Rpld	20.580—20.590
1-26-2022(2) Rpld	20.570—20.578
2- 7-2022(1) Rpld	20.591—20.594