

Chapter 48 - ZONING

TITLE

An ordinance enacted under Act 207, Public Acts of 1921, as amended, governing the incorporated portions of the City of St. Clair Shores, Macomb County, Michigan, to regulate and restrict the location and use of buildings, structures and land for trade, industry, residence and for public and semi-public or other specified uses; to regulate and limit the height and bulk of buildings and other structures; to regulate and to determine the size of yards, courts, and open spaces; to regulate and limit the density of population; for aid purposes to divide the municipality into districts and establishing the boundaries thereof; to provide for changes in regulations, restrictions, and boundaries of such districts; to define certain terms used herein; to provide for enforcement; to establish a Board of Appeals, and to impose penalties for the violation of this ordinance.

PREAMBLE

Pursuant to the authority conferred by the Public Acts of the State of Michigan in such case, made and provided and for the purpose of promoting, and protecting the public health, safety, peace, morals, comfort, convenience, and general welfare of the inhabitants of the City of St. Clair Shores by protecting and conserving the character and social and economic stability of the residential, commercial, industrial and other use areas; by securing the most appropriate use of land; preventing overcrowding the land and undue congestion of population; by providing adequate light, air, and reasonable access; by facilitating adequate and economical provision of transportation, water, sewers, schools, recreation, and other public requirements, and by other means, all in accordance with a comprehensive plan; now therefore:

ENACTING CLAUSE

The City of St. Clair Shores Ordains:

ARTICLE I. - 15.010. SHORT TITLE

Sec. 48-1. - Short title.

Sec. 35.1. This ordinance shall be known and may be cited as the "City of St. Clair Shores Zoning Ordinance."

(Comp. Ords. 1988, § 15.011; chap. 35 eff. Aug. 20, 1996)

ARTICLE II. - 15.020 CONSTRUCTION OF LANGUAGE AND DEFINITIONS

Sec. 48-2. - Construction of language.

Sec. 35.2. The following rules of construction apply to the text of this ordinance:

- (1) The particular shall control the general.
- (2) In case of any difference in meaning or implication between the text of this ordinance and any caption or illustration, the text shall control.
- (3) The word "shall" is always mandatory and not discretionary. The word "may" is permissive.
- (4) 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.

- (5) A "building" or structure includes any part thereof.
- (6) The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for."
- (7) The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
- (8) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "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 singly but not in combination.
- (9) Terms not herein defined shall have the meaning customarily assigned to them.

(Comp. Ords. 1988, § 15.021; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996)

Sec. 48-4. - Definitions.

Sec. 35.3. Whenever used in this ordinance the following words and phrases shall have the meaning ascribed to them:

(1) *Accessory building/structure*. A building or structure which is clearly incidental to, customarily found in connection with, and located on the same zoning lot or site (groups of lots used together) as the principal structure to which it is related. An accessory building/structure includes, but is not limited to the following:

- (a) Any detached building/structure or any building/structure which does not share a common footing wall with the main structure on the premises.
- (b) Any structure attached to the main building on the premises via a roof overhang, breezeway, porch, or other similar form of attachment.
- (c) Barns, sheds and similar structures.
- (d) [Repealed effective June 8, 2001.]

(2) *Accessory use*. 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 zoning lot or site (groups of lots used together) as the principal use to which it is related. An accessory use includes, but is not limited to, the following:

- (a) Swimming pools for the use of the occupants of residence, or other guests.
- (b) A newsstand primarily for the convenience of the occupants of a building, which is located wholly within such building and has no exterior signs or displays.
- (c) Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.
- (d) Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations.
- (e) Accessory off-street parking spaces, open or enclosed, subject to the accessory parking regulations for the

district in which the zoning lot is located.

- (f) Accessory off-street loading, subject to the off-street loading regulations for the district in which the zoning lot is located
- (g) Accessory signs, subject to the sign regulations for the district in which the zoning lot is located.

(3) *Adult entertainment business.* A business whose principal service or activity is one of the following types of businesses: adult live conduct business, adult bookstore, adult motion picture theater, adult mini-motion picture theater, or adult personal service business.

- (a) *Adult amusement device center.* An enclosed building containing coin-operated amusement devices or machines for presenting material for observation by patrons therein, distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined below.
- (b) *Adult live conduct business.* A business, any part of whose service or function consists of adult live conduct activity (as defined below), whether as work assignment or entertainment.
- (c) *Adult bookstore.* A business having as its principal activity the sale of books, magazines, newspapers, and motion picture films which are characterized by their emphasis on portrayals of human genitals and pubic regions or acts of human masturbation, sexual intercourse or sodomy.
- (d) *Adult motion picture theater.* An enclosed building with a capacity of 50 or more persons used for presenting material, for observation by patrons therein, distinguished or characterized by an emphasis on matter depicted, described, or relating to "specified sexual activities" or "specified anatomical areas," as defined below.
- (e) *Adult mini-motion picture theater.* An enclosed building with a capacity for less than 50 persons used for presenting material for observation by patrons therein, distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," as defined below.
- (f) *Adult personal service business.* A business whose activities include a person providing any of the following services for another person or includes any of the following activities: massage (except as an accessory use in establishments with a principle use under state licensed supervision, including, by way of example, chiropractic, medical, physical rehabilitation, and cosmetology-oriented facilities); nude dancing or modeling; tattooing, body piercing, body painting involving specified anatomical areas as defined in this ordinance; nude theatrical performances, any activity undertaken by a person while nude with the intention of being observed by a third party.
- (g) *Adult live conduct activity.* Any work or entertainment activity carried on in a business where the physical human body is nude, as defined below.
- (h) *Nude.* Having less than completely and/or opaquely covered human genitals, pubic region, buttock, or female breast below a point immediately above the top of the areola.
- (i) *Sexual activities and anatomical areas.*

For the purposes of this section, "specified sexual activities" shall include:

- Human genitals in a state of sexual stimulation or arousal.
- Acts of human masturbation, sexual intercourse, or sodomy.

- Fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

For the purposes of this section, "specified anatomical areas" is defined as:

- Less than complete and opaquely covered human genitals, pubic region, buttock, or female breast below a point immediately above the top of the areola.
- Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(4) *Alley*. Any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.

(5) *Alterations*. Any change, addition, or modification in construction or type of occupancy, any change 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."

(6) *Apartment*. A suite of rooms or a room in a multiple-family building arranged and intended for a place of residence of a single family or a group of individuals living together as a single housekeeping unit.

(7) *Auto gas/convenience market*. A place where gasoline is retailed directly to the public in combination with a convenience store which retails minor auto accessories, perishable and nonperishable food items, and other goods.

(8) *Auto repair center*. A place for the light repair and service of automotive vehicles, but not including steam cleaning or undercoating, vehicle body repair, painting, tire recapping, engine rebuilding, auto dismantling, upholstery, auto glass work, and other such activities whose external effects would adversely extend beyond the property line.

(9) *Auto repair station*. A place where, along with or without the sale of engine fuels, the following services may be carried out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair; overall painting and undercoating of automobiles.

(10) *Auto service station*. A place where automobile fluids and lubricants are added or replaced and minor repairs such as tune-ups, tire repairs, and similar functions may be typically performed within the same day.

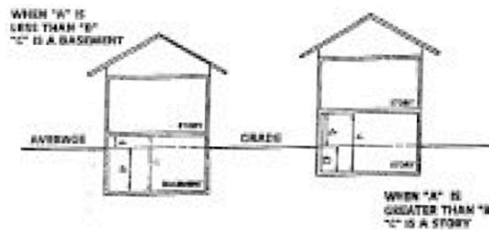
(11) *Basement*. That portion of a building between floor and ceiling, which is partly below and partly above ground level, but so located that the vertical distance from the average grade to the floor below is greater than the vertical distance from the average grade to the ceiling.

(12) *Block*. The property abutting one side of a street and lying between the two nearest intersecting streets, (crossing or termination) or between the nearest such street and unsubdivided acreage, lake or navigable water; or between any of the foregoing and any other barrier to the continuity of development, or corporate boundary lines of the municipality.

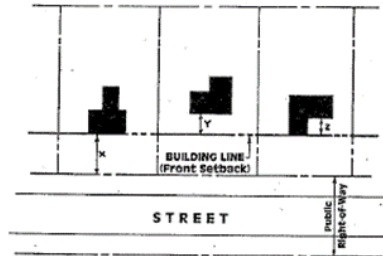
(13) *Board*. The word "Board" shall mean the Board of Zoning Appeals.

(13.5) *Brick*. A molded rectangular block of clay, four inches or wider, baked until hard and used as a construction material; stacked on top of each other, secured with mortar.

(14) *Building*. Any structure, either temporary or permanent, having a roof, and used or built for the shelter or enclosure of persons, animals, chattels, or property of any kind. This shall include tents, awnings or vehicles situated on private property and used for purposes of a building.



Basement and Story



- NOTES:
- o Building line is minimum setback line.
 - o "X"- Minimum front yard required.
 - o "Y"- Front yard in excess of minimum front yard required.
 - o "Z"- Court yard in excess of minimum front yard required.

Building Line

(15) *Building height*. The vertical distance measured from the established grade to the highest point of the roof surface, to be varied only by City Council.

(16) *Building line*. A line formed by the face of the building, and for the purposes of this ordinance, a building line is the same as a front setback line.

(16.5) *Centerline*. Exactly half the distance of a dedicated road right-of-way.

(17) *Club*. An organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit.

(18) *Clinic*. An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists, or similar professions.

(19) *Commission*. The City Planning Commission of the City of St. Clair Shores.

(20) *Council*. The City Council of the City of St. Clair Shores.

(21) *District*. A portion of the incorporated area of the City within which certain regulations and requirements or various combinations thereof apply under the provisions of this ordinance.

(22) *Dwelling unit*. A building, or portion thereof, designed for occupancy by one family for residential purposes and having cooking facilities.

(23) *Dwelling, one-family*. A detached or attached residential dwelling unit designed for and occupied by one family only, and having individual entrance ways and garage facilities. Attached one-family residential units, also known as cluster housing units, share a common wall.

(24) *Dwelling, two-family*. A building designed exclusively for occupancy by two families living independently of each other.

(25) *Dwelling, multiple-family.* A building or structure designed for and occupied by three or more families with separate housekeeping, cooking, and bathroom facilities for each. Multiple-family dwellings are commonly served by a common entrance way or foyer and generally do not have individual garage facilities.

(26) *Drive-in restaurant.* A business establishment serving food and/or beverages for consumption, on the premises, in a motor vehicle, such businesses shall include those providing service to the vehicle and/or patron self-service.

(27) *Drive-through restaurant.* A business establishment serving food and/or beverages to patrons in a motor vehicle.

(28) *Efficiency apartment.* A dwelling unit consisting of not more than two rooms in addition to kitchen and necessary sanitary facilities.

(29) *Erected.* Built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises which are required for the construction, excavation, fill, drainage, and the like, shall be considered a part of erection.

(30) *Essential services.* The erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface or overhead gas, electrical, steam, fuel, or water transmission or distribution systems, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety, or welfare.

(31) *Excavation.* Any breaking of ground, except common household gardening and ground care.

(32) *Exception.* Certain uses considered by the Planning Commission to be essential or desirable for the welfare of the community, and which are appropriate and not incompatible with the other uses in the district, but not at every location or not without review and not without conditions being imposed due to special problems the use may present from a zoning standpoint.

(33) *Family.*

- (a) One or more persons related by blood or marriage occupying a dwelling unit and living as a single nonprofit housekeeping unit; or
- (b) A collective number of individuals living together in one house under one head, whose relationship is of a permanent and distinct domestic character, and cooking as a single housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, combine, federation, or group, coterie, or organization, which is not a recognized religious order, nor include a group of individuals whose association is temporary and resort seasonal in character or nature.

(33.5) *Facade line.* A line which dictates the placement of a building or structure from the street right-of-way line on which the building or structure fronts. On a corner lot, there shall be a build-to line on both sides of the lot which have street frontage.

(34) *Floor area.* For the purposes of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building measured from the exterior faces of the exterior walls. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.

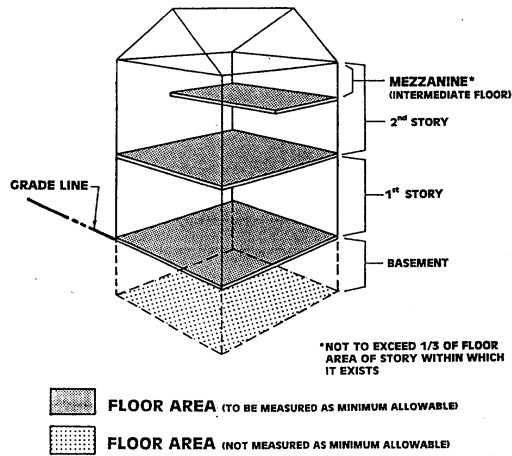
(35) *Floor area, gross.* The sum total of all floors of a building as measured from the interior faces of the exterior walls.

(36) *Garage, private.* An accessory building for parking or storage of not more than that number of vehicles as may be required in connection with the permitted use of the principal building. In residential areas the storage of not more than one commercial vehicle of rated capacity not exceeding three-fourths ton is permitted.

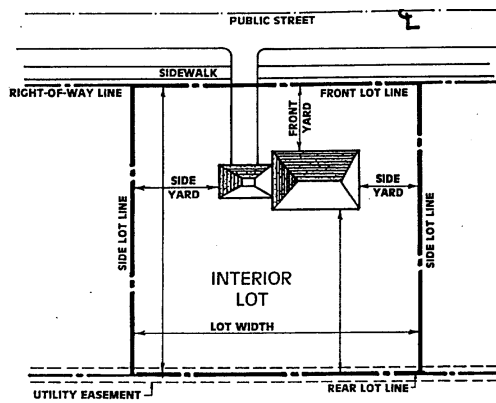
(37) *Garage, public.* Any garage other than a private garage available to the public, operated for gain, and used for storage, repair, rental, greasing, washing, sales, servicing, adjusting or equipping of automobiles or other motor vehicles.

(38) *Garage, service.* Any premises used for the storage or care of motor-driven vehicles, or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire, or sale.

(39) *Grade.* A ground elevation established for the purpose of regulating the number of stories and the height of the building. The building grade shall be the level of the ground adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building.

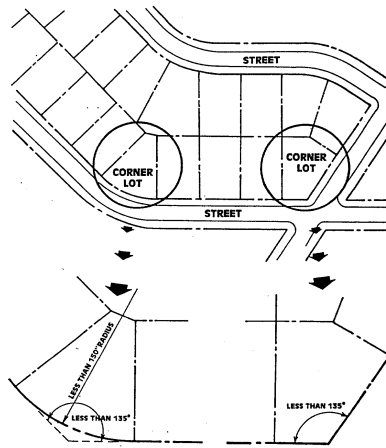


Basic Structural Terms



LOT AREA = TOTAL HORIZONTAL AREA
LOT COVERAGE = PERCENT OF LOT OCCUPIED BY BUILDING

Lots & Areas



Double Frontage, Interior & Corner Lots

(40) *Gross leasable area.* The gross floor area minus deductions for public lobbies, common mall areas, atriums, courtyards, and permanently designated corridors which are not subject to relocation by specific lease requirements.

(41) *Housing for the elderly.* An installation other than a hospital, hotel, or nursing home, which provides room and board to nontransient persons primarily 62 years of age or older.

(42) *Hotel.* A building or part of a building, with a common entrance or entrances, which the dwelling units or rooming units are used primarily for transient occupancy, and in which one or more of the following services are offered:

- (a) Maid service.
- (b) Furnishing of linen.
- (c) Telephone, secretarial, or desk service.
- (d) Bellboy service.

A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms, or meeting rooms.

(43) *Junk yards.* 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 "junk yard" includes automobile wrecking yards and includes any area of more than 200 square feet for storage, keeping or abandonment of junk but does not include uses established entirely within enclosed buildings.

(44) *Kennel, commercial.* Any lot or premise on which three or more dogs, cats, or other household pets are either permanently or temporarily boarded. Kennel shall also include any lot or premises where household pets are bred or sold.

(45) *Loading space.* An off-street space on the same lot with a building, or group of buildings, for the temporary parking of commercial vehicle while loading and unloading merchandise or materials.

(46) *Lot.* A parcel of land occupied, or 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 open spaces as are required under the provisions of this ordinance. Every lot shall abut upon and have permanent access to a public street and have a minimum frontage of 30 feet therein.

(47) *Lot area.* The total horizontal area within the lot lines of the lot.

(48) *Lot, corner.* A lot where the interior angle of two adjacent sides at the intersection of two streets is less than 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 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 135 degrees.

(49) *Lot coverage*. The part of percent of the lot occupied by buildings including accessory buildings.

(50) *Lot depth*. The horizontal distance between the front and rear lot lines, measured along the median between the side lot lines.

(51) *Lot, interior*. Any lot other than a corner lot.

(52) *Lot lines*. the lines bounding a lot, as defined herein:

(a) *Front lot line*., in the case of an interior lot, that line separating said lot from the street. In the case of a corner lot, or double frontage lot, "front lot line" shall mean that line separating said lot from that street which is designated as the front street in the plat and in the application for a zoning compliance permit.

(b) *Rear lot line*. that lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long lying farthest from the front lot line and wholly within the lot.

(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.

(53) *Lot, through*. Any interior lot having frontage on two more or less parallel streets as distinguished from a corner lot.

(54) *Lot width*. The straight line distance between the side lot lines, measured at the two points where the minimum building line, or setback line, intersects the side lot lines.

(55) *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 in common use 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.

(56) *Lot, zoning*. A single tract of land, located within a single block, which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. A zoning lot shall satisfy this ordinance with respect to area, size, dimensions, and frontage as required in the district in which the zoning lot is located. A zoning lot, therefore, may not coincide with a lot of record as filed with the County Register of Deeds, but may include it.

(57) *Main building*. A building in which is conducted the principal use of the lot upon which it is situated.

(58) *Main use*. The principal use to which the premises are devoted and the principal purpose for which the premises exist.

(59) *Major thoroughfare*. An arterial street which is intended to serve as a large volume trafficway for both the immediate City area and the region beyond, and may be designated as a major thoroughfare, parkway, freeway, expressway, or equivalent term to identify those streets comprising the basic structure of the street plan. Any street with a width, existing or proposed, of 86 feet shall be considered a major thoroughfare.

(60) *Master plan*. The comprehensive plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings, and all physical development of the City and includes any unit or part of such plan, and any amendment to such plan or parts thereof. Such plan may or may not be adopted by the Planning Commission and/or the Council.

(61) *Mezzanine*. An intermediate floor in any story occupying more than one-third of the floor area of such story, but which extends over only part of the main floor.

(62) *Mobile 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 a permanent foundation, when connected to the required utilities, includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. Mobile home does not include recreational vehicle.

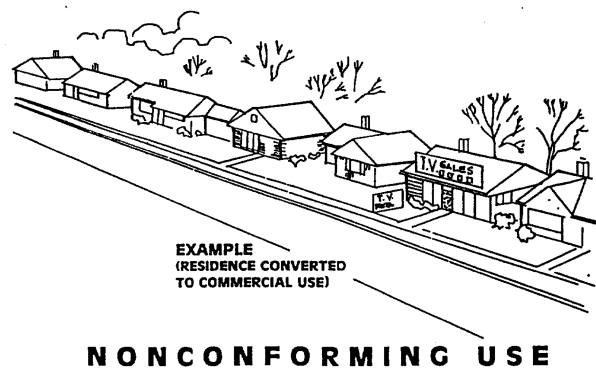
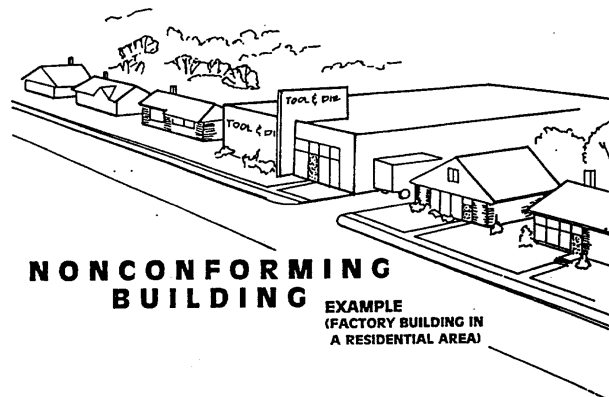
(63) *Mobile home park*. A parcel or tract of land upon which three or more mobile homes are located on a continual nonrecreational basis and which is offered to the public for that purpose, together with any building, structure, enclosure, street, equipment, or facility used or intended for use incident to the occupancy of a mobile home.

(64) *Motel*. A series of attached, semi-detached or detached rental units containing a bedroom, bathroom, and closet space. Units shall provide for overnight lodging and are offered to the public for compensation, and shall cater primarily to the public traveling by motor vehicle.

(65) *Motor home*. A recreational vehicle intended for temporary human habitation, sleeping, and/or eating, mounted upon a chassis with wheels and capable of being moved from place to place under its own power. Motor homes generally contain sanitary, water, and electrical facilities.

(66) *Nonconforming building*. A 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.

(67) *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.



(68) *Nursery, plant material*. A space, building or structure or combination thereof, for the storage of live trees, shrubs or plants offered for 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.

(69) *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:

- (a) Noise;
- (b) Dust;
- (c) Smoke;
- (d) Odor;
- (e) Glare;
- (f) Fumes;
- (g) Flashes;
- (h) Vibration;
- (i) Shock waves;
- (j) Heat;
- (k) Electronic or atomic radiation;
- (l) Objectionable effluent;
- (m) Noise of congregation of people, particularly at night;
- (n) Passenger traffic;
- (o) Invasion of nonabutting street frontage by traffic.

(70) *Off-street parking lot.* 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 vehicles.

(71) *Open front store.* A business establishment so developed that service to the patron may be extended beyond the walls of the structure, not requiring the patron to enter the structure. The term "open front store" shall not include automobile repair stations or automobile service stations.

(72) *Open space.* That part of a zoning lot, including courts or yards which:

- (a) Is open and unobstructed from its lowest level to the sky; and
- (b) Is accessible to all residents upon the zoning lot.

(72.5) *Parapet.* A low, protective wall at the edge of a terrace, balcony, or roof, especially that part of an exterior wall, firewall, or part wall that rises above the roof.

(73) *Parking space.* An area of definite length and width, said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the storage or parking or permitted vehicles.

(74) *Public utility.* A person, firm, or corporation, municipal department, board or commission duly authorized to furnish, and furnishing under federal, state, or municipal regulations to the public, gas, steam, electricity, sewage disposal, communication, telegraph, transportation, or water.

(75) *Recreation equipment.* Equipment such as boats and boat trailers, snowmobiles, horse trailers, dune buggies, and other similar items.

(76) *Recreation vehicle.* A vehicle intended for temporary human habitation, sleeping and/or eating, mounted upon a chassis with wheels, and self-propelled or capable of being pulled by another vehicle.

(77) *Room.* For the purpose of determining lot area requirements and density in a multiple-family district, a living room and a bedroom, equal to at least 80 square feet in area. A room shall not include the area in kitchens, opening dining areas, sanitary facilities, utility provisions, corridors, hallways, and storage. Plans presented showing one-, two-, or three-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.

(78) *Self-storage facility.* A building or group of buildings divided into separate units or compartments used to meet the temporary storage needs of businesses, apartment dwellers and other individuals or firms, and is also known as a mini-warehouse.

(79) *Setback.* The distance required to obtain the front, side, or rear yard open space provisions of this ordinance.

(80) *Sign.* The use of any words, numerals, figures, devices, designs, or trademarks by which anything is made known such as are used to show an individual firm, profession or business, and are visible to the general public, and a sign as defined in the Sign, Lighting and Display Ordinance.

(81) *Story.* That part of a building except a mezzanine as defined herein, included between the surface of the next floor, or if there is no floor above, then the ceiling next above. A story thus defined shall not be counted as a story when more than 50 percent, by cubic content, is below the height level of the adjoining ground.

(81.5) *Sign band area.* The horizontal band extending the full width of the front facade located between the first floor windows and the cornice, or second story windows.

(82) *Story, half.* An uppermost story lying under a sloping roof, the usable floor area of which, at a height of four feet above the floor does not exceed two-thirds of the floor area in the story directly below, and the height above at least 200 square feet of floor space is seven feet, six inches.

(83) *Street.* A public thoroughfare which affords the principal means of access to abutting property.

(84) *Structure.* Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

(85) *Temporary use of building.* A use or building permitted by the Board of Appeals to exist during periods of construction of the main building or use, or for special events.

(86) *Tourist home.* A dwelling in which overnight accommodations are provided or offered for transient guests for compensation, without provision of meals.

(87) *Tourist hotel.* A building containing apartments, each composed of bedroom, bathroom and closet space, but without cooking facilities, with the exception of the units occupied by the management staff, the apartment units being used only for the accommodation of transients and no cooking being permitted therein.

(88) *Use.* The purpose for which land or premises or a building thereon is designed, arranged or intended, or for which it is occupied or maintained, let or leased.

(87.5) *Townhome.* A single-family home which may be attached to other single-family homes on one or both sides.

(89) *Variance*. A modification of the literal provisions of the zoning ordinance granted when strict enforcement of the zoning ordinance would cause undue hardship owing to the circumstances unique to the individual property on which the variance is granted. The crucial points of variance are:

- (a) Undue hardship;
- (b) Unique circumstances; and
- (c) Applying to property.

A variance is not justified unless all three elements are present in the case.

(90) *Yard*. The open spaces on the same lot with a main building, unoccupied and unobstructed from the ground upward, except as otherwise provided in this ordinance, and as defined herein. Also, the area of a site that the main mass of the principal building cannot be located within. A yard can be defined as a front yard, side yard, interior side yard, side street yard or rear yard:

- (a) *Front yard*. An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest line of the main building. The required distance between the front facade of the principal building and front site or right-of-way line. This area extends the full width of the unit.
- (b) *Rear yard*. An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest line of the main building.
- (c) *Side yard*. An open space between the main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building.
- (d) *Interior side yard*. The required distance between the interior side facade of the principal building and the side site line. This area extends from the front yard to the rear yard.
- (e) *Front yard zone*. An area that unenclosed porches or stoops, bay windows, chimneys or stair projections can be installed. Such zone can be defined within a front or side street yard.

(Comp. Ords. 1988, § 15.022; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996; further amend. eff. Mar. 20, 2000; Oct. 3, 2000; June 8, 2001; Apr. 9, 2009)

Secs. 48-5—48-51. - Reserved.

ARTICLE II. - 15.030 ZONING DISTRICTS AND MAPS

Sec. 48-52. - Districts.

Sec. 35.4. For the purpose of this ordinance, the City is hereby divided into the following districts:

- RA One-Family General Residential District.
- RA-L One-Family Lakefront District.
- RB Two-Family Residential District.
- RM-1 Multiple-Family Residential District (Low-Rise).

RM-2 Multiple-Family Residential District (High-Rise).

O-1 Office-Service District.

CR Commercial Recreation.

B-1 Local Business District.

B-2 Planned Community Business District.

B-3 General Business District.

CLD Central Lakefront Development District.

LI Light Industrial District.

P-1 Vehicular Parking District.

R-F Residential Facilities District.

(Comp. Ords. 1988, § 15.031; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996)

Sec. 48-53. - Boundaries.

Sec. 35.5. The boundaries of these districts, shown upon the map designated as the zoning map on file in the City Planning Department, are hereby established and are incorporated in this ordinance by reference and made a part hereof, and the map and all notations, references and other information shown on said map shall be as much a part of this ordinance as if the matters and information set forth were all fully contained herein.

- (1) Unless shown otherwise, the boundaries of the districts are lot lines, the centerlines of streets, alleys, roads, or such lines extended and the corporate limits of the City.
- (2) Where, due to the scale, lack of detail, or illegibility of the zoning map there is any uncertainty, contradiction or conflict as to the intended location of any district boundaries shown thereon, interpretation concerning the exact location of district boundary lines shall be determined upon written application, or upon its own motion, by the Board of Appeals after recommendation by the Planning Commission.

(Comp. Ords. 1988, § 15.032; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996)

Sec. 48-54. - Zoning of vacated area.

Sec. 35.6. Whenever any street, alley, or other public way within the City shall have been vacated by action of the City Council, and when the lands within the boundaries thereof attach to and become a part of lands adjoining such streets, alley, or public way, such lands formerly within such vacated street, alley, or public way shall automatically, and without further action of the City Council thence forth acquire and be subject to the same zoning regulations as are applicable to lands to which same shall attach, and the same shall be used for the same use as is permitted under this ordinance for such adjoining lands.

(Comp. Ords. 1988, § 15.033; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996)

Sec. 48-55. - Zoning of annexed areas.

Sec. 35.7. Any area annexed to the City of St. Clair Shores shall, immediately upon such annexation, be automatically classified as an RA District, until a zoning map for said area has been adopted by the City Council. The Planning Commission shall recommend appropriate zoning for such area within three months after matter is referred to the Planning Commission by the City Council.

(Comp. Ords. 1988, § 15.034; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996)

Sec. 48-56. - District requirements.

Sec. 35.8. All buildings and uses in any district shall be subject to the provisions of article XIX [15.495], General Provisions and article XXI [15.540], General Exceptions.

(Comp. Ords. 1988, § 15.035; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996)

Secs. 48-57—48-85. - Reserved.

ARTICLE III. - 15.050 RA ONE-FAMILY GENERAL RESIDENTIAL DISTRICT

Sec. 48-86. - Intent.

Sec. 35.9. The RA One-Family General Residential Districts are designed to be among the most restrictive of the residential districts. The intent is to provide for an environment of predominately low-density single-unit dwellings along with other residentially related facilities which serve the residents in the district. (See also section 35.67 [15.482] [48-514] - One-Family Cluster Option.)

(Comp. Ords. 1988, § 15.051; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996)

Sec. 48-87. - Principal uses permitted.

Sec. 35.10 In the RA One-Family General Residential District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in this ordinance:

- (1) One-family detached dwellings.
- (2) Publicly owned and operated libraries, parks, parkways, and recreational facilities.
- (3) Golf courses lawfully occupied on land at the time of this ordinance.
- (4) Cemeteries which lawfully occupied land at the time of adoption of this ordinance.
- (5) Temporary buildings and uses for construction purposes for a period not to exceed one year.
- (6) Home occupations or businesses, subject to the standards of 15.516 [48-562] Home Occupations or Businesses.

(Comp. Ords. 1988, § 15.052; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996; further amended by ord. eff. June 21, 2018)

Sec. 48-88. - Accessory buildings/structures and uses permitted.

Sec. 35.10A. In the RA One-Family General Residential District, accessory buildings/structures and uses shall be permitted as set forth below provided that the accessory buildings/structures and/or uses exist on the same zoning lot or site (if more than one lot comprises the premises) containing the principal use and the principal use is in effect. By way of example, no garage may be used for storage unless a residence exists on the same premises and is being occupied. The following accessory buildings/structures and uses shall be permitted:

- (1) Accessory buildings/structures, provided they comply with the provisions set forth in article XIX [15.495]. Further, for clarification, any one single-family lot or site may contain one accessory building/structure at a time.
- (2) Nameplates and signs as provided in article XIX [15.495], section [35.69] [48-547] et seq., of General Provisions.
- (3) Automobile parking space as required in article XIX [15.495], section [35.69] [48-547] et seq., of General Provisions.
- (4) With respect to riparian property, construction and location of all boatwells, boathouses, and other marine-related structures and the floating of watercraft, which are unique to the type of property, shall be regulated under the Water Resources Ordinance.
- (5) [Repealed effective June 8, 2001.]
- (6) Satellite dish antennas, direct broadcast satellite service (DBS), television broadcast service (TVBS), and multi-channel multi-point distributors service (MMDS) satellite dish antenna for noncommercial use, subject to the following standards:
 - a. Only one satellite antenna shall be permitted per lot or per site (group of lots used together as one residential premises).
 - b. Satellite antennas shall not be located where it will block fire lanes or utility easements or pedestrian or vehicular sight lines or obstruct the view from windows in existing adjoining buildings.
 - c. Satellite antennas shall not be located so as to pose or become a hazard to humans and animals.
 - d. Satellite antennas one meter (3.2808 feet) or less in diameter shall not be located in a front yard between the house facade and street.
 - e. Satellite antennas larger than one meter (3.2808) in diameter shall also comply with the following:
 - 1) A clearance of at least four feet from the ground up shall be maintained between a satellite antenna and side lot line.
 - 2) Satellite antennas anchored to the ground shall not exceed one story or 14 feet in height, and shall not be located in a front yard between the house facade and street.
 - 3) Satellite antennas shall not be located on a roof unless it is determined by the Building Department that the roof is of sufficient structural integrity to hold the structure. Further, no rooftop-mounted antenna shall face a street which is considered to be the road frontage of the lot or site regardless of how the residence has been constructed or placed.
 - f) Building and electrical permits shall be obtained prior to construction and/or installation of a satellite antenna. Permit fees shall be established by resolution of Council.
- (7) Radio receiving and/or transmitting antenna towers shall be permitted as accessory uses, provided such towers do not exceed a maximum height of 50 feet, as measured from the established grade, and provided

further that the antenna tower is for an amateur radio station licensed by the Federal Communications Commission. Antenna towers for licensed amateur radio stations may be erected up to maximum height of 75 feet, as measured from the established grade, provided that if the height of the tower is greater than the distance from the center of the base of the antenna tower to any property line, then written permission must first be obtained from at least two-thirds of the adjoining property owners. Antenna towers in RA districts shall also meet the following requirements:

- a. No tower shall be located in a front yard, forward of the building line, or within the yard that abuts the street considered to provide road frontage for the lot or site.
- b. All such freestanding towers shall be of self-supporting design.
- c. The antenna and tower plans shall be submitted to the Building Official with specifications indicating the ability of the antenna and tower to withstand wind pressure and ice loads, in accordance with the BOCA Building Code adopted by the City of St. Clair Shores.
- d. Proof of insurance shall be submitted indicating protection of adjacent property owners from any damage caused by the antenna or tower.
- e. The antenna and tower shall be enclosed with a fence or wall to deter any person from climbing the tower, except for service or repair.

(Comp. Ords. 1988, § 15.053; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996; further amend. eff. June 8, 2001)

Sec. 48-89. - Special land uses.

Sec. 35.11. The following uses shall be permitted as special land uses in the RA One-Family Residential District, subject to the standards and requirements set forth therein, and subject to the standards and approval requirements set forth in section 35.83 [15.509] [48-560]:

- (1) Churches and other facilities normally incidental thereto, subject to the following conditions:
 - a. Buildings of greater than maximum height allowed in article XIX [15.495], Schedule of Regulations, may be allowed provided front, side, and rear yards are increased above the minimum required yards by one foot for each foot of building height that exceeds the maximum height allowed.
 - b. Wherever the off-street parking lot is adjacent to land zoned for residential purposes, a continuous and obscuring wall four feet, six inches in height shall be provided along the sides of the parking area adjacent to the residentially zoned land. The wall shall be further subject to the provisions of article XIX [15.495], General Provisions.
 - c. The site shall be so located as to have at least one property line abutting a major thoroughfare of not less than 86 feet of right-of-way width, either existing or proposed, and all ingress and egress to the site shall be directly onto said major thoroughfare or a marginal access service drive thereof.
- (2) Public, parochial and other private elementary, intermediate schools and/or high schools offering courses in general education, not operated for profit.
- (3) Utility and public service buildings and uses (without storage yards) when operating requirements necessitate the locating of said building within the district in order to serve the immediate vicinity.
- (4) Nursery schools, day nurseries and childcare centers in homes providing care to more than six minor children unrelated to a permanent resident of the particular home by blood or marriage or adoption. Such

facilities shall have a minimum of 150 square feet of play area for each child so cared for. Such play space shall have a total minimum area of not less than 5,000 square feet and shall be screened from any adjoining lot in any residential district. Any use permitted herein shall not be permitted in the interior of any residential block, and shall be located adjacent to multiple-family or business district.

(Comp. Ords. 1988, § 15.054; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996)

Sec. 48-90. - Area and bulk requirements.

Sec. 35.12. See article XVIII [15.480], Schedule of Regulations limiting the height and bulk of buildings, the minimum size of lot permitted by land use, the maximum density permitted, and providing minimum yard setback requirements.

(Comp. Ords. 1988, § 15.055; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996)

Secs. 48-91—48-108. - Reserved.

ARTICLE IV. - 15.080 RA-L ONE-FAMILY LAKESHORE RESIDENTIAL DISTRICTS

Sec. 48-109. - Intent.

Sec. 35.13. The RA-L One-Family Lakeshore Residential Districts are designed to maintain and continue existing one-family residential character and density of development. The intent is to ensure land use of predominantly very low-density single-unit dwellings along with residential accessory uses and facilities to serve residents in the districts. These are the most restrictive of the residential districts provided for in this ordinance. The individual districts are as follows:

- (a) The RA-L One-Family Lakeshore Residential District-A shall extend from Martin Road (28690 Jefferson) north, east of Jefferson Avenue, to the north line of Lot 30 of Assessor's Plat No. (30230 Jefferson), and shall be referred to as RA-LA.
- (b) The RA-L One-Family Lakeshore Residential District-B shall extend northward, east of Jefferson Avenue, from the north line of Lot 30 of Assessor's Plat No. (30230 Jefferson) to the north line of Lot 7 of Assessor's Plat No. 36 (33444 Jefferson), except for Lakeview Club Condominium, MCCP No. 260-001 through 019 and shall be referred to as RA-LB.
- (c) The RA-L One-Family Lakeshore Residential District-C shall extend northward, east of Jefferson Avenue, from the north line of Lot 7 of Assessor's Plat No. 36 (33444 Jefferson) to the northerly city limits, and shall be referred to as RA-LC.

(Comp. Ords. 1988, § 15.081; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996)

Sec. 48-110. - Principal uses permitted.

Sec. 35.14. In all RA-L One-Family Lakeshore Residential Districts, no building or land shall be used and no building shall be erected except for one or more of the principal uses specified as follows unless otherwise provided in this ordinance:

- (1) One-family detached dwellings.
- (2) Publicly owned and operated libraries, parks, parkways, and recreational facilities.
- (3) Golf course lawfully occupied on the land at the time of this ordinance.

- (4) Cemeteries which lawfully occupied land on or before March 7, 1986.
- (5) Temporary buildings and uses for construction purposes for a period not to exceed one year.
- (6) Home occupations or businesses, subject to the standards of 15.516 [48-562] Home Occupations or Businesses.

(Comp. Ords. 1988, § 15.082; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996; further amended by ord. eff. June 21, 2018)

Sec. 48-111. - Accessory buildings/structures and uses.

Sec. 35.14A. In all RA-L One-Family Lakeshore Residential Districts, accessory buildings/structures and uses shall be permitted as set forth below provided that the accessory buildings/structures and/or uses exist on the same zoning lot or site (if more than one lot comprises the premises) containing the principal use and the principal use is in effect. By way of example, no garage may be used for storage unless a residence exists on the same premises and is being occupied. The following accessory buildings/structures and uses shall be permitted:

- (1) Accessory buildings/structures provided they comply with the provisions set forth in article XIX [15.495]. Further, for clarification, any one single-family lot or site may contain one accessory building/structure.
- (2) Nameplates and signs as provided in article XIX [15.495], section [35.69] [48-547] et seq., of General Provisions.
- (3) Automobile parking space as required in article XIX [15.495], section [35.69] [48-547] et seq., of General Provisions.
- (4) With respect to riparian property, construction and location of all boatwells, boathouses, and other marine-related structures and the floating of watercraft, which are unique to the type of property, shall be regulated under the Water Resources Ordinance.
- (5) [Repealed effective June 8, 2001.]
- (6) Satellite dish antenna, direct broadcast satellite service (DBS), television broadcast service (TVBS), and multi-channel multi-point distributors service (MMDS) satellite dish antenna for noncommercial use shall be permitted, subject to the following standards:
 - a. Only one satellite antenna shall be permitted per lot site (group of lots used together as one residential premises).
 - b. Satellite antenna shall not be located where it will block fire lanes or utility easements or pedestrian or vehicular sight lines or obstruct the view from the windows in existing adjoining buildings.
 - c. Satellite antenna shall not be located so as to pose or become a hazard to humans and animals.
 - d. Satellite antenna one meter (3.2808 feet) or less in diameter shall not be located in a front yard between the house facade and street.
 - e. Satellite antenna larger than one meter (3.2808 feet) in diameter shall also comply with the following:
 - 1) A clearance of at least four feet from the ground up shall be maintained between a satellite antenna and side lot line.
 - 2) Satellite antenna anchored to the ground shall not exceed one story or 14 feet in height, and shall not be located in a front yard between the house facade and street.
 - 3) Satellite antenna shall not be located on a roof unless it is determined by the Building Department

that the roof is of sufficient structure integrity to hold the structure. Further, no rooftop-mounted antenna shall face a street which is considered to be the road frontage of the lot or site regardless of how the residence has been constructed or placed.

- f. Building and electrical permits shall be obtained prior to construction and/or installation of a satellite antenna. Permit fees shall be established by resolution of Council.
- (7) Radio receiving and/or transmitting antenna towers shall be permitted as accessory uses, provided such towers do not exceed a maximum height of 50 feet, as measured from the established grade, and provided further that the antenna tower is for an amateur radio station licensed by the Federal Communications Commission. Antenna towers for licensed amateur radio stations may be erected up to a maximum height of 75 feet, as measured from the established grade, provided that if the height of the tower is greater than the distance from the center of the base of the antenna tower to any property line, then written permission must first be obtained from at least two-thirds of the adjoining property owners. Antenna towers in RA-L districts shall also meet the following:
- a. No tower shall be located in a front yard, forward of the building line, or within that the yard that abuts the street considered to provide road frontage for the lot or site.
 - b. All such freestanding towers shall be of a self-supporting design.
 - c. The antenna and tower shall be enclosed with a fence or wall to deter any person from climbing the tower, except for service or repair.
 - d. Antenna and tower plans shall be submitted to the Building Official with specifications indicating the ability of the antenna and tower to withstand wind pressure and ice loads, in accordance with the BOCA Building Code adopted by the City of St. Clair Shores.
 - e. Proof of insurance shall be submitted indicating protection of adjacent property owners from any damage caused by the antenna or tower.

(Comp. Ords. 1988, § 15.083; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996; further amend. eff. June 8, 2001)

Sec. 48-112. - Special land uses.

Sec. 35.15. The following uses shall be permitted as special land uses in the RA-L One-Family Lakeshore Residential Districts, subject to the standards and requirements set forth therein, and subject to the standards and approval requirements set forth in section 35.83 [15.510] [48-561]:

1. Churches and other facilities normally incidental thereto, subject to the following conditions:
 - a. Buildings of greater than maximum height allowed in article XVIII [15.480], Schedule of Regulations, may be allowed, provided front, side, and rear yards are increased above the minimum required yards by one foot for each foot of building height that exceeds the maximum height allowed.
 - b. Wherever the off-street parking lot is adjacent to land zoned for residential purposes, a continuous and obscuring wall four feet, six inches in height shall be provided along the sided of the parking area adjacent to the residentially zoned land. The wall shall be further subject to the provisions of article XIX [15.495], General Provisions.
 - c. The site shall be located as to have at least one property line abutting a major thoroughfare of not less than 86 feet of right-of-way width, either existing or proposed, and all ingress and egress to the site shall

be directly onto said major thoroughfare or a marginal access service drive thereof.

2. Public, parochial and other private elementary, intermediate schools and/or high schools offering courses in general education.
3. Utility and public service buildings and uses (without storage yards) when operating requirements necessitate the locating of said building within the district in order to serve the immediate vicinity.
4. Nursery schools, day nurseries and childcare centers in homes providing care to more than six minor children unrelated to a permanent resident of the particular home by blood or marriage or adoption. Such facilities shall have a minimum of 150 square feet of play area for each child so cared for. Such play space shall have a total minimum area of not less than 5,000 square feet and shall be screened from any adjoining lot in any residential district. Any use permitted herein shall not be permitted in the interior of any residential block, and shall be located adjacent to a multiple-family or business district.
5. Public street, subject to the following standards which are intended to guard against undue interference with the established residential neighborhood and protect the quiet enjoyment of persons residing in existing dwellings in the district:
 - (1) Public street right-of-way shall be set back a minimum of 20 feet from the nearest line of any platted lot not included in the land to be served by the proposed street.
 - (2) Any public street right-of-way proposed closer than 40 feet to the nearest lot line of any platted lot shall require installation of a five-foot-high permanent masonry screen wall along the entire length of the area where the right-of-way and nearest lot lines are less than 40 feet. Said screen wall shall be finished with brick or cut field stone on each side and shall be staggered as to horizontal alignment to create visual interest.
 - (3) Any public street right-of-way proposed within 60 feet of the nearest lot line of any platted lot not included in the land to be served shall require evergreen plant materials of a density, spacing and average height which will form a continuous visual screen and sound barrier. The approving body for special land uses shall require submission of planting plans and cross sections of sufficient detail so as to be able to ascertain the effectiveness of the proposed visual screen.
 - (4) A performance bond shall be required which shall be equal to value of screen wall and each planting screen.

(Comp. Ords. 1988, § 15.084; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996)

Sec. 48-113. - Area and bulk requirements.

Sec. 35.16. See article XVIII [15.480], Schedule of Regulations limiting the height and bulk of buildings, the minimum size of lot permitted by land use, the maximum density permitted, and providing minimum yard setback requirements.

(Comp. Ords. 1988, § 15.085; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996)

Secs. 48-114—48-139. - Reserved.

ARTICLE V. - 15.110 RB TWO-FAMILY RESIDENTIAL DISTRICT

Sec. 48-140. - Intent.

Sec. 35.17. This district is designed to afford a transition of use in existing housing areas by permitting new construction or conversion of existing structures between adjacent residential and commercial, office, thoroughfares, or other uses which would affect the residential character. This district also recognizes the existence of older residential areas of the City where larger houses have been or can be converted from single-family to two-family residences in order to extend the economic life of these structures and allow the owners to justify the expenditures for repairs and modernization.

(Comp. Ords. 1988, § 15.111; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996)

Sec. 48-141. - Principal uses permitted.

Sec. 35.18. In the R-B Districts, no buildings or land, except as otherwise provided in this ordinance, shall be erected or used except for one or more of the following specified purposes:

- (1) All principal uses permitted and as regulated in the abutting one-family residential districts, except as hereinafter modified.
- (2) Two-family dwellings.
- (3) Any of the following transitional uses, subject to the review and approval of the Council and Commission as being necessary for public convenience and/or public welfare, shall be permitted on a platted lot of record in the R-B Districts where the side of such lot abuts upon a lot in a B, O, or LI District, provided such transitional use does not extend more than 100 feet from the boundary of the B, O, or LI District which it adjoins:
 - a. Multiple-family dwellings with the same requirements as prescribed in the RM-1 Multiple-Residential District.
 - b. P-1 vehicular parking shall be permitted provided the requirements of the P-1 Vehicular Parking District can be met.
- (4) Home occupations or businesses, subject to the standards of 15.516 [48-562] Home Occupations or Businesses.

(Comp. Ords. 1988, § 15.112; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996; further amended by ord. eff. June 21, 2018)

Sec. 48-142. - Accessory buildings uses permitted.

Sec. 35.18A. The following accessory buildings/uses shall be permitted in R-B Districts:

- (1) Accessory building, provided that it shall be located as required in article XIX [15.495], General Provisions.
- (2) Name plates and signs as provided in article XIX [15.495], General Provisions.
- (3) Automobile parking space to be provided as required in article XIX [15.495], General Provisions.
- (4) Satellite dish antenna, direct broadcast satellite service (DBS), television broadcast service (TVBS), and multi-channel multi-point distributors service (MMDS) satellite dish antenna for noncommercial use shall be permitted, subject to the following standards:
 - a. Only one satellite antenna shall be permitted per lot or per site (group of lots used together as one residential premises).
 - b. Satellite antennas shall not be located where it will block fire lanes or utility easements or pedestrian or vehicular sight lines or obstruct the view from windows in existing adjoining buildings.

- c. Satellite antennas shall not be located so as to pose or become a hazard to humans and animals.
 - d. Satellite antennas one meter (3.2808 feet) or less in diameter shall not be located in a front yard between the house facade and the street.
 - e. Satellite antennas larger than one meter (3.2808 feet) in diameter shall also comply with the following:
 - 1. A clearance of at least four feet from the ground up shall be maintained between a satellite antenna and side lot line.
 - 2. Satellite antennas anchored to the ground shall not exceed one story or 14 feet in height, and shall not be located in a front yard between the house facade and street.
 - 3. Satellite antennas shall not be located on a roof unless it is determined by the Building Department that the roof is of sufficient structure integrity to hold the structure. Further, no rooftop-mounted antenna shall face a street which is considered to be the road frontage of the lot or site regardless of how the residence has been constructed or placed.
 - f. Building and electrical permits shall be obtained prior to construction and/or installation of a satellite antenna. Permit fees shall be established by resolution of Council.
- (5) Radio receiving and/or transmitting antenna towers shall be permitted as accessory uses, provided such towers do not exceed a maximum height of 50 feet as measured from the established grade, and provided further that the antenna tower is for an amateur radio station licensed by the Federal Communications Commission. Antenna towers for licensed amateur radio stations may be erected up to a maximum height of 75 feet, as measured from the established grade; provided that if the height of the tower is greater than the distance from the center of the base of the antenna tower to any property line, then written permission must first be obtained from at least two-thirds of the adjoining property owners. Antenna towers in residentially-zoned districts shall also meet the following requirements:
- (a) No tower shall be located in a front yard, forward of the building line, or within the yard that abuts the street considered to provide road frontage for the lot or site.
 - (b) All such freestanding towers shall be of a self-supporting design.
 - (c) The antenna and tower shall be enclosed in a fence or wall to deter any person from climbing the tower, except for service or repair.
 - (d) Antenna and tower plans shall be submitted to the Building Official with specifications indicating the ability of the antenna and tower to withstand wind pressure and ice loads, in accordance with the BOCA Building Code adopted by the City of St. Clair Shores.
 - (e) Proof of insurance shall be submitted indicating protection of adjacent property owners from any damage caused by the antenna or tower.

(Comp. Ords. 1988, § 15.113; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996)

Sec. 48-143. - Area and bulk requirements.

Sec. 35.19. See article XVIII [15.480], Schedule of Regulations limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and maximum density permitted, and providing minimum yard setback requirements.

(Comp. Ords. 1988, § 15.114; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996)

Secs. 48-144—48-169. - Reserved.

ARTICLE VI. - 5. 15.120 PD PHILANTHROPIC DISTRICT

Sec. 48-170. - Intent.

The intent of this article is to allow for specialized philanthropic, charitable and related uses and facilities which are nonresidential in nature and which will likely serve not only the City and the immediate St. Clair Shores area but a larger, more regional area. Recognizing that these nonresidential uses may have an impact on adjoining residences and the community as a whole, special attention must be given to the size and placement of buildings, structures and parking areas as well as the screening and buffering of these sites. It is further the intent of this article to limit the number of properties in which this type of activity may occur.

(Comp. Ords. 1988, § 15.121; ord. eff. Dec. 30, 2015)

Sec. 48-171. - Principal uses permitted.

In the PD Philanthropic Districts no buildings or land, except as otherwise provided in this ordinance, shall be erected or used except for one or more of the following specified purposes. The following buildings/uses have been deemed appropriate and are permitted in the PD Philanthropic District, and do not require additional review or approval by the City, except for site plan review and approval when required for construction or expansion of any new building or facility:

1. Specialized philanthropic, charitable and related uses and facilities which are nonresidential in nature.
2. Building and premises tours.
3. Public and private gatherings and events (no overnight).
4. Public and private meetings, seminars, retreats, conferences, receptions, banquets and educational activities (no overnight).
5. Office and administrative facilities, buildings and related parking areas.
6. Maintenance, storage, and repair buildings or facilities (for maintenance and grounds equipment) and related parking areas.
7. Buildings, uses, structures, facilities and related parking existing at the time this article is adopted, and any expansion of the foregoing.
8. Retail or commercial activities, facilities or buildings such as a gift shop, restaurant and beverage sales and other sale incidental to a permitted or special use.
9. Existing parking areas and facilities, and new parking areas and facilities when designed to serve or be accessory to another permitted or special use, building or facility, including shared use parking facilities designed to serve or be accessory to more than one permitted or special use, building or facility.
10. Plant nursery, garden areas and facilities, and related parking areas.
11. Stormwater management areas and facilities.
12. Visitor center and related facilities and parking, including expansion of the existing visitor center located on adjacent land under the same ownership and within an adjacent municipality.
13. Use of outdoor areas for cultural, social or educational purposes such as outdoor receptions, presentations, nature study or similar gatherings related to one or more permitted or special uses.

14. Libraries, research and educational or cultural facilities, collection displays, including related classroom or audit facilities, and related parking areas.
15. Any other uses deemed similar to or compatible with the above listed permitted uses or the below listed accessory uses.

There is no limit on the number of principal permitted uses and/or buildings, or accessory uses/buildings in the Philanthropic District.

(Comp. Ords. 1988, § 15.122; ord. eff. Dec. 30, 2015)

Sec. 48-172. - Accessory buildings/uses permitted.

The following accessory buildings/uses shall be permitted in PD Philanthropic Districts:

1. Nonpermanent structures without footings, such as greenhouses or other nonpermanent historical, educational or research based structures.
2. Name plates and signs as provided in 19.150 [chapter 30], Sign, Lighting, and Display Ordinance.
3. Automobile parking space to be provided as required in 15.128 [48-177] Parking Standards.
4. Satellite dish antenna, direct broadcast satellite service (DBS), television broadcast service (TVBS), and multi-channel multi-point distributors service (MMDS) satellite dish antenna for noncommercial use shall be permitted, subject to the standards of 15.517, satellite dishes and similar receivers.
5. Radio receiving and/or transmitting antenna towers shall be permitted as accessory uses, subject to the standards of 15.518, radio receiving and/or transmitting antenna towers.

Accessory uses regulations outlined in 15.499 [48-550] Accessory Buildings/Uses are not applicable to the Philanthropic District. All accessory uses/buildings will be reviewed and evaluated in the same manner as principal permitted uses.

(Comp. Ords. 1988, § 15.123; ord. eff. Dec. 30, 2015)

Sec. 48-173. - Special land uses.

The following uses shall be permitted as special land uses in the PD Philanthropic District, subject to the standards and requirements set forth therein, and subject to the standards and approval requirements set forth in sections 15.509 [48-560] Site Plan Approval and 15.510 [48-561] Special Use Approval: None.

(Comp. Ords. 1988, § 15.124; ord. eff. Dec. 30, 2015)

Sec. 48-174. - Site plan approval.

The following shall require site plan approval in accordance with 15.509 [48-560] Site Plan Approval:

1. Construction of any new building and related parking or service facilities.
2. Expansion of any existing building and related parking or service facilities by more than 20 percent.
3. Any other new use or new structure requiring site plan approval under this chapter.

The site plan standards for ingress, egress, emergency access, vehicle and pedestrian circulation, drainage, public services, utilities, landscaping and other matters may be satisfied by such services, facilities or matters being provided on land owned by the same applicant within an adjacent municipal jurisdiction when the adjacent land has a substantially

similar use or purpose.

(Comp. Ords. 1988, § 15.125; ord. eff. Dec. 30, 2015)

Sec. 48-175. - Area and bulk requirements.

Area, height and placement requirements in the philanthropic district shall be as follows, subject to adjustment as noted below:

1. Minimum lot area: ten acres.
2. Minimum lot width: 500 feet.
3. Maximum height:
 - a. On the north side of Lake Shore Road, the maximum height shall not exceed 40 feet and/or three stories.
 - b. On the south side of Lake Shore Road, the maximum height shall not exceed 30 feet and/or two stories.The existing structures shall not be deemed nonconforming based on height.
4. Maximum lot coverage: 25 percent.
5. Minimum front yard: 145 feet. The existing structures shall not be deemed nonconforming based on front yard location.
6. Minimum side yards: 30 feet. The existing structures shall not be deemed nonconforming based on side yard location. Further, depending on the type of use proposed, the City may require additional setbacks to lessen the impact of such uses, or may reduce setbacks if warranted by the use.
7. Minimum rear yard: 30 feet. Existing structures shall not be deemed nonconforming based on rear yard location. Further, depending on the type of use proposed, the City may require additional setbacks to lessen the impact of such uses, or may reduce setbacks if warranted by the use.
8. South of Lake Shore Road, the minimum setbacks of new buildings or parking facilities described above shall apply, except that the setback area of new buildings or parking areas on the side closest to off-site residential lots with existing homes, immediately adjacent to the Philanthropic District, shall be 60 feet.
9. Notwithstanding the foregoing, if the proposed building, use or facility is adjacent to the boundary of another municipal jurisdiction, and the land in the adjacent municipality is owned by the same applicant and used for substantially similar purposes, then the area, placement, lot coverage, yard area and setback requirements of this article shall take into consideration and count the area, placement, lot coverage, yard area and setbacks available on the land within the adjacent municipal jurisdiction.
10. Parking areas and private roadways shall be included in calculating the minimum yard areas and setbacks described above.

(Comp. Ords. 1988, § 15.126; ord. eff. Dec. 30, 2015)

Sec. 48-176. - Screening.

For proposed new buildings, uses or parking areas, the Planning Commission shall review the necessity for landscape screening between the proposed building, use or parking areas and any adjoining unlike use district or abutting public thoroughfare depending on the type of building, use or parking areas proposed, the proximity to the unlike district or

public thoroughfare as well as the presence of existing landscape and hardscape. Such review shall take into consideration landscape screening or buffering that may be available within the adjacent municipal jurisdiction when used for substantially similar purposes.

(Comp. Ords. 1988, § 15.127; ord. eff. Dec. 30, 2015)

Sec. 48-177. - Parking standards.

Parking standards in the Philanthropic District shall take into consideration shared use parking facilities designed to serve or be accessory to more than one permitted or special use in the district, in order to account for multiple uses by the same visitor, uses at different times of the day, and to avoid unnecessary duplication of parking areas, decrease impervious surfaces, and facilitate consistency with the character of the uses in the district as determined by the Fire Marshal. Parking provided within an adjacent municipality shall be counted for purposes of this standard. For large scale or outdoor events, adequate parking may also be provided either on-site or off-site, including within an adjacent municipality. If provided off-site at a distance of more than one mile, the applicant shall provide a plan for transferring of patrons to and from the event and parking areas. This plan shall be reviewed by the department of public safety as necessary. The parking area for large scale and/or outdoor events may continue to be the grass area (unimproved surface on the south side of Lake Shore Drive) presently used for such purposes at the time this article is adopted, as deemed appropriate by the City Department of Public Safety. See also 15.500 [48-551] Off-Street Parking Requirements and 15.495 [article XIX] General Provisions for additional parking requirements.

(Comp. Ords. 1988, § 15.128; ord. eff. Dec. 30, 2015)

Sec. 48-178. - Reconstruction of existing buildings or structures.

Notwithstanding the requirements of the principal permitted uses section, the special land uses section, and the site plan approval section of this article, the reconstruction of buildings or structures existing at the time of passage of this article or thereafter constructed with approval as required by 15.509 [48-560] Site Plan Approval or 15.510 [48-561] Special Land Use Approval, due to fire or casualty or to ensure structural integrity or to modernize facilities, shall be permissible upon a determination by the Planning Commission and City Council that the location, size, scale and architectural character of the reconstructed building or structure is comparable to that which previously existed.

(Comp. Ords. 1988, § 15.129; ord. eff. Dec. 30, 2015)

Sec. 48-179. - Waiver or modification of requirements.

In approving a site plan or special land use within the Philanthropic District under 15.122, 15.123, or 15.124 [~~48-171, 48-172, or 48-173~~] of this article, the Zoning Board of Appeals may waive or modify any of the above area, height, coverage, yard, setback and placement requirements, landscape screening or parking standards, if it determines that such waiver or modification is consistent with the architectural character of the proposed construction and the overall use of the site upon which such proposed construction or use is located, and will not have an undue adverse effect on adjoining residential uses.

(Comp. Ords. 1988, § 15.130; ord. eff. Dec. 30, 2015)

Secs. 48-180—48-196. - Reserved.

ARTICLE VII. - 15.140 RM-1 MULTIPLE-FAMILY RESIDENTIAL DISTRICT (LOW RISE)

Sec. 48-197. - Intent.

Sec. 35.20. The RM-1 Multiple-Family Districts are designed to provide sites for multiple-family dwelling structures, and related uses, which will generally serve as zones of transition between the nonresidential districts and lower density single-family districts. The multiple-family district is further provided to serve the limited needs for the apartment type of unit in an otherwise low-density single-family community.

(Comp. Ords. 1988, § 15.141; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996)

Sec. 48-198. - Principal uses permitted.

Sec. 35.21. In the RM-1 Districts no building or land, except as otherwise provided in this ordinance, shall be erected or used except for one or more of the following specified purposes and shall be permitted subject to the review and approval of the site plan by the Planning Commission and Council as provided in this section and in 15.509 [48-560] Site Plan Approval and 15.510 [48-561] Special Land Uses. Such review of the site plan is required to find proper relationships between the following development features as they relate to traffic safety and, further, to minimize the possibility of any adverse effects upon adjacent properties: driveways, parking areas, accessory buildings and uses; open space.

- (1) All principal and special land uses permitted in the RB Two-Family Residential Districts with the lot area, yards, and floor area requirements equal to at least the requirements of the immediately abutting residential district.
- (2) Multiple-family dwellings, provided no building permit for any multiple structure shall be issued unless it has been found by the Planning Commission and the Council, after a review of the site plan and exterior elevations of the proposed structure, that the following conditions have been met:
 - (a) The site plan shall be so planned as to provide ingress and egress directly onto a major thoroughfare; or onto a residential street if such access point is reviewed by the Planning Commission and Council and found not to be contrary to desirable and safe circulation and development patterns.
 - (b) Access drives, parking areas, and maneuvering lanes shall be so located as to minimize their conflict with buildings and outdoor living areas. All parking and maneuvering lanes shall be at least 15 feet distance from any first floor dwelling unit window, doorway, or entrance way.
 - (c) The entire area of the site shall be treated to service the residents of the multiple dwelling unit, and any accessory buildings, uses or services shall be developed solely for the use of residents of the main building. Uses considered herein as accessory uses include swimming pools, cabanas, pavilions, boat docks, recreation areas, and other similar uses.
 - (d) The site plan shall be so planned as to recognize the front, rear, and side relationship of adjacent residential development. The Planning Commission and Council may recommend physical features to be provided which will ensure harmony in these yard relationships.

Exterior architectural elevations of the proposed structure shall be designed so as to provide conformity with adjacent residential development and/or improvement of the residential environment.

- (3) Independent living facility, when the following conditions are met:

- (a) Independent living facilities shall be provided as a planned development and may provide for the following:
 - (i) Cottage type dwellings and/or apartment type dwelling units.
 - (ii) Common services containing, but not limited to, central dining rooms, recreational rooms, central lounge, and workshops.
 - (iii) All dwellings shall consist of at least a living room, bedroom, private bath and toilet. The total minimum floor area shall be at least 350 square feet per unit (not including kitchen and sanitary facilities).
 - (iv) Total coverage of all buildings (including dwelling units and related service buildings) shall not exceed 25 percent of the total site exclusive of any dedicated right-of-way.
- (4) Physical rehabilitation facilities, not to exceed a height of two stories, when the following conditions are met:
 - (a) The site shall provide a minimum area of at least 1,000 square feet of land area for each one bed. However, in no instance shall the maximum of lot area covered by all buildings exceed 25 percent.
 - (b) No building shall be closer than 35 feet from any property line.
- (5) Home occupations or businesses, subject to the standards of section 15.516 [48-562].

(Comp. Ords. 1988, § 15.142; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996; further amended by ord. eff. June 13, 2018)

Sec. 48-199. - Accessory building/structures and uses.

Sec. 35.21A. The following accessory buildings/uses shall be permitted in RM-1 District:

- (1) Accessory buildings and uses customarily incident to any of the above permitted uses.
- (2) Name plates and signs as provided in 19.150 [chapter 30], Sign, Lighting and Display Ordinance.
- (3) Automobile parking space to be provided as required in 15.50 [48-551], Off-Street Parking Requirements.
- (4) Satellite dish antenna, direct broadcast satellite service (DBS), television broadcast service (TVBS), and multi-channel multi-point distributors service (MMDS) satellite dish antenna for noncommercial use shall be permitted, subject to the standards of 15.517, satellite dishes and similar receivers.
- (5) Radio receiving and/or transmitting antenna towers shall be permitted as accessory uses, subject to the standards of 15.518, radio receiving and/or transmitting antenna towers.

(Comp. Ords. 1988, § 15.143; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996; further amended by ord. eff. June 13, 2018)

Sec. 48-200. - Screening.

When an RM-1 Multiple-Family District abuts a single-family residential district and a development has eight or fewer units located on a single or multiple parcels, a weather-resistant wood or vinyl privacy fence is required. The fence shall be placed on the property line, be six feet tall from established grade, be constructed of commercial grade weather-resistant materials (such as solid core PVC or woodfiber composite) approved by the Community Development and Inspection Department, and the exposed structural members (bad side) shall face the applicant's property. When an RM-1 Multiple-Family District abuts a single-family residential district and has more than eight units, a six-foot concrete wall is required to be placed on the property line.

(Comp. Ords. 1988, § 15.144; ord. eff. June 13, 2018)

Sec. 48-201. - Area and bulk requirements.

Sec. 35.22. See 15.480, Schedule of Regulations limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and maximum density permitted, and providing minimum yard setback requirements.

(Comp. Ords. 1988, § 15.145; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996; further amended by ord. eff. June 13, 2018)

Secs. 48-202—48-225. - Reserved.

ARTICLE VIII. - 15.170 RM-2 MULTIPLE-FAMILY RESIDENTIAL DISTRICT (HIGH RISE)

Sec. 48-226. - Intent.

Sec. 35.23. The RM-2 Multiple-Family Residential Districts (High-Rise) are designed to provide sites for high-density multiple dwelling structures adjacent to high traffic generators commonly found in the proximity of large acreage nonresidential development and areas abutting major thoroughfare and expressways. This district is further provided to serve the residential needs of persons desiring apartment type accommodations with central services as opposed to the residential patterns found in the One-Family and RM-1 Multiple-Family Residential Districts. This district is further designed to provide a zone of transition between traffic generators and other residential districts through the requirements of lower coverage which, in turn, will result in more open space.

(Comp. Ords. 1988, § 15.171; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996)

Sec. 48-227. - Principal uses permitted.

Sec. 35.24. In the RM-2 Districts no building or land except as otherwise provided in this ordinance shall be erected or used except for one or more of the following specified purposes and shall be permitted subject to the review and approval of the site plan by the Planning Commission and Council as provided in 15.509 [48-560], Site Plan Approval and 15.510 [48-561], Special Use Approval:

- (1) All principal uses permitted in the RM-1 Multiple-Family Residential District meeting the requirements as set forth in said district with the exception of single-family and two-family dwellings, which shall be expressly prohibited from this district;
- (2) High rise apartments (three stories or greater) subject to the conditions herein imposed:
 - (a) [Reserved.]
 - (b) The proposed site for any such use shall have one property line abutting Lake St. Clair, a connecting waterway, a CLD District or I-94 freeway right-of-way.
 - (c) The proposed site shall be so planned as to provide ingress and egress directly onto a major thoroughfare or expressway service drive.
 - (d) No building permit shall be issued unless the above conditions are met and it is found by the Planning Commission and Council, after review of the site plan and exterior elevations that the requirements set forth in 15.172 and 15.170 [this section and article VIII of this chapter], have been met.

(3) Home occupations or businesses, subject to the standards of 15.516 [48-562], Home Occupations or Businesses (Comp. Ords. 1988, § 15.172; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996; further amended by ord. eff. June 13, 2018)

Sec. 48-228. - Accessory buildings and uses permitted.

Sec. 35.24A. The following accessory building/uses shall be permitted in RM-2 Districts:

- (1) Accessory buildings and uses customarily incident to any of the above permitted uses.
- (2) Name plates and signs as provided in 19.150 [chapter 30], Sign, Lighting and Display Ordinance.
- (3) Automobile parking space as required in 15.500 [48-551], Off-Street Parking Requirements.
- (4) Satellite dish antenna, direct broadcast satellite service (DBS), television broadcast service (TVBS), and multi-channel multi-point distributors service (MMDS) satellite dish antenna for noncommercial use shall be permitted, subject to the standards of 15.517, satellite dishes and similar receivers.

Radio receiving and/or transmitting antenna towers shall be permitted as accessory uses, subject to the standards of 15.518, radio receiving and/or transmitting antenna towers.

(Comp. Ords. 1988, § 15.173; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996; further amended by ord. eff. June 13, 2018)

Sec. 48-229. - Special land uses.

Sec. 35.25. The following uses shall be permitted as special land uses in the RM-2 Multiple-Family Residential District, subject to the standards and requirements set forth herein, and subject to the standards and approval requirements set forth in 15.510 [48-561], Special Land Uses:

- (1) Minor retail and personal service uses and when uses are clearly accessory to the residents of the high-rise building, provided that such uses are located within the walls of the main structure and are totally obscured from exterior view. No identifying sign for any such business use shall be visible from any exterior view. Such business or services shall not exceed 25 percent of the floor area at grade level and shall be prohibited on all other floors.
- (2) Dining facilities for the use of residents and their guest may be permitted within the structure, upon Council approval, when such use will not conflict with the basic residential parking and circulation requirements necessary to sound residential development. Approval of any such use may be made subject to any conditions and requirements as will ensure the residential development needs.

(Comp. Ords. 1988, § 15.174; chap. 35 eff. Mar. 7, 1986; amended by ord. eff. Aug. 20, 1996; further amended by ord. eff. June 13, 2018)

Sec. 48-230. - Area and bulk requirements.

Sec. 35.27. See 15.480, Schedule of Regulations limiting the height and bulk of buildings, the minimum size of lot permitted by land use, and maximum density permitted, and providing minimum yard setback requirements.

(Comp. Ords. 1988, § 15.175; chap. 35 eff. Mar. 7, 1986; amended by ord. eff. Aug. 20, 1996; further amend. eff. Apr. 9, 2009; ord. eff. June 13, 2018)

Sec. 48-231. - Screening.

When an RM-2 Multiple-Family District abuts a single-family residential district, a six-foot concrete wall is required. The wall shall be placed on the property line, and be no less than four feet and no more than six feet tall from established grade.

(Comp. Ords. 1988, § 15.176; ord. eff. June 13, 2018)

Secs. 48-232—48-255. - Reserved.

ARTICLE IX. - 15.200 O-1 OFFICE SERVICE DISTRICT

Sec. 48-256. - Intent.

Sec. 35.27. The O-1 Office Service Districts are designed to accommodate office use, office sales uses, and certain basic services. The City of St. Clair Shores enforces the following business hours: 6:00 a.m. to 12:00 a.m., which can be modified with City Council approval.

(Comp. Ords. 1988, § 15.201; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996; ord. eff. Apr. 9, 2009)

Sec. 48-257. - Principal uses permitted.

Sec. 35.28. The following regulations shall apply in all O-1 Districts and no building, structure, or premises except as otherwise provided in this ordinance, shall be erected, altered, or used except for one or more of the following uses:

- (1) Office buildings for any of the following occupations: executive, administrative, professional, accounting, writing, clerical, stenographic, drafting, and sales; subject to the limitations contained below in 15.204 [48-258], General Requirements.
- (2) Medical office, including clinics.
- (3) Banks, credit unions, savings and loan associations, and similar uses.
- (4) Publicly owned buildings, exchanges, and public utility offices, but not including storage yards, transformer stations, sub-stations, or gas regulator stations.
- (5) Personal service establishments.
- (6) Other similar to the above uses.

(Comp. Ords. 1988, § 15.202; chap. 35 eff. Mar. 7, 1986; amended by ord. eff. Aug. 20, 1996; further amend. eff. Apr. 9, 2009; ord. eff. June 13, 2018)

Sec. 48-258. - General requirements.

Sec. 35.29.

- (1) No interior display shall be visible from the exterior of the building, and the total area devoted to display, including both the objects displayed and the floor space set aside for persons observing the displayed objects, shall not exceed 15 percent of the usable floor area of either the first or second story, or in the basement.

(2) The outdoor storage of goods or materials shall be prohibited.

(3) Warehousing or indoor storage of goods or material, beyond that normally incident to the above permitted uses, shall be prohibited.

(Comp. Ords. 1988, § 15.203; chap. 35 eff. Mar. 7, 1986; amended by ord. eff. Aug. 20, 1996; further amended by ord. eff. June 13, 2018)

Sec. 48-259. - Area and bulk requirements.

Sec. 35.30 The graphic below is provided as a general reference. The O-1 Office Service Districts are designed to accommodate office use, office sales uses, and certain basic services. See 15.480, Schedule of Regulations, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

Uses permitted in this district shall also be subject to the requirements for 15.509 [48-560], Site Plan Review, 15.510 [48-561], Special Land Use, 15.500 [48-551], Off-Street Parking Requirements, 19.150 [chapter 30] , Sign, Lighting, and Display Ordinance, and 15.360 [48-408], Harper Avenue Overlay.

(Comp. Ords. 1988, § 15.204; chap. 35 eff. Mar. 7, 1986; amended by ord. eff. Aug. 20, 1996; further amend. eff. Apr. 9, 2009; ord. eff. June 13, 2018)

Secs. 48-260—48-281. - Reserved.

ARTICLE X. - 15.230 CR COMMERCIAL RECREATION

Sec. 48-282. - Intent.

Sec. 35.31. The CR Commercial Recreation District is intended primarily to accommodate indoor recreation uses serving a large metropolitan area. The activities permitted in this district often have operational characteristics which may have adverse effects, or which may contribute to the blighting of, or downgrading of the surrounding neighborhood. Special review and consideration is required to regulate the location of such businesses so as to prevent the concentration of such uses and thereby limit the potential adverse effects on any one part of the City. The City of St. Clair Shores enforces the following business hours: 6:00 a.m. to 12:00 a.m., which can be modified with City Council approval.

(Comp. Ords. 1988, § 15.231; chap. 35 eff. Mar. 7, 1986; amended by ord. eff. Aug. 20, 1996; further amend. eff. Apr. 9, 2009; ord. eff. June 13, 2018)

Sec. 48-283. - Special land uses.

Sec. 35.32. The following uses shall be permitted as special land uses in the CR Commercial Recreation District, subject to the standards and requirements set forth herein, and subject to the standards and approval requirements set forth in 15.510 [48-561], Special Land Uses:

- (1) Bowling alleys.
- (2) Indoor archery ranges.
- (3) Skating rinks and ice rinks.

- (4) Racquet clubs.
- (5) Indoor golf, batting cages and other sports practice facilities.
- (6) Fitness centers.
- (7) Billiard halls.
- (8) Other similar forms of indoor commercial recreation.

(Comp. Ords. 1988, § 15.232; chap. 35 eff. Mar. 7, 1986; amended by ord. eff. Aug. 20, 1996; further amend. eff. Apr. 9, 2009; ord. eff. June 13, 2018)

Sec. 48-284. - Required conditions.

Sec. 35.33.

- (1) The site plan shall be so planned as to provide ingress and egress directly onto a major thoroughfare.
- (2) Exterior designs of the proposed structure shall be designed so as to provide conformity with adjacent developments. The Planning Commission and City Council, in reviewing exterior elevations, shall be concerned with the height of structure, building material, architectural style of front, rear, and side elevations.
- (3) All uses in this district shall be located at least 100 feet from any front, rear, or side yard of any residential district.
- (4) Parking shall be based on maximum occupancy of building use as set by the Fire Marshal; see 15.500 [48-551], Off-Street Parking Requirements.

(Comp. Ords. 1988, § 15.233; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996; further amended by ord. eff. June 13, 2018)

Sec. 48-285. - Area and bulk requirements.

Sec. 35.34. See 15.480, Schedule of Regulations, limiting the height and bulk of buildings, the minimum size of lot by permitted land use and providing minimum yard setback requirements.

Uses permitted in this district shall also be subject to the requirements for 15.509 [48-560], Site Plan Review, 15.510 [48-561], Special Land Use, 15.500 [48-551], Off-Street Parking Requirements, 19.150 [chapter 30], Sign, Lighting, and Display Ordinance, and 15.360 [48-408], Harper Avenue Overlay.

(Comp. Ords. 1988, § 15.234; chap. 35 eff. Mar. 7, 1986; amended by ord. eff. Aug. 20, 1996; further amended by ord. eff. June 13, 2018)

Secs. 48-286—48-303. - Reserved.

ARTICLE XI. - 15.260 B-1 LOCAL BUSINESS DISTRICT

Sec. 48-304. - Intent.

Sec. 35.35. B-1 Local Business Districts are intended to provide for the day-to-day convenience shopping and service needs of residents in adjacent or nearby neighborhoods. B-1 districts should be located as close as possible to the residential areas they serve. It is intended that only low-intensity uses which produce low volumes of traffic and low noise levels be permitted in the B-1 district. Furthermore, B-1 uses should be developed at a relatively small scale so as to be compatible with the adjacent or nearby residential uses. The City of St. Clair Shores enforces the following business hours: 6:00 a.m. to 12:00 a.m., which can be modified with City Council approval.

The following regulations shall apply in all B-1 districts and no building structure or premises, except as otherwise provided in this ordinance shall be erected, altered, or used except for one or more of the following specified uses.

(Comp. Ords. 1988, § 15.261; chap. 35 eff. Mar. 7, 1986; amended by ord. eff. Aug. 20, 1996; further amend. eff. Apr. 9, 2009)

Sec. 48-305. - Principal uses permitted.

Sec. 35.36.

- (1) Any generally recognized retail business which supplies commodities on the premises, for persons residing in adjacent residential areas, such as groceries, meats, dairy products, baked goods or other foods, drugs, dry goods and notions, or hardware.
- (2) Personal service establishment which performs services, on the premises such as, but not limited to, repair shop (watches, radio, television, shoe, etc.) tailor shops, beauty parlors or barbershops, photographic studios, and self-service laundries.
- (3) Dry cleaning establishments, or pick-up stations, dealing directly with consumer. Central dry cleaning plants serving more than one retail outlet shall be prohibited.
- (4) Business establishment which perform services on the premises, such as, but not limited to, banks, banks including drive-through, loan companies, insurance offices, and real estate offices.
- (5) Professional services including the following: medical clinics (outpatient only), and offices of doctors, dentists, osteopaths, and similar or allied professions.
- (6) Post office and similar governmental office buildings, service persons living in the adjacent residential area.
- (7) Other uses similar to the above uses.
- (8) Child day care centers.
- (9) Restaurant, or other place serving food or beverages, provided that all food and beverage is purchased and consumed within the interior.
- (10) The office or showroom and exterior storage for an establishment of a plumber, heating repairmen, or similar activity, when such use serves primarily adjacent residential areas and is not intended to include the facilities of a major contractor or wholesale supplier. All activities, including storage, must be conducted within a completely enclosed structure, and shall not constitute a nuisance in terms of noise, fumes, odors, traffic movement or land use development patterns and undesirable development.
- (11) Veterinary hospitals or clinics for small animals, subject to the following conditions:
 - (a) All activities are conducted within a totally enclosed main building.
 - (b) Any areas of the building designed to accommodate animals shall be soundproof.
 - (c) There shall be no overnight boarding of animals except those requiring extended care after surgery,

serious illness or accidents.

(d) There shall be no cremation of animals on-site.

(Comp. Ords. 1988, § 15.262; chap. 35 eff. Mar. 7, 1986; amended by ord. eff. Aug. 20, 1996; further amend. eff. Apr. 9, 2009)

Sec. 48-306. - General requirements.

Sec. 35.37.

- (1) All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises where produced.
- (2) All business, servicing, processing, or storage, except for off-street parking or loading, shall be conducted within a completely enclosed building except for the sale and storage of propane tanks.
 - a. Tanks no larger than 20-pound capacity shall be permitted. Tanks shall be displayed in a secured cage, holding no more than 12 tanks.
 - b. An application indicating the proposed location of the storage container must be filed and approved prior to installation.
 - c. Storage of propane tanks must meet all other applicable codes adopted by the City.

(Comp. Ords. 1988, § 15.263; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996; amend. eff. Aug. 15, 2008; further amend. eff. April 9, 2009)

Sec. 48-307. - Special land uses.

Sec. 35.38. The following uses shall be permitted as special land uses in the B-1 Local Business District, subject to the standards and requirements set forth herein, and subject to the standards and approval requirements set forth in section 35.83 [15.510] [48-561]:

- (1) Publicly owned buildings, public utility buildings, telephone exchange buildings; electric transformer stations and sub-stations; gas regulator stations with service yards, but without storage yards; water and sewage pumping stations.
- (2) Mortuary establishments, including required caretaker's apartment, subject to the following conditions:
 - (a) All official vehicles of mortuary or funeral homes plus one space for each caretaker family on the premises shall be provided for as off-street parking spaces. The off-street parking herein required shall be in excess of the requirements of article XIX [15.495], General Provisions.
 - (b) Ingress and egress shall be so provided as not to conflict with the traffic on adjacent residential streets.
 - (c) The funeral procession shall be formed so as to line up on site or within off-street parking areas servicing the mortuary or funeral homes. Adequate land and site plan layout shall therefore be accomplished so as not to require residential street space for the forming of the funeral procession.
 - (d) All activity extending beyond the walls of the mortuary or funeral home shall be screened from visible view of adjacent residential districts.
 - (e) Whenever a caretaker's residence is included as a part of the principal structure, said structure shall be permitted to be two stories or 30 feet in height. Whenever the structure is designed to be two stories in height it shall be so placed on the lot or parcel as not to be nearer to a residential district than 35 feet.
- (3) Auto repair center for the light repair and service of automotive vehicles, but not including steam cleaning or

undercoating, vehicle body repair, painting, tire recapping, engine rebuilding, auto dismantling, upholstery, auto glass work, and other such activities whose external effects would adversely extend beyond the property line, subject to the following:

- (a) No outside storage of nonlicensed vehicles, or vehicles other than those being serviced or repaired is allowed.
 - (b) The minimum lot area shall be 10,000 square feet with a minimum frontage of at least 100 feet along every abutting major and/or secondary thoroughfare.
 - (c) All lighting shall be shielded from adjacent residential districts.
 - (d) No painted wall signs are allowed.
 - (e) Twenty-foot setbacks shall be required wherever building entrances or exists for vehicles face street frontages.
 - (f) All outdoor vehicular storage areas shall be provided with a permanent, durable and dustless surface, and shall be graded and drained so as to dispose of all surface water accumulated within the area.
 - (g) There shall be no sale of gasoline.
 - (h) The Planning Commission in reviewing proposals shall be concerned with the following details particularly in relation to conversion of existing structures to auto repair centers:
 - 1. Architectural elevations as related to surrounding development.
 - 2. Building material.
 - (i) There shall be a minimum customer waiting room area of at least 15 square feet per service bay.
- (4) Dog Kennels.
- (5) Drive-throughs.

(Comp. Ords. 1988, § 15.264; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996; further amend. eff. April 9, 2009)

Sec. 48-308. - Area and bulk requirements.

Sec. 35.39. See article XVIII [15.480], Schedule of Regulations limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

Uses permitted in this district shall also be subject to the requirements for site plan review (section 35.82 [48-560]), parking (section 35.73 [48-551]), loading (section 35.75 [48-553]), and signs (section 35.77 [48-555]).

(Comp. Ords. 1988, § 15.265; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996; further amend. eff. April 9, 2009)

Secs. 48-309—48-334. - Reserved.

ARTICLE XII. - 15.290 B-2 COMMUNITY BUSINESS DISTRICT

Sec. 48-335. - Intent.

Sec. 35.40 B-2 Community Business Districts are intended to provide locations for a diversified range of businesses that primarily serve the comparison shopping and service needs of adjacent and surrounding neighborhoods. Goods and services offered in the B-2 district are typically purchased after careful consideration of price, quality, brand, and personal preference. Convenience shopping and service uses permitted in the B-2 district are intended as a complement to the comparison uses.

B-2 uses are generally developed as part of a planned cluster of businesses, such as a shopping center, where the businesses are served by a common parking area and a common means of ingress and egress. Typically, B-2 uses generate large volumes of pedestrian and vehicular traffic. Therefore, B-2 uses are generally not compatible adjacent to residential uses unless there are sufficient setbacks, screening, and buffering. The City of St. Clair Shores enforces the following business hours: 6:00 a.m. to 12:00 a.m., which can be modified with City Council approval.

The following regulations shall apply in all B-2 Districts and no building, structure or premises, except as otherwise provided in this ordinance shall be erected, altered, or used except for one or more of the following specified uses.

(Comp. Ords. 1988, § 15.291; chap. 35 eff. Mar. 7, 1986; amended by ord. eff. Aug. 20, 1996; further amend. eff. Apr. 9, 2009)

Sec. 48-336. - Principal uses permitted.

Sec. 35.41.

- (1) Any principal uses permitted in B-1 Districts, subject to the provisions of article XIX [15.495], General Provisions.
- (2) All retail business, service establishments or processing uses as follows:
 - (a) Any retail business whose principal activity is the sale of merchandise in an enclosed building.
 - (b) Any service establishment of an office, showroom, or workshop nature of an electrician, decorator, dressmaker, tailor, baker, painter, upholsterer; or an establishment doing radio or home appliance repair, photographic reproduction, and similar service establishments that require a retail adjunct.
 - (c) Private clubs, fraternal organizations, and lodge halls.
 - (d) Restaurants, or other places serving food or beverage, provided that all food and beverage is purchased and consumed within the interior.
 - (e) Business schools and colleges or private schools operated for profit.
 - (f) Other uses similar to the above uses.

(Comp. Ords. 1988, § 15.292; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996; further amend. eff. Apr. 9, 2009)

Sec. 48-337. - General requirements.

Sec. 35.42.

- (1) All business establishments shall be retail or service establishments dealing directly with consumers. All goods provided on the premises shall be sold at retail on the premises where produced.
- (2) All business, servicing or processing, except for off-street parking, loading and those open air uses indicated as being subject to special conditions in section 35.43 [15.294] [48-338] below, shall be conducted within completely enclosed buildings.

(Comp. Ords. 1988, § 15.293; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996; further amend. eff. April 9, 2009)

Sec. 48-338. - Special land uses.

Sec. 35.43. The following uses shall be permitted as special land uses in the B-2 Community Business District, subject to the standards and requirements set forth herein, and subject to the standards and approval requirements set forth in section 35.80 [15.506] [48-558]:

- (1) Any and all uses and conditions set forth in the CR Commercial Recreation District.
- (2) Automobile service centers, when developed as part of a larger planned shopping center designed so as to integrate the automobile service center within the site plan and architecture of the total shopping center; and provided further that a building permit shall not be issued separately for the construction of any automobile service center within the B-2 District.
- (3) Fitness centers.

(Comp. Ords. 1988, § 15.294; chap. 35 eff. Mar. 7, 1986; amended by ord. eff. Aug. 20, 1996; further amend. eff. Apr. 9, 2009)

Sec. 48-339. - Area and bulk requirements.

Sec. 35.44. See article XVIII [15.480], Schedule of Regulations, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

Uses permitted in this district shall also be subject to the requirements for site plan review (section 35.82 [48-560]), parking (section 35.73 [48-551]), loading (section 35.74 [48-553]), and signs (section 35.77 [48-555]), and Harper Avenue Overlay Zoning District (section 15.950 [48-939]).

(Comp. Ords. 1988, § 15.295; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996; further amend. eff. Apr. 9, 2009)

Secs. 48-340—48-366. - Reserved.

ARTICLE XIII. - 15.320 B-3 GENERAL BUSINESS DISTRICTS

Sec. 48-367. - Intent.

Sec. 35.45. The B-3 General Business Districts are intended to provide locations for a complete range of businesses, including businesses designed to serve motorists and those in transit. Generally, uses in the B-3 District serve the shopping and service needs of those from a broad geographic area, rather than from just the surrounding neighborhoods. B-3 uses typically generate large volumes of traffic and may generate high noise levels. Therefore, B-3 uses are not generally compatible with residential uses. It is intended that B-3 uses be located on major thoroughfares, preferably adjacent to other commercial uses. B-3 sites should be of sufficient size to provide ample buffering from any adjacent less intensely developed parcels. The City of St. Clair Shores enforces the following business hours: 6:00 a.m. to 12:00 a.m., which can be modified with City Council approval.

The following regulations shall apply to all B-3 Districts and no building, structure, or premises, except as otherwise provided in this ordinance, shall be erected, altered, or used except for one or more of the following specified uses.

(Comp. Ords. 1988, § 15.321; chap. 35 eff. Mar. 7, 1986; amended by ord. eff. Aug. 20, 1996; further amend. eff. Apr. 9, 2009)

Sec. 48-368. - Principal uses permitted.

Sec. 35.46.

- (1) Any principal uses permitted in a O-1 District, B-1 District and B-2 District.
- (2) Hotels.
- (3) Mortuary establishments, subject to the provisions of section 35.38(3) [15.265(3)] [48-307(2)].
- (4) Auto laundries, when completely enclosed in building.
- (5) Passenger stations.
- (6) New vehicle sales showrooms.
- (7) Governmental office or other governmental use. Public utility buildings, telephone buildings, electric transformer stations and service yards, but without storage yards, water and sewage pumping stations.
- (8) Automobile service station for the sale of gasoline, oil, bottled gas and minor accessories only, and where no repair work is done, other than incidental services, but not including steam cleaning or undercoating, vehicle body repair, painting, tire recapping, engine rebuilding, auto dismantling, upholstery, auto glass work, and such other activities whose external effects could adversely extend beyond the property line.
 - (a) The curb cuts for ingress and egress to a service station shall not be permitted at such locations that will tend to create traffic hazards in the streets immediately adjacent thereto. Entrances shall be no less than 25 feet from a street intersection (measured from the road right-of-way) or from adjacent residential districts.
 - (b) The minimum lot area shall be at least 12,000 square feet for every four pumps and two enclosed service bays, and shall have minimum frontage of at least 150 feet along every abutting major and/or secondary thoroughfare. For each additional pump and/or service bay there shall be an increase in the minimum lot area of at least 500 square feet. The layout shall be so arranged that ample space is available in site for motor vehicles which must wait for service.
 - (c) All lighting shall be shielded from adjacent residential districts.
- (9) Mobile home parks. Mobile home parks shall only be permitted within the B-3 District where the parcel being proposed for said mobile home park is not isolated or surrounded on more than three abutting sides by the B-3 District, provided further that the mobile home park site shall be located along the B-3 District edge wherein such district abuts a multiple-family district and the mobile home park site shall have one entire side abutting the multiple-family district. Mobile home parks shall further be subject to the following requirements and conditions:
 - (a) Where such B-3 District abuts a residential district, said mobile home park must provide a 20-foot greenbelt between the abutting residential district and the district in which the mobile home park is located; and must further provide for a 20-foot greenbelt between itself and any abutting B-3 District. The greenbelt shall be located within the mobile home park site and shall provide a continuous year around obscuring screen.

- (b) An open area shall be provided on each mobile home park lot to ensure privacy, adequate natural light and each trailer and to provide sufficient area for outdoor uses essential to the mobile home. All lots shall contain an area of at least 5,000 square feet. Each lot shall have a minimum width of 45 feet measured at right angles to the median line of the lot at 15 feet from the front lot line a minimum depth of 85 feet measured along the long median. All such mobile home park lot areas shall be computed exclusive of service drives, facilities, and recreation.
- (c) Mobile homes shall be so harbored on each lot so that there shall be at least a 25-foot clearance between mobile homes.
- (d) No mobile home shall be located closer than 40 feet to the right-of-way line of a public thoroughfare, or 20 feet to the mobile home park property line or any building within the mobile home park.
- (e) The mobile home park shall have access only to a major thoroughfare, by directly abutting thereon. The Planning Commission shall further require the dedication of streets through the mobile home park which are necessary to provide for the continuity of the local street system in the area.
- (f) Required off-street parking spaces shall be provided off any public and/or private roadway.
- (g) Prior to public hearings on the proposed mobile home park, notification shall be given by the applicant by registered mail, return receipt requested, of the proposal for said mobile home park and the date, time, and place of public hearing to all parties living within 1,000 feet of the proposed mobile home park.
- (h) All mobile home park developments shall further comply with Act 419 of Public Acts of 1976 as amended and any codes or ordinances of the City of St. Clair Shores.
- (i) The parking of a trailer coach not owned by a resident of the City for periods exceeding 24 hours on lands not approved for trailer courts shall be expressly prohibited, except that the Building Inspector may extend temporary permits allowing the parking of such trailer coach in a rear yard on private property, not to exceed a period of two weeks. All trailer coaches owned by residents of the City and stored on their individual lots shall be allowed for periods exceeding 24 hours with no permit required, and shall be stored only within the confines of the rear yard and shall further respect the requirements applicable to accessory buildings, 35.72 [15.499] [48-550], insofar as distances from principal structures, lot lines, and easements are concerned. For the purpose of this ordinance the area occupied by the stored trailer shall be computed as lot coverage, and shall not exceed the maximum coverage permitted under article XVIII [15.480], Schedule of Regulations. All trailer coaches parked or stored on lands not approved for trailer courts shall not be connected to sanitary facilities and shall not be occupied.
- (j) No building or structure hereafter erected or altered in a mobile home park shall exceed one store or 14 feet.
- (k) The proposed mobile home park shall be subject further to the review and approval of the City Council.
- (10) Theaters, assembly halls, concert halls or similar places of assembly when conducted completely within enclosed buildings, but not including adult entertainment businesses or adult live conduct businesses.
- (11) Exterior storage of bottled gas.
- (12) Outdoor sales space for exclusive sale of new or secondhand automobiles or house trailers subject to the following:
 - (a) The lot or area shall be provided with a permanent, durable, and dustless surface, and shall be graded and drained so as to dispose of all surface water accumulated within the area.
 - (b) Ingress and egress to the outdoor sales area shall be at least 60 feet from the intersection of any two

streets.

(Comp. Ords. 1988, § 15.322; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996; further amend. eff. Oct. 3, 2000; amend. eff. Apr. 9, 2009)

Sec. 48-369. - Special land uses.

Sec. 35.47. The following uses shall be permitted as special land uses in the B-3 General Business District, subject to the standards and requirements set forth herein, and subject to the standards and approval requirements set forth in section 35.83 [15.510] [48-561]:

- (1) Motel, subject to the following conditions:
 - (a) Ingress and egress shall be provided so as not to conflict with the adjacent business uses or adversely affect traffic flow on a major thoroughfare.
 - (b) Each unit shall contain not less than 200 square feet of floor area.
 - (c) No guest shall establish permanent residences at a motel for more than 30 days within any calendar year.
- (2) Business in the character of a drive-in or drive-through, or so called open front store, subject to the following conditions:
 - (a) A setback of at least 60 feet from the right-of-way line of any existing or proposed street must be maintained.
 - (b) Ingress and egress points shall be located at least 60 feet from the intersection of any two streets.
 - (c) All lighting shall be shielded from adjacent residential districts.
 - (d) A six-foot high completely masonry wall shall be provided when abutting or adjacent districts are zoned for RA, RB, RM-1, or RM-2 Districts. The height of the wall shall be measured from the surface of the ground. Said wall shall further meet the requirements of article XIX [15.495], General Provisions.
 - (e) The site shall be large enough to accommodate the vehicles of all patrons of the facility within the area of the parcel or parcel on which said drive-in or drive-through is developed.
- (3) Shops for making merchandise to be sold at retail on the premises, provided that the services of not more than five persons are to be utilized in the making of such merchandise.
- (4) Nurseries for the retail sale of plant materials not grown on the site, and sales of lawn furniture, playground equipment and garden supplies subject to the following conditions:
 - (a) The storage and/or display of any materials and/or products shall meet all setback requirements of a structure.
 - (b) All loading and parking shall be provided off-street.
 - (c) The storage of any soil, fertilizer, or other loose, unpackaged materials shall be so contained as to prevent any effects on adjacent uses.
- (5) Truck rental establishments, subject to the following conditions:
 - (a) The site shall be large enough to accommodate all of the rental vehicles without impairing ingress and egress by emergency vehicles. In no case shall the right-of-way be used as a parking area for rental vehicles.
 - (b) Ingress and egress shall be onto a major thoroughfare. If necessary, the Planning Commission may require acceleration and deceleration lanes.

- (c) The lot shall be surfaced with a durable paved surface sufficient for the weight of the rental vehicles. The site shall be graded and drained so as to dispose of all surface water accumulated within the area.
- (d) The site shall be screened and landscaped in a manner consistent with the landscaping and screening on nearby adjacent properties.
- (e) Off-street parking shall be provided in accordance with section 35.73 [15.500] [48-551].

(6) Pawn shop establishments, subject to the following conditions:

- (a) Parking shall be provided in accordance with section 35.73(12)3(b) [15.500(12)3(b)] [48-551(12)].
- (b) All requirements of MCL 446.201 et seq. and all applicable ordinances pertaining to the licensing of such establishments shall be met.

(7) Any and all uses and conditions set forth in CR Commercial Recreation District.

(Comp. Ords. 1988, § 15.323; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996; further amend. eff. Oct. 3, 2000; amend. eff. April 9, 2009)

Sec. 48-370. - Area and bulk requirements.

Sec. 35.48. See article XVIII [15.480], Schedule of Regulations, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

Uses permitted in this district shall also be subject to the requirements for site plan review (section 35.82 [48-560]), parking (section 35.73 [48-551]), loading (section 35.75 [48-553]), and signs (section 35.77 [48-555]).

(Comp. Ords. 1988, § 15.324; chap. 35 eff. Mar. 7, 1986; amended by ord. eff. Aug. 20, 1996; further amend. eff. Apr. 9, 2009)

Secs. 48-371—48-398. - Reserved.

ARTICLE XIV. - 15.350 CENTRAL LAKEFRONT DEVELOPMENT DISTRICT

Footnotes:

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Editor's note— An ordinance effective Dec. 29, 2010, amended section 15.350 to read as herein set out. Formerly, section 15.350 pertained to the same subject matter and derived from chap. 35, eff. Mar. 7, 1986; as amended by an ordinance effective Aug. 20, 1996.

Sec. 48-399. - Intent.

Sec. 35.49.1. The intent of this ordinance is to implement the land use direction established in the City's Master Plan and Tax Increment Financing Authority Development Plan, which seeks to create a viable and lively waterfront that is a center of urban redevelopment and economic growth. The CLD is intended to serve the following goals:

- (1) Realize the full economic potential of the lakefront area as a focal point of urban growth based on high intensity, mixed-use, and theme-oriented planning concepts.
- (2) Preserve the recreational functions of the lakefront.
- (3) Promote development that protects and is enhanced by the unique features of the lakefront.
- (4) Promote a harmonious relationship with the surrounding community and nearby established institutions and facilities, including major public works characteristic of the lakefront area.

- (5) Provide for development consistent with the support of the overall concept and theme of the district, both as to uses and design.
- (6) Promote coordination of public and private efforts in the planning, financing, and development of needed infrastructure improvements in concert with evolving private and public uses.
- (7) Provide for orderly and integrated planning, so as to avoid fragmentary, short-term or speculative investments, and avoid delay in achieving the highest and best use of the area.
- (8) Prevent long-term vacancy, decay, blight, and abandonment.
- (9) Provide for an efficient and harmonious relationship between vehicular and pedestrian circulation systems and real estate developments, consistent with the theme of the district.

(Comp. Ords. 1988, § 15.351; ord. eff. Dec. 29, 2010)

Sec. 48-400. - Prior consultation.

Sec. 35.49.2. All persons considering development of any property located in the district are advised to confer with the Community Development and Inspection Director or designee before investing significant amounts of time, energy, and funds in preparing plans, proposals, or extensive submissions.

(Comp. Ords. 1988, § 15.352; ord. eff. Dec. 29, 2010)

Sec. 48-401. - Principal uses permitted.

Sec. 35.49.3. Items listed below will be permitted as a principal use in the district:

1. Multiple unit residential buildings.
2. Hotels.
3. Restaurants (provided, however, that drive-in or drive-through facilities shall not be permitted).
4. Office buildings.
5. Recreational and entertainment uses, including uses associated with the lakefront, and excluding uses defined as adult entertainment business in section 15.022 [48-4] of the Zoning Ordinance.
6. Any generally recognized retail business which supplies commodities on the premises, for persons residing in adjacent residential areas, such as groceries, meats, dairy products, baked goods or other foods, drugs, dry goods and notions, or hardware.
7. Personal service establishment which performs services, on the premises such as, but not limited to, repair shop (watches, radio, television, shoe, etc.) tailor shops, beauty parlors or barbershops, photographic studios, and self-service laundries.
8. Dry cleaning establishments, or pick-up stations, dealing directly with consumer; central dry cleaning plants serving more than one retail outlet shall be prohibited.
9. Business establishments which perform services on the premises, such as, but not limited to, banks, loan companies, insurance offices, and real estate offices.
10. Professional services, including the following: medical clinics, (outpatient only) and offices of doctors, dentists, osteopaths, and similar or allied professions.
11. Post office and similar governmental office buildings, servicing persons living in the adjacent residential area.

12. Child day care centers.
13. Commercial uses which would, in the judgment of the City Council enhance the theme of, and draw the public to, the special lakefront development contemplated for the district.
14. Mixed-use commercial, office and residential buildings.
15. Limited accessory uses in connection with one or more of the above, such as commercial establishments located within and designed to serve hotels or multi-unit residential buildings.
16. Other uses having the ability in the judgment of the City Council to effectuate the purposes stated in section 35.49.1 [15.351] [48-399].
17. Uses customarily incidental to the uses enumerated above.

(Comp. Ords. 1988, § 15.353; ord. eff. Dec. 29, 2010)

Sec. 48-402. - Special land uses.

Sec. 35.49.4. The following uses shall be permitted as special land uses in the CLD District, subject to the standards and requirements set forth herein, and subject to the standards and approval requirements set forth in section 35.83 [15.510] [48-561]:

- (1) New development in excess of one acre for principal uses permitted in section 35.49.3 [15.353] [48-401].
- (2) New development in excess of two stories for principal uses permitted in section 35.49.3 [15.353] [48-401].
- (3) Drive-through facilities for a bank, credit union or similar financial facility.

(Comp. Ords. 1988, § 15.354; ord. eff. Dec. 29, 2010)

Sec. 48-403. - General requirements.

Sec. 35.49.5. Any use established in the CLD District shall comply with the standards and requirements set forth in this ordinance and other regulations of the City.

1. Uses classified as special land use shall provide the following documentation in addition to the site plan review submission requirements of section 35.82 [15.509] [48-560]:
 - a. Topographical analysis.
 - b. Soil study.
 - c. Views and vistas to and from the lake.
 - d. Evidence of compliance with applicable environmental and other lake-related requirements.
2. Changes in an approved site plan for a principal permitted use may be permitted by the Community Development and Inspection Department, subject to findings that:
 - a. Such changes are minor, necessary for building or site maintenance not affecting the original design or involve a re-occupancy of a similar or less intense use.
 - b. Such changes will not adversely affect the initial basis for granting approval.
 - c. Such changes are the direct result of the owner's (or developer's) reasonable experience obtained during the project's progress.
 - d. Such changes will not adversely affect the impact of the project or the overall development of the district in light of the intent and purpose of the district as set forth in section 35.49.1 [15.351] [48-399].

3. Changes to an approved site plan for a special land use may be permitted by the Community Development and Department, subject to findings that:
 - a. Such change involves re-occupancy of a similar or less intense use.
 - b. Such change is necessary and involves building or site maintenance.
4. Changes to an approved site plan for a special land use may be permitted by the Planning Commission, subject to findings that:
 - a. Such changes are minor.
 - b. Such changes will not adversely affect the initial basis for granting approval.
 - c. Such changes are the direct result of the owner's or developer's reasonable experience obtained during the project's progress.
 - d. Such changes will not adversely affect the impact of the project or the overall development of the district in light of the intent and purpose of the district as set forth in section 35.49.1 [15.351] [48-399].

(Comp. Ords. 1988, § 15.355; ord. eff. Dec. 29, 2010)

Sec. 48-404. - Site and building development standards.

Sec. 35.49.6. Projects shall meet the site and building standards of the following Zoning Ordinance sections:

1. Section 15.954 [48-943], Applicability.
2. Sections 15.960 [48-948], Building placement standards, 15.961 [48-949], Retail node, 15.962 [48-950], Corridor Frontage District, and 15.963 [48-951], Townhome units for building placement.
3. Sections 15.964 [48-952] through 15.967 [48-955] for parking placement.
4. Section 15.969 [48-957], building frontage standards.
5. Section 15.970 [48-958], Building height, subsections (2) (Corridor frontage sub-district) and (3) (Townhome units).
6. Sections 15.971 [48-959] through 15.978 [48-966] for architectural standards.
7. Sections 15.979 [48-967] through 15.985 [48-973] for site design standards. An exception is granted for planting within the Jefferson Avenue right-of-way, with the submittal and approval of a landscape plan as part of the building permit application.

(Comp. Ords. 1988, § 15.356; ord. eff. Dec. 29, 2010)

Sec. 48-405. - Architectural design principles and criteria.

The intent of the architectural design principles and criteria is to create a unified visual appearance for the Central Lakefront District and to stimulate an identity for this destination. Long-standing unique and/or architecturally significant structures are encouraged to remain. However, the City goal is to refrain from the eclectic mix of building styles that have become prevalent during the late 20th century.

Sec. 35.49.7. The design principles listed below provide the development vision and a basis for a site plan decision. Section 35.49.9 [48-407] provides graphic interpretations of the design principles and architectural design criteria.

1. Diminish building mass to approximate the size of existing buildings.
 - Separate a development into multiple buildings or sub-masses.

- Vary the facade through the use of wall recesses or projections.
 - Vary the facade using differing wall heights.
 - Vary the roof pitch or parapet line.
 - Use landscape areas to break up large facades.
2. Support pedestrian use of sidewalks.
 - Transition from high eave edges to lower pedestrian-scale context using awnings, canopies or similar design solution.
 - Provide pedestrian-scaled features inviting activity at the building front using central landscape plazas or sitting areas.
 - Site buildings 60 feet from the centerline of Jefferson Avenue.
 - Define and enhance the street edge.
 - Incorporate smaller tenant spaces in the front of large buildings.
 3. Create a visually appealing environment.
 - Vary the building material using a palette of durable material.
 - Incorporate energy-efficient architecture.
 - Screen warehouse buildings.
 - Reduce the visibility of parking areas through location and landscaping
 - Break up large parking lots.
 - Shield loading and delivery areas.

(Comp. Ords. 1988, § 15.357; ord. eff. Dec. 29, 2010)

Sec. 48-406. - Design interpretation.

Sec. 35.49.8. The architectural criteria required by this section supports the development vision. The criteria do not encourage the use of appliqué or decoration, but encourage modern design interpretation based on common features.

1. *Facade proportion and rhythm.*
 - a. Facade design shall be vertically expressed through groupings of windows and doors or through the use of window dividers.
 - b. Visually dominant vertical expressions such as turrets are prohibited.
 - c. Use of similar window, door, porch, eave and bay proportions should respect those of adjacent buildings.
 - d. Duplicating the facade design of adjacent buildings is prohibited.
2. *Rooflines and pitch.*
 - a. Residential buildings and structures shall have a roof pitch.
 - b. The predominant pitch for a gable roof is toward a public street or the larger of two public streets for corner lots.
 - c. The use of dormers is not required to meet the minimum roof pitch requirement.
 - d. Roofs greater than 2,000 square feet may be flat, provided parapets in the range of two to four feet in height are provided.

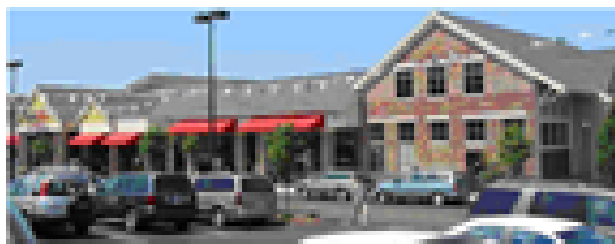
- e. Roof materials shall be wood, metal or asphalt shingles in dark gray, brown or natural tones.
 - f. Dormers are encouraged as an architectural feature. Such dormers shall be visually subordinate to the main roof.
 - g. Porch coverings shall expose a gable to the public street or a primary path for pedestrians.
3. *Building materials.*
- a. Ground floors shall be sided in brick, stone or cementations hardboard with a horizontal pattern.
 - b. Brick shall be colored in the red-brown range.
 - c. Brick shall follow the structural requirements of masonry bearing walls.
 - d. Maximum exposure of nonbrick siding shall be six inches.
 - e. Corners of nonbrick siding shall be finished with a minimum four-inch corner strip.
 - f. Vinyl, aluminum or plywood siding is prohibited.
 - g. Wood board and batten siding is permitted for accessory structures.
4. *Windows and doors.*
- a. Double-hung, Single-hung or casement windows shall be used. Single panes of glass are permitted for commercial storefronts provided the scale is lessened through the use of dividers.
 - b. Spandrels for commercial storefront windows shall be designed as part of the window and not part of the wall.
 - c. Windowless or undersized windows on street-side facades are prohibited.
 - d. Doors are encouraged to incorporate transoms or sidelights.

(Comp. Ords. 1988, § 15.358; ord. eff. Dec. 29, 2010)

Sec. 48-407. - Illustrative examples of section 35.49.7 [15.357] [48-405] design principles and architectural design criteria.

Sec. 35.49.9.

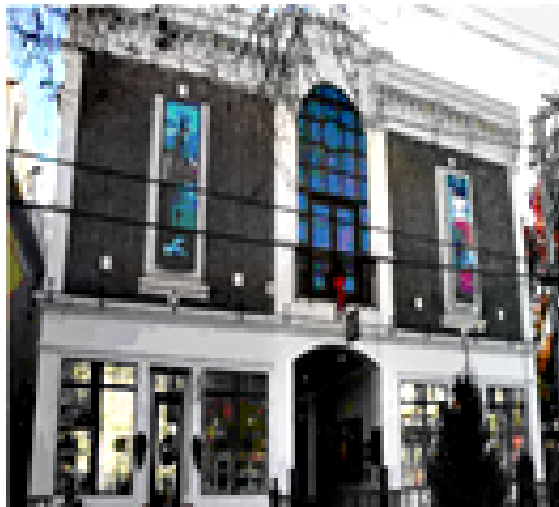
1. Diminish large building mass through the use of sub-massing, wall recesses and projections, varying wall heights and change in roof pitch direction.



2. Transition from high eaves edges to lower pedestrian-scale context using awnings, canopies, or similar design solution. Define and enhance the street edge.



3. Vary the building material using a palette of durable material.



(Comp. Ords. 1988, § 15.359; ord. eff. Dec. 29, 2010)

Sec. 48-408. - Modification of approved plans.

Sec. 35.49.10. Uses classified as special land use may have the requirements of section 35.357 [15.357] [48-405] architectural design criteria modified by recommendation of the Planning Commission and approval of the City Council.

(Comp. Ords. 1988, § 15.360; ord. eff. Dec. 29, 2010)

Secs. 48-409—48-429. - Reserved.

ARTICLE XV. - 15.385 LI LIGHT INDUSTRIAL DISTRICT

Sec. 48-430. - Intent.

Sec. 35.50. The LI Industrial District is designed so as to primarily accommodate wholesale activities, warehouses, and industrial operations whose external, physical effects are restricted to the area of the district and in no manner affect in a detrimental way any of the surrounding districts. The LI District is so structured as to permit, along with any specified uses, the manufacturing, compounding, processing, packaging, assembly, and/or treatment of finished or semi-finished products from previously prepared material.

The general goals of this use district include, among others, the following specific purposes:

- (1) To provide sufficient space, in appropriate locations, to meet the needs of the City's expected future economy for specific types of manufacturing and related uses.
- (2) To protect abutting residential districts by separating them from manufacturing activities, and by prohibiting the use of such industrial areas for new residential development.
- (3) To promote manufacturing development which is free from danger of fire, explosions, toxic and noxious matters, radiation, and other hazards, and from offensive noise, vibration, smoke, odor, and other objectionable influences.
- (4) To promote the most desirable use of land in accordance with a well-considered plan.
- (5) To protect the character and established pattern of adjacent development, and in each area to conserve the value of land and buildings and other structures, and to protect the City's tax revenue.

(Comp. Ords. 1988, § 15.390; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996; further amended by ord. eff. June 13, 2018)

Sec. 48-431. - Principal uses permitted.

Sec. 35.51. In an LI Industrial District, no land or building shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided in the Zoning Ordinance and furthermore any use of land or buildings within the LI Industrial District shall be subject to the review and approval of the Council:

- (1) Any use permitted in O-1 Districts, subject to the regulations applicable to such uses.
- (2) Any use permitted in B-3 Districts.
- (3) Any use charged with the principal function of basic research, design, and pilot or experimental product development when conducted within a completely enclosed building. The growing of any vegetation requisite

to the conducting of basic research shall be excluded from the requirement of enclosure.

- (4) Uses where the manufacturing, compounding, or processing is conducted wholly within a completely enclosed building, and which fulfill the intent of this district.
- (5) Warehouse, storage and transfer, and electric and gas service buildings and yards. Public utility buildings, telephone exchange buildings, electrical transformer stations and sub-stations, and gas regulator stations; water supply and sewage disposal plants; water and gas tank holders.
- (6) Storage facilities for building materials, sand, gravel, stone, lumber, storage of contractor's equipment and supplies, provided such is enclosed within a building or within an obscuring wall or fence on those sides abutting all residential or business districts, and on any yard abutting a public thoroughfare. Open storage facilities for materials or equipment used in the manufacturing, compounding, or processing shall be permitted to the rear of the building, provided that any such storage area shall be obscured from adjacent properties by an obscuring wall or fence. The extent of such wall or fence may be determined by the Community Development and Inspection Department on the basis of usage. Such wall shall not be less than six feet in height and may, depending upon usage, be required to be eight feet in height, and shall be subject further to the requirements of 22.000, Fence Ordinance [chapter 8, article V].
- (7) Major and minor auto repair stations.
- (8) Municipal uses such as water treatment plants and reservoirs, sewage treatment plants, and all other municipal buildings and uses, including outdoor storage.
- (9) Museums.
- (10) Other uses of a similar and no more objectionable character and which, in the opinion of the Planning Commission, will not be injurious or have any adverse effect on the adjacent areas, and may therefore be permitted subject to such conditions, restrictions and safeguards as may be deemed necessary by the Commission in the interest of public health, safety, and welfare.

(Comp. Ords. 1988, § 15.391; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996; further amended by ord. eff. June 13, 2018)

Sec. 48-432. - Accessory buildings and uses permitted.

Sec. 35.52A. The following accessory buildings/structures and uses shall be permitted:

- (1) Accessory buildings and uses customarily incident to any of the above permitted uses.
- (2) Satellite dish antenna, direct broadcast satellite service (DBS), television broadcast service (TVBS), and multi-channel multi-point distributors service (MMDS) satellite dish antenna for noncommercial use shall be permitted, subject to the standards of 15.517, satellite dishes and similar receivers.

(Comp. Ords. 1988, § 15.392; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996; further amended by ord. eff. June 13, 2018)

Sec. 48-433. - Special land uses.

Sec. 35.54 Other industry-related uses shall be permitted as special land uses, provided such uses are similar in nature and intensity to the principal permitted uses, subject to the standards and approval requirements set forth in 15.510 [48-561], Special Land Uses. In determining whether uses are similar in nature and intensity to the principal permitted uses, the

Commission shall determine the potential for generating smoke, noxious gases, air contaminants, glare and heat, noise, vibration, water pollution, truck and automobile traffic, and similar impacts.

In addition, the following uses shall be permitted as special land uses in the LI District:

- (1) Outdoor theaters. Because outdoor theaters possess the unique characteristic of being used only after darkness and since they develop a concentration of vehicular traffic in terms of ingress and egress from their parking area, they shall be permitted within LI Districts and only when the site in question is surrounded by an LI District. Outdoor theaters shall further be subject to the following conditions:
 - (a) The proposed internal design shall receive approval from the Building Inspector and the City Engineer as to adequacy of drainage, lighting, screening, and other technical aspects.
 - (b) Outdoor theaters shall abut directly upon a major thoroughfare, and points of ingress and egress shall be available only from such abutting major thoroughfare.
 - (c) All vehicles, waiting or standing to enter the facility, shall be provided off-street waiting space. No vehicle shall be permitted to wait or stand within a dedicated right-of-way.
 - (d) The area shall be laid out so as to prevent the movie screen from being viewed from residential areas or adjacent major thoroughfare. All lighting used to illuminate the area shall be so installed as to be confined within, and directed onto, the premises of the outdoor theater site.
 - (e) The proposed outdoor theater shall be subject further to the review and approval of the City Council.

(Comp. Ords. 1988, § 15.393; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996; further amended by ord. eff. June 13, 2018)

Sec. 48-434. - General requirements.

Sec. 35.55. Any use established in the LI District after the effective date of this ordinance shall comply with the standards set forth in this ordinance or any other regulations of the City.

(Comp. Ords. 1988, § 15.394; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996; further amended by ord. eff. June 13, 2018)

Sec. 48-435. - Area and bulk requirements.

Sec. 35.56. See 15.480, Schedule of Regulations, limiting the height and bulk of buildings, and minimum size of lot by permitted land use, and providing minimum yard setback requirements.

Uses permitted in this district shall also be subject to the requirements of 15.509 [48-560], Site Plan Review, 15.510 [48-561], Special Land Use, 15.500 [48-551], Off-Street Parking Requirements, 19.150 [chapter 30], Sign, Lighting, and Display Ordinance, and 15.360 [48-408], Harper Avenue Overlay.

(Comp. Ords. 1988, § 15.395; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996; further amended by ord. eff. June 13, 2018)

Secs. 48-436—48-453. - Reserved.

ARTICLE XVI. - 15.420 P-1 VEHICULAR PARKING DISTRICT

Sec. 48-454. - Intent.

Sec. 35.57. The P-1 Vehicular Parking District is intended to permit the establishment of areas to be used solely for off-street parking of private vehicles as a use incidental to a principal use. This district will generally be provided by petition or request to serve a use district which has developed without adequate off-street parking facilities. The following shall apply to all P-1 Districts.

(Comp. Ords. 1988, § 15.421; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996)

Sec. 48-455. - Uses permitted.

Sec. 35.58. Premises in such districts shall be used only for an off-street vehicular parking area and shall be developed and maintained subject to such regulations as are hereinafter provided.

(Comp. Ords. 1988, § 15.422; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996)

Sec. 48-456. - General requirements.

Sec. 35.59.

- (1) The parking area shall be accessory to and for the use in connection with one or more business, industrial, professional offices, institutions or institutional offices, or existing multiple-family developments. Parking areas in conjunction with multiple-family developments are intended to supplement existing parking areas and shall not be used in computing lot area and/or justifying additional multiple-family units.
- (2) Such parking lots shall be contiguous to a B-1, B-2, B-3, O-1, RM-1, RM-2, or LI District. Parking areas may be approved when adjacent to said districts, or on the end of a block where such areas front on a street which is perpendicular to that street servicing the district. There may be a private driveway or public street or public alley between such P-1 District and such B-1, B-2, B-3, O-1, RM-1, RM-2, or LI District. Any such parking area developed in conjunction with multiple-family uses are intended to supplement existing parking areas and shall not be used in computing density requirements for the multiple-family development area.
- (3) Parking area shall be used solely for parking of private passenger vehicles, (for periods of less than one day and shall not be used as an off-street loading area).
- (4) No commercial repair work or service of any kind, or sale or display thereof, shall be conducted in such parking area.
- (5) No signs of any kind, other than signs designating entrances, exits, and conditions of use, shall be maintained on such parking area.
- (6) No building other than those for shelter of attendants shall be erected upon premises and they shall not exceed 15 feet in height.
- (7) Applications for P-1 District rezoning shall be made to the Planning Commission by submitting a layout of the area requested showing the intended parking plan.

(Comp. Ords. 1988, § 15.423; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996)

Sec. 48-457. - Minimum distances and setbacks.

Sec. 35.60.

- (1) *Side and rear yards.* Where the P-1 District is contiguous to the side and/or rear lot lines of premises within a residentially zoned district, the required wall or fence shall be located along said lot line. A greenbelt of ten feet shall be provided along side lot lines and five feet along rear lot lines, unless waived by Council.
- (2) *Front yards.* Where the P-1 District is contiguous to a residentially zoned district which has a common frontage on the same block with residential structures, or wherein no residential structures have been yet erected, there shall be a setback equal to the required residential setback for said residential district, or a minimum of 25 feet, or whichever is the greater, unless waived by the Council. The required wall shall be located on this minimum setback line.

(Comp. Ords. 1988, § 15.424; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996)

Sec. 48-458. - Parking space layout, standards, construction, and maintenance.

Sec. 35.61. P-1 Vehicular Parking Districts shall be developed and maintained in accordance with the requirements of article XIX [15.495], General Provisions.

Uses permitted in this district shall also be subject to the requirements for site plan review (section 35.82 [48-560]), parking (section 35.73 [48-551]), loading (section 35.75 [48-553]), and signs (section 35.77 [48-555]).

(Comp. Ords. 1988, § 15.425; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996)

Secs. 48-459—48-484. - Reserved.

ARTICLE XVII. - 15.450 R-F RESIDENTIAL FACILITIES DISTRICT

Sec. 48-485. - Intent.

Sec. 35.62. The R-F Residential Facilities District is intended to permit the establishment of areas to be used for activities serving residents of the area. The activities provided for, however, represent larger scale development that by reasons of their activities and/or traffic generation require special review and consideration to avoid any adverse effects on adjacent residential areas.

(Comp. Ords. 1988, § 15.451; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996)

Sec. 48-486. - Special land uses.

Sec. 35.63. The following uses shall be permitted as special land uses in the R-F Residential Facilities District, subject to the standards and requirements set forth herein, and subject to the standards and approval requirements set forth in section 35.83 [15.510] [48-561]:

- (1) Municipal buildings, parks, and uses, not including storage yards.
- (2) Swimming pool clubs when incorporated as a nonprofit club or organization maintaining and operating a swimming pool with a specified limitation of members, either by subdivision, or other specified areas, for the exclusive use of members and their guests, all subject to the following conditions:
 - (a) In those instances where the proposed site is not to be situated on a lot or lots of record, the proposed

site shall have one property line abutting a major thoroughfare, and the site shall be so planned as to provide ingress and egress directly onto or from said major thoroughfare.

- (b) Front, side, and rear yards shall be at least 80 feet wide, except on those lots adjacent to nonresidential districts, and shall be landscaped in trees, shrubs, grass and terrace areas. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except for required entrance drives and those walls and/or fences used to obscure the use from abutting residential districts.
 - (c) All lighting shall be shielded to reduce glare and shall be so arranged and maintained so as to direct the light away from all residential lands which adjoin the site.
 - (d) Whenever the parking plan is so laid out as to beam automobile headlights toward any residential land, a wall four feet, six inches shall be provided along that entire side of the parking area, and said wall shall further be subject to the requirements of article XIX [15.495], General Provisions.
 - (e) Whenever a swimming pool is constructed under this ordinance, said pool area shall be provided with a protective fence, six feet in height, and entry shall be provided by means of a controlled gate.
 - (f) Off-street parking shall be provided so as to accommodate not less than one-half of the member families and/or individual members. Prior to the issuance of a building permit, bylaws of the organization shall be provided in order to establish the membership involved for computing the off-street requirements. Off-street parking areas shall be subject to the provisions of article XIX [15.495], General Provisions.
 - (g) All plans for storm sewers, sanitary sewers, and other utilities shall be reviewed and approved by the City Engineer.
- (3) Private noncommercial recreational areas; institutional or community recreation centers, subject to the following conditions:
- (a) The proposed site for any of the uses permitted herein which would attract persons from, or are intended to serve, areas beyond the immediate neighborhood shall have at least one property line abutting a major thoroughfare, and the site shall be so planned as to provide all ingress and egress directly onto or from said major thoroughfare.
 - (b) Front, side, and rear yards shall be at least 80 feet wide, and shall be landscaped in trees, shrubs, and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except required entrance drives and those walls used to obscure the use from abutting residential districts.
 - (c) Off-street parking shall be provided so as to accommodate not less than one half of the member families and/or individual members. The Planning Commission may modify the off-street parking requirements in those instances wherein it is specifically determined that the users will originate from the immediately adjacent areas, and will therefore be pedestrian. Prior to the issuance of a building permit or zoning compliance permit, bylaws of the organization shall be provided in order to establish the membership involved for computing the off-street parking requirements. In those cases wherein the proposed use or organization does not have bylaws or formal membership, the off-street parking requirement shall be determined by the Planning Commission on the basis of usage.
- (4) Golf courses, which may or may not be operated for profit, subject to the following conditions:
- (a) The site shall be so planned as to provide all ingress and egress directly onto or from a major thoroughfare.

- (b) The site shall be laid out to achieve a relationship between the major thoroughfare and any proposed service entrances, driveways, and parking areas which will encourage pedestrian and vehicular traffic safety.
 - (c) Development features including the principal and accessory buildings and structures shall be so located and related as to minimize the possibilities of any adverse effects upon adjacent property. This shall mean that all principal or accessory buildings shall be not less than 200 feet from any property line of abutting residentially zoned lands, provided that where topographic conditions are such that buildings would be screened from view, the Planning Commission may modify this requirement.
 - (d) The minimum number of off-street parking spaces to be provided shall be six spaces per hole plus one space per employee plus spaces as required under article XIX [15.495], General Provisions for each accessory use, such as a restaurant or bar.
- (5) Colleges, universities, and other such institutions of higher learning, public and private, offering courses in general, technical, or religious education and not operated for profit, all subject to the following conditions:
- (a) Any use permitted herein shall be developed only on sites of at least 40 acres in area and shall not be permitted on any portion of a recorded subdivision plat.
 - (b) All ingress to and egress from said site shall be directly onto a major thoroughfare.
 - (c) No building shall be closer than 80 feet to any property line.
- (6) Hospitals, except those for criminals and those primarily for the treatment of persons who are mentally ill, when the following conditions are met:
- (a) All such hospitals shall be developed only on sites consisting of at least five acres in area.
 - (b) The proposed site shall have at least one property line abutting a major thoroughfare.
 - (c) The minimum distance of any main or accessory building from bounding lot lines or streets shall be at least 100 feet for front, rear, and side yards for all two-story structures. For every story above two the minimum yard distance shall be increased by at least 20 feet.
 - (d) Ambulance and delivery areas shall be obscured from all residential view with an obscuring wall or fence not less than six feet in height. Ingress and egress to the site shall be directly from a major thoroughfare.
 - (e) All ingress and egress to the off-street parking area, for guests, employees, staff, as well as any other users of the facility, shall be directly from a major thoroughfare.

(Comp. Ords. 1988, § 15.452; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996)

Sec. 48-487. - Accessory structures/uses permitted.

Sec. 35.64. The following accessory structures/uses shall be permitted in R-F Districts:

- (1) Satellite dish antenna, direct broadcast satellite service (DBS), television broadcast service (TVBS), and multi-channel multi-point distributors service (MMDS) satellite dish antenna for noncommercial use shall be permitted, subject to the following standards:
 - a. Only one satellite antenna shall be permitted per lot or per site (group of lots used together as one residential premises).
 - b. Satellite antennas shall not be located where they will block fire lanes or utility easements or pedestrian or vehicular sight lines or obstruct the view from windows in existing adjoining buildings.
 - c. Satellite antennas shall not be located so as to pose or become a hazard to humans and animals.

- d. Satellite antennas one meter (3.2808 feet) or less in diameter shall not be located in a front yard between the house and the street.
- e. Satellite antennas larger than one meter (3.2808 feet) in diameter shall also comply with the following:
 - 1. A clearance of at least four feet from the ground up shall be maintained between a satellite antenna and side lot line.
 - 2. Satellite antennas anchored to the ground shall not exceed one story or 14 feet in height, and shall not be located in a front yard between the house facade and street.
 - 3. Satellite antennas shall not be located on a roof unless it is determined by the Building Department that the roof is of sufficient structure integrity to hold the structure. Further, no rooftop-mounted antenna shall face a street which is considered to be the road frontage of the lot or site regardless of how the residence has been constructed or placed.
- f. Building and electrical permits shall be obtained prior to construction and/or installation of a satellite antenna. Permit fees shall be established by resolution of Council.

(Comp. Ords. 1988, § 15.453; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996)

Sec. 48-488. - Area and bulk requirements.

Sec. 35.65. See article XVIII [15.480], Schedule of Regulations, limiting the height and bulk of buildings, the minimum size of lot by permitted land use, and providing minimum yard setback requirements.

Uses permitted in this district shall also be subject to the requirements for site plan review (section 35.82 [48-560]), parking (section 35.73 [48-551]), loading (section 35.75 [48-553]), and signs (section 35.77 [48-555]).

(Comp. Ords. 1988, § 15.454; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996)

Secs. 48-489—48-512. - Reserved.

ARTICLE XVIII. - 15.480 SCHEDULE OF REGULATIONS

Sec. 48-513. - Schedule limiting height, bulk, density and area by zoning districts.

Sec. 35.66.

Zoning District	Minimum Zoning Lot Size Per Unit		Total Height of Structures		Minimum Yard Setback (per Lot in Feet) Side Yards				Minimum Floor Area Per Unit (Sq. Ft.)	Maximum Percentage of Lot Area Covered (by all buildings)
	Area in Sq. Ft.	Width in Ft.	In Stories	In Feet	Front	Least	Total	Rear		

RA One-Family General	6,000	50	2	30 (a.1)	25(o)(p)	4(a)	14(a)	35(a)	(m)	35%
RA-LA One Family Lakeshore	20,000	100	2	35 (a.1)	35(o) (p)	10(a)	25(a)	35(a)	(m)	35%
RA-LB One Family Lakeshore	40,000	100	2	30 (a.1)	35(o) (p)	10(a)	25(a)	35(a)	(m)	35%
RA-LC One-Family Lakeshore	30,000	100	2	30 (a.1)	35(o) (p)	10(a)	25(a)	35(a)	(m)	35%
RB Two-Family	4,000	35	2	25 (a.1)	25(o) (p)	10	20	35	750	25%
RM-1 Multiple-Family	(b)	(b)	2	35	(c)(a) (p)	(c)	(c)	(c)	1BR 500 2BR 700	25%
RM-2 Multiple-Family	(b)	(b)	none	none	(c)(o)	(c)	(c)	(c)	4BR 1100	-
O-1 Office	-	-	2(d)	30(d) (a.1)	none(o)	(e)	(e)	20 (f.g.)	-	-
B-1 Local Business	-	-	1	20 (a.1)	none(o)	(e)	(e)	20 (f.g.)	-	-
B-2 Community Business	-	-	2(d)	30(d) (a.1)	40(H) (o)	(i)(j)	(i)(j)	20 (f.g.)	-	-
B-3 General Business	-	-	2(d)	30(d) (a.1)	none(d)	(e)	e)	20 (f.g.)	-	-

LI Light Industrial	-	-	-	40(d) (a.1)	15(o)	(1)	(1)	(1)	-	-
CR Commercial Recreation	-	-	-	40(d) (a.1)	none(o)	(e)	(e)	30 (f.g.)	-	-

NOTES TO SCHEDULE:

(a) The side yard abutting upon a street shall not be less than ten feet regardless of whether the main structure has an attached garage; provided, however, that on a lot which has an existing main structure located closer than ten feet from the said side lot line, accessory buildings may be located closer than ten feet but not closer to the said lot line than the main building. The maximum overhang of the roof beyond the side wall or other structural members shall be over 18 inches, and in the event the overhang exceeds 18 inches then the side wall or other structural members shall be set back from the lot line the distance of four feet plus the distance which the roof projects beyond the permitted 18 inches. When a residential structure with an attached garage is to be constructed on a lot not having a side yard abutting upon a street the minimum width of each side yard shall not be less than four feet, provided the foregoing provisions for maximum roof overhang shall apply to said minimum side yard. Any single-family dwelling unit which has an attached garage located at the front or side of the main building may encroach into the required 35-foot rear yard by an area not to exceed 600 square feet, provided that no portion of any main building permitted under this provision shall be located closer than 25 feet from the rear lot line.

(a.1) Exceptions to the height shall be approved by City Council.

(b) In an RM-1 Multiple-Family District the total number of rooms of 80 square feet or more (not including kitchen, dining, and sanitary facilities) shall not be more than the area of the parcel in square feet, divided by 1,200. All units shall have at least one living room and one bedroom except that not more than ten percent of the units may be of an efficiency apartment type.

In an RM-2 Multiple-Family District (High Rise) the total number of rooms of 80 square feet or more (not including kitchen, dining and sanitary facilities) shall not be more than the area of the parcel in square feet, divided by 750 for three through five story buildings and 450 for any building six stories or over. All units shall have at least one living room and one bedroom, except that not more than ten percent of the units may be of an efficiency apartment type nor more than 50 percent of a one bedroom or one bedroom and efficiency type.

In both the RM-1 and RM-2 Districts, for the purpose of computing the permitted number of dwelling units per acre the following room assignments shall control:

Efficiency = two rooms.

One bedroom = two rooms.

Two bedroom = three rooms (See note below).

Three bedroom = four rooms.

Four bedroom = five rooms.

Note: Plans presented showing one-, two-, and three-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.

In an RM-2 Multiple-Family District (High Rise), multiple-family residential buildings two stories or less in height (low-rise) shall conform to the requirements of the RM-1 District as set forth in the Schedule of Regulations.

- (c) In all multiple-family districts (RM-1 and RM-2) the minimum distance between any two buildings shall be regulated according to the length and height of such buildings. In no instance shall the distance between two buildings or between a building and an exterior property line be less than 30 feet in an RM-1 District. In any RM-2 District the 30-foot minimum yard requirement shall be increased one foot for each one foot any building exceeds 30 feet; except that where a lot line abuts a street, one half the width of the right-of-way of said street may be considered as yard setback, however, in no instance shall the distance between the building and any such lot line be less than 50 feet. In no instance shall more than 30 percent of any required yard distance between buildings be occupied by parking areas, maneuvering lanes and driveways.

In an RM-1 or RM-2 District, the formula for regulating the required minimum distance between buildings is as follows:

$$S = LA + LB + 2(HA + HB), \text{ where}$$

S = Required minimum horizontal distance between any wall of building A and any wall of building B.

LA = Total length of building A.

The total length of building A is the length of that portion or portions of a wall or walls of building A from which, when viewed directly from above, lines drawn perpendicular to building A will intersect any wall of building B.

LB = Total length of building B.

The total length of building B is the length of that portion or portions of a wall or walls of building B from which, when viewed directly from above, the lines drawn perpendicular to building B will intersect any wall of building A.

HA = Height of building A.

The height of building A at any given level is the height above natural grade level of any portion or portions of a wall or walls along the length of building A. Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.

HB = Height of building B.

The height of building B at any given level is the height above natural grade level of any portion or portions of a wall or walls along the length of building B. Natural grade level shall be the mean level of the ground immediately adjoining the portion or portions of the wall or walls along the total length of the building.

- (d) Developments involving acreage under one ownership shall be subject to the approval of the Planning

Commission, after public hearing, regarding modifications with respect to height regulations; subject further to the review by the Planning Commission and approval thereof. In approving an increase in structure height, the Planning Commission shall require that all yards shall at least be equal in their depth to the height of the structure.

- (e) No side yards are required along the interior side lot lines of the district, except as otherwise specified in the Building Code, provided that if walls of structures facing such interior side lot lines contain windows, or other openings, side yards of not less than ten feet shall be provided.
- (f) In the event property abuts a dedicated alley, one-half the width of said alley shall be considered in computing the rear yard requirements. Automobile service stations, as defined, shall be exempt from rear yard provisions when located on properties which abut a dedicated alley; provided, however, that in the event there is no dedicated alley a ten-foot rear yard shall be required.
- (g) Off-street loading space shall be provided in the rear yard in the ratio of at least one space per each establishment and shall be provided in addition to any required off-street parking area. Off-street loading space shall further meet the requirements of article XIX [15.495], General Provisions.
- (h) Off-street parking shall be permitted to occupy a portion of the required front yard after approval of the parking plan layout and points of ingress and egress by the Planning Commission and Council, provided that there shall be maintained a minimum unobstructed landscaped setback of ten feet between the nearest point of the off-street parking area exclusive of access driveways, and the nearest right-of-way line as indicated on the Major Thoroughfare Plan.
- (i) Side yards abutting upon a street and across from other B-2, B-3, or O-1 Districts shall be provided with a setback of at least 20 feet.
- (j) No building shall be placed closer than 50 feet to the outer perimeter (property line) of each district when said property line is adjacent to an R (Residential) District.
- (k) Yards abutting R, B, and O-1 Districts shall at least equal the requirements of the adjacent district. A 20-foot greenbelt shall be provided when said district abuts an R (Residential) District. All site plans shall be reviewed and approved by the Commission with respect to area and bulk, off-street parking, and ingress and egress.
- (l) No building shall be located closer than 20 feet to the outer perimeter (property line) of such district when said property line abuts any residential district.

Required side or rear yards may be used for off-street parking or loading and unloading provided that in such instances the Planning Commission and Council shall review and approve the proposed parking and site plan to determine that sufficient access to the rear of the building is provided for firefighting or other emergency type equipment. An obscuring wall or fence shall be provided on those sides of the property used for parking or service drives, loading, unloading, or servicing and abutting land zoned for residential use.

The extent of such wall may be determined by the Planning Commission and City Council on the basis of usage. Such wall shall be subject further to the requirements of article XIX [15.495], General Provisions.

Open storage facilities for materials or equipment used in the manufacturing, compounding, or processing shall be permitted to the rear of the building provided that any such storage area shall be obscured from adjacent properties by an obscuring wall or fence. The extent of such wall or fence may be determined by the Planning

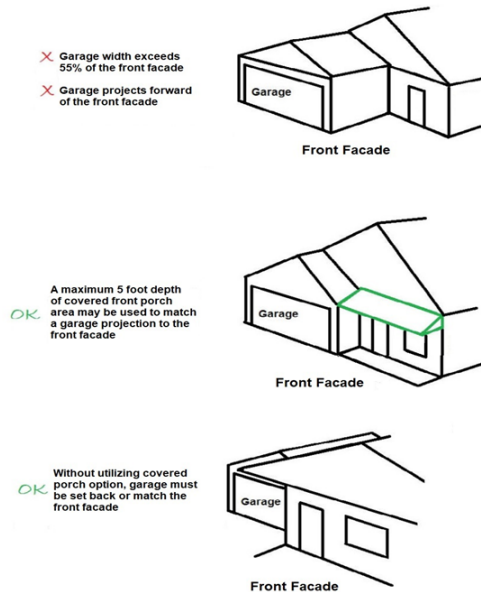
Commission and Council on the basis of usage. Such wall shall not be less than six feet in height and may depend upon usage, be required to be eight feet in height, and shall be subject further to the requirements of article XIX [15.495], General Provisions.

- (m) The minimum required floor area shall be 1,064 square feet in dwellings with basements and 1,120 square feet for those dwellings without basements. The requirements for dwellings with basements may be reduced, however, if the following conditions are met:
 - (i) Existing single-family dwellings occupy 51 percent, or more of the frontage in the same block and fronting on the same street as the proposed dwelling.
 - (ii) The average size of the homes within the above area is less than the minimum house size required, in which case this average size dwelling shall be the determining factor; provided, however, that in no instance shall the minimum size dwelling with a basement, be less than 925 square feet.
- (n) Developments involving two or more adjacent lots shall, however, stagger building setbacks and facades in accordance with plans and elevations approved by Council.
- (o) Building lines, distance, streets, schedule. No building or any part thereof shall be erected on any of the following streets nearer to the center of the road than herein specified:
 - (a) On Jefferson Avenue nearer than 60 feet from the center of the present highway;
 - (b) On Greater Mack Avenue nearer than 60 feet from the center of the present highway;
 - (c) On Harper Avenue nearer than 60 feet from the center of the present highway;
 - (d) On Little Mack from the intersection of Harper Avenue to 12 Mile Road nearer than 60 feet from the center of the present highway;
 - (e) On Beaconsfield Avenue nearer than 60 feet from the center of the present highway;
 - (f) On Nine Mile Road nearer than 60 feet from the center of the present highway;
 - (g) On Stephens Avenue between Harper and the west city limits nearer than 43 feet from the center of the present highway;
 - (h) On Ten Mile Road nearer than 60 feet from the center of the present highway, east of Jefferson nearer than 33 feet;
 - (i) On Frazho Road nearer than 43 feet from the center of the present highway;
 - (j) On Eleven Mile Road between Expressway and Little Mack nearer than 60 feet from the center of the present highway; On Eleven Mile Road between Little Mack and Jefferson Avenue nearer than 102 feet from the center of the present highway; On Eleven Mile Road between Jefferson and Lake St. Clair nearer than 60 feet from the center of the present highway;
 - (k) On Martin Road nearer than 43 feet from the center of the present highway;
 - (l) On Thirteen Mile Road nearer than 60 feet from the center of the present highway;
 - (m) On Masonic Boulevard nearer than 43 feet from the center of the present highway;
 - (n) On Eight Mile Road nearer than 60 feet from the center of the present highway;
 - (o) On Twelve Mile Road nearer than 60 feet from the centerline of the present highway.

The foregoing provisions shall apply only to property zoned other than residential. On property zoned residential, the setback requirements provided in the schedule of regulations shall be measured from the building lines as established above.

Upon all other streets the building line established in the subdivision restrictions shall be followed, provided that no building shall be constructed nearer than the setback requirements provided in the schedule of regulations.

- (p) Attached garages. Attached garages shall not occupy more than 55 percent of the linear building width of the front facade of a principal residential structure. The attached garage shall not extend beyond the remainder of the facade unless; in plan/overhead view, it matches the roofline of a covered porch with a depth of five feet or less.



(Comp. Ords. 1988, § 15.481; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996; amended by: ord. eff. Nov. 4, 1996; amend. eff. Oct. 3, 2000; ord. eff. Dec. 29, 2010; Ord. of 8-17-2020(1); amend. eff. 9-16-2020)

Sec. 48-514. - 15.482 One-family cluster option.

Sec. 35.67.

Sec. 48-515. - Intent.

Sec. 35.67A.

1. The intent of the one-family cluster option is to allow single-family dwellings to be developed with varied yard setback requirements and design innovations, so as to either:
 - (a) Provide a suitable physical transition between one-family detached housing and adjacent thoroughfares or nonresidential uses.
 - (b) Permit development of parcels of land that have characteristics which would make development difficult to accomplish under the usual standards for development set forth herein for the district in which said parcels are located. The cluster option is further intended to provide flexibility in the regulation of land development; encourage innovation in land use and variety in design, layout and type of structures constructed; achieve economy and efficiency in the use of land, natural resources, energy and the provision of public services and utilities; encourage useful open space; and provide quality housing.

2. Eligibility criteria. To be eligible for consideration under the One-Family Cluster Option, a parcel of land must conform to the following criteria:
 - (a) The parcel of land must be at least 12,000 square feet in area, and must be located in the RA One-Family District.
 - (b) The parcel of land must abut a collector road, major thoroughfare, or freeway.
3. Procedures. An application for One-Family Cluster Option shall follow the procedure and requirements for a special land use, including public hearing requirements, as set forth in section 35.83 [15.510] [48-561], herein. In addition, the following requirements must be complied with:
 - (a) *Completion of site design.* The applicant shall propose a date for commencement of construction and a date for completion. This time schedule shall be reviewed by the Planning Commission and approved by the City Council. If construction has not commenced within one year of approval, the one-family cluster Option approval becomes null and void and a new application for review shall be required.
 - (b) *Phased development.* Application may be made for an entire project or for separate phases of an overall cluster housing project. Each phase of a phased project shall conform to a time schedule as approved by the Planning Commission.
 - (c) *Extension of approval.* The applicant may apply to the City Council for a one-year extension of One-Family Cluster Option approval, provided that said application for extension is submitted prior to expiration of the previous approval. If construction commencement for completion dates as proposed by the developer and the City Council are not met, a new application for one-family cluster housing review must be submitted and approved before continuing with the project.
 - (d) *Change in site plan.* Any proposed change in the site plan, building plans, or any option of the One-Family Cluster Option application shall be reviewed by the Planning Commission and approved by the City Council prior to effectuating said change.
4. Application data requirements. The application and data requirements for the One-Family Cluster Housing Option shall be the same as set forth in section 35.82 [15.509] [48-560] for site plan review, plus such other data as may be required by the Planning Commission, City Planner, or City Council to make the determination required herein.
5. Standards for granting approval. The Planning Commission shall recommend and the City Council shall approve a One-Family Cluster Housing Option application upon determination that the proposed use will comply with all applicable requirements of this ordinance, including site plan review regulations in section 35.79 [15.506] [48-560], and the following standards:
 - (a) The proposed cluster housing development shall comply with applicable standards for approval of special land uses, as set forth in section 35.80 [15.507] [48-561].
 - (b) The proposed cluster housing development shall comply with the following building and development features:
 - (i) *Dwelling units.* One-family dwelling units permitted within the One-Family Cluster Housing Option may be attached and/or detached, or any combination thereof within the limitations of the requirements set forth herein. No more than four attached single-family units may be contained within one structure.
 - (ii) *Attached dwelling unit design.* So as to prevent the development of attached cluster housing units that are not compatible in terms of general character or layout with surrounding development, the

following guidelines shall be complied with:

- In the case of attached cluster units that are generally rectangular in shape, the common walls of adjoining dwelling units shall not overlap by more than 50 percent.
 - In the case of attached cluster units that are not developed in a row, the dwelling units shall be attached so as to give a general appearance of a large single-family structure.
- (iii) *Minimum lot area.* A minimum of 4,000 square feet of land area shall be provided per dwelling unit, exclusive of public rights-of-way, in any one-family cluster development.
- (iv) *Lot width.* Sites proposed for cluster development shall have at least 100 feet of frontage along a collector road or major thoroughfare.
- (v) *Setback standards.* Front and rear yard setbacks shall be in conformance with the provisions set forth for the RA One-Family Residential District (see article XVIII [15.480] [section 48-515]— Schedule of Regulations). Side yard setbacks shall be a minimum of 12 feet, unless the side of the building facing the side lot line provides a main entrance to a dwelling unit or a private patio area, in which case the minimum side yard setback shall be increased to 25 feet. Also, where the side of the building facing the side lot line exceeds 35 feet in length, the building shall be set back an additional one foot for each four feet of building length beyond 35 feet.
- (vi) *Layout of buildings.* The spacing and orientation of buildings on the site shall be reviewed to ensure compatibility with uses on adjacent properties, adequate landscaping and open space. In no case shall the minimum distance between structures be less than 16 feet.
- (c) *Minimum floor area.* The minimum floor area required for each dwelling unit shall be the same as the minimum floor area requirements in the RB Two-Family Residential District.
- (d) *Parking.* A minimum of two off-street parking spaces shall be provided for each unit. Attached garages shall be required for at least one-half of the required off-street parking spaces. All parking shall be located where it will not interfere with or obstruct ingress and egress. Parking areas shall be screened from abutting single-family development. Required parking should be located near or adjacent to the dwelling units, rather than being concentrated in large lots.
- (e) *Ingress and egress.* One-family cluster housing developments shall not be located where the primary means of access is likely to have an adverse impact on an adjacent single-family detached residential neighborhood. Street and driveway access to abutting thoroughfares shall be kept to a minimum. Where a private drive serves more than one structure on a cluster housing site, the drive shall be at least 22 feet in width and no closer than eight feet to any exterior property line. Dwellings shall be set back at least 15 feet from any such common drive. The eight-foot setback may be waived if joint use of a common drive is proposed between adjacent projects and permanent cross easements are provided, or where the existing or proposed development on adjacent property would not be adversely affected.

(Comp. Ords. 1988, § 15.482; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996)

Sec. 48-516. - 15.483 Site condominium regulations.

Sec. 35.68.

Sec. 48-517. - Intent.

Sec. 35.68A. The intent of these site condominium regulations is to specify yard standards and procedures kindred to those specified by Ordinance No. 521 [chapter 38] in regulating subdivisions platted under provisions of Public Act No. 288 of 1967 (MCL 560.101 et seq.), as amended. These regulations are also intended to remove uncertainty regarding the application of zoning provisions to site condominium developments within the City by clearly establishing standards and procedures which regulate site condominium development in the City of St. Clair Shores.

(Comp. Ords. 1988, § 15.483A; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996)

Sec. 48-518. - Definitions.

Sec. 35.68B. For the purpose of these regulations, certain terms, words and phrases shall, wherever used in these regulations, have the meaning herewith defined as follows:

1. *Governing Body*. The St. Clair Shores City Council.
2. *Planning Commission*. The City of St. Clair Shores Planning Commission.
3. *Condominium*. Common ownership by two or more persons holding undivided fractional shares in the same property; individual ownership of a unit in a multi-unit structure; joint dominion or sovereignty.
4. *Condominium documents*. Includes a master deed, to be or recorded pursuant to Public Act No. 59 of 1978, as amended (MCL 559.101 et seq.), and any other instrument referred to in the master deed or bylaws which affects the rights and obligations of a co-owner in a condominium.
5. *Condominium unit*. That portion of a condominium project designed and intended for separate ownership and use as described in the master deed, regardless of whether it is intended for residential, office, industrial, business, or recreational use as a time-share unit or any other type of use, and subject to all of the height, bulk density and area regulations of section 35.66 [15.481] [48-513]. (See lot).
6. *Site condominium subdivision*. A method of subdivision where land ownership of sites is regulated by the Condominium Act (Public Act No. 59 of 1978, as amended (MCL 559.101 et seq.)) as opposed to the Subdivision Control Act (Public Act No. 288 of 1967 (MCL 560.101 et seq.)), as amended. Site condominium subdivision shall be equivalent to the term "subdivision" as used in this Zoning Ordinance and the City Subdivision Regulations Ordinance.
7. *Common elements*. Portions of a condominium project other than the condominium units.
8. *General common elements*. A portion of condominium common elements intended for use of all condominium unit owners.
9. *Limited common elements*. A portion of condominium common elements reserved in the master deed for the exclusive use of less than all of the co-owners.
10. *Lot*. A portion of a site condominium subdivision or other parcel of land intended for separate ownership and use. (See Condominium Unit).
11. *Master plan*. The comprehensive plan including graphic and written proposals indicating the general locations recommended for the streets, parks, schools, public buildings, zoning districts, and all physical developments of the City of St. Clair Shores and includes any unit or part of such plan separately adopted, and any amendments to such plan or parts thereof duly adopted by the Planning Commission and the Governing Body.

12. *Preliminary site condominium plan.* A map indicating the proposed layout of the site condominium subdivision in sufficient detail to provide adequate basis for review and to meet the requirements and procedures set forth hereinafter.

13. *Final site condominium plan.* A map of all or part of a site condominium subdivision prepared and certified as to its accuracy by a registered engineer or land surveyor. Such maps must meet the requirements of the Act 59 of the Public Acts, as amended, and be suitable for recording by the Macomb County Register of Deeds.

14. *Improvements.* Street pavements, curbs, gutters, sidewalks, crosswalks, water mains, sanitary and storm sewers, street trees, and other appropriate items.

15. *Public utility.* A firm, corporation, or municipal authority providing gas, electricity, telephone, sewer, water or other services of a similar nature.

16. *Easement.* A quantity of land set aside or over which a liberty, privilege or advantage is granted by the owner to the public, a corporation, or some particular person or part of the public for specific uses and purposes, and shall be designated "public" or "private" easement depending on the nature of the user.

17. *Alley.* A minor vehicular and utility way used primarily to serve as an access way to the back or side of properties otherwise abutting on a street or for location of utilities and refuse service.

18. *Public walkway.* A right-of-way dedicated for the purpose of a pedestrian access through residential areas, and located so as to connect to two or more streets, or a street and a public land parcel.

19. *Street.* A right-of-way dedicated to public use, which provides vehicular and pedestrian access to adjacent properties whether designated as a street, highway, thoroughfare, parkway, road, avenue, lane, or however otherwise designated, and includes the land between right-of-way lines whether improved or unimproved, and may comprise pavement, curbs and gutters, shoulders, sidewalks, parking areas, lawn areas and other areas within the right-of-way lines.

20. *Major thoroughfare.* An arterial street of great continuity which is intended to serve as a large volume traffic-way for both the immediate City area and region beyond, and may be designated in the City's Major Thoroughfare Plan as a major thoroughfare, parkway, expressway or equivalent term to identify those streets comprising the basic structure of the street plan.

21. *Secondary thoroughfare.* A street intended to serve as a major means of access from minor streets to major thoroughfares and has considerable continuity within the framework of the City's Major Thoroughfare Plan.

22. *Marginal access street.* A minor street parallel and adjacent to a major thoroughfare; and which provides access to abutting properties, separation from through traffic and having a limited number of access points to a major thoroughfare.

23. *Cul-de-sac (court).* A minor street of short length, having one end open to traffic and being permanently terminated by a vehicular turn-around.

24. *Turn-around (place).* A minor street of short length with two openings to traffic, beginning from the same street, and projecting parallel to each other and connecting at their termination by a loop.

(Comp. Ords. 1988, § 15.483B; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996)

Sec. 48-519. - Site condominium subdivision review procedure.

Sec. 35.68C. The preparation and approval of a site condominium subdivision shall be carried out through three stages, including preliminary investigation, preliminary plat and final plat and in accordance with the procedure as follows:

1. *Preliminary investigation.* Prior to the preparation of a preliminary site condominium subdivision plan, the prop investigate the procedures and standards of the City of St. Clair Shores and shall further investigate the existing proposed requirements with regard to the following elements of the Master Plan.
 - a. The area for the proposed subdivision shall be properly zoned for the intended use.
 - b. An investigation of adequacy of existing schools and the adequacy of public open spaces including parks and playgrounds to service the proposed subdivision shall be made by the proprietor.
 - c. The relationship of the proposed subdivision with respect to major thoroughfares and plans for widening thoroughfares shall be investigated by the proprietor.
 - d. Standards for sewage disposal, water supply and drainage of the City of St. Clair Shores and health standards of Macomb County and the State of Michigan shall be investigated by the proprietor.
2. *Filing.*
 - a. Seven copies of the preliminary site condominium subdivision plan, together with written application, shall be submitted to the Secretary of the Planning Commission.
 - b. Filing with the Planning Commission shall be at least 20 days prior to the regular Planning Commission meeting at which applicant will be scheduled to appear. The Planning Commission will act on the subdivision plan within 30 days after date of filing.
 - c. One copy of the preliminary site condominium subdivision plan where the proposed subdivision is adjacent to or containing a county highway, shall be submitted to the Macomb County Road Commission, for approval.
3. *Identification and description.* The preliminary plat shall include:
 - a. Proposed name of site condominium subdivision.
 - b. Location by section, town and range, or by other legal description.
 - c. Names and addresses of proprietor and architect, engineer or surveyor who designed the layout. The proprietor shall also indicate his interest in the land as to whether it is a land contract interest, or if he owns the property in fee.
 - d. Scale of plan, one inch equals 100 feet or less is acceptable scale.
 - e. Date.
 - f. Northpoint.
4. *Existing conditions.* The preliminary site condominium subdivision plan shall include:
 - a. Location of proposed subdivision in relation to schools, shopping, parks, and other community facilities.
 - b. An overall area map showing the relationship of the subdivision to its surroundings shall be provided.
 - c. Boundary line of proposed subdivision, and section or corporation lines within or adjacent to the tract.
 - d. Adjacent tracts of subdivided and unsubdivided land shown in relation to the tract being proposed for subdivision.
 - e. Location, widths and names of existing or prior platted streets and private streets, and public easements within or adjacent to the tract being proposed for the subdivision.
 - f. Location of existing sewers, water mains, storm drains and other underground facilities within or adjacent to the tract being proposed for subdivision.
 - g. If the topography is such that special grading or drainage may be necessary, existing grade at each corner

of the lot shall be shown.

- h. Floodplain, regulated wetland, high risk erosion zones, structures and places listed on state or Federal Register of Historic Buildings and places, and any other existing condition on the site having bearing on layout and design.
5. *Proposed condition.* The preliminary site condominium subdivision plan shall include:
 - a. Layout of streets indicating rights-of-way widths and connections with adjoining platted streets and also the width and locations of alleys, easements and public walkways.
 - b. Layout, numbers and dimensions of lots, including building setback lines showing dimensions.
 - c. Indication of parcels of land intended to be dedicated or set aside for public use or for the use of property owners in the subdivision or lands set aside for future street connections to adjacent tracts.
 - d. The proprietor shall indicate to the City Engineer the intended systems for public sanitary sewage disposal, public water supply and storm drainage by submitting a copy of the plat showing the proposed installation without capacities and other engineering features.
 6. *Preliminary site condominium subdivision plan review by Planning Commission.*
 - a. The Secretary of the Planning Commission shall receive and check for completeness, the preliminary site condominium subdivision plan, and if complete, place the proposal on the agenda of the next Planning Commission meeting. Should any important data be omitted, the Secretary shall notify the subdivider of the additional data required and delay further Planning Commission action until the required data is received. The time limits imposed on the Planning Commission for review shall not run until receipt of all required information.
 - b. The Planning Commission shall review all details of the site condominium subdivision within the framework of the various elements of the Master Plan and in accordance with design standards of these regulations.
 - c. Land requirements for public uses with the framework of the Master Plan, shall be considered in the review of each preliminary site condominium subdivision plan submitted.
 - d. Should the Planning Commission reject the plan, it shall record the reasons in the minutes of the meeting. A copy of the minutes shall be sent to the proprietor.
 - e. Should the approval be a conditional approval and therefore tentative, the subdivision layout shall not be forwarded to the Governing Body until said conditions have been satisfied by the proprietor. The revised layout shall follow the submittal procedure indicated under 5.a above.
 - f. Should the Planning Commission find that all conditions have been met, it shall give preliminary approval to the proprietor; the Chairman shall make a notation to that effect on each copy of the preliminary site condominium subdivision plan, returning one copy to the proprietor, forwarding two copies to the Governing Body with recommendations for preliminary approval, one copy to the City Engineer, one copy to the City Assessor, and retaining two copies of for the Planning Commission files.
 - g. It shall be the duty of the Planning Commission to send prior notice to the owners of land immediately adjoining the property to be subdivided as a site condominium giving the time and place of said meeting of the Planning Commission, not less than five days before the date fixed therefor.
 7. *Preliminary site condominium subdivision plan review by Governing Body.*
 - a. The Governing Body will not review a preliminary site condominium subdivision plan until it has received

the review recommendation of the Planning Commission. Following the receipt of such recommendations, the Governing Body shall consider the subdivision at such meeting that the matter is placed on the regularly scheduled agenda.

- b. Should the Governing Body approve the preliminary subdivision plan, it shall be deemed to confer upon the proprietor the right to proceed with the preparation of a final plan and condominium documents.
 - c. Preliminary plan approval shall not constitute approval of the final plan. It shall be deemed as approval of the layout submitted on the preliminary plan as a guide to the preparation of a final plan.
 - d. The approval of the Governing Body of the preliminary site condominium subdivision plan shall be effective for a period of 12 months. Should the final plan in whole or in part not be recorded within this time limit, the preliminary plan must again be submitted to the Planning Commission for approval.
8. *Final plan preparation.*
- a. The final site condominium subdivision plan shall comply with the provision of Public Act No. 59 of 1978 (MCL 559.101 et seq.), as amended (the Condominium Act).
 - b. The final plan shall conform substantially to the preliminary plan as approved and it may constitute only that portion of the approved preliminary plan which the proprietor proposes to record and redevelop at the time; provided, however, that such portion conforms to these site condominium subdivision regulations.
 - c. The proprietor shall submit such evidence of title, either the title opinion from an attorney as to title showing any interests of record, or an abstract of title certified to date, or a policy of title insurance of examination in order to ascertain as to whether or not the proper parties have signed the condominium documents.
9. *Final site condominium subdivision review.*
- a. Five copies of the final subdivision plan and condominium documents shall be filed by the proprietor with the City Clerk; deposit with the Clerk such sum of money as the Governing Body may require to provide for its expenses and for fees required by resolution of the Governing Body.
 - b. The proposed final condominium documents shall be transmitted to the Secretary of the Planning Commission for review as to compliance with the approved preliminary plan.
 - c. Should the Planning Commission find that the final plan is in agreement with the preliminary plan, it shall approve same and notify the Governing Body of this action in its official minutes.
 - d. Should the Planning Commission find that the final plan does not conform substantially to the previously approved preliminary plan, and that it is not acceptable, they shall record the reason in their official minutes, forward same to the Governing Body and recommend that the Governing Body disapprove the final plan until the objections causing disapproval have been changed to meet with the approval of the Planning Commission.
 - e. The Governing Body shall review all recommendations of the Planning Commission and take action to approve or disapprove the final plan and condominium documents within 30 days of its filing with the City Clerk.
 - f. Upon approval of the final plan and condominium documents by the Governing Body, recording may proceed as required by the Condominium Act.
10. *Design standards.* The site condominium subdivision design standards set forth under this section are for the

assistance of the developer. All final construction documents, grading and utility plans must be reviewed and meet with the approval of the City Manager, City Engineer, and City Assessor.

- a. Streets. Streets shall be publicly dedicated and shall conform to at least all minimum requirements established by the City. General specification, typical cross sections and other conditions set forth in the improvement section of this regulation and by the City Engineer.
 - b. The street layout shall provide for continuation of secondary thoroughfares in the adjoining subdivisions or of the proper connection (present or future) with streets when adjoining property is not subdivided (generally not more than 1,300 feet apart); or conform to a plan for a neighborhood unit drawn up and adopted by the Planning Commission.
 - c. The street layout shall include minor streets so laid out that their use by through traffic shall be discouraged.
 - d. Should a proposed subdivision border on or contain an existing or proposed major thoroughfare, the Planning Commission may require marginal access streets, reverse frontage with an approved screen planting contained in a nonaccess reservation along the rear property line having a minimum of 15 feet, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation and reduction of traffic hazards.
 - e. Should a proposed site condominium subdivision border on or contain an expressway, or other limited access highway right-of-way, the Planning Commission may require the location of a street approximately parallel to and on each side of such right-of-way at a distance suitable for the development of an appropriate use of the intervening land as for parks in residential districts or for commercial or industrial purposes in appropriate districts. Such distances shall be determined with due consideration of the minimum distance required for approach grades to future grade separation.
11. *Thoroughfare design standards.*
- a. Major thoroughfare width shall conform to the major thoroughfare plan of the Master Plan of the City of St. Clair Shores.
 - b. Secondary thoroughfares shall have a minimum right-of-way width of 86 feet.
 - c. Minor streets shall have a minimum right-of-way width of 50 feet.
 - d. Marginal access streets parallel to a thoroughfare shall have a right-of-way width of not less than 34 feet, unless approved by the City Engineer.
 - e. Residential cul-de-sac streets shall conform to minor street standards and shall terminate in a vehicular turnaround with a pavement diameter of at least 60 feet and minimum right-of-way of 120 feet. Cul-de-sac streets in site condominium subdivisions serving predominantly commercial or industrial land uses shall conform to secondary thoroughfare standards and shall terminate in a vehicular turnaround with a pavement diameter of 100 feet and 150 feet right-of-way diameter.
 - f. Half streets and turnaround streets shall be prohibited.
 - g. Alleys, where permitted, shall have a width of not less than 20 feet.
12. *Grade standards.* Street grades of not less than 0.4 percent shall be acceptable. The Planning Commission may approve any change or variance to this standard, after review by the City Engineer.
13. *Horizontal alignment.*
- a. Major thoroughfares shall have radii of centerline curvature of not less than 450 feet, unless approved by

the City Engineer.

- b. Secondary thoroughfares shall have radii of curvature of not less than 300 feet, unless approved by the City Engineer.
- c. Between reverse curves on major thoroughfares and on secondary thoroughfares, there shall be a minimum tangent distance of 100 feet, unless approved by the City Engineer.
- d. Streets shall be laid out so as to intersect as nearly as possible to 90 degrees.
- e. Curved streets intersecting with major thoroughfares and secondary thoroughfares shall do so with a tangent section of centerline 50 feet in length measured from the right-of-way line of the major thoroughfare or secondary thoroughfare.

14. *Blocks.* Blocks within subdivisions shall conform to the following standards:

Sizes:

- a. Maximum length for blocks shall be 1,300 feet in length, except where in the opinion of the Planning Commission, conditions may justify a greater length.
- b. Widths of blocks shall be determined by the condition of the layout and shall be suited to the intended layout.

15. *Public walkways.*

- a. Location of public walkways or crosswalks may be required by the Planning Commission to obtain satisfactory pedestrian circulation within the subdivision where blocks exceed 1,100 feet in length.
- b. Widths of the public walkways shall be at least ten feet and shall be in the nature of an easement for this purpose.

16. *Easements.*

- a. Location of utility line easements shall be provided along the rear or side lot lines as necessary for utility lines. Easements shall give access to every lot, park or public grounds. Such easements shall be a total of not less than 12 feet wide, six feet from each parcel. Alternative, an alley may be used for this purpose.
- b. Recommendations on the proposed layout of telephone and electric company easements shall be sought from all the utility companies serving the area.

17. *Site condominium units (lots).* All units within site condominium subdivision shall conform to the following standards:

Sizes and shapes:

- a. The unit size, width, depth and shape in any subdivision plan for residential uses shall be appropriate for the neighborhood in which it is located.
- b. Unit areas shall conform to at least the minimum floor area requirements of the Zoning Ordinance for the district in which the project is located.
- c. Lot widths shall in no case be less than that required by the Zoning Ordinance for the district in which the project is proposed.
- d. Building setback lines shall conform to at least the minimum requirements of the Zoning Ordinance for the district in which the project is located.
- e. Excessive depth in relation to width shall be avoided. A depth-to-width ratio of three to one shall normally be considered a maximum.

- f. Corner units shall be a minimum of ten feet wider than interior units in order to permit conformance setback lines on both street frontages and create useful rear yard area.
18. *Arrangement.*
- a. Every unit shall front on, abut and touch a public street.
 - b. Side unit lines shall be at right angles or radical to the street lines, or as nearly as possible thereto.
 - c. Residential units abutting major thoroughfare or secondary thoroughfares, where marginal access streets are not desirable or possible to attain, shall be designed with reverse frontage units with an approved screen planting contained in a nonaccess reservation along the rear property line having a minimum width of 15 feet or such other treatment as may be adequate for protection of residential properties, or width side unit lines parallel to the major traffic streets or shall be platted with extra depth to permit generous distances between building and such trafficway.
 - d. Units shall have a front-to-front relationship across all streets. Any deviation shall require the review and approval of the Planning Commission.
19. *Natural features.* The natural character of lands must be preserved wherever possible.
- a. *Natural features.* Due regard must be shown for all natural features such as large trees, natural groves, watercourses and similar community assets that will add attractiveness and value to the property, if preserved.
 - b. *Suitability of lands.* Lands which are held to be unsuitable for residential use by reason of flooding, inadequate drainage, adverse rock or topographic conditions or any other feature likely to be harmful to health, safety or welfare of future residents will not be subdivided for residential use.
20. *Street and utility improvements.* The improvements set forth under this section are to be considered as the minimum acceptable standard. All improvements and construction documents must receive approval of the City Engineer. All internal streets in a site condominium subdivision shall be public streets, dedicated to and accepted by the City. Street and utility improvements shall be provided in accordance with the standards and requirements described as follows:
- a. *Major thoroughfares.* Cross sections in accordance with the master plan of major thoroughfares and as determined by the City Engineer and the Planning Commission.
 - b. *Secondary thoroughfares.* 86-foot right-of-way, 41-foot concrete pavement outside of curb to outside of curb, curb and gutter each side of pavement, 16 1/2-foot separation strip and five-foot concrete sidewalk on each side of roadway and one foot of space between sidewalk and right-of-way line on each side.
 - c. *Minor streets.* A minimum 50 foot right-of-way with 27 feet of concrete pavement outside of curb to outside of curb and curb gutter each side of pavement with 5 1/2-foot separation strip and five-foot concrete sidewalk on each side of roadway and one foot of space between sidewalk and right-of-way line on each side.
 - d. *Marginal access streets.* 34-foot right-of-way, 20-foot pavement outside of curb to outside of curb, concrete curb and gutter each side of pavement, four-foot separation strip measured from right-of-way line of the adjacent street to the marginal access street pavement, four-foot separation strip and five-foot sidewalk on one side with one foot of space between sidewalk and right-of-way line.
 - e. *Grading and centerline gradients.* Per plans and profiles approved by the City Engineer.
 - f. *Curbs and gutters.* In accordance with details and specifications prescribed by the City Engineer.

- g. *Roadway pavements.* In accordance with details and specifications prescribed by the City Engineer.
- h. *Sidewalks.* In accordance with details and specifications prescribed by the City Engineer.
- i. *Storm drainage system and other drainage improvements.* Per plans approved by the City Engineer. Where county drains are involved, a letter or document of approval from the County Drain Commission must be submitted by the proprietor.
- j. *Sewage disposal.* Sewer system sanitary sewers are required per plans approved by the City Engineer.
- k. *Water supply.* Water distribution system per plans approved by the City Engineer and in conformance with the regulations of the Michigan Department of Health relating to municipal water supplies.
- l. *Trees.* Existing trees near street rights-of-way shall be preserved by the proprietor. Street trees shall be provided at least one per lot.
- m. *Street signs.* Street name signs will be provided at intersections of all streets by the City.

21. *Fees, and charges.* Engineering fees, inspection fees, water and sewer connection charges and other applicable development charges may be provided for by resolution.

(Comp. Ords. 1988, § 15.483C; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996)

Secs. 48-520—48-546. - Reserved.

ARTICLE XIX. - 15.495 GENERAL PROVISIONS

Sec. 48-547. - Conflicting regulations.

Sec. 35.69. Whenever any provision of this ordinance imposes more stringent requirements, regulations, restrictions or limitations than are imposed or required by the provision of any other law or ordinance, then the provisions of this ordinance shall govern. Whenever the provisions of any other law or ordinance impose more stringent requirements than are imposed or required by this ordinance, then the provisions of such ordinance shall govern.

(Comp. Ords. 1988, § 15.496; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996)

Sec. 48-548. - Scope.

Sec. 35.70. No building or structure, or part thereof, shall hereafter be erected, constructed or altered and maintained and no new use or change shall be made or maintained of any building, structure or land, or part thereof, except in conformity with the provisions of this ordinance.

(Comp. Ords. 1988, § 15.497; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996)

Sec. 48-549. - Nonconforming lots, nonconforming uses of land, nonconforming structures, and repair nonconforming uses of structures and premises.

Sec. 35.71.

- (1) *Intent.* It is the intent of this ordinance to permit legal nonconforming lots, structures, or uses to continue until they are removed but not to encourage their survival.

It is recognized that there exists within the districts established by this ordinance and subsequent amendments, lots, structures, and uses of land and structures which were lawful before this ordinance was passed or amended which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendments.

Such uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land shall not be extended or enlarged after passage of this ordinance by attachment on a building or premises or additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner; except that where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction provided that work shall be diligently carried on until completion of the building involved.

- (2) *Nonconforming lots.* In any district in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance. This provision shall apply even though such lot fails to meet the requirement for the area or width, or both, that are generally applicable in the district; provided that yard dimensions and other requirements not involving area or width, or both of the lot shall conform to the regulations for the district in which lot is located. Yard requirement variances may be obtained through approval of the Board of Appeals.

If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance, and if all or part of the lots do not meet the requirements for lot width and area as established by this ordinance, the lands involved shall be considered to be an undivided parcel for the purpose of this ordinance, and no portion of said parcel shall be used or occupied which does not meet lot and width and area requirements established by this ordinance, nor shall any division of parcel be made which leaves remaining any lot with width or area below the requirements stated in this ordinance; provided, however, that in cases of extreme hardship the Zoning Board of Appeal shall be permitted to waive the requirements herein.

- (3) *Nonconforming uses of land.* Where, at the effective date of adoption or amendment of this ordinance, lawful use of land exists that is made no longer permissible under the terms of this ordinance as enacted or amended such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:
- (a) No such nonconforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.
 - (b) No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this ordinance.

- (c) If such nonconforming use of land ceases for any reason for a period of more than 30 days, any subsequent land shall conform to the regulations specified by this ordinance for the district in which such land is located.
- (4) *Nonconforming structures.* Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
- (a) No such structure may be enlarged or altered in a way which increases its nonconformity. For example, existing residences on lots of a width less than required herein may add a rear porch provided that other requirements relative to yard space and land coverage are met.
 - (b) Should such structure be destroyed by any means to an extent of more than 60 percent of its replacement cost, exclusive of the foundation at the time of destruction; it shall not be reconstructed except in conformity with the provisions of this ordinance.
 - (c) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is removed.
- (5) *Nonconforming uses of structures and land.* If a lawful use of a structure, or of structure and land in combination, exists at the effective date of adoption or amendment of this ordinance, that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:
- (a) No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
 - (b) Any nonconforming use may be extended throughout any part of a building which were manifestly arranged or designed for such use, and which existed at the time of adoption or amendment of this ordinance, but no such use shall be extended to occupy any land outside such building.
 - (c) In any B or I District if no structural alterations are made, any nonconforming use of a structure, or structure and premises, may be changed to another nonconforming use of the same or a more restricted classification, provided that the Board of Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Appeals, may require appropriate conditions and safeguards in accord with a nonconforming use of a structure, land, or structure and land in combination is hereafter changed to a more restrictive classification, it shall not thereafter be changed to a less restrictive classification.
 - (d) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use may not thereafter be resumed.
 - (e) When a nonconforming use of a structure, structure and premises in combination, is discontinued or ceases to exist for six consecutive months or for 18 months during any three-year period, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the district in which it is located. Structures occupied by seasonal uses shall be excepted from this provision.
 - (f) Where nonconforming use status applies to a structure and premises in combination, removal or

destruction of the structure shall eliminate the nonconforming status of the land.

- (6) *Repairs and maintenance.* On any building devoted in whole or in part to any nonconforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding 50 percent of the assessed value of the building, provided that the cubic content of the building as it existed at the time of passage of amendment of this ordinance shall not be increased.
- (7) *Uses under exception provisions not nonconforming uses.* Any use for which a special exception is permitted as provided in this ordinance shall not be deemed a nonconforming use.
- (8) *Change of tenancy or ownership.* There may be a change of tenancy, ownership or management of any existing nonconforming uses of land, structures and premises, provided there is no change in the nature or character of such nonconforming uses.

(Comp. Ords. 1988, § 15.498; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996)

Sec. 48-550. - Accessory buildings/structures.

Sec. 35.72. Accessory buildings/structures, except as otherwise permitted in this ordinance, shall be subject to the following regulations:

- (1) If it is determined that an accessory building/structure is structurally attached to a main building in that it shares a common footing wall with the main building, the entire structure shall be subject to and must conform with all regulations of this ordinance applicable to the main building/structure.
- (2) Except as provided in subsection (3) of this section, one accessory building/structure shall be permitted per lot or per site regardless of whether the main building/use of the premises occupies more than one lot.
- (3) A second accessory building, commonly referred to as a "shed," shall be permitted, provided it does not exceed 144 square feet of floor space. An accessory building unit, pursuant to this section, may have a hip, gable, gambrel, flat or shed type roof. An accessory building erected pursuant to this section must comply with all other provisions of this ordinance.
- (4) An accessory building/structure shall not be erected in any required yard, except a rear yard.
- (5) In residential zones, an accessory building/structure shall not exceed one story or 15 feet in height measured from the established grade to the highest point of the roof ridge, and its walls shall not exceed nine feet in height. Additionally, an accessory building/structure shall not occupy more than 25 percent of a required rear yard, plus 40 percent of any nonrequired rear yard, provided that in no instance shall the accessory building/structure exceed 768 square feet unless the parcel exceeds 12,000 square feet lot size, then the accessory structure cannot exceed 1,024 square feet. Additionally, an accessory building over 144 square feet of floor footage shall have either a hip or a gable roof.
- (6) An accessory building/structure which is located six feet or less from the rear of any main building shall also be located at least four feet from any side lot line. An accessory building/structure located more than six feet from the rear of any main building must be located not less than two feet, six inches from any side or rear lot line. In no case shall the roof overhang by itself or in combination with an attached gutter project further than six inches into two-foot, six-inch side yard setback.
- (7) An accessory building/structure shall not be located within a dedicated easement/right-of-way.
- (8) Any accessory building/structure shall be used for storage only, and shall contain no living or residential type

quarters. Further, no primary permitted activity in nonresidential zones other than storage shall be conducted in an accessory building/structure.

- (9) In non-residential zones, except CLD, Philanthropic, and Light Industrial Districts, no accessory building/structure shall exceed one story or 14 feet in absolute height.
- (10) When an accessory building/structure is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building/structure shall not project beyond the front yard line required on the lot in the rear of such corner lot. When an accessory building/structure is located on a corner lot, the side lot line of which is substantially a continuation of the side lot line of the lot to its rear, said building/structure shall not project beyond the side yard line of the lot in the rear of such corner lot.
- (11) Variances or appeals of the above provisions of this section shall be heard by the Zoning Board of Appeals.
- (12) With respect to residential riparian property, all marine-related structures such as boathouses, catwalks, docks, etc., shall be regulated under the Water Resources Ordinance [chapter 2, article III, division 4].
- (13) Accessory structures.
 - a. Resin accessory structures up to 24 square feet in area are allowed without a permit, shall have a weatherproof floor, and shall be placed on a monolithic concrete or asphalt surface that is approximately four inches thick.
 - b. Resin accessory structures larger than 24 square feet up to 144 square feet require a building permit, shall have a weatherproof floor, and shall be placed on a four-inch monolithic concrete or asphalt slab that extends a minimum of six inches past the shed walls on all sides.
 - c. Accessory structures more than 144 square feet but less than 400 square feet require a building permit and shall be erected on a concrete rat wall measuring a minimum of 24 inches below grade and four inches thick. A concrete floor shall also be provided under the structure, measuring at least four inches thick. The concrete rat wall and concrete floor shall be a monolithic pour.
 - d. Accessory structures larger than 400 square feet require a building permit and shall be erected on a 42-inch footing as required by current building code.
- (14) Pools are not considered an accessory structure; however, their size will be considered in lot coverage calculations. The setback of a pool shall be no less than six feet from the side lot line and six feet from the rear lot line.

(Comp. Ords. 1988, § 15.499; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996; further amend. eff. June 8, 2001; amend. eff. Apr. 24, 2007; amend. eff. Apr. 22, 2009; ord. eff. Dec. 29, 2010; Ord. No. O-2021-13, § 15.499, 11-15-2021)

Sec. 48-551. - Off-street parking requirements.

Sec. 35.73. There shall be provided in all districts at the time of erection or enlargement of any main building or structure, automobile off-street parking space with adequate access to all spaces, in conjunction with all land or building uses shall be provided, prior to the issuance of a certificate of occupancy as hereinafter prescribed:

- (1) Off-street parking for other than residential use shall be either on the same lot or within 300 feet of building it is intended to serve, measured from the nearest point of the building to the nearest point of the off-street parking lot. For all lots or parcels intended to be used for off-street parking in accordance with the standards set forth in this ordinance, the applicant shall either:

- (a) Provide proof of ownership of all such lots or parcels; or
 - (b) Provide proof of a deed restriction or other similar recorded agreement that allows for continued use of the lots or parcels for parking for as long as the business continues in operation, unless suitable parking in accordance with ordinance standards is secured elsewhere. The terms of any such deed restriction or agreement shall not be affected by change in ownership of the lots or parcels. (amended April 25, 2012)
- (2) Residential off-street parking spaces shall consist of a parking strip, parking bay, driveway, garage or combination thereof and shall be located on the premises they are intended to serve and subject to the provisions of section 35.72 [15.499] [48-550], Accessory Buildings, of this ordinance.
- (3) Recreational vehicle storage shall be permitted subject to the following conditions:
 - (a) The open parking or storage of travel trailers, motor homes, boats or similar recreational vehicles not owned by a resident of the City on lands not specifically designated for such parking and storage shall be permitted for a period of up to 24 hours. However, no more than one such recreational vehicle not owned by a resident may be parked in the rear yard of a single family lot for a period of up to two weeks.
 - (b) Residents of the City may store their own recreation vehicles and recreation equipment on their own property for an indefinite period of time, provided the vehicles are in operable condition and can meet all other provisions of this section. For residents whose recreational vehicles cannot meet the setback and/or lot coverage requirements, their recreational vehicle may be stored up to 48 hours prior to a planned trip, for loading purposes, and 48 hours upon return from the same trip, for the purpose of unloading the recreational vehicle. In no event shall such recreational vehicle or equipment be stored more than 96 hours in a seven-day period. (amended April 25, 2012)
 - (c) Recreational vehicles shall be set back at least four feet from any side lot line if the vehicles are located closer than six feet to the main building on the site. If the vehicles are located more than six feet from the main building, then the recreational vehicles shall be set back at least two feet, six inches from any side or rear lot line. The area occupied by a stored recreational vehicle shall be included in the computations to determine compliance with maximum lot coverage standards, as set forth in article XVIII [15.480], Schedule of Regulations.
 - (d) A recreation vehicle or equipment parked or stored on a lot within the City shall not be connected to water, sanitary facilities, or electrical service, and shall not be occupied.
- (4) Any area once designated as required off-street parking shall never be changed to any other use unless and until equal facilities are provided elsewhere.
- (5) Off-street parking existing at the effective date of this ordinance, in connection with the operation of an existing building or use shall not be reduced to an amount less than thereafter required for a similar new building or new use.
- (6) Two or more buildings or uses may collectively provide the required off-street parking in which case the required number of parking spaces shall not be less than the sum of the requirements for the several individual uses computed separately.
- (7) In the instance of dual function of off-street parking spaces where operating hours of buildings do not overlap, the Board of Appeals may grant an exception.
- (8) The minimum number of off-street parking spaces required for any use shall be available to those persons being served during all hours of operation. It shall be unlawful to reduce the number and/or effective use of required off-street parking spaces through any actions such as: outdoor storage, display or rental fees with

the exception of seasonal outdoor seating.

- (9) The storage of merchandise, motor vehicles for sale, trucks, or the repair of vehicles is prohibited.
- (10) For those uses not specifically mentioned, the requirements for off-street parking facilities shall be in accordance with a use which the Planning Commission considers is similar in type.
- (11) When units or measurements determining the number of required parking spaces result in the requirement of a fractional space, any fraction up to and including one-half shall be disregarded and fractions over one-half shall require one parking space.
- (12) The minimum number of off-street parking spaces by type of use shall be determined in accordance with the following schedule:

<i>Land Use</i>	<i>Number of Minimum Parking Spaces Per Unit of Measure</i>
RESIDENTIAL	
Residential one-family and two-family	Two for each dwelling unit to be provided within two years of the occupancy permit.
Residential multiple-family	2.25 for each dwelling unit.
Housing for the elderly	Two for each two-bedroom dwelling unit, plus one for each one-bedroom unit, plus one for each employee.
Mobile homes	In accordance with Public Act No. 419 of 1976 (MCL 125.2301 et seq.), as amended, and the mobile home commission rules.
INSTITUTIONAL	
Churches or temples	One for each three seats or six feet of pews in the main unit of worship.
Hospitals	One for every two beds, plus one space for each five outpatients, plus one for each on the largest working shift. Bassinets shall not be counted as beds for the purpose of computing parking.
Convalescent homes	One space per six patient beds, plus one space per employee on the largest working shift, plus one space per staff member and one space per visiting doctor.
Elementary and junior high schools	One for each one teacher, employee, or administrator, in addition to the requirements of the auditorium.
Senior high schools	One for each one teacher, employee, or administrator, and one for each ten students, in addition to the requirements of the auditorium.
Private clubs or lodge halls	One for each two persons allowed within the maximum occupancy load as established by local, county, or state, fire, building and health codes.
Private golf clubs, social clubs, recreation clubs, or other similar uses	One for each two member families or individuals.
Public utility facilities, such as communications buildings, electrical substations, cellular communication towers, and similar uses	One for each employee based on the maximum number of employees on duty at any one time. The storage of vehicles is prohibited.
Golf courses open to the general public, except miniature or "Par 3" courses	Six for each one golf hole and one for each one employee.
Fraternity or sorority	One per two active members, or one per resident, whichever is greater, plus required spaces for related uses.
Theaters and auditoriums	One parking space for each four seats.
Stadiums, sports arena, or similar place of outdoor assembly	One for each three seats, or six feet of benches.

BUSINESS AND COMMERCIAL	
Planned commercial or shopping center located in any "B" District	Eight spaces per 1,000 sq. ft. of gross leasable area for the first 15,000 sq. ft.; 5½ for each 1,000 sq. ft. of gross leasable area for 15,001 to 400,000 sq. ft.; 4½ per 1,000 sq. ft. of gross leasable area for 400,001 sq. ft. and greater. Additional parking shall not be required for seasonal outdoor seating areas.
Retail stores except as otherwise specified herein	One per 200 sq. ft. of gross floor area with a minimum of four spaces.
Adult entertainment uses	One per patron based on the occupancy load as established by local, county, state, fire, building, or health codes, whichever is greater, plus one per employee on the largest working shift.
Auto laundries, automatic	One for each two employees, plus reservoir parking space equal to 30 spaces for the first car wash lane and 20 spaces for each additional lane.
Auto laundries, self-service	Four stacking spaces for each washing stall, plus two drying spaces for each washing stall.
Beauty parlors, barbershops, nail salons, day spas and similar uses	Three per chair or station.
Child day care centers, nursery schools, schools or special education, and schools for the mentally impaired	One for each teacher, administrator, or other employee, plus one for each company vehicle, plus one for each six licensed students, plus one for each co-op aide and volunteer employee, plus spaces required for any auditorium or theater. In addition, two drop-off spaces shall be provided per six licensed students. Drop-off spaces shall not [be] separated from the entrance by a traffic lane.
Drive-through restaurants	One for each employee on the largest shift, plus sufficient area for eight stacking spaces for the first drive-in window and six stacking spaces for each additional window, plus whatever customer service space is provided.
Repealed eff. April 9, 2009	
Repealed eff. April 9, 2009	
Fast-food restaurant service over a counter or at a cafeteria line	One per 75 sq. ft. of gross floor area. Additional parking shall not be required for seasonal outdoor seating areas.
Food take-out	One per 200 sq. ft. of gross area, plus one per employee on largest working shift.
Full-service restaurant, patrons seated and served	One per 55 sq. ft. of gross floor area. Additional parking shall not be required for seasonal outdoor seating areas.
Furniture and appliance sales, household equipment repair shops showrooms of a plumber, building contractor, interior designer, florist, electrician or similar trade shoe repair shop, or similar use	One per 500 sq. ft. of gross floor area.
Automotive service station	Two for each lubrication stall, rack, or pit, plus one for each fuel dispenser, required spaces shall not include a stall, rack or pit.
Auto and/or boat repair center	One for each employee and two for each service and/or repair bay, excluding the service bay area as a space.
Auto gas/convenience market facility	One space for each 150 sq. ft. of building gross floor area, plus one space per gasoline pump.
Lumber yards, retail	One per 175 sq. ft. of gross indoor floor space, plus one per 1,500 sq. ft. of gross outdoor storage area, plus one for each company vehicle.

Laundromats and coin operated dry cleaners	One for each two machines.
Miniature or "Par 3" golf courses	Three for each one hole, plus one for each one employee.
Mortuary establishment	One per 125 sq. ft. of gross floor area.
Motel, hotel, or other lodging establishment commercial	One for each occupancy unit, plus one for each employee, plus such spaces as are required for restaurants, bars, taverns, assembly rooms, and affiliated facilities.
Motor vehicle sales, and service establishment	One for each 250 sq. ft. of gross floor area, plus one for every 500 square feet of gross outside sales area, plus one per service stall.
Auto rental/leasing	One per lease/rental vehicle, plus one per service bay, plus office requirements.
Open air businesses including plant nurseries	One per 500 sq. ft. of gross land area being used for display, plus one for each 175 sq. ft. of gross floor area of total interior space.
Sale or lease of motorhomes and/or boats	One for each 1,600 sq. ft. of vehicle display area, plus one for each 250 sq. ft. of gross floor area, plus one per service stall, plus office requirements.
Supermarkets	One for every 200 sq. ft. of gross floor area or fraction thereof.
Taxi terminals	One for each employee on the largest working shift, plus one per taxi.
Truck rental establishments	One per 1,000 sq. ft. of site area, plus one for each employee on the largest working shift.
Ambulance service and rescue squad	One per emergency and company vehicle, plus one space per employee.
Video rental stores	One per employee, plus one per 150 sq. ft. of gross floor area.
OFFICES	
Banks and other financial institutions with drive-in windows	One for each 250 sq. ft. of gross floor area, plus eight stacking spaces for the first drive-in window and six stacking spaces for each additional window.
Business offices or professional offices except as indicated in the following item	One per 215 sq. ft. of gross floor area with a minimum of four spaces.
Professional offices of doctors, dentists, and similar professions	One per 120 sq. ft. of gross floor area with a minimum of four spaces.
INDUSTRIAL	
Industrial or research establishments	One for every 300 sq. ft. of gross floor area.
Warehouse and storage establishments	One for every 1,700 sq. ft. of gross floor area.
Self-service storage facility	One per every ten storage units, equally distributed throughout the site, plus one per 215 sq. ft. of gross floor area for the office, plus two for the resident manager.
Contractor yard for landscaping, snow removal, concrete, and other similar business uses	One per company vehicle, plus one per tractor, trailer or similar item, plus office requirements.
Canine day care and/or boarding facility	One per 450 square feet
COMMERCIAL RECREATION	
Bowling alleys	Seven for each one bowling lane, plus accessory uses.
Archery, golf, skating rink, billiard hall, arcade, and dance hall	One for each two persons allowed within the maximum occupancy load as established by local, county, or state, fire, building or health codes.

Repealed eff. April 9, 2009	
Tennis clubs and court type recreation uses	Two per person permitted based on the capacity of the courts, plus such additional spaces as may be required for affiliated uses, such as bars, restaurants, or assembly space, plus one per employee on the largest working shift.
Golf driving range (indoor and outdoor)	Two per tee, plus one per employee, plus spaces required for accessory uses.
Marina	One space for each boat berthed, stored and/or each boat available for rent during wet storage season. In boat launching areas, adequate space shall also be provided for all boat trailers. A portion of the parking lot may be used for the storage of boats during the dry storage season; provided, however, that in no instance shall the number of parking spaces be less than three-quarters space for each boat stored (in and out or stacked storage) at the marina. There shall be provided two spaces for each boatwell owned by private individuals. In additions, each marina shall provide, and maintain at all times, a clear and unobstructed fire lane between the adjacent public road and the water.

(13) For all establishments or uses not specifically mentioned herein, the Director of Community Development and Inspection (or other person authorized by the City to perform the function of a Planning Director in accordance with the terms of this ordinance) shall determine the appropriate number of required off-street parking spaces. Such determination shall be based upon the type of business/establishment or use, the number of employees, the existence of affiliated uses, including, but not limited to, bars, restaurants and assembly space, and the number of anticipated users and employees in the largest working shift, as well as any other factors reasonably related to public health, safety and welfare.

(Comp. Ords. 1988, § 15.500; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996; further amend. eff. Oct. 3, 2000; amend. eff. June 16, 2008; amend. eff. Apr. 9, 2009; amend. eff. Apr. 25, 2012; Ord. No. O-2021-10, § 15.500, 9-20-2021)

Sec. 48-552. - Off-street parking space layout, standards, construction and maintenance.

Sec. 35.74. Whenever the off-street parking requirements in section 35.73 [15.500] [48-551] above require the building of an off-street parking facility, or where P-1 Vehicular Parking Districts (article XVI) are provided, such off-street parking lots 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 and Inspection Department. Applications for a permit shall be submitted to the Community Development and Inspection Department in such form as may be determined by the City of St. Clair Shores and shall be accompanied with two sets of plans for the development and construction of the parking lot showing that the provisions of this section will be fully complied with.
- (2) Plans for the layout of off-street parking facilities shall be in accordance with the following minimum requirements:

Parking pattern by degrees	0	30 to 53	54 to 74	75 to 90
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Maneuvering lane width	12 ft.	12 ft.	15 ft.	20 ft.
Parking space width	8 ft.	8 ft. 6 in.	8 ft. 6 in.	9 ft.
Parking space length	23 ft.	20 ft.	20 ft.	20 ft.
Total width of one tier of spaces plus maneuvering lane	20 ft.	32 ft.	36 ft. 6 in.	40 ft.

- (3) All spaces shall be provided adequate access by means of maneuvering lanes. Backing directly onto a street shall be prohibited.
- (4) Adequate ingress and egress to a parking lot by means of clearly limited and defined drives shall be provided for all vehicles. Ingress and egress to a parking lot lying in an area zoned for other than single family residential use shall not be across land zoned for single family residential unless no other option exists.
- (5) All maneuvering lane widths shall permit one-way traffic movement, except that the 90-degree pattern may permit two-way movement.
- (6) Each entrance and exit to and from any off-street parking lot located in an area zoned for other than single-family residential use shall be at least 20 feet distant from adjacent property located in any single-family residential district.
- (7) The off-street parking area shall be provided with a continuous and obscuring wall or fence not less than six feet in height measured from the surface of the parking area. This wall shall be provided on all sides where the next zoning district is designated as a residential district.
- (8) When a front yard setback is required, all land between said wall or fence and the front property line or street right-of-way line shall be kept free from refuse and debris and shall be landscaped with deciduous shrubs, evergreen material and ornamental trees. The ground area shall be planted and kept in lawn. All such landscaping and planting shall be maintained in a healthy, growing condition, neat and orderly in appearance.
- (9) The entire parking area, including parking spaces and maneuvering lanes, required under this section, shall be provided with asphaltic or concrete surfacing in accordance with specifications approved by the City Engineer. The parking area shall be surfaced within six months of the date the permit is issued, unless weather or other uncontrollable conditions prohibit such improvements.
- (10) Off-street parking areas shall be drained so as to dispose of all surface water accumulated in the parking area in such a way as to preclude drainage of water onto adjacent property or toward buildings.
- (11) All lighting used to illuminate any off-street parking area shall be so installed as to be confined within and directed onto the parking area only.
- (12) In all cases where a wall extends to an alley which is a means of ingress and egress to an off-street parking area, it shall be permissible to end the wall not more than ten feet from such alley line in order to permit a wider means of access to the parking area.

- (13) The City Council, upon application by the property owner of the off-street parking area, may modify the yard or requirements where, in unusual circumstances, no good purpose would be served by compliance with the requirements of this section.

(Comp. Ords. 1988, § 15.501; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996; Ord. No. O-2021-10, § 15.501, 9-20-2021)

Sec. 48-553. - Off-street loading and unloading.

Sec. 35.75. The Planning Commission may require, for structures or uses, involving the receipt or distribution of materials, merchandise, or vehicles, an off-street loading and unloading space, in accordance with the following regulations:

- (1) *Location.* Permitted and required loading berths in the O-1, B-1, B-2, or B-3 district shall be located in the rear yard. Loading berths in the LI district shall be located in either the side or rear yard. All required loading berths shall be located on the same parcel as the use served. Loading and unloading facilities shall not be so located as to interfere with ingress or egress, off-street parking, or public use of a dedicated right-of-way.
- (2) *Size.* Any required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement.
- (3) *Access.* Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement.

(Comp. Ords. 1988, § 15.502; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996)

Sec. 48-554. - Plant material on city property and rights-of-way.

Sec. 35.76. Whenever in this ordinance a greenbelt or planting is required, it shall be planted within six months from the date of issuance of a certificate of occupancy and shall thereafter be reasonably maintained with permanent plant materials to provide a screen to abutting properties. Suitable materials equal in characteristics to the plant materials listed with the spacing as required shall be provided.

- (1) *Plant material spacing.*
 - (a) Plant materials shall not be placed closer than four feet from the fence line or property line.
 - (b) Where plant materials are planted in two or more rows, plantings shall be staggered in row.
 - (c) Evergreen trees shall be planted not more than 30 feet on centers.
 - (d) Narrow evergreens shall be planted not more than three feet on centers.
 - (e) Deciduous trees shall be planted not more than 30 feet on centers.
 - (f) Tree-like shrubs shall be planted not more than ten feet on centers.
 - (g) Large deciduous shrubs shall be planted not more than four feet on centers.
- (2) *Allowable species.*
 - (a) The Community Development and Inspection Department maintains a list of allowable species for planting on city property and within rights-of-way. The Community Development and Inspection Department shall be consulted and must approve all plantings.
- (3) *Prohibited species.*
 - (a) Trees not permitted include, but are not necessarily limited to, Box Elder, Silver Maple, Cottonwood,

Willow, Tree of Heaven, Catalpa, and Ash. Other species may not be permitted based on disease, heartiness, and diversity of species. The Community Development and Inspection Department shall be consulted and must approve all plantings.

(Comp. Ords. 1988, § 15.503; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996; amend eff. May 20, 2009)

Sec. 48-555. - Signs.

Sec. 35.77. All signs shall conform to applicable codes and ordinances of the City of St. Clair Shores, including the St. Clair Shores Sign, Lighting and Display Ordinance [chapter 30].

(Comp. Ords. 1988, § 15.504; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996)

Sec. 48-556. - Exterior lighting.

Sec. 35.78. All lighting for parking areas or for the external illumination of buildings or grounds or for the illumination of signs shall be directed away from and shall be shielded from adjacent residential districts and shall also be arranged as to not adversely affect driver visibility on adjacent thoroughfare.

(Comp. Ords. 1988, § 15.505; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996)

Sec. 48-557. - Residential entrance way.

Sec. 35.79. In R Districts, so called entranceway structures, including, but not limited to, walls, columns, and gates, marking entrances to single-family subdivisions or multiple housing projects may be permitted and may be located in a required yard, except as provided in section 35.80 [15.507] [48-558] Corner Clearance, provided that such entranceway structures shall comply to all codes and ordinances of the City of St. Clair Shores, be approved by the Building Inspector and a permit issued.

(Comp. Ords. 1988, § 15.506; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996)

Sec. 48-558. - Corner clearance.

Sec. 35.80. No fence, wall, shrubbery, sign, or obstruction to vision above a height of two feet 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 along each line of 25 feet from their point of intersection.

(Comp. Ords. 1988, § 15.507; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996)

Sec. 48-559. - Walls.

Sec. 35.81.

- (1) For those use districts and uses listed below there shall be provided and maintained on those sides abutting or adjacent to a residential district an obscuring wall as required below, except as otherwise provided:

<i>Use</i>	<i>Height of Wall or Fence from Finished Grade Along Abutting Residential Lot</i>
(a) P-1 Vehicular Parking District	6' to 0"
(b) Off-street parking area (other than P-1 Districts)	6' to 0"

(c) O-1, B-1, B-2, B-3, and L-I Districts	6' to 0"
(d) LI Districts open storage areas, loading or unloading areas, service areas	6' to 0"
(e) Hospital ambulance and delivery area	6' to 0"
(f) Utility buildings, stations and/or substations	6' to 0"
(g) RM-1 and RM-2 Districts (6)	4' to 6'

- (2) Required walls shall be six feet in height and constructed of brick, stone, monolithic (poured in place) concrete or precast construction, and shall provide for sufficient footings and otherwise comply with the building code requirements of the City of St. Clair Shores. Monolithic, poured-in-place concrete, and precast concrete walls must be stamped with a brick pattern. Walls shall be located on the lot line except where underground utilities interfere and except in instances where this ordinance requires conformance with front yard setback lines in abutting residential districts. Required walls may, upon approval of the Planning Commission and Council, be located on the opposite side of an alley right-of-way from a nonresidential zone that abuts a residential zone when mutually agreeable to affected property owners. The continuity of the required wall on a given block will be of a major consideration in reviewing such requests.
- (3) Such walls and screening barrier shall have no openings for vehicular traffic or other purposes, except as otherwise provided in this ordinance and except such openings as may be approved by the Planning Commission and Council.
- (4) Upon written consent of the owners and/or residents of adjacent residential property, the Zoning Board of Appeals may waive the wall requirements. It shall be the responsibility of the developer or owner of the nonresidential property to secure said written consent.
- (5) When an RM-1 and/or RM-2 District abuts a single-family residential district, a weather-resistant wood or vinyl privacy fence is required in lieu of a concrete wall. The fence shall be placed on the property line, be no less than four feet but no more than six feet tall from established grade, and the exposed structural members (bad side) shall face the applicant's property.

In consideration of requests to waive wall requirements between nonresidential and residential districts, the Zoning Board of Appeals may, after considering any recommendations from the Planning Commission, determine whether the residential district is considered to be an area in transition and may become nonresidential in the future.

In such cases as the Planning Commission determines the residential district to be a future nonresidential area, the Zoning Board of Appeals may temporarily waive wall requirements for an initial period not to exceed 12 months. Granting of subsequent waivers shall be permitted, provided that the Planning Commission shall make a determination as hereinbefore described, for each subsequent waiver prior to the granting of such waiver by the Zoning Board of Appeals.

- (6) Upon the written application of owners contiguous to a proposed wall the Council may direct that such wall be of other than the required monolithic concrete or precast construction.
- (7) All nonrequired walls shall be subject to Planning Commission determination and City Council approval with regard to height, material, type of construction, and location.

(Comp. Ords. 1988, § 15.508; chap. 35 eff. Mar. 7, 1986; amended by ord. eff. Aug. 20, 1996; further amend. eff. Apr. 9, 2009)

Sec. 48-560. - Site plan review (All districts).

- (1) *Intent.* These site plan review procedures and standards are instituted to provide consistent and uniform method of site plan review by the Planning Commission and the Community Development and Inspection Department, to ensure full compliance with the standards contained in this ordinance and other applicable local ordinances and state and federal laws, and to provide an opportunity for consultation and cooperation between the applicant, the Community Development and Inspection Department, the Planning Commission and the City Council. Furthermore, it is the intent of these procedures and standards to achieve maximum utilization of land with minimum adverse effects on adjoining areas.
- (2) *Applicability.* Submission of a site plan shall be required in conjunction with any of the following:
 - (a) Any use or development for which submission of a site plan is required by provisions of this ordinance.
 - (b) Any development, except single-family residential, for which off-street parking is required under the provisions set forth in section 35.73 [15.500] [48-551], Off-Street Parking Requirements.
 - (c) Any use in an R-M, B-1, B-2, B-3, O-1, WM, or LI District lying contiguous to, or across a street from, a single-family residential district.
 - (d) Any use, except single-family residential, which lies contiguous to a major thoroughfare.
 - (e) All nonresidential uses permitted in single-family residential districts, including churches, schools, and public facilities.
 - (f) Any change in use that could affect compliance with the standards set forth in this ordinance.
 - (g) Submission of a separate site plan shall not be required if a site plan has been submitted in accordance with the provisions set forth in section 35.83 [15.510] [48-561] (Special Land Uses) or Section 35.67 [15.482] [48-514] (One-Family Cluster Housing Option).
- (3) *Procedures and requirements.* The site plan must be submitted in compliance with the following procedures and requirements:
 - (a) *Applicant.* The owner of an interest in land for which site plan approval is sought, or the designated agent of the owner, shall file the application for site plan review with the Planning Department. The owner of the site, if different from the applicant, shall co-sign the application for site plan review.
 - (b) *Issuance of a building permit.* A building permit shall not be issued until the submitted site plan is approved in accordance with the procedures and standards set forth herein.
 - (c) *Application forms and documentation.* The application for site plan approval shall be made on such forms as shall be prescribed by the City Council and provided by the Planning Department. The application shall be accompanied by the necessary fees and documents as provided herein.
 - (d) *Submission to planning department.* The application for site plan approval plus six copies of the site plan shall be submitted to the Planning Department in accordance with the application data requirements set forth in section 35.79(e)[15.506(e)] [48-560]. The City Planner shall set a date within 30 days of receiving the completed application for review of the site plan by the Planning Commission. The City Planner shall prepare a report on whether the site plan meets all applicable requirements of this ordinance, and whether additional requirements are necessary based on the standards set forth in this ordinance. The City Planner shall forward the report to the Planning Commission together with the application materials.
 - (e) *Planning Commission consideration.* The Planning Commission shall review the application for site plan review, together with the report of the City Planner. The Planning Commission shall then pass a resolution

setting forth its findings based on the requirements and standards of this ordinance, and shall recommend to the City Council approval, approval with conditions, or disapproval, with its reasons.

- (f) *Applicant representation.* The applicant and/or a designated representative who is qualified to answer all questions about the site plan as it relates to zoning ordinance standards shall be present at all scheduled review meetings. Failure to have qualified representation will result in tabling of any action or consideration of the plan.
- (g) *City Council review and determination.* The City Council shall review the application for site plan review, together with the City Planner's report and the Planning Commission's recommendations, and shall make a final determination on the application for site design approval. Such determination shall be based solely on the requirements and standards of this ordinance. By resolution, the City Council shall either grant approval with conditions, or disapproval of the site plan. That resolution shall set forth the City Council's findings regarding pertinent standards and requirements.

If the site plan is approved by the City Council, the applicant may submit the written approval to the Community Planning Department in order to obtain a building permit. If site plan approval is denied, the City Council may by resolution require submission of a revised site plan for review and approval in accordance with the process outlined above. If in the judgment of the City Council, the site plan can be approved if minor modifications are made, the City Council may, by resolution, issue a conditional site plan approval and provide for submission of a revised site plan to the City Planner, who shall determine whether all appropriate modifications have been made in accordance with the City Council stipulations.

If in the judgment of the City Council, the site plan can be approved if a variance or waiver of applicable provisions of this ordinance be granted, then the City Council may, by resolution, issue conditional site plan approval pending a decision by the Board of Zoning Appeals as to the propriety of issuance of such variance or waiver. In this case, the applicant shall proceed according to article XXIII [15.620], Board of Zoning Appeals. Should the Board of Zoning Appeals thereafter grant the requested variance or waiver, then the applicant may submit the written approval of the City Council and Board of Zoning Appeals to the Community Planning Department in order to obtain a building permit. The site plan shall be considered to have received final approval. However, should the Board of Zoning Appeals deny the requested variance or waiver, then site plan approval shall be considered to have been denied. An appeal of the decision of the Board of Zoning Appeals shall be made to the circuit court only.

- (h) *Recording of Planning Commission and City Council action.* Each action taken with reference to a site plan review and approval shall be duly recorded in the minutes of the Planning Commission and City Council. The grounds for action taken shall also be recorded in the minutes and transmitted in writing to the applicant.
- (i) *Completion and maintenance of site design.* Upon final approval of the site plan by the City Council, a building permit may be obtained, subject to review and approval of the engineering and construction plans. It shall be the responsibility of the applicant to obtain all other applicable City, county, or state permits prior to issuance of a permit. If construction has not commenced within one year of site plan approval, the site plan approval becomes null and void and a new application for site plan review shall be required. The applicant may apply to the Planning Commission for a one year extension of the site plan approval.

It shall be the responsibility of the owner of a property for which site plan approval has been granted to maintain his property in accordance with the approved site plan on a continuing basis until the property is razed, or until new zoning regulations supersede the regulations upon which site approval was obtained. Any

property owner who fails to so maintain an approved site plan shall be deemed in violation of the use provisions of this ordinance and shall be subject to the same penalties appropriate to such use violation.

- (4) *Application data requirements.* The following data shall be included with and as part of the site plan submitted for review and approval:
- a. *Site plan description and data.*
 - (i) Site plan shall consist of overall plan for the entire development, drawn to an engineer's scale of not less than one inch equals 100 feet. Sheet size shall be at least 24 inches by 36 inches.
 - (ii) Written project description, including proposed use, buildings and site improvements.
 - (iii) Scale and north point.
 - (iv) Legal description.
 - (v) Submitted drawings must be professional and accurate.
 - b. *Site analysis.*
 - (i) Survey of existing lot lines, building lines, structures, parking areas, and other improvements on site and within 100 feet of the site.
 - (ii) All existing easements.
 - (iii) Existing roadways and driveways within 100 feet of site.
 - (iv) Existing sidewalks and nonmotorized pathways.
 - c. *Site plan.*
 - (i) Proposed lines, lot dimensions, property lines, and setback dimensions.
 - (ii) Structures and other improvements.
 - (iii) Proposed easements.
 - (iv) Location of exterior lighting.
 - (v) Location of trash receptacles.
 - d. *Access and circulation plan.*
 - (i) Dimensions, curve radii, and centerlines of existing and proposed access points, roads and road rights-of-way or access easements.
 - (ii) Dimensions of parking spaces.
 - (iii) Location of existing and proposed sidewalks/pathways within the site or right-of-way.
 - (iv) Opposing driveways and intersections within 125 feet of site.
 - e. *Landscape plan.*
 - (i) Location of existing and proposed lawns and landscape areas.
 - (ii) A landscaping plan signed and sealed by landscape architect shall be required for new construction.
 - f. *Building structure and details.*
 - (i) Location, height, and outside dimensions of all existing and proposed buildings or structures.
 - (ii) Building floor plans.
 - (iii) Building facade elevations drawn at an appropriate scale.
 - (iv) Description of exterior building materials and colors.

g. *Lighting plan.*

- (i) Lighting plan must be submitted for city review.
- (ii) Lighting details.
- (iii) Theme lighting requirements. See City Planner for examples and specifications.

(5) *Standards for site plan approval.* The Planning Commission shall recommend approval and the City Council shall approve a site plan only if the site plan meets all applicable standards set forth in this ordinance, and only upon finding that the site design will not, on the basis of facts known at the time of a submission of the site plan, have an unduly harmful impact on surrounding property owners or on the City as a whole. The Planning Commission or City Council may, as a basis for making such findings, require whatever site plan modifications it deems necessary, including the provision of additional site design amenities not specifically required by this ordinance. In addition, the Planning Commission and City Council shall use the following criteria in evaluating a site plan:

- (a) *Adequacy of information.* The site plan shall include all required information in sufficiently complete and understandable form to provide an accurate description of the proposed uses and structures.
- (b) *Site design characteristics.* All elements of the site design shall be harmoniously and efficiently organized in relation to topography, the size and type of plot, the character of adjoining property, and the type and size of buildings. The site shall be so developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this ordinance.
- (c) *Preservation of natural areas.* The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal.
- (d) *Privacy.* The site design shall provide reasonable visual and sound privacy for dwelling units located therein and adjacent thereto. Fences, walls, barriers and landscaping shall be used, as appropriate, for the protection and enhancement of property and the privacy of its occupants.
- (e) *Emergency vehicle access.* All buildings or groups of buildings shall be so arranged as to permit emergency vehicle access by some practicable means to all sides.
- (f) *Ingress and egress.* Every structure or dwelling unit shall be provided with adequate and safe means of ingress and egress via public streets and walkways.
- (g) *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.
- (h) *Vehicular and pedestrian 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 or bicycle pathways in the area. The width of streets and drives shall be appropriate for the volume of traffic they will carry.

In order to achieve adequate and safe traffic circulation, the Planning Commission may recommend and the City Council may require dedication of a public right-of-way through the site, prior to site plan approval. The Planning Commission may also recommend and the City Council may require that marginal access drives be constructed to serve adjacent buildings, parking areas, and loading areas, and thereby reduce the number of outlets onto major thoroughfares or roads. If such marginal access drive is required, the City Council may require deposit of a performance guarantee with the City Clerk to ensure completion of the drive.

- (i) *Drainage.* Appropriate measures shall be taken to ensure that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Provisions shall be made for the

construction of sewer facilities including grading, gutters, piping, and the treatment of turf to handle stormwater, prevent erosion and the information of dust. Surface water on all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create puddles in paved areas.

- (j) *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 traffic along adjacent streets.
- (k) *Public services.* The scale and design of the proposed development shall facilitate the adequate provision of services currently furnished or may be required of the City, including fire and police protection, stormwater removal, sanitary sewage removal and treatment, traffic control, and administrative services.
- (l) *Landscaping, fences, and walls.* The site plan shall provide landscaping consistent with the quality and character of landscaping on nearby properties. Visually unattractive structures shall be screened with either landscaping, fences, or walls. The Planning Commission may require additional landscaping, fences, or walls in accordance with the standards and intent of this ordinance.
- (m) *Exterior building treatment.* The exterior building materials and treatment shall be of finished quality, consistent with the quality of exterior treatment on surrounding buildings. Examples of finished quality exterior materials include brick, wood siding, and glass. Examples of materials not considered "finished quality" in commercial, office, and residential districts include cement block and cinder block.
- (n) *Waste storage.* Trash areas and receptacles must be adequately and opaquely screened on all four sides.
- (o) *Mechanical equipment.* All mechanical equipment shall be adequately and opaquely screened from public view.

(Comp. Ords. 1988, § 15.509; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996; further amend. eff. April 9, 2009)

Sec. 48-561. - Special land uses.

Sec. 35.83.

- (1) *Intent.* These special land use procedures and standards are instituted to provide consistent and uniform guidelines for the Planning Commission to follow in arriving at any special land use decision over which it has jurisdiction. Special land uses are uses that may be permitted in any district but only if certain specified conditions are met, and only after review by the Planning Commission and approval by the City Council. The review procedures and conditions for approval are intended to provide protection for adjacent uses and ensure full compliance with the standards contained herein and other applicable local ordinances and state and federal laws.
- (2) *Procedures and requirements.* The following procedures and requirements shall be complied with in the review and approval of special land uses:
 - (a) *Applicant.* The owner of an interest in land for which special land use approval is sought, or the designated agent of the owner, shall file the application for special land use approval with the Planning Department.
 - (b) *Issuance of building permit.* A building permit shall not be issued until the submitted special land use site plan is approved by the City Council in accordance with the procedures and standards set forth herein.
 - (c) *Application forms and documentation.* The application for special land use approval shall be made on

such forms as shall be prescribed by the City Council and provided by the Community Development and Inspection Department. The application shall be accompanied by the necessary fees and documents as provided herein.

- (d) *Review fees.* Fees for special land use review shall be established by resolution of the City Council and set forth in the City's fee schedule.
- (e) *Submission to the Community Development and Inspection Department.* The application for special land use, plus six copies of a site plan, shall be submitted to the Community Development and Inspection Department in accordance with the submission requirements for site plan review as stated in section 35.82 [15.508] [48-560]. Whenever possible, the City Planner shall set date within 30 days of the receipt of the completed application for review of the site plan by the Planning Commission. The City Planner shall prepare a report on whether the special land use request meets all applicable requirements of this ordinance, and whether additional requirements are necessary. The City Planner shall forward the report to the Planning Commission together with the application materials.
- (f) *Notice of and request for hearing.* Upon receipt of an application for a special land use which requires a decision on discretionary grounds, one notice that a request for special land use approval has been received shall be published in a newspaper of general circulation in the City and shall be sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary in question, and to the occupants of all structures within 300 feet. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than one occupant of a structure except that if a structure contains more than one dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses or organizations, one occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than four dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. The notice shall be given not less than five and not more than 15 days before the application will be considered. The notice shall:
 - (i) Describe the nature of the special land use.
 - (ii) Indicate the property which is the subject of the special land use.
 - (iii) State when and where the special land use request will be considered.
 - (iv) Indicate when and where written comments will be received concerning the request.
 - (v) Indicate that a public hearing on the special land use request may be requested by the property owner or the occupant of a structure located within 300 feet of the boundary the property being considered for a special use. In any case, at the initiative of the body or official responsible for approving special land use or upon the request of the applicant for special land use authorization, or a proper owner or the occupant of a structure located within 300 feet of the boundary of the property being considered for a special land use, a public hearing with notification required for a notice of a request for special land use approval as provided in subsection (2)(f) of this section shall be held before a decision on the special land use request which is based on discretionary grounds. If the applicant or the body, or official responsible for approving special land uses requests a public hearing, only notification of the public hearing need be made. A decision on a special land use

request which is based on discretionary grounds shall not be made unless notification of the request for special land use approval, or notification of a public hearing on a special land use request given as required by this section.

- (g) *Planning Commission consideration.* The Planning Commission shall review the application for special land use, together with the report of the City Planner. The Planning Commission shall then pass a resolution setting forth its findings based on the requirements and standards of this ordinance. The Planning Commission shall recommend to the City Council approval, approval with conditions, or denial of the request, with its reasons.
- (h) *City Council review and determination.* The City Council shall review the application for special land use, together with the City Planner's report and the Planning Commission's recommendations, and shall make a final determination on the application. Such determinations shall be based solely on the requirements and standards of this ordinance. By resolution, the City Council shall either grant approval, approval with conditions, or denial of the request for special land use as follows:
- (i) *Approval.* Upon determination of the City Council that a special approval request is in compliance with the standards and requirements of this ordinance and other applicable ordinances and laws, approval shall be granted.
- (ii) *Approval with conditions.* The City Council may impose reasonable conditions with the approval of a special land use. The conditions may include provisions 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 meet all of the following requirements:
1. Be designed to protect natural resources, the health, safety, and welfare and 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.
 2. Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
 3. Be necessary to meet the intent and purpose of the Zoning Ordinance, be related to the standards established in the ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards.
- The conditions imposed shall be recorded in the record of approved action, and shall remain unchanged except upon mutual consent of the City Council and the landowner.
- (iii) *Denial.* Upon determination of the City Council that a special land use request does not comply with standards and regulations set forth in this ordinance, or otherwise will be injurious to the public health, safety, welfare, and orderly development of the City, the special land use request shall be denied.
- (i) *Recording of Planning Commission and City Council action.* Each action taken with reference to special land use review, along with the grounds for such action and any conditions imposed, shall be duly recorded in the minutes of the Planning Commission and/or City Council. The grounds for the action

taken shall also be recorded in the minutes and transmitted in writing to the applicant.

- (j) *Completion of site design.* Following approval of a special land use request, a building permit may be obtained subject to review and approval of the engineering plans by the City Engineer and review of construction plans by the Community Planning Department. It shall be the responsibility of the applicant to obtain all other applicable City, County, or State permits prior to issuance of a building permit. If construction has not commenced within one year of approval, the special land use approval becomes null and void and a new application for special land use review shall be required. Construction must be completed within two years of approval, unless a longer time period is requested by the applicant at the time the special land use request is reviewed. The applicant may apply to the City Council for a one-year extension for approval.
- (k) *Maintenance of site.* It shall be the responsibility of the owner of a property for which special land use approval has been granted to maintain his property in accordance with the approved site design on a continuing basis until the property is razed, or new zoning regulations supersede the regulations upon which approval was based, or until a new special land use approval has been obtained. Any property owner who fails to so maintain a special land use as approved shall be deemed in violation of the use provisions of this ordinance and shall be subject to the same penalties appropriate to such use violation.
- (3) *Application data requirements.* The applicant and data requirements for special land use approval shall be the same as set forth in section 35.79 [15.506] [48-560] for site plan review, plus such other data as may be required by the Planning Commission, City Planner, or City Council to make the determination required herein.
- (4) *Standards for granting special land use approval.* The City Council shall approve special land uses upon determination that the proposed use will comply with all applicable requirements of the ordinance, including site plan review regulations in section 35.82 [15.509] [48-560] applicable standards for specific uses, and the following general standards.
 - (a) *Impact on surrounding development.* The proposed special land use shall not negatively affect surrounding developments through the placement of exterior functions and physical elements. In determining whether this requirement has been met, consideration shall be given to:
 - (i) The location and screening of vehicular circulation and parking areas in relation to surrounding development.
 - (ii) The location and screening or outdoor storage, outdoor activity or work area, and mechanical equipment in relation to surrounding development.
 - (iii) The hours of operation of the proposed use. Approval of a special land use may be conditioned upon operation within specified hours considered appropriate to ensure minimal impact on surrounding uses.
 - (iv) The bulk, placement, and materials of construction of the proposed use in relation to surrounding uses.
 - (b) *Compatibility with master plan.* The proposed special land use shall be compatible with and in accordance with the general principles and objectives of the St. Clair Shores Comprehensive Plan and shall promote the intent and purpose of this ordinance.
 - (c) *Public services.* The proposed special land use shall be located so as to be adequately served by essential public facilities and services, such as highways, streets, police and fire protection, drainage systems,

water and sewage facilities, and schools.

- (d) *Impact on traffic.* The location of the proposed special land use within the zoning district shall minimize the impact of the traffic generated by the proposed use on surrounding uses. In determining whether this requirement has been met, consideration shall be given to:
- (i) Proximity and access to major thoroughfares.
 - (ii) Estimated traffic generated by the proposed use.
 - (iii) Proximity and relation to intersections.
 - (iv) Adequacy of sight distances.
 - (v) Location of and access to off-street parking.
 - (vi) Required vehicular turning movements.
 - (vii) Provision for pedestrian traffic.
- (e) *Detrimental effects.* The proposed special land use shall not involve any activities, processes, materials, equipment, or conditions of operation, and shall not be so located or designed as to be detrimental to public health, safety, and welfare. In determining whether this requirement has been met, consideration shall be given to the production of traffic, noise, vibration, smoke, fumes, odors, dust, glare and light.
- (f) *Enhancement of surrounding environment.* The proposed special land use shall provide the maximum feasible enhancement of the surrounding environment, and shall not unreasonably interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value. In determining whether this requirement has been met, consideration shall be given to:
- (i) The provision of landscaping and other site amenities. Provision of additional landscaping over and above the requirements of this ordinance may be required as a condition of approval of a special land use.
 - (ii) The bulk, placement, and materials of construction of proposed structures in relation to surrounding uses.
- (g) *Isolation of existing land use.* The location of the proposed special land use shall not result in a small residential area being substantially surrounded by nonresidential development, and further, the location of the proposed special land use shall not result in a small nonresidential area being substantially surrounded by incompatible uses.

(Comp. Ords. 1988, § 15.510)

Sec. 48-562. - Home occupations or businesses.

All home occupations or businesses shall be subject to the following requirements:

1. A home occupation or business must be clearly incidental to the principal use of the dwelling unit for dwelling purposes. All activities shall be carried on within the enclosed residential structure. There shall be no outside display of any kind, or other external or visible evidence of the conduct of the home occupation or business.
2. A home occupation or business shall not change the residential character of the premises or surrounding residential area, either in terms of use or appearance.
3. A home occupation or business shall not create a nuisance or endanger the health, safety, welfare, or

enjoyment of any other person in the area, by reason of noise, vibration, glare, fumes, odor, unsanitary or unsightly conditions, fire hazards, or the like, involved in or resulting from such home occupation or business.

4. Only a resident of the dwelling shall be engaged or employed in the home occupation or business.
5. There shall be no vehicular traffic permitted for the home occupation or business, other than domestic trips and routine deliveries normally expected for a single dwelling in a residential area.
6. The home occupation or business shall not require, or result in, any exterior alterations to the dwelling or the property upon which the dwelling is located.
7. No material or mechanical or electrical equipment may be utilized except that which is necessarily, customarily, and ordinarily used for household or leisure purposes.
8. Direct sales of products to individuals on the premises of a home occupation or business shall be permitted if such occurrence does not violate any other sections of this ordinance and with the exception of garage sales. Garage sales shall abide by the provisions set forth in section 19.156 [30-6] Residential District Signs.
9. No storage or display of goods within the dwelling unit shall be visible from the outside of the dwelling unit.
10. The home occupation or business shall not require additional off-street parking spaces or loading/unloading areas.

Home based occupations or businesses shall not require a permit.

(Comp. Ords. 1988, § 15.516; ord. eff. June 13, 2018)

Secs. 48-563—48-587. - Reserved.

ARTICLE XX.A. - 15.520 REZONING WITH CONDITIONS

Sec. 48-588. - Purpose.

The rezoning with conditions section is designed to allow a property owner, or its designee, to propose certain conditions upon the property as part of a request for rezoning. It is the intent of this ordinance to provide a process consistent with the provisions of the Zoning Enabling Act, as amended, which allows an owner requesting a rezoning to voluntarily propose conditions regarding the use and/or development of land. These conditions may become required as part of the rezoning approval, and they shall be included in the public record of rezoning.

(Comp. Ords. 1988, § 15.521; ord. eff. Dec. 17, 2008)

Sec. 48-589. - Application for conditional rezoning and offer of conditions.

- (a) An owner of land may voluntarily offer in writing conditions relating to the use and/or development of land for which a rezoning is requested. This offer may be made either at the time the application for rezoning is filed or may be made at a later time during the rezoning process.
- (b) The required application and process for considering a request for rezoning with conditions shall be the same as that for rezoning requests made without any offer of conditions, except as modified by the requirements of this division [article].

- (c) The owner's offer of conditions shall not include authorizing any use or development not permitted in the proposed rezoning district.
- (d) If a special land use permit is required for the use proposed for rezoning with conditions, the special land use permit shall be an explicit condition to the rezoning with conditions approval and the approved rezoning with conditions shall not take effect until the special land use permit is approved.
- (e) If a dimensional variance is required for the use or development proposed for rezoning with conditions, the dimensional variance shall be an explicit condition to the rezoning with conditions approval and the approved rezoning with conditions shall not take effect until the dimensional variance is approved.
- (f) A use variance is inapplicable to rezoning with conditions due to the requirement listed in subsection (c) that the offer of conditions shall not include any use not permitted in the proposed rezoning district.
- (g) An offer of conditions may be amended, in writing, during the process of rezoning with conditions provided that any amendment or additional conditions are made voluntarily by the landowner. A landowner may withdraw all or part of its offer of conditions any time prior to final rezoning action of the City Council. In the event a landowner withdraws all conditions offered subsequent to the Planning Commission public hearing on the original rezoning with conditions request, then the rezoning with conditions application shall be referred to the Planning Commission for a new public hearing with appropriate notice and a new recommendation.

(Comp. Ords. 1988, § 15.522; ord. eff. Dec. 17, 2008)

Sec. 48-590. - Planning Commission review and recommendation.

The Planning Commission, after public hearing and deliberation, may recommend to the City Council, approval with recommended changes, or denial; provided, however, that any recommended changes to the offer of conditions are acceptable to and thereafter voluntarily offered, in writing, by the landowner.

(Comp. Ords. 1988, § 15.523; ord. eff. Dec. 17, 2008)

Sec. 48-591. - City Council procedure.

- (a) The City Council shall be provided with a copy of the application for rezoning with conditions, the written offer of conditions, the Planning Commission report and recommendation, minutes from the public hearing and all supporting materials.
- (b) Upon receipt of the Planning Commission's recommendation, the City Council, pursuant to the rules of procedure, shall schedule and conduct a public hearing on the proposed application for rezoning with conditions and provide the required notice of the rezoning request.

(Comp. Ords. 1988, § 15.524; ord. eff. Dec. 17, 2008)

Sec. 48-592. - Rezoning procedure.

- (a) If the City Council approves the rezoning with conditions and adopts the offer of conditions, the offered conditions shall be incorporated into a formal written rezoning ordinance listing all conditions adopted.
- (b) The written rezoning with conditions ordinance shall comply with all the following:
 - 1. Be in a form recordable with the Macomb County Register of Deeds.
 - 2. Contain a legal description of the land to which it pertains.

3. Contain a statement acknowledging that the rezoning with conditions runs with the land and is binding upon subsequent owners of the land.
 4. Incorporate by attachment a map of the rezoning with conditions boundaries and include all conditions attached to the rezoning. If any documents are incorporated by reference, the reference shall specify where the document may be examined.
 5. Contain the notarized signatures of all owners of the subject land preceded by a statement attesting to the fact that they voluntarily offer and consent to the provisions contained within the rezoning with conditions ordinance.
- (c) An approved rezoning with conditions shall not be published in a newspaper until there is full compliance with the requirements of this section.
- (d) Upon the rezoning taking effect, the zoning map shall be amended to reflect the new zoning classification along with a designation that the land was rezoned with conditions. The City Clerk shall maintain all ordinances adopted by City Council rezoning with conditions and a list of all land rezoned with conditions.
- (e) Upon the rezoning taking effect, the City Clerk shall record the approved rezoning with conditions ordinance with the Macomb County Register of Deeds.
- (f) Upon the rezoning taking effect, the use of the land so rezoned shall conform thereafter to all of the requirements regulating use and development within the new zoning district as modified by the rezoning conditions adopted.

(Comp. Ords. 1988, § 15.525; ord. eff. Dec. 17, 2008)

Sec. 48-593. - Compliance with conditions.

- (a) Any person who establishes a development or commences a use upon land that has been rezoned with conditions shall continuously operate and maintain the development or use in compliance with all of the conditions set forth in the rezoning with conditions ordinance. Any failure to comply with a condition contained in the ordinance shall constitute a violation of this zoning ordinance. Additionally, any such violation shall be deemed a nuisance per se and subject to judicial abatement as provided by law.
- (b) No permit or approval shall be granted under this ordinance for any use and development that is contrary to the rezoning with conditions as adopted.

(Comp. Ords. 1988, § 15.526; ord. eff. Dec. 17, 2008)

Sec. 48-594. - Site plan approval.

The provisions of section 15.509 [48-560] requiring site plan review shall apply to any use of development granted rezoning with conditions.

(Comp. Ords. 1988, § 15.527; ord. eff. Dec. 17, 2008)

Sec. 48-595. - Time period for establishing development or use.

The approved development and/or use of the land must be commenced within 12 months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may, upon written request, be extended for an additional 12 months by the City Council if it is demonstrated that there is a strong likelihood that the development and/or

use will commence within the period of the extension and proceed diligently thereafter to completion.

(Comp. Ords. 1988, § 15.528; ord. eff. Dec. 17, 2008)

Sec. 48-596. - Reversion of zoning.

If development and/or use of the rezoned land does not occur within the time frame specified under section 15.528 [48-595], time period for establishing development or use, then the land shall revert to its former zoning classification as required by the Zoning Enabling Act, as amended. The reversion process shall be initiated by the City Council resolution directing the Planning Commission to proceed with rezoning of the land to its former zoning classification. The procedure for reversionary rezoning shall be the same as all rezoning requests.

(Comp. Ords. 1988, § 15.529; ord. eff. Dec. 17, 2008)

Sec. 48-597. - Subsequent rezoning of land.

Whenever land that is rezoned with conditions is thereafter rezoned, the conditions imposed under the former zoning classification shall cease to be in effect. The City Clerk shall record the new zoning ordinance and boundary map with the Macomb County Register of Deeds.

(Comp. Ords. 1988, § 15.530; ord. eff. Dec. 17, 2008)

Sec. 48-598. - Amendment of conditions.

- (a) Once the rezoning with conditions ordinance is approved, the City shall not add to or alter the conditions stated in this ordinance.
- (b) After adoption, the conditions of an approved rezoning with conditions may only be amended following the procedure for the original rezoning.

(Comp. Ords. 1988, § 15.531; ord. eff. Dec. 17, 2008)

Sec. 48-599. - Right to rezone by City.

Nothing in any approved rezoning with conditions or in any provision of this section shall be deemed to prohibit the City from rezoning all or any portion of land that is rezoned with conditions to another zoning classification. Any rezoning shall be conducted in compliance with applicable provisions of this ordinance and the Zoning Enabling Act, as amended.

(Comp. Ords. 1988, § 15.532; ord. eff. Dec. 17, 2008)

Sec. 48-600. - Requiring an offer of conditions.

The City shall not require a landowner to offer conditions as a requirement for rezoning. The lack of an offer of conditions shall not affect a landowner's rights pursuant to the Zoning Enabling Act, as amended, this ordinance or other applicable law.

(Comp. Ords. 1988, § 15.533; ord. eff. Dec. 17, 2008)

Secs. 48-601—48-619. - Reserved.

ARTICLE XXI. - 15.540 GENERAL EXCEPTION AS TO AREA, HEIGHT, AND USE

The regulations in this ordinance shall be subject to the following interpretations and exceptions.

(chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996)

Sec. 48-620. - Essential services.

Sec. 35.84. Essential services shall be permitted as authorized and regulated by law and other ordinances of the City, it being the intention hereof to exempt such essential services from the application of this ordinance.

(Comp. Ords. 1988, § 15.541; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996)

Sec. 48-621. - Voting place.

Sec. 35.85. The provision of this ordinance shall not be so construed as to interfere with the temporary use of any property as a voting place in connection with a municipal or other public election.

(Comp. Ords. 1988, § 15.542; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996)

Sec. 48-622. - Height limit.

Sec. 35.86. The height limitations of this ordinance shall not apply to chimneys, church spires, flagpoles, public monuments, or wireless transmission towers. However, the Board of Appeals may specify a height limit for any structure that is permitted as a special land use. In determining the appropriate height, the Board of Appeals shall consider the character of surrounding land uses, the height of surrounding structures, and the potential to obscure light and/or view from surrounding properties.

(Comp. Ords. 1988, § 15.543; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996)

Sec. 48-623. - Lot area.

Sec. 35.87. Any lot existing and of record at the time this ordinance became effective may be used for any principal use permitted, other than conditional uses for which special lot area requirements are specified in this ordinance, in the district in which such lot is located whether or not such lot complies with the lot area requirements of this ordinance, except as provided in section 35.71(b) [15.498(2)] [48-549(2)], Nonconforming Lots, of this ordinance. Such use may be made provided that all requirements other than lot area requirements prescribed in this ordinance are complied with and provided that not more than one dwelling unit shall occupy any lot except in conformance with the provisions of this ordinance for required lot area for each dwelling unit.

(Comp. Ords. 1988, § 15.544; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996)

Sec. 48-624. - Lots adjoining alleys.

Sec. 35.88. In calculating the area of a lot that adjoins an alley or lane, for the purpose of applying lot area requirements of this ordinance, one-half of the width of such alley abutting the lot shall be considered as part of such lot.

(Comp. Ords. 1988, § 15.545; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996)

Sec. 48-625. - Yard regulations.

Sec. 35.89. When yard regulations cannot reasonably be complied with, as in the case of a planned development in the multiple-family district, or where their application cannot be determined on lots of peculiar shape, topography or due to architectural or site arrangement, such regulations may be modified or determined by the Board of Appeals.

(Comp. Ords. 1988, § 15.546; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996)

Sec. 48-626. - Multiple-dwelling side yard.

Sec. 35.90. For the purpose of side yard regulations, a two-family, a rowhouse, or a multiple-dwelling shall be considered as one building occupying one lot. When more than one structure is involved on one zoning lot, the above requirement shall not negate the formula contained in section 35.66 [15.481] [48-513], pertaining to the distance spacing for multiple dwellings.

(Comp. Ords. 1988, § 15.547; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996)

Sec. 48-627. - Porches.

Sec. 35.91. An open, unenclosed, covered porch or paved terrace may project into a front yard or rear yard for a distance not exceeding five feet.

(Comp. Ords. 1988, § 15.548; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996)

Sec. 48-628. - Projections into yards.

Sec. 35.92. Architectural features, not including vertical projections, may extend or project into a required side yard not more than two inches for each one foot of width of such side yard; and may extend or project into a required front yard or rear yard not more than three feet, except porches as provided for in section 35.91 [15.548] [48-627].

(Comp. Ords. 1988, § 15.549; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996)

Secs. 48-629—48-659. - Reserved.

ARTICLE XXII. - 15.585 ADMINISTRATION AND ENFORCEMENT

Sec. 48-660. - Enforcement.

Sec. 35.93. The provisions of this ordinance shall be administered and enforced by the Building Inspector, Code Enforcement Officer, or designee who shall be appointed in accordance with the provisions of the ordinances of the City of St. Clair Shores.

(Comp. Ords. 1988, § 15.590; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996)

Sec. 48-661. - Duties of Building Inspector.

Sec. 35.94. The Building Inspector or his designee shall have the power to grant zoning compliance and occupancy permits, to make inspections of buildings or premises necessary to carry out his duties in the enforcement of this ordinance. It shall be unlawful for the Building Inspector to approve any plans or issue any permits or certificates of occupancy for any excavation or construction until he has inspected such plans in detail and found them to conform with this ordinance.

The Building Inspector or his designee shall record all nonconforming uses existing at the effective date of this ordinance for the purpose of carrying out the provisions of section 35.68 [15.483] [48-516].

Under no circumstances is the Building Inspector or his designee permitted to make changes to this ordinance nor to vary the terms of this ordinance in carrying out his duties as Building Inspector.

The Building Inspector or his designee shall not refuse to issue a permit when conditions imposed by this ordinance are complied with by the applicant despite violations of contracts, such as covenants or private agreements which may occur upon the granting of said permits.

(Comp. Ords. 1988, § 15.591; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996)

Sec. 48-662. - Application for building permits.

Sec. 35.95. An application for building permits shall be submitted to the Community Development and Inspection Department in accordance with the most recently adopted building codes.

(Comp. Ords. 1988, § 15.592; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996)

Sec. 48-663. - Permits.

Sec. 35.96. The following shall apply in the issuance of any permit:

- (1) *Permits to be Issued.* Building permits shall be issued for the erection, alteration, or use of any building or structure or part thereof, or for the use of any land, in accordance with all the provisions of this ordinance and the most recently adopted building codes.

(Comp. Ords. 1988, § 15.593; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996)

Sec. 48-664. - Certificates.

Sec. 35.97. No land, building, or part thereof, shall be occupied by or for any use unless and until a certificate of occupancy shall have been issued for such use. The following shall apply in the issuance of any certificate:

- (1) *Certificates to be issued.* Certificates of occupancy shall be issued for any building, structure or part thereof, or for the use of any land, in accordance with all the provisions of this ordinance.
- (2) *Certificates required.* No building or structure, or parts thereof, which is hereafter erected or altered, shall be occupied or used or the same caused to be done, unless and until a certificate of occupancy shall have been issued for such building or structure.
- (3) *Certificates including zoning.* Certificates of occupancy as required by the most recently adopted Building Code for new buildings or structures, or parts thereof, or for alterations to or changes of use of existing buildings or structure, shall also constitute certificates of occupancy as required by this ordinance.

- (4) *Certificates for existing buildings.* Prior to the occupancy, change of occupancy, use or change of use of any building structure, land or part thereof, by any new or different business, trade, shop, factory, profession or any other commercial enterprise, a certificate of compliance and occupancy shall be obtained from the Community Development and Inspection Department; said certificate to be issued if, after inspection, it is found that such building, structure, land or part thereof are in conformity with the provisions of this ordinance; further provided that where in such cases the buildings, structures, land or part thereof are a nonconforming use, no certificate of compliance and occupancy shall be issued by the Community Development and Inspection Department until the approval of the Board of Zoning Appeals has been obtained.
- (5) *Temporary certificates.* Nothing in this ordinance shall prevent the issuance of a temporary certificate of compliance and occupancy for a portion of a building or structure in process of erection or alteration, provided that such temporary certificate shall not be effective for a period of time in excess of six months, and provided further that such portion of the building, structure or premises is in conformity with the provisions of this ordinance.
- (6) *Records of certificates.* A record of all such certificates issued shall be kept on file in the office of the Community Development and Inspection Department and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the property involved.
- (7) *Same—Application, form, issuance, refusal notice.* Applications for certificates of compliance and occupancy shall be made in writing to the Community Development and Inspection Department on forms furnished by the Community Development and Inspection Department, and such certificates shall be issued within 15 working days after receipt of such application if it is found that the building or structure or part thereof, or the use of land is in accordance with the provisions of this ordinance.
- If such certificate is refused for cause, the applicant therefore shall be notified of such refusal and cause thereof, within the aforesaid 15 working day period.
- (8) *Certificate of compliance and occupancy, fee.* No certificate of compliance and occupancy, other than for a residential structure, shall be issued until the applicant has paid the fee as established by the City.

(Comp. Ords. 1988, § 15.594; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996)

Sec. 48-665. - Fees.

Sec. 35.98. Fees for inspection and the issuance of permits or certificates or copies thereof required or issued under the provisions of this ordinance may be collected by the City of St. Clair Shores in advance of issuance. The amount of such fees shall be established by resolution of the City Council and shall cover the cost of inspection and supervision resulting from enforcement of this ordinance.

(Comp. Ords. 1988, § 15.595; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996)

Secs. 48-666—48-688. - Reserved.

ARTICLE XXIII. - 15.620 BOARD OF APPEALS

Sec. 48-689. - Creation and membership.

Sec. 35.99. There is hereby established a Board of Zoning Appeals which shall perform its duties and exercise its powers as provided in Section 5 of Act 207 of Public Acts of 1921, as amended, and in such a way that the objectives of this ordinance shall be observed, public safety secured, and substantial justice done. The Board shall consist of seven members who shall be appointed by the City Council. Appointments shall be for a period of one, two, and three years, respectively, so as nearly as may be to provide for appointment of an equal number of years; thereafter each member shall hold office for the full three-year term. The members shall be qualified electors and freeholders of the City. Members may be removed for cause by the Council only after consideration of written charges and a public hearing. Any vacancies in the Board shall be filled by the City Council for the remainder of the unexpired term. The Board shall elect its own Chairman, Vice-Chairman, and Secretary. The compensation of the appointed members of the Board shall be fixed by the Council.

(Comp. Ords. 1988, § 15.621; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996)

Sec. 48-690. - Meetings.

Sec. 35.100. Regular meetings of the Board shall be held at least once each month and special meetings at the call of the Chairman or at such times as Boards may determine. All hearings conducted by said Board shall be open to the public. The City Clerk, or his representative, shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact; and shall also keep records of its hearings and other official action. Four members of the Board shall constitute a quorum for the conduct of its business. The Board shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files and other evidence pertinent to the matters before it.

(Comp. Ords. 1988, § 15.622; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996)

Sec. 48-691. - Appeals, how taken.

Sec. 35.101. An appeal may be taken to the Board of Appeals by any person, firm or corporation aggrieved, or by any officer, department, board or bureau of the City affected by a decision of the Building Official. Such appeal shall be taken within a time as shall be prescribed by the Board of Appeals by general rule by the filing with the Building Official or body from whom the appeal is taken and with the Board of Appeals a notice of appeal, specifying the grounds for appeal. The Building Official or body from whom the appeal is taken shall immediately transmit to the Board all of the papers constituting the record upon which the action appealed from was taken.

An appeal shall stay all proceedings in furtherance of the action appealed from unless the Building Official or body from whom the appeal is taken certifies to the Board of Appeals, after notice of the appeal has been filed, that by reason of the facts stated in the certificate, a stay would, in the opinion of the official or body cause imminent peril to life or property. In such case, the proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Appeals or by the circuit court on application, on notice to the official or body from whom the appeal is taken and on due cause shown.

(Comp. Ords. 1988, § 15.623; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996)

Sec. 48-692. - Notice of hearing.

Sec. 35.102. The Board of Appeals shall fix a reasonable time for the hearing of the appeal and give due notice of the appeal to the persons to whom real property within 300 feet of the premises in question is assessed, and to the occupants of single- and two-family dwellings within 300 feet. The notice shall be delivered personally or by mail addressed to the respective owners and tenants at the address given in the last assessment roll. If the tenant's name is not known, the term occupant may be used. The Board of Appeals shall decide the appeal within a reasonable time. Upon the hearing, a party may appear in person or by an agent or by an attorney.

(Comp. Ords. 1988, § 15.624; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996)

Sec. 48-693. - Fees.

Sec. 35.103. Fees for Zoning Board of Appeals action shall be established by the City Council and set forth in the City's fee schedule. Said fee shall be paid to the Secretary of the Board at the time the notice of appeal is filed. The Secretary shall forthwith pay over such money to the City Treasurer to the credit of the general fund of the City.

The City Council may from time to time prescribe and amend by resolution a reasonable schedule of fees to be charged to applicants for appeals to the Board of Zoning Appeals.

(Comp. Ords. 1988, § 15.625; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996)

Sec. 48-694. - Hearing on appeal.

Sec. 35.104.

(1) *Jurisdiction.* The Board of Appeals shall hear and decide appeals from any order, requirements, decision, or determination made by an administrative official or body charged with the enforcement of this ordinance. The Board of Appeals shall also hear and decide matters referred to them or upon which they are required to pass under this ordinance. In so doing, the Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and shall make an order, requirement, decision, or determination as in its opinion ought to be made in the premises, and to that end shall have all the powers of the officer or body from whom the appeal is taken. The Board of Appeals shall not have the power to alter or change the zoning district classification of any property, or make any change in the terms of this ordinance, and shall have power to act on those matters where this ordinance provides for an administrative review and shall have the power to act on those matters where this ordinance provides for interpretation or authorization of a variance or other waiver, or where the ordinance specifically provides for Zoning Board of Appeals action in administrative reviews, exceptions, and special land uses, pursuant to the guidelines set forth in this section and ordinances and laws of the State of Michigan. In addition, the Board shall have the following powers:

(A) Variance. To authorize, upon an appeal, a variance from the strict applications of the provisions of this ordinance where, by reason of exceptional narrowness, shallowness, shape or area of a specific piece of property at the time of enactment of this ordinance or by reason of exceptional topographic conditions or other extraordinary or exceptional conditions of such property, the strict application of the regulations enacted would result in peculiar or exceptional, practical difficulties, or exceptional undue hardship upon the owner of such property provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this ordinance. In granting a

variance the Board may attach thereto such conditions regarding the location, character, and other features of the proposed uses as it may deem reasonable in furtherance of the purpose of this ordinance. In granting a variance, the Board shall state the grounds upon which it justifies the granting of a variance.

- (B) Exceptions and special approvals. To hear and decide in accordance with the provisions of this ordinance, requests for exceptions, for interpretations of the zoning map and for decisions on special land uses on which this ordinance specifically authorized the Board to pass. Any exception or special approval shall be subject to such conditions as the Board may require to preserve and promote the character of the zone district in question and otherwise promote the purpose of this ordinance, including the following:
- (i) Interpret the provisions of this ordinance in such a way as to carry out the intent and purpose of the plan as shown upon the zoning map fixing the use districts, accompanying and made part of this ordinance, where street layout actually on the ground varies from the street layout as shown on the map aforesaid.
 - (ii) Permit the erection and use of a building or use of premises for public utility purposes, upon recommendation of the Planning Commission.
 - (iii) Permit the modification of the automobile parking space or loading space requirements where, in the particular instance, such modification will not be inconsistent with the purpose and intent of such requirements.
 - (iv) Permit such modification of the height and area regulations as may be necessary to secure an 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 appropriately improved without such modification.
 - (v) Permit temporary buildings and uses for periods not to exceed nine months, and permit temporary structures and uses for the outdoor sale of seasonal products from March 1 to November 30 for periods not to exceed five years, provided that temporary structures are removed at the end of each selling period for that year. The Board may also permit temporary buildings to be used for school classrooms for accredited or state-recognized educational institutions or for other legitimate municipal, governmental or other public purposes for periods not to exceed three years. Seasonal goods/products are goods and/or products that are either not available on the market during certain seasons or periods of the year or are available throughout the year but with regular fluctuations in their quantities and prices that are linked to the season or time of the year. Outdoor seasonal goods/products include but are not limited to packaged soil, packaged mulch, packaged fertilizer, live horticultural products, bundled firewood, tools such as rakes and shovels, and other similar products as reviewed and approved by the Community Development and Inspection Department. Seasonal products do not include any firework product as defined in MCL 28.452.
 - (vi) Permit, upon proper application, the following character of temporary use, not otherwise permitted in any district, not to exceed 12 months with the granting of 12 month extensions being permissible:
Uses which do not require the erection of any capital improvement of a structural nature.

The Board of Appeals, in granting permits for the above temporary uses, shall do so under the following conditions:

- (a) The granting of the temporary use shall in no way constitute a change in the basic uses permitted in the district nor on the property wherein the temporary use is permitted.

- (b) The granting of the temporary use shall be granted in writing, stipulating all conditions as to time, not permitted, and arrangements for removing the use at the termination of said temporary permit.
 - (c) All setbacks, land coverage, off-street parking, lighting and other requirements to be considered in protecting the public health, safety, peace, morals, comfort, convenience, and general welfare of the inhabitants of the City of St. Clair Shores shall be made at the discretion of the Board of Appeals.
 - (d) In classifying uses as not requiring capital improvement, the Board of Appeals shall determine that they are either demountable structures related to the permitted use of the land; recreation developments such as, but not limited to, golf driving ranges and outdoor archery courts or structures which do not require foundations, heating systems or sanitary connections.
 - (e) The use shall be in harmony with the general character of the district.
 - (f) No temporary use permit shall be granted without first giving notice to owners of adjacent property of the time and place of a public hearing to be held as further provided for in this ordinance. Further, the Board of Appeals shall seek the review and recommendation of the Planning Commission prior to the taking of any action.
- (C) In consideration of all appeals and all proposed variations to this ordinance, the Board shall, before making any variations or granting waivers in a specific case, first determine that the proposed variation or waiver will not result in the impairment of an adequate supply of light and air to adjacent property, or an unreasonable increase in the congestion of public streets, or unreasonable impairment of established property values within the surrounding area, or in any other respect result in the impairment of public health, safety, comfort, morals, or welfare of the inhabitants of the City of St. Clair Shores. Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this ordinance the Board of Appeals may, in passing upon appeals, vary or modify any of its rules or provisions relating to the construction or structural changes in equipment, or alteration of buildings or structures, or the use of land, buildings or structures, so that the spirit of the ordinance shall be observed, public safety secured, and substantial justice done.

(2) *Decision.*

- (A) The concurrent vote of a majority of the members of the Board shall be necessary to reverse an order, requirement, decision, or determination of an administrative official or body, or to decide in favor of an applicant in a matter upon which they are required to pass under the ordinance, or to effect a variation in this ordinance except that a concurring vote of two-thirds of the members of the Board shall be necessary to grant a variance from uses of land permitted in the ordinance.
- (B) The decision of the Board of Appeals shall be final. A party having an interest effected by the zoning ordinance may make further appeal to the circuit court.

(Comp. Ords. 1988, § 15.626; chap. 35 eff. March 7, 1986; amended by ord. eff. March 10, 1994; Aug. 20, 1996; Ord. of 3-2-2020, amend. eff. 3-18-2020)

Sec. 48-695. - Miscellaneous.

Sec. 35.105. No order of the Board permitting the erection of a building shall be valid for a period longer than one year, 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.

No order of the Board permitting a use of a building or premises shall be valid for a period longer than one year unless such use is established within such period; provided, however, that where such use permitted is dependent upon the erection or alteration of a building such order shall continue in force and effect if a building permit for said 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.

(Comp. Ords. 1988, § 15.627)

Secs. 48-696—48-718. - Reserved.

ARTICLE XXIV. - 15.660 ZONING COMMISSION

The City Planning Commission is hereby designated as the commission specified in Section 4, of Act 207 of the Public Acts of 1921, and shall perform the duties of said commission as provided in the statute in connection with the amendment of this ordinance.

(Comp. Ords. 1988, § 15.660)

Secs. 48-719—48-736. - Reserved.

ARTICLE XXV. - 15.680 PLANNING COMMISSION APPROVAL

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

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

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

Any approval given by the Planning Commission, under which premises are not used or work is not started within 12 months or when such use or work has been abandoned for a period of 12 months, shall lapse and cease to be in effect.

(Comp. Ords. 1988, § 15.680)

Secs. 48-737—48-758. - Reserved.

ARTICLE XXVI. - 15.700 CHANGES AND AMENDMENTS

The City Council may from time to time, on recommendation from the Planning Commission, or on petition, amend, supplement, or change the district boundaries or the regulations herein, or subsequently establish herein pursuant to the authority and procedure established in Public Act No. 207 of 1921 as amended.

(Comp. Ords. 1988, § 15.700)

Secs. 48-759—48-785. - Reserved.

ARTICLE XXVII. - 15.720 REPEAL OF PRIOR ORDINANCE

The zoning ordinance adopted by the City of St. Clair Shores, known as Ordinance No. 35 and all amendments thereto, is hereby repealed. The repeal of the above ordinance and its amendments does not affect or impair any act done, offense committed or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment incurred prior to the time enforce, prosecuted or inflicted.

(Comp. Ords. 1988, § 15.720)

Secs. 48-786—48-809. - Reserved.

ARTICLE XXVIII. - 15.740 INTERPRETATION

In the interpretation and application, the provisions of this ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare. It is not intended by this ordinance to repeal, abrogate, annul, or in any way to impair or interfere with any existing provision of law or ordinance other than the above-described zoning ordinance, or with any rules, regulations, or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to the use of buildings or premises; provided, however, that where this ordinance imposes a greater restriction than is required by existing ordinance or by rules, regulations, or permits, the provisions of this ordinance shall control.

(Comp. Ords. 1988, § 15.740)

Secs. 48-810—48-827. - Reserved.

ARTICLE XXIX. - 15.760 VESTED RIGHT

Nothing in this ordinance should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, district, zoning classification or any permissible activities therein; and they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety and welfare.

(Comp. Ords. 1988, § 15.760; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996)

Secs. 48-828—48-847. - Reserved.

ARTICLE XXX. - 15.780 ENFORCEMENT, PENALTIES, AND OTHER REMEDIES

Sec. 48-848. - Violations.

Sec. 35.106. Any person, persons, firm or corporation, or anyone acting in behalf of said person, persons, firm or corporation violating any of the provisions of this ordinance shall, upon conviction thereof, be subject to a fine of not more than \$500.00 and the costs of prosecution or, in default of the payment thereof, by imprisonment in the county jail for a period not to exceed 90 days, or by both such fine and imprisonment at the discretion of the court. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this ordinance.

Violations of this ordinance may also be enforced, enjoined, or prohibited by application to the circuit court of the County of Macomb in equity.

(Comp. Ords. 1988, § 15.781; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996)

Sec. 48-849. - Public nuisance per se.

Sec. 35.107. Any building or structure which is erected, altered or converted, or any use of premises or land which is begun or changed subsequent to the time of passage of this ordinance and in violation of any of the provisions thereof is hereby declared to be a public nuisance per se, and may be abated by order of any court of competent jurisdiction.

(Comp. Ords. 1988, § 15.782; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996)

Sec. 48-850. - Fines, imprisonment.

Sec. 35.108. The owner of any building, structure, or premises or part thereof, where any condition in violation of this ordinance shall exist or shall be created, and who has assisted knowingly in the commission of such violation shall be guilty of a separate offense and upon conviction thereof shall be liable to the fines and imprisonment herein provided.

(Comp. Ords. 1988, § 15.783; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996)

Sec. 48-851. - Each day a separate offense.

Sec. 35.109. A separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

(Comp. Ords. 1988, § 15.784; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996)

Sec. 48-852. - Rights and remedies are cumulative.

Sec. 35.110. The rights and remedies provided herein are cumulative and in addition to any other remedies provided by law.

(Comp. Ords. 1988, § 15.785; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996)

Sec. 48-853. - Performance guarantee.

Sec. 35.111. *Intent.* To ensure compliance with the provisions of this ordinance and any conditions imposed thereunder, the City may require that a performance guarantee be deposited with the City Clerk to ensure faithful completion of improvements.

Improvements covered by the performance guarantee. As used in this section, improvements include those features and actions associated with a project which are considered necessary to protect the health, safety, and welfare of the residents of the City and future users or inhabitants of the proposed project or project area. Improvements shall include roadways, lighting, utilities, sidewalks, screening, parking areas, drainage, and similar features.

Performance guarantee. The performance guarantee shall meet the following requirements:

- (a) The performance guarantee may be in the form of a cash deposit, irrevocable bank letter of credit, certified check, or similar instrument acceptable to the City.
- (b) The performance guarantee shall be submitted to the City Clerk at the time of issuance of the permit authorizing the activity or project. The City shall deposit the funds in an interest-bearing account in a financial institution with which the City regularly conducts business.
- (c) The amount of the performance guarantee shall be sufficient to cover the estimated cost of improvements associated with a project for which site plan approval is sought.
- (d) The entire performance guarantee, including interest accrued, shall be returned to the applicant, upon satisfactory completion of the required improvements within the time limits specified in the ordinance. The applicant may request that the performance guarantee be returned as work progresses in reasonable proportion to the ratio of work completed on the required improvements.
- (e) An amount not less than ten percent of the total performance guarantee shall be retained for a period of at least one year after installation of landscape materials to ensure their proper maintenance and replacement, if necessary. This amount shall be released to the applicant upon certification by the Community Planning Department that all landscape materials are being maintained in good condition.

Unsatisfactory completion of improvements. Whenever required improvements are not installed in accordance with the standards or time limits of the ordinance, the City may complete the necessary improvements itself or by contract to any independent developer, and assess all costs of completing said improvements against the performance bond or other surety, including interest accrued on said bond or surety. Prior to completing said improvements, the City shall notify the owner, site plan review applicant, or other individual or firm responsible for installation and maintenance of the required improvements.

(Comp. Ords. 1988, § 15.786; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996)

Secs. 48-854—48-884. - Reserved.

ARTICLE XXXI. - 15.800 SEVERABILITY CLAUSE

If any portion of this ordinance or the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect the remaining portions or applications of the ordinance which can be given effect without the invalid portion or application, provided such remaining portions are not determined by the court to be inoperable, and to this end the ordinance is declared to be severable.

(Comp. Ords. 1988, § 15.800; chap. 35 eff. March 7, 1986; amended by ord. eff. Aug. 20, 1996)

Secs. 48-885—48-904. - Reserved.

ARTICLE XXXI. - 15.900 WIRELESS TELECOMMUNICATIONS TOWERS AND ANTENNAS

Ord. Effective: October 3, 2000

The City of St. Clair Shores ordains that the following Wireless Communication Towers and Antenna Ordinance shall be added in its entirety to chapter 15 [48] as follows.

Sec. 48-905. - Purpose.

Sec. 1. The purpose of this article is to establish general guidelines for the siting of wireless communications towers and antennas. The goals of this article are to:

- (1) Protect residential areas and land uses from potential adverse impacts of towers and antennas;
- (2) Encourage the location of towers in nonresidential areas;
- (3) Minimize the total number of towers throughout the community;
- (4) Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;
- (5) Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
- (6) Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques;
- (7) Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently;
- (8) Consider the public health and safety of communication towers; and
- (9) Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures. In furtherance of these goals, City of St. Clair Shores shall give due consideration to the City of St. Clair Shores master plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

(Comp. Ords. 1988, § 15.901; ord. eff. Oct. 3, 2000)

Sec. 48-906. - Definitions.

Sec. 2. As used in this article, the following terms shall have the meanings set forth below:

Alternative tower structure means manmade trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

Antenna means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

Backhaul network means the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

FAA means the Federal Aviation Administration.

FCC means the Federal Communications Commission.

Height means, when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

Preexisting towers and preexisting antennas means any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of this article, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

Tower means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

(Comp. Ords. 1988, § 15.902; ord. eff. Oct. 3, 2000)

Sec. 48-907. - Applicability.

Sec. 3.

- (a) *New towers and antennas.* All new towers or antennas in the City shall be subject to these regulations, except as provided in section 15.903(b) through (d) [subsections (b) through (d) of this section], inclusive.
- (b) *Amateur radio station operators/receive only antennas.* This article shall not govern any tower, or the installation of any antenna, that is under 70 feet in height and is owned and operated by a federally-licensed amateur radio station operator or is used exclusively for receive only antennas.
- (c) *Preexisting towers or antennas.* Preexisting towers and preexisting antennas shall not be required to meet the requirements of this article, other than the requirements of section 15.904 [48-908](f) and 15.904 [48-908](g).
- (d) *AM array.* For purposes of implementing this article, an AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

(Comp. Ords. 1988, § 15.903; ord. eff. Oct. 3, 2000)

Sec. 48-908. - General requirements.

Sec. 4.

- (a) *Principal or accessory use.* Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.
- (b) *Lot size.* For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including, but not limited to, setback requirements, lot-coverage requirements, and

other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.

- (c) *Inventory of existing sites.* Each applicant for an antenna and/or tower shall provide to the zoning administrator an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of the City of St. Clair Shores or within one mile of the border thereof, including specific information about the location, height, and design of each tower. The zoning administrator may share such information with other applicants applying for administrative approvals or special land use permits under this article or other organizations seeking to locate antennas within the jurisdiction of the City of St. Clair Shores; provided, however, that the zoning administrator is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
- (d) *Aesthetics.* Towers and antennas shall not be operated until the following requirements are met:
- (1) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
 - (2) At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.
 - (3) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- (e) *Lighting.* Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.
- (f) *State or federal requirements.* All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this article shall bring such towers and antennas into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- (g) *Building codes; safety standards.* To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the City concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said 30 days shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- (h) *Measurement.* For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the City of St. Clair Shores irrespective of municipal and county

jurisdictional boundaries.

- (i) *Not essential services.* Towers and antennas shall be regulated and permitted pursuant to this article and shall not be regulated or permitted as essential services, public utilities, or private utilities.
- (j) *Franchises.* Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the City of St. Clair Shores have been obtained and shall file a copy of all required franchises with the zoning administrator.
- (k) *Public notice.* For purposes of this article, any special land use request, variance request, or appeal of an administratively approved use or special use shall require public notice to all abutting property owners and all property owners of properties that are located within the corresponding separation distance listed in section 15.907 [48-911](b)(5)(ii), Table 2, in addition to any notice otherwise required by the Zoning Ordinance.
- (l) *Signs.* No signs shall be allowed on an antenna or tower.
- (m) *Buildings and support equipment.* Buildings and support equipment associated with antennas or towers shall comply with the requirements of section 15.908 [48-912].
- (n) *Multiple antenna/tower plan.* The City of St. Clair Shores encourages the users of towers and antennas to submit a single application for approval of multiple towers and/or antenna sites. Applications for approval of multiple sites shall be given priority in the review process.

(Comp. Ords. 1988, § 15.904; ord. eff. Oct. 3, 2000)

Sec. 48-909. - Permitted uses.

Sec. 5.

- (a) *General.* The uses listed in this section are deemed to be permitted uses. All siting of any tower, antenna or structure shall require City Council approval.
- (b) *Permitted uses.* The following uses are specifically permitted:
 - (1) Antennas or towers located on property owned, leased, or otherwise controlled by the City of St. Clair Shores provided a license or lease authorizing such antenna or tower has been approved by the City.

(Comp. Ords. 1988, § 15.905; ord. eff. Oct. 3, 2000)

Sec. 48-910. - Administratively approved uses.

Sec. 6.

- (a) *General.* The following provisions shall govern the issuance of administrative approvals for towers and antennas.
 - (1) The zoning administrator may administratively approve the uses listed in this section. City Council shall have final approval of all towers, antennas or structures.
 - (2) Each applicant for administrative approval shall apply to the zoning administrator providing the information set forth in sections 15.907 [48-911](b)(1) and (b)(3) of this article and a nonrefundable fee as established by resolution of the City Council to reimburse the City of St. Clair Shores for the costs of reviewing the application.
 - (3) The zoning administrator shall review the application for administrative approval and determine if the

proposed use complies with sections 15.904 [48-908], 15.907 [48-911](b)(4) and 15.907 [48-911](b)(5) of this article.

- (4) The zoning administrator shall respond to each such application within 60 days after receiving it by either approving or denying the application. If the zoning administrator fails to respond to the applicant within said 60 days, then the application shall be deemed to be approved.
 - (5) In connection with any such administrative approval, the zoning administrator may, in order to encourage shared use, administratively waive any zoning district setback requirements in section 15.907 [48-911](b)(4) or separation distances between towers in section 15.907 [48-911](b)(5) by up to 50 percent.
 - (6) In connection with any such administrative approval, the zoning administrator may, in order to encourage the use of monopoles, administratively allow the reconstruction of an existing tower to monopole construction.
 - (7) If an administrative approval is denied, the applicant shall file an application for a special use permit pursuant to section 15.907 [48-911] prior to filing any appeal that may be available under the zoning ordinance.
- (b) *List of administratively approved uses.* The following uses may be approved by the zoning administrator after conducting an administrative review:
- (1) Locating a tower or antenna, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna, in any industrial or heavy commercial zoning district.
 - (2) Locating antennas on existing structures or towers consistent with the terms of subsections (b)(2)a and (b)(2)b, below.
 - a. *Antennas on existing structures.* Any antenna which is not attached to a tower may be approved by the zoning administrator as an accessory use to any commercial, industrial, professional, institutional, or multifamily structure of eight or more dwelling units, provided:
 - (i) The antenna does not extend more than 30 feet above the highest point of the structure;
 - (ii) The antenna complies with all applicable FCC and FAA regulations; and
 - (iii) The antenna complies with all applicable building codes.
 - b. *Antennas on existing towers.* An antenna which is attached to an existing tower may be approved by the zoning administrator and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, co-location of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such co-location is accomplished in a manner consistent with the following:
 - (i) A tower which is modified or reconstructed to accommodate the co-location of an additional antenna shall be of the same tower type as the existing tower, unless the zoning administrator allows reconstruction as a monopole.
 - (ii) Height.
 - a. An existing tower may be modified or rebuilt to a taller height, not to exceed 30 feet over the tower's existing height, to accommodate the co-location of an additional antenna.
 - b. The height change referred to in subsection (b)(2)b(ii)a may only occur one time per communication tower.

- c. The additional height referred to in subsection (b)(2)b(ii)a shall not require an additional distance section 15.907 [48-911]. The tower's premodification height shall be used to calculate such distance.
- (iii) On-site location.
 - a. A tower which is being rebuilt to accommodate the co-location of an additional antenna may be moved on-site within 50 feet of its existing location.
 - b. After the tower is rebuilt to accommodate co-location, only one tower may remain on the site.
 - c. A relocated on-site tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers pursuant to section 15.907 [48-911](b)(5). The relocation of a tower hereunder shall in no way be deemed to cause a violation of section 15.907 [48-911](b)(5).
 - d. The on-site relocation of a tower which comes within the separation distances to residential units or residentially zoned lands as established in section 15.907 [48-911](b)(5) shall only be permitted when approved by the zoning administrator.
- (3) New towers in nonresidential zoning districts. Locating any new tower in a nonresidential zoning district other than industrial or heavy commercial, provided a licensed professional engineer certifies the tower can structurally accommodate the number of shared users proposed by the applicant; the Zoning Administrator concludes the tower is in conformity with the goals set forth in section 15.901 [48-905] and the requirements of section 15.904 [48-908]; the tower meets the setback requirements in section 15.907 [48-911](b)(4) and separation distances in section 15.907 [48-911](b)(5); and the tower meets the following height and usage criteria:
 - (i) For a single user, up to 90 feet in height;
 - (ii) For two users, up to 120 feet in height; and
 - (iii) For three or more users, up to 150 feet in height.
- (4) Locating any alternative tower structure in a zoning district other than industrial or heavy commercial that, in the judgment of the zoning administrator, is in conformity with the goals set forth in section 15.901 [48-905] of this article.
- (5) Installing a cable microcell network through the use of multiple low-powered transmitters/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.

(Comp. Ords. 1988, § 15.906; ord. eff. Oct. 3, 2000)

Sec. 48-911. - Special land use permits.

Sec. 7.

- (a) *General.* City Council shall have final approval of all towers, antennas and structures. The following provisions shall govern the issuance of special land use permits for towers or antennas by the Planning Commission:
 - (1) If the tower or antenna is not a permitted use under section 15.905 [48-909] of this article or permitted to be approved administratively pursuant to section 15.906 [48-910] of this article, then a special land use permit shall be required for the construction of a tower or the placement of an antenna in all zoning districts.
 - (2) Applications for special land use permits under this section shall be subject to the procedures and

requirements of section 35.83 [15.510] [48-561] of the Zoning Ordinance, except as modified in this section.

- (3) In granting a special land use permit, the Planning Commission may impose conditions to the extent the Planning Commission concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.
- (4) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.
- (5) An applicant for a special land use permit shall submit the information described in this section and a nonrefundable fee as established by resolution of the City Council to reimburse the City of St. Clair Shores for the costs of reviewing the application.

(b) *Towers.*

- (1) *Information required.* In addition to any information required for applications for special land use permits pursuant to section 35.83 [15.510] [48-561] of the Zoning Ordinance, applicants for a special land use permit for a tower shall submit the following information:
 - (i) A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), master plan classification of the site and all properties within the applicable separation distances set forth in section 15.907 [48-911](b)(5), adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other information deemed by the zoning administrator to be necessary to assess compliance with this article.
 - (ii) Legal description of the parent tract and leased parcel (if applicable).
 - (iii) The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.
 - (iv) The separation distance from other towers described in the inventory of existing sites submitted pursuant to section 15.904 [48-908](c) shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing towers and the owner/operator of the existing towers, if known.
 - (v) A landscape plan showing specific landscape materials.
 - (vi) Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.
 - (vii) A description of compliance with sections 15.904 [48-908](c), (d), (e), (f), (g), (j), (l), and (m), 15.907 [48-911](b)(4), 15.907 [48-911](b)(5) and all applicable federal, state or local laws.
 - (viii) A notarized statement by the applicant as to whether construction of the tower will accommodate co-location of additional antennas for future users.
 - (ix) Identification of the entities providing the backhaul network for the towers described in the application and other cellular sites owned or operated by the applicant in the municipality.
 - (x) A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.
 - (xi) A description of the feasible locations of future towers or antennas within the City based upon

existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.

- (2) *Factors considered in granting special use permits for towers.* In addition to any standards for consideration of special use permit applications pursuant to section 35.83 [15.510] [48-561] of the Zoning Ordinance, the Planning Commission shall consider the following factors in determining whether to issue a special land use permit, although the Planning Commission may waive or reduce the burden on the applicant of one or more of these criteria if the Planning Commission concludes that the goals of this article are better served thereby:
- (i) Height of the proposed tower;
 - (ii) Proximity of the tower to residential structures and residential district boundaries;
 - (iii) Nature of uses on adjacent and nearby properties;
 - (iv) Surrounding topography;
 - (v) Surrounding tree coverage and foliage;
 - (vi) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
 - (vii) Proposed ingress and egress; and
 - (viii) Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in section 15.907 [48-911](b)(3).
- (3) *Availability of suitable existing towers, other structures, or alternative technology.* No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning Commission that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's a proposed antenna. An applicant shall submit information requested by the Planning Commission related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:
- (i) No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.
 - (ii) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
 - (iii) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
 - (iv) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
 - (v) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
 - (vi) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

- (vii) The applicant demonstrates that an alternative technology that does not require the use of towers or str cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system Costs of alternative technology that exceed new tower or antenna development shall not be presumed t technology unsuitable.
- (4) *Setbacks.* The following setback requirements shall apply to all towers for which a special land use permit is required; provided, however, that the Planning Commission may reduce the standard setback requirements if the goals of this article would be better served thereby:
 - (i) Towers must be set back a distance equal to at least 75 percent of the height of the tower from any adjoining lot line.
 - (ii) Guys and accessory buildings must satisfy the minimum zoning district setback requirements.
- (5) *Separation.* The following separation requirements shall apply to all towers and antennas for which a special land use permit is required; provided, however, that the Planning Commission may reduce the standard separation requirements if the goals of this article would be better served thereby.
 - (i) Separation from off-site uses/designated areas.
 - a. Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Table 1, except as otherwise provided in Table 1.
 - b. Separation requirements for towers shall comply with the minimum standards established in Table 1.

Table 1. Separation Requirements for Towers

<i>Off-Site Use/Designated Area</i>	<i>Separation Distance</i>
Single-family or duplex residential units ¹	200 feet or 300% height of tower whichever is greater
Vacant single-family or duplex residentially zoned land which is either platted or has preliminary subdivision plan approval which is not expired	200 feet or 300% height of tower ² whichever is greater
Vacant unplatted residentially zoned lands ³	100 feet or 100% height of tower whichever is greater
Existing multifamily residential units greater than duplex units	100 feet or 100% height of tower whichever is greater
Nonresidentially zoned lands or nonresidential uses	None; only setbacks apply

¹ Includes modular homes and mobile homes used for living purposes.

² Separation measured from base of tower to closest building setback line.

³ Includes any unplatted residential use properties without a valid preliminary subdivision plan or valid development plan approval and any multifamily residentially zoned land greater than duplex.

- (ii) *Separation distances between towers.*
 - a. Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) shall be as shown in Table 2:
 - b. Table 2.

Table 2. Existing Towers - Types

	<i>Lattice</i>	<i>Guyed</i>	<i>Monopole 75 Ft. in Height or Greater</i>	<i>Monopole Less Than 75 Ft. in Height</i>
Lattice	5,000	5,000	1,500	750
Guyed	5,000	5,000	1,500	750
Monopole 75 ft. in height or greater	1,500	1,500	1,500	750
Monopole less than 75 ft. in height	750	750	750	750

- (6) *Security fencing.* Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device; provided, however, that the Planning Commission may waive such requirements, as it deems appropriate.
- (7) *Landscaping.* The following requirements shall govern the landscaping surrounding towers for which a special use permit is required; provided, however, that the Planning Commission may waive such requirements if the goals of this article would be better served thereby.
- (i) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four feet wide outside the perimeter of the compound.
 - (ii) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.
 - (iii) Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

(Comp. Ords. 1988, § 15.907; ord. eff. Oct. 3, 2000)

Sec. 48-912. - Buildings or other equipment storage.

Sec. 8.

- (a) *Antennas mounted on structures or rooftops.* The equipment cabinet or structure used in association with antennas shall comply with the following:
- (1) The cabinet or structure shall not contain more than 300 square feet of gross floor area or be more than 12 feet in height. In addition, for buildings and structures which are less than 65 feet in height, the related unmanned equipment structure, if over 300 square feet of gross floor area or 12 feet in height, shall be located on the ground and shall not be located on the roof of the structure.
 - (2) If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than ten percent of the roof area.
 - (3) Equipment storage buildings or cabinets shall comply with all applicable building codes.
- (b) *Antennas mounted on utility poles or light poles.* The equipment cabinet or structure used in association with antennas shall be located in accordance with the following:
- (1) In residential districts, the equipment cabinet or structure may be located:
 - (i) In a side yard provided the cabinet or structure is no greater than 14 feet in height or 768 square feet

of gross floor area and the cabinet/structure is located a minimum of ten feet from all lot lines. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of at least 42—48 inches and a planted height of at least 36 inches.

(ii) In a rear yard, provided the cabinet or structure is no greater than 14 feet in height or 768 square feet in gross floor area. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of eight feet and a planted height of at least 36 inches.

(2) In commercial or industrial districts, the equipment cabinet or structure shall be no greater than 20 feet in height or 768 square feet in gross floor area. The structure or cabinet shall be screened by an evergreen hedge with an ultimate height of eight feet and a planted height of at least 36 inches. In all other instances, structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence six feet in height or an evergreen hedge with an ultimate height of eight feet and a planted height of at least 36 inches.

(c) *Antennas located on towers.* The related unmanned equipment structure shall not contain more than 768 square feet of gross floor area or be more than 14 feet in height, and shall be located in accordance with the minimum yard requirements of the zoning district in which located.

(d) *Modification of building size requirements.* The requirements of sections 15.908(a) through 15.908(c) [subsections (a) through (c) of this section] may be modified by the zoning administrator in the case of administratively approved uses or by the Planning Commission in the case of uses permitted by special use to encourage co-location.

(Comp. Ords. 1988, § 15.908; ord. eff. Oct. 3, 2000)

Sec. 48-913. - Removal of abandoned antennas and towers.

Sec. 9. Any antenna or tower that is not operated for a continuous period of 60 days shall be considered abandoned, and the owner of such antenna or tower shall remove the same within 60 days of receipt of notice from the City of St. Clair Shores notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said 60 day shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

(Comp. Ords. 1988, § 15.909; ord. eff. Oct. 3, 2000)

Sec. 48-914. - Commencement of construction.

Sec. 10. All approved towers and antennas shall be built with final approvals received within six months from the date of permit approval. In addition, construction on all approved towers and antennas shall be completed within 60 days of the commencement of construction.

(Comp. Ords. 1988, § 15.910; ord. eff. Oct. 3, 2000)

Sec. 48-915. - Nonconforming uses.

Sec. 11.

(a) *Not expansion of nonconforming use.* Towers that are constructed, and antennas that are installed, in accordance with the provisions of this article shall not be deemed to constitute the expansion of a

nonconforming use or structure.

- (b) *Preexisting towers.* Preexisting towers shall be allowed to continue their usage as they presently exist. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this article.
- (c) *Rebuilding damaged or destroyed nonconforming towers or antennas.* Notwithstanding section 15.909 [48-913], bona fide nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain administrative approval or a special land use permit and without having to meet the separation requirements specified in section 15.907 [48-911](b)(4) and 15.907 [48-911](b)(5). The type, height, and location of the tower on-site shall be of the same type and intensity as the original facility approval. Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as specified in section 15.909 [48-913].

(Comp. Ords. 1988, § 15.911; ord. eff. Oct. 3, 2000)

Sec. 48-916. - Severability.

Sec. 12. The various parts, sections and clauses of this article are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the article shall not be affected thereby.

(Comp. Ords. 1988, § 15.912; ord. eff. Oct. 3, 2000)

Sec. 48-917. - Repealer.

Sec. 13. Any articles or parts thereof in conflict with the provisions of this article are hereby repealed to the extent of such conflict.

(Comp. Ords. 1988, § 15.913; ord. eff. Oct. 3, 2000)

Secs. 48-918—48-938. - Reserved.

ARTICLE XXXII. - HARPER AVENUE OVERLAY DISTRICT

(Created by ordinance and adopted August 21, 2006)

Sec. 48-939. - Intent.

The intent of the Harper Avenue Overlay Zoning District is to implement the recommendations of the Harper Avenue Revitalization Plan. The Revitalization Plan is a master redevelopment plan for the Harper Avenue corridor, which was crafted from input from business and property owners, residents, city officials and staff. The objectives of the ordinance are to visually and functionally strengthen the public right-of-way space, create an orderly visual image, and foster a business friendly redevelopment climate.

Regulations established within this ordinance set clear and basic provisions and controls on building form. Broader limits on land usage allow flexibility in determining the proper mix of residences and business types.

The Harper Avenue Overlay Zoning District is established to achieve the following goals:

- (1) Provide for orderly and integrated planning to avoid fragmentary, short-term, or speculative investments.
- (2) Promote development consistent with the plans and programs of the Harper Avenue enhancement efforts.
- (3) Promote development consistent with design guidelines and principles set forth in the Harper Avenue Revitalization Plan.
- (4) Promote coordination of public and private efforts in the planning, financing, and development of infrastructure improvements.
- (5) Reduce and prevent long-term vacancy.
- (6) Reduce and prevent blight, decay and abandonment.
- (7) Provide for safe interaction between vehicular and pedestrian movement systems.
- (8) Protect the residential integrity of adjacent single-family neighborhoods.
- (9) Promote the full economic potential of Harper Avenue.
- (10) Establish clear and predictable standards for development.

(Comp. Ords. 1988, § 15.950; ord. eff. Aug. 21, 2006)

Sec. 48-940. - Regulatory components.

This ordinance sets forth regulations for building placement, building envelope, architectural standards and street and landscape standards. Standards are visually supported through the use of complementary graphics.

Building placement standards regulate the location of buildings and off-street parking areas on a site, as seen in site plan form.

Building envelope standards set the parameters on the three-dimensional building form. These standards provide for building and structure height and the configuration of exterior walls.

Architectural standards establish regulations for the application of fenestration and facade detailing. Standards prescribe the requirements for exterior building walls, roofs, awnings and overhangs, facade colors, lighting, mechanical and electrical equipment and signs.

Streetscape and landscape standards regulate the location and size of street trees and landscaping, quality of plant materials and outdoor dining area regulations.

(Comp. Ords. 1988, § 15.951; ord. eff. Aug. 21, 2006)

Sec. 48-941. - Overlay district boundaries.

The Harper Avenue Overlay Zoning District extends from 8 Mile Road to Kyte Monroe Playfield (north of Masonic Boulevard). The district includes properties fronting Harper Avenue and contiguous properties under same ownership. The boundaries are shown on the map designated as the zoning map on file in the City Planning Department. The district is

hereby established and is incorporated in this ordinance by reference and made a part hereof, and the map and all notations, references and other information shown on said map shall be as much a part of this ordinance as if the matters and information set forth were fully contained herein.

(Comp. Ords. 1988, § 15.952; ord. eff. Aug. 21, 2006)

Sec. 48-942. - Sub-districts.

Building sites are coded by their location on the corridor.

- (1) Retail nodes are in proximity of the Nine Mile Road and Thirteen Mile shopping areas.
 - a) The Nine Mile Retail Node includes properties fronting Harper Avenue from Broadway Street to Colony Street and properties fronting Nine Mile Road from Elaine Street to Pare Street.
 - b) The Thirteen Mile Retail Node includes properties fronting Harper Avenue from Share Street to Hoffman Street.
- (2) The Corridor Frontage Districts encompass the properties abutting the Harper Avenue right-of-way outside the retail nodes.
- (3) Townhome development is permitted in the Retail Node and Corridor Frontage sub-districts, provided that regulations for such use as specified in the Harper Avenue Overlay Zoning District are met (see permitted uses).

(Comp. Ords. 1988, § 15.953; ord. eff. Aug. 21, 2006)

Sec. 48-943. - Applicability.

The requirements of the Harper Avenue Overlay Zoning District are applicable to new construction, changes in building footprint, change in building height, major facade and exterior building renovations, and change or alteration in site design.

Exception: A change in tenant occupancy not requiring building or site construction as described above will require adherence to awning and signage requirements within 30 days of tenancy. Buildings unoccupied for 24 months within a 36-month period shall meet the requirements of the Harper Avenue Overlay Zoning District.

(Comp. Ords. 1988, § 15.954; ord. eff. Aug. 21, 2006)

Sec. 943.5 - 15.955. General requirements.

Sec. 48-944. - Permitted uses.

Land uses permitted as a matter of right, and special requirements thereof, are listed within the applicable underlying zoning classification. An exception is made for development meeting the following standards:

- (1) Townhome units are permitted within one-quarter mile of Nine, Ten, Eleven, Twelve and Thirteen Mile Road.
- (2) Residential units in mixed-use buildings are permitted in upper stories in all sub-districts.
- (3) Residential units shall meet the minimum floor area requirements specified in article XVIII, Section 15.480 of the St. Clair Shores Zoning Ordinance.
- (4) The density of all residential units shall be limited by the off-street parking requirements.

(Comp. Ords. 1988, § 15.956; ord. eff. Aug. 21, 2006)

Sec. 48-945. - Accessory structures and uses permitted.

Accessory structures and uses permitted as a matter of right, and special requirements thereof, are listed within the applicable underlying zoning classification.

(Comp. Ords. 1988, § 15.957; ord. eff. Aug. 21, 2006)

Sec. 48-946. - Special land uses.

Special land uses, and special requirements thereof, are listed within the applicable underlying zoning classification.

(Comp. Ords. 1988, § 15.958; ord. eff. Aug. 21, 2006)

Sec. 48-947. - Conflicting regulations.

Where a requirement of the Harper Overlay Zoning District imposes a greater restriction than is required by existing ordinance, rules, regulations, or permits, the provisions of this section shall control, unless otherwise specified.

Requirements of the City of St. Clair Shores Building Code shall supersede the requirements of the Harper Avenue Overlay District.

(Comp. Ords. 1988, § 15.959; ord. eff. Aug. 21, 2006)

Sec. 48-948. - Building placement standards.

A building or structure shall be erected according to the following schedule.

(Comp. Ords. 1988, § 15.960; ord. eff. Aug. 21, 2006)

Sec. 48-949. - Retail Node.

(1) *Building lines.*

a) *Harper Avenue frontage.* A building shall be erected on a line established 65 feet from the Harper Avenue centerline. A front setback from the established building line of a maximum 25 percent of the said building facade is permitted.

b) *Mile Road frontage.* A building shall be erected on a line established 65 feet from the subject street centerline. A setback from the established building line of a maximum 25 percent of the said building facade is permitted.

c) *Local street frontage.* A building shall be on a line located ten feet from the adjacent right-of-way line.

(2) *Side yard setback.* No interior side setback is required, provided that an interior side yard shall be landscaped or used for off-street parking.

(3) *Rear yard setback.* A minimum rear yard setback of 20 feet is required for buildings two stories or less in height. A minimum of 40 feet is required for buildings three stories in height.

(4) *Supplemental design standards.*

a) Outliner buildings are permitted provided all standards set forth within the Harper Avenue Overlay Zoning District are met.

- b) Drive-through windows and ordering kiosks shall be located in an interior side yard or rear yard.

(Comp. Ords. 1988, § 15.961; ord. eff. Aug. 21, 2006)

Sec. 48-950. - Corridor Frontage District.

(1) *Building lines.*

- a) *Harper Avenue frontage.* A building shall be erected on a line established 65 feet from the Harper Avenue centerline. A front setback from the established building line of a maximum 25 percent of the said building facade is permitted.

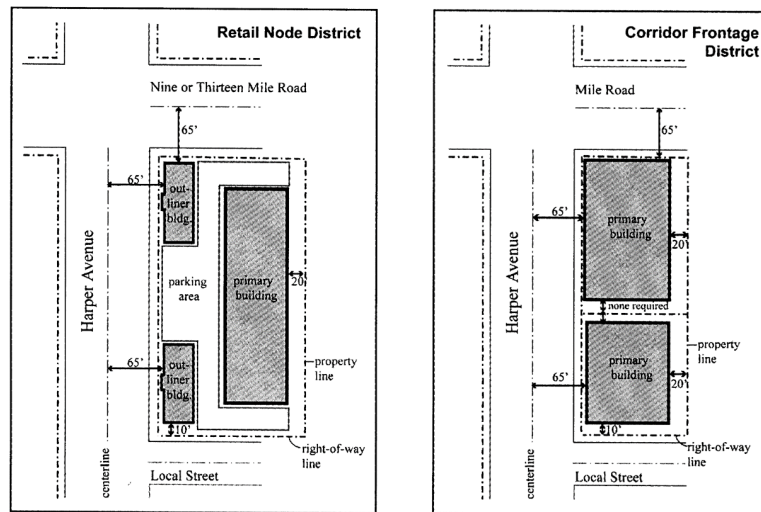
- b) *Mile Road frontage.* A building shall be erected on a line established 65 feet from the subject street centerline. A front setback from the established building line of a maximum 25 percent of the said building facade is permitted.

- c) *Local street frontage.* A building shall be on a line located ten feet from the right-of-way line.

- (2) *Side yard setback.* No interior side setback is required, provided that an interior side yard shall be landscaped or used for off-street parking.

- (3) *Rear yard setback.* A minimum rear yard setback of 20 feet is required.

- (4) *Supplemental design standard.* Drive-through windows and ordering kiosks shall be located in an interior side yard or rear yard.



(Comp. Ords. 1988, § 15.962; ord. eff. Aug. 21, 2006)

Sec. 48-951. - Townhome units.

(1) *Building lines.*

- a) *Harper Avenue frontage.* Buildings shall be erected on a line established 75 feet from the Harper Avenue centerline. A maximum 25 percent of such building line may be deviated from.

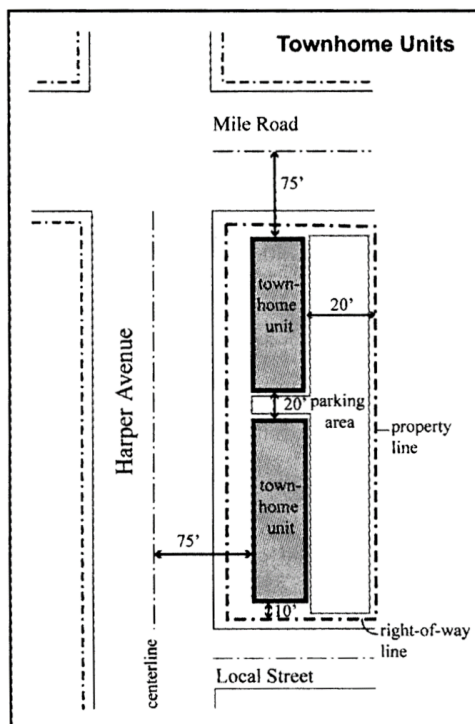
- b) *Mile Road frontage.* Buildings shall be erected on a line established 75 feet from the subject street centerline. A maximum 25 percent of such building line may be deviated from.

- c) *Local street frontage.* Buildings shall be on a line located ten feet from the right-of-way line.

- (2) *Side yard setback.* A minimum interior side yard setback of ten feet is required.

- (3) *Building separation.* A minimum separation of 20 feet between townhome buildings is required.

- (4) *Rear yard setback.* A minimum rear yard setback of 20 feet for primary buildings is required.
- (5) *Supplemental design standards.*
- No more than eight dwelling units shall be attached in any single structure.
 - Each dwelling unit shall have a front and rear/side yard ingress and egress.
 - The front yard shall contain porches or stoops, bay windows, stair projections, landscaping and front walks.
 - Each dwelling unit shall have a usable front porch fronting a public street.
 - Interior side yards shall be landscaped or used for off-street parking.
 - Properties shall be delineated by a decorative fence or architectural hedge. A decorative fence shall not exceed 36 inches in height.
 - Each unit shall be connected to the public sidewalk system.



(Comp. Ords. 1988, § 15.963; ord. eff. Aug. 21, 2006)

Sec. 48-952. - Parking placement standards.

There shall be provided, at the time of erection or enlargement of any main building or structure, vehicle off-street parking space with adequate access to all spaces in conjunction with all land and building uses. Such off-street parking space shall be provided prior to issuance of a certificate of occupancy as hereinafter prescribed.

(Comp. Ords. 1988, § 15.964; ord. eff. Aug. 21, 2006)

Sec. 48-953. - Nonresidential uses.

- (1) *Location.* Parking lots shall be placed in rear and/or interior side yards.
- (2) *Right-of-way setback.* Parking spaces shall not be located within five feet of a right-of-way line.
- (3) *Rear yard setback.* Rear yard setbacks are not required provided that dimensional requirements for screen walls

are accommodated.

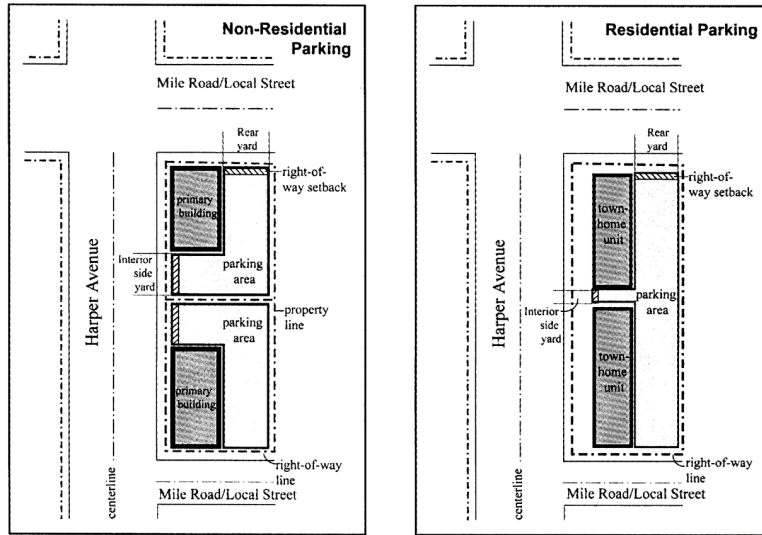
(4) *Supplemental design standards.*

- a) New drives shall not be sited directly adjacent to an existing driveway.
- b) New drives shall be sited minimally 60 feet from an intersection. The approving body has the authority to modify this requirement if limited corridor frontage does not permit attainment of the dimension.
- c) New drives shall be aligned directly across a street from an existing drive or offset by a minimum of 125 feet. The approving body has the authority to modify this requirement if limited corridor frontage does not permit attainment of the dimension.
- d) A change in materials, textures or use of colored stripes shall be provided where interior pedestrian circulation crosses vehicular routes.
- e) A concrete continuous curb or sidewalk shall be installed a minimum two feet from the outside perimeter of all parking lots unless adjacent to a screen wall.
- f) Any area not required for parking shall be landscaped.
- g) Vehicle washing facilities. A minimum stacking lane of 200 feet is required for buildings with wash lanes of 80 feet in length or less. An additional 20 feet of stacking lane is required for each ten feet of washline greater than 80 feet in length.

(Comp. Ords. 1988, § 15.965; ord. eff. Aug. 21, 2006)

Sec. 48-954. - Townhome units.

- (1) *Location.* Parking lots shall be placed in rear and interior side yards.
- (2) *Right-of-way setback.* Parking spaces shall not be located within five feet of a right-of-way line.
- (3) *Rear yard setback.* Rear yard setbacks are not required provided that dimensional requirements for screen walls are accommodated.
- (4) *Supplemental design standards.*
 - a) All parking and maneuvering lanes shall be at least 15 feet from any first floor dwelling unit window, doorway, or entryway.
 - b) Drives shall be provided directly onto public roadways. A maximum of one drive is permitted from Harper Avenue.
 - c) A townhome development shall provide enclosed and attached parking for two vehicles per dwelling unit.
 - d) No accessory structure or use shall be permitted.
 - e) See sections 15.967 [48-955], off-street parking schedule, and 15.980 [48-968], streetscape and landscape standards, for design criteria.



(Comp. Ords. 1988, § 15.966; ord. eff. Aug. 21, 2006)

Sec. 48-955. - Off-street parking schedule.

Unless specified in the parking schedule of this ordinance, the number of off-street parking spaces shall meet the requirements of section 15.500 [48-551], off-street parking requirements, as adopted in the City of St. Clair Shores Zoning Ordinance.

<i>Land Use Type</i>	<i>Parking Standards Residential</i>
Apartment	2.25 spaces per unit
Townhome	2.25 spaces per unit (2.00 spaces attached and enclosed)
<i>Retail/Commercial</i>	
Hotel	1.50 spaces per room
Billiard hall	7.00 spaces per 1,000 GFA
Health/fitness club	6.00 spaces per 1,000 GFA
Self-storage facility	0.10 spaces per 1,000 GFA
Full service restaurants	17.50 spaces per 1,000 GFA
Drive through restaurants	21.00 spaces per 1,000 GFA
Dry cleaners	3.50 spaces per 1,000 GFA
<i>Office</i>	
Medical/dental clinic	6.50 spaces per 1,000 GFA
Veterinarian clinic	2.50 spaces per 1,000 GFA
Office building	4.00 spaces per 1,000 GFA <i>Institutional</i>
Church	0.50 spaces per seat
Day care center	3.50 spaces per 1,000 GFA

(Comp. Ords. 1988, § 15.967; ord. eff. Aug. 21, 2006)

Sec. 48-956. - Building envelope standards.

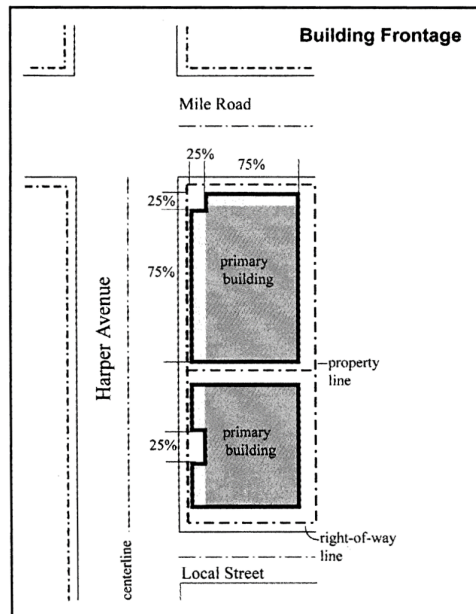
The placement of buildings and prominent architectural features such as entrances, sign bands, balconies, and street walls as prescribed in this section shall be met.

(Comp. Ords. 1988, § 15.968; ord. eff. Aug. 21, 2006)

Sec. 48-957. - Building frontage standards.

The construction of a nonresidential use shall meet the following standards for a building fronting a public street:

- (1) A minimum length of 75 percent of a building facade fronting a public street shall be located on the established building line (see section 15.960 [48-948], building placement standards).
- (2) A minimum length of 75 percent of a building facade fronting a public street shall be placed parallel to the adjacent street right-of-way line.



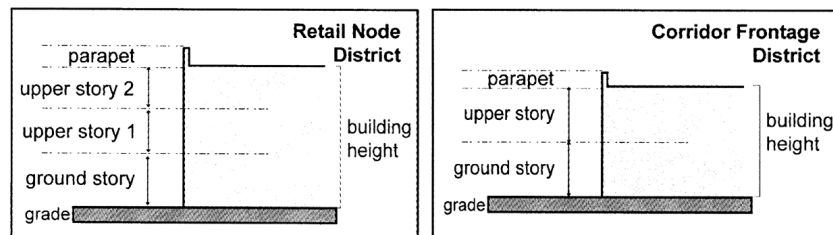
(Comp. Ords. 1988, § 15.969; ord. eff. Aug. 21, 2006)

Sec. 48-958. - Building height.

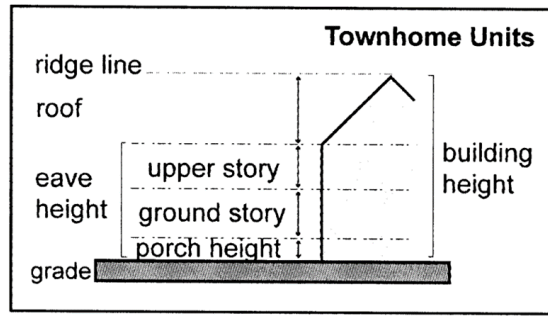
Buildings and structures shall be erected according to the following height dimensions. Heights are prescribed in one of three methods: minimum height, maximum height, or within a range of dimensions. Dimensions shall be measured from the average grade at the front building foundation.

- (1) *Retail Node Sub-District.*
 - a) No building shall exceed three stories in height.
 - b) A building with a flat roof configuration shall be erected to a maximum height within the following dimensional range:
 1. One-story building: 16 feet to 20 feet.
 2. Two-story building: 25 feet to 30 feet.
 3. Three-story building: 35 feet to 44 feet.
 - c) A building with a pitched roof configuration shall be erected to a maximum height within the following dimensional range:
 1. One-story building: 30 feet to 35 feet.
 2. Two-story building: 50 feet to 60 feet.

3. Three-story building: not permitted.
 - d) Supplemental design standards. A building shall meet the following dimensional requirements:
 1. A ground story shall be a minimum of ten feet in height from finished floor to finished ceiling.
 2. An upper story shall be a minimum of eight feet from finished floor to finished ceiling.
 3. A parapet shall be between two and four feet in height as measured from the roof surface.
- (2) *Corridor Frontage Sub-District.*
- a) No building shall exceed two stories in height.
 - b) A building with a flat roof configuration shall be erected to a maximum height within the following dimensional range:
 1. One-story: 16 feet to 20 feet.
 2. Two-story: 25 feet to 30 feet.
 - c) A building with a pitched roof configuration shall be erected to a maximum height within the following dimensional range:
 1. One-story: 30 feet to 35 feet.
 2. Two-story: 50 feet to 60 feet.
 - d) Supplemental design standards. A building shall meet the following dimensional requirements:
 1. A ground story shall be a minimum of ten feet in height from finished floor to finished ceiling.
 2. An upper story shall be a minimum of eight feet from finished floor to finished ceiling.
 3. A parapet shall be between two and four feet in height as measured from the roof surface.



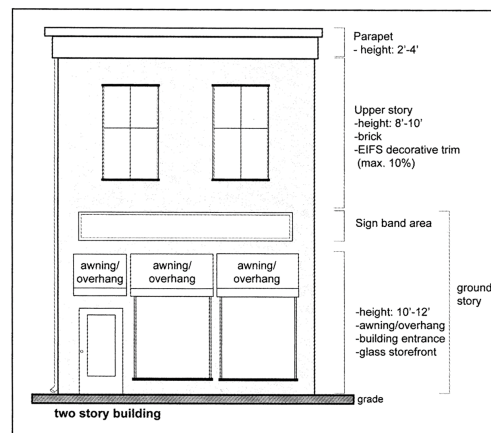
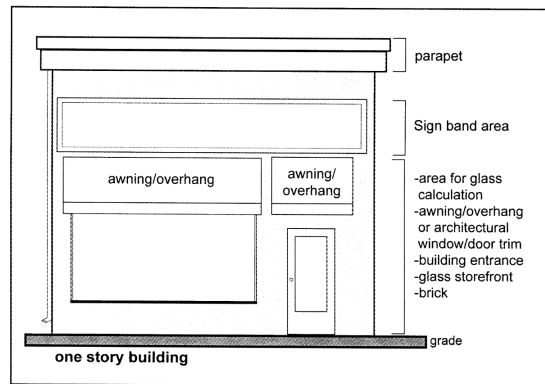
- (3) *Townhome units.*
- a) A building shall be two stories in height.
 - b) A building with a flat roof configuration shall be erected at two stories in height and within a height range of 25 to 30 feet.
 - c) A building with a pitched roof configuration shall be erected to a maximum height within the following dimensional range:
 1. Building height: 32 feet to 36 feet.
 2. Eave height: Maximum eave height, 20 feet (from grade level to eave line).
 - d) Supplemental design standards. A building shall meet the following dimensional requirements:
 1. No more than eight townhome dwelling units shall be attached in any construction group or contained in any single structure.
 2. A parapet shall be between two and four feet in height as measured from the roof surface.
 3. Porches for owner-occupied townhomes shall be raised to a minimum one foot above sidewalk level.



(Comp. Ords. 1988, § 15.970; ord. eff. Aug. 21, 2006)

Sec. 48-959. - Architectural standards.

Architectural design standards for building walls, roofs, awnings and overhangs, facade colors, lighting, mechanical and electrical equipment and signage are prescribed in this section.



(Comp. Ords. 1988, § 15.971; ord. eff. Aug. 21, 2006)

Sec. 48-960. - Building walls.

Building walls facing a public street shall be constructed according to the following standards:

- (1) Exterior wall material shall consist of brick (full-dimensional) including tilt-up systems, structural brick, or other full dimensional brick product, but not including thin brick or tile brick, fiber cement panels systems, pre-finished metal, stone, or glass or other durable, weatherproof, commercial grade exterior finish material with a minimum 30 year manufacturer's warranty as reviewed and recommended by the Planning Commission and reviewed and approved by City Council. (amended 4/15/2019)

- (a) Reflective or mirror glass that does not create glare may be permitted on a case by case basis as reviewed and recommended by the Planning Commission and reviewed and approved by City Council. (amended 4/15/2019)
 - (b) The use of secondary accent materials placed a minimum of eight feet above grade including fiber cement siding, corrugated metal panels, exterior insulation and finish systems or other durable, weatherproof, commercial grade finish material with a 30 year manufacturer's warranty shall be permitted as decorative trim on upper stories or parapets and shall not exceed 30 percent of the facade ten percent of upper story or parapet material. (amended 4/15/2019)
 - (c) Decorative concrete masonry units are permitted as accent material.
 - (d) Concrete block is permitted on the rear facade of an addition to an existing building that currently has a concrete block rear facade. (amended 4/15/2019)
- (2) Exterior windows and doors shall be installed in accordance with the following standards:
- (a) Window frames shall be constructed of aluminum, wood, clad wood, vinyl or steel.
 - (b) Exterior exposed steel, or similar material, security measures is not permitted.
 - (c) Ground floor windows shall cover between 33 percent and 90 percent of the ground floor wall area.
 - (d) Upper story window coverage shall exceed 20 percent of the upper story wall area.
 - (e) Primary commercial/office doors shall contain at least 50 percent glass.
 - (f) Door glass shall count as part of overall ground floor glass area.
 - (g) Window glass shall be clear or tinted to a maximum of 20 percent, but still retain its translucence. (amended 4/15/2019)
 - (h) The height of windowsills shall be constructed between 18 inches to 36 inches above the average grade as measured at the front building foundation.
- (3) Walls shall meet the following design standards for configuration:
- (a) The planes of the exterior walls may be varied in height, depth or direction.
 - (b) Facades greater than 60 feet in length shall be visually delineated by an entrance, decorative trim, architectural feature or an offset.

(Comp. Ords. 1988, § 15.972; ord. eff. Aug. 21, 2006; Ord. of 4-15-2019(2))

Sec. 48-961. - Roofs.

A building or structure is permitted to have a flat or pitched roof configuration, provided the construction meets the following design standards:

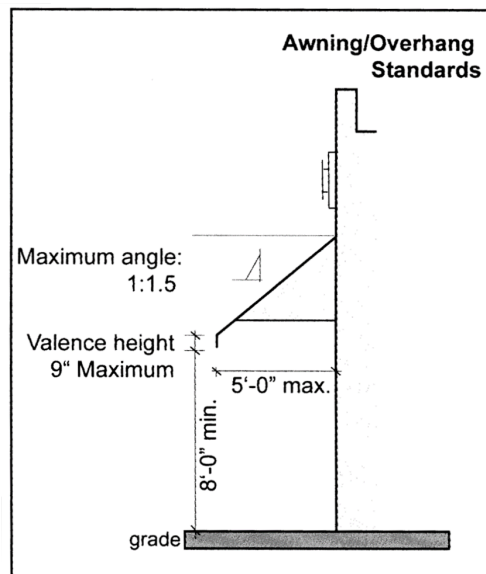
- (1) *Flat roofs.*
 - (a) A parapet height of two feet to four feet, as measured from the roof surface, shall be established.
 - (b) A parapet shall be capped by stone, pre-cast concrete or similar durable metal.
 - (c) A parapet can be stepped or sloped.
- (2) *Pitched roofs.*
 - (a) A pitched roof is permitted to have a gable or hip roof configuration not exceeding a 6:12 angle.
 - (b) Clay, tile (barrel or flat Roman), slate (equivalent synthetic or better), metal and dimensioned asphalt shingles are permitted materials.

(Comp. Ords. 1988, § 15.973; ord. eff. Aug. 21, 2006)

Sec. 48-962. - Awnings/overhangs.

A building or structure shall incorporate awnings or overhangs or architectural window and door trim into a facade design.

- (1) An awning or overhang shall extend from a first story window or entry except where architectural detailing is used. One awning that covers an entire facade is not permitted.
- (2) A maximum depth of five feet shall be observed. An awning or overhang cannot extend beyond the right-of-way line.
- (3) The minimum height to the lowest point of any awning or overhang feature is eight feet above grade.
- (4) Awnings/overhangs may be angled, but such angle shall be no steeper than 1:1.5 horizontal to vertical ratio.
- (5) A valence may not exceed nine inches in height.
- (6) Awnings shall not be used for primary signage, except in valence area.
- (7) Permitted materials include fabric, metal or similar nonplasticized material.
- (8) Backlit awnings are not permitted.



(Comp. Ords. 1988, § 15.974; ord. eff. Aug. 21, 2006)

Sec. 48-963. - Facade colors.

A building or structure shall meet the following standards for facade colors:

- (1) A single building may exhibit a maximum of three colors (one or two body colors and one or two trim colors). For the purpose of the Harper Avenue Overlay Zoning District, the following descriptions shall apply:
 - Body color.* A body color is used on a building wall, freestanding wall, and other primary building elements excluding brick facades.
 - Trim color.* A trim color is used on doors, door frames, window, window frames, storefront frames, handrails, shutters, ornament, fences, and similar features.

- (2) Exposed concrete masonry unit walls shall be painted to match the front facade unless authorized by the appro
- (3) Brick or stone walls shall not be painted on new construction.
- (4) All vents, gutters, downspouts, flashing, electrical conduits, etc., shall match or accent the color of the primary building surface.

(Comp. Ords. 1988, § 15.975; ord. eff. Aug. 21, 2006)

Sec. 48-964. - Lighting.

Standards of section 15.979 [48-967] of the St. Clair Shores Zoning Ordinance shall apply.

(Comp. Ords. 1988, § 15.976; ord. eff. Aug. 21, 2006)

Sec. 48-965. - Mechanical and electrical equipment.

Standards of section 15.979 [48-967] of the St. Clair Shores Zoning Ordinance shall apply.

(Comp. Ords. 1988, § 15.977; ord. eff. Aug. 21, 2006)

Sec. 48-966. - Signs.

Signs, other than street addresses, shall be mounted in a sign band located between:

- (1) The window lintel or upper edge of an awning of a ground floor and the lowest edge of a parapet for a one-story building; or
- (2) The window lintel or upper edge of an awning of a ground floor and windowsill of a second floor of a multiple-story building (see facade graphics in section 15.972 [48-960], building walls).

Other standards of the St. Clair Shores Sign Ordinance [chapter 30] shall apply.

(Comp. Ords. 1988, § 15.978; ord. eff. Aug. 21, 2006)

Sec. 48-967. - Site design standards.

Parameters for tree planting, ground cover and screening features are established to shape public space, create subtle delineation between public and private space, soften the hard architectural features, appropriately transition to adjacent neighborhoods and promote the health and success of plant materials.

(Comp. Ords. 1988, § 15.979; ord. eff. Aug. 21, 2006)

Sec. 48-968. - Streetscape and landscape standards.

Standards for plant location, plant materials and installation shall be followed according to the following standards:

- (1) *Trees installed within the public right-of-way.*
 - (a) Street trees shall be located between the public sidewalk and street.
 - (b) Street tree spacing shall be at intervals of 30 feet. Adjustments to this spacing can be made to accommodate curb cuts, fire hydrants and other infrastructure elements.
 - (c) Street trees shall have a minimum caliper size of three inches.

- (d) Street trees shall be of a large deciduous species as permitted in section 15.503 [48-554] of the Zoning Ordinance.
- (2) *Plant materials installed outside of the public right-of-way.*
 - (a) Trees, shrubs and plants may be used as building foundation and site entry accents.
 - (b) Flowering and understory trees shall have a minimum caliper of two inches or a minimum height of eight feet if multi-stemmed.
 - (c) Shrubs can be deciduous or evergreen but shall have a minimum spread of 24 inches.
 - (d) Shrubs, perennials and groundcover shall be grouped to result in a mature massed planting effect.
- (3) *Installation.*
 - (a) Tree, shrub and plant material shall comply with federal, state and county laws requiring inspection for plant disease and insect control, the American Standards for Nursery Stock, shall be nursery grown and shall be compatible in a Zone 4 climate as set forth by United States Department of Agriculture.
 - (b) Tree pits shall utilize structural soil blends providing superior drainage, aeration and reduced compaction.

(Comp. Ords. 1988, § 15.980; ord. eff. Aug. 21, 2006)

Sec. 48-969. - Site design standards for off-street parking.

The following design standards for off-street parking areas shall be met:

- (1) Off-street parking areas shall be screened in one of the following manners when the measurement of the parking area adjacent to the right-of-way is greater than 40 contiguous feet in any section:
 - a. A brick wall with stone or precast cap shall be placed along the right-of-way line of off-street parking areas except in the location of access drives or walks; or
 - b. Dense landscaping installed and maintained between 30 inches and 36 inches, providing sufficient yearlong screening, while not infringing onto the public sidewalk, and adhering to the requirements of the Macomb County Department of Roads and as approved by the Community Development and Inspection Department; or
 - c. A combination of landscaping and brick kneewall as approved by the Community Development and Inspection Department; or
 - d. The use of wrought iron or aesthetic equivalent fencing between stone or brick columns; or
 - e. If the width of the area between the public sidewalk and the off-street parking area is greater than four feet and the parking area has a concrete curb, then no screening is required; however, a grass or landscaped greenbelt shall be maintained;
 - f. The height of landscaping, fences, and walls shall be between 30 and 36 inches in height measured from the grade of the adjacent sidewalk.

In cases where a parking area is across from a residentially zoned property and the parking spaces are perpendicular to the right-of-way line, a brick kneewall with stone or precast cap shall be placed along the right-of-way line of the off-street parking area where perpendicular parking spaces are located regardless of contiguous length of the parking area.

- (2) Trees shall be a minimum of a 2½-inch caliper and shall be pruned and maintained to prevent directional and informational signage from being blocked from view from the public street where feasible and appropriate.

- (3) Trees shall be of a species as permitted in section 15.503 [48-554] of the Zoning Ordinance.
- (4) Trees shall be located in areas enclosed with six-inch tall concrete curbing.
- (5) Shrubs, perennials and ground cover shall be maintained below three feet, except when utilized pursuant to (1)b.
- (6) Automobile service stations, vehicular washes and other land uses exhibiting large open paved areas shall follow the site design standards of this section.

(Comp. Ords. 1988, § 15.981; ord. eff. Aug. 21, 2006; amended by ord. eff. June 13, 2018)

Sec. 48-970. - Screening.

Standards of section 15.503 [48-554] of the St. Clair Shores Zoning Ordinance shall apply.

(Comp. Ords. 1988, § 15.982; ord. eff. Aug. 21, 2006)

Sec. 48-971. - Outdoor dining areas.

Outdoor dining areas are permitted but shall meet the following design standards:

- (1) An outdoor dining area shall abut the Harper Avenue or Mile Road right-of-way.
- (2) An outdoor dining area shall be spaced a minimum 60 feet from residentially used property.
- (3) A wall shall visually screen an outdoor dining area from adjacent residences except where Harper Avenue or a Mile Road provides physical separation.
- (4) Screen walls shall be constructed of brick or decorative iron.
- (5) A wall or fence shall have a minimum height of four feet.
- (6) Furniture shall be constructed of wood, metal or material of comparable quality.
- (7) Umbrellas and furniture shall not visually or physically impede the safe movement of pedestrians and vehicles.

(Comp. Ords. 1988, § 15.983; ord. eff. Aug. 21, 2006)

Sec. 48-972. - Irrigation.

Standards of section 15.979 [48-967] of the St. Clair Shores Zoning Ordinance shall apply.

(Comp. Ords. 1988, § 15.984; ord. eff. Aug. 21, 2006)

Sec. 48-973. - Utilities.

Standards of section 15.979 [48-967] of the St. Clair Shores Zoning Ordinance shall apply.

(Comp. Ords. 1988, § 15.985; ord. eff. Aug. 21, 2006)

Sec. 48-974. - Site plan review procedures.

Applicants are required to meet with the City Planner or designated staff prior to submitting a formal site plan review application. Subsequent to meeting with the City Planner or designated staff, the applicant shall follow the site plan review procedures of the City.

(Comp. Ords. 1988, § 15.986; ord. eff. Aug. 21, 2006)

Secs. 48-975—48-992. - Reserved.

ARTICLE XXXIII. - 15.1000 REZONINGS

1. From RA to O-1.

The classification of land and premises situated in the City of St. Clair Shores, County of Macomb, State of Michigan, described as: Part of Lot 68, Assessor's Plat No. 7, according to the plat thereof, City of St. Clair Shores, Macomb County, Michigan as recorded in liber 14, pages 36, 37 and 38 of plats, Macomb County Records, described as: beginning at a point distant south 26 degrees, 36 minutes 30 seconds east 316.71 feet along the westerly line of Jefferson Avenue, and north 68 degrees 22 minutes 00 seconds west 407.80 feet from the intersection of the northerly line of Lot 68 and the westerly line of Jefferson Avenue; thence proceeding north 68 degrees 22 minutes 00 seconds west 170.00 feet; thence north 21 degrees 38 minutes 00 seconds east 50.00 feet; thence south 68 degrees 22 minutes 00 seconds east 170.00 feet; thence south 21 degrees 38 minutes 00 seconds west 50.00 feet to the point of beginning. Said property is located on the west side of Jefferson Avenue between Newberry and Doremus, proposed to be amended from RA, One-Family Residential District to O-1, Office Service District.

(Amend. eff. Aug. 4, 1987)

2. From B-1 to B-3; and RA to B-3.

The classification of land and premises situated in the City of St. Clair Shores, County of Macomb, State of Michigan, described as: Lots 1—8 inclusive and one-half vacated alley of "Gschwind's Mack Avenue Gardens Sub.", City of St. Clair Shores, Macomb County, Michigan as recorded in liber 7 of plats on page 86, Macomb County Records, to be changed from B-1, Local Business District to B-3, General Business District, and

Lots 9 and 10 and one-half vacated alley of "Gschwind's Mack Avenue Gardens Sub.", City of St. Clair Shores, Macomb County, Michigan as recorded in liber 7 of plats on page 86, Macomb County Records, to be changed from RA, One-Family Residential District to B-3, General Business District.

Property is located on the southwest corner of Greater Mack Avenue and Elizabeth Avenue.

(Amend. eff. Aug. 19, 1986)

3. From LI to B-3; and B-1 to B-3.

The classification of land and premises situated in the City of St. Clair Shores, County of Macomb, State of Michigan, described as: Lots 83, 84 and 85 excluding that part lying within 60 feet of centerline of Harper Avenue of "Whitmore Lake Sub.", City of St. Clair Shores, Macomb County, Michigan as recorded in liber 5 on page 88, Macomb County Records, to be changed from (LI), Light Industrial District to (B-3), General Business District, and

Lots 225, 226 and 227 excluding that part within 60 ft. of centerline of Harper Avenue of "Whitmore Lake Sub.", City of St. Clair Shores, Macomb County, Michigan as recorded in liber 5 on page 88, Macomb County Records, to be changed from (B-1), Local Business District, to (B-3), General Business District.

Property is located on the east side of Harper Avenue between Stephens Avenue and Blackburn Avenue.

(Amend. eff. Sept. 3, 1986)

4. From B-1, RA and RB to O-1.

The classification of land and premises situated in the City of St. Clair Shores, County of Macomb, State of Michigan, described as: Lot 10, Lots 11—17 inclusive and Lots 83—89 inclusive of "Jefferson Woods Sub.", City of St. Clair Shores, Macomb County, Michigan as recorded in liber 8 on page 94, Macomb County Records; and Lot 5 and Lots 6—8 inclusive of "Assessor's Plat No. 11", City of St. Clair Shores, Macomb County, Michigan as recorded in liber 14 on page 42, Macomb County Records.

Property located in the southeast quadrant of Nine Mile Road and Pleasant Avenue to be changed from B-1, Local Business District; RA, One-Family Residential District; and RB, Two-Family Residential District, to O-1, Office Service District.

(Amend. eff. Oct. 7, 1986)

5. From RA to P-1.

The classification of land and premises situated in the City of St. Clair Shores, County of Macomb, State of Michigan, described as: Lots 189 and 190 of "Ridgeway Park Sub.", City of St. Clair Shores, Macomb County, Michigan as recorded in liber 4 on page 31, Macomb County Records. Property located on the north side of Laukel Avenue, 193 feet west of Greater Mack Avenue to be changed from RA, One-Family Residential District to P-1, Vehicular Parking District.

(Amend. eff. Nov. 4, 1986)

6. From RA to P-1.

The classification of land and premises situated in the City of St. Clair Shores, County of Macomb, State of Michigan, described as: Lot 273 of "Harper Labadie Sub.", City of St. Clair Shores, Macomb County, Michigan as recorded in liber 9 of plats on page 92 of the Macomb County Records, except that part more particularly described as: beginning at the N.W. corner of said Lot 273; thence N. 87°44' E. 28.18 feet along the north line of said Lot 273; thence S. 19°50'30" W. 74.84 feet; thence N. 02°16' W. 69.34 feet along the west line of said Lot 273 to the point of beginning, and

Lot 274 of "Harper Labadie Sub.", City of St. Clair Shores, Macomb County, Michigan, as recorded in liber 9 of plats, on page 92 of the Macomb County Records, except that part more particularly described as: beginning at the S.E. corner of said Lot 274; thence S. 87°44' W. 24.66 feet along the south line of said Lot 274; thence N. 19°50'30" E. 65.48 feet; thence S. 02°16' E. 60.66 feet along the east line of said Lot 274, to the point of beginning.

Property located on the south side of Bon Heur Avenue, 120 feet west of Harper Avenue to be changed from One-Family Residential District (RA) to Vehicular Parking District (P-1).

(Amend. eff. Nov. 18, 1986)

7. From RA to CLD.

The classification of land and premises situated in the City of St. Clair Shores, County of Macomb, State of Michigan, described as: Lot No. 160 of "Assessor's Plat No. 43", City of St. Clair Shores, Macomb County, Michigan as recorded in liber 18 on page 3, Macomb County Records.

Said property is located on the north side of Kramer Avenue, 175 feet west of Jefferson Avenue to be changed from one-family residential district (RA), to central lake front development district (CLD).

(Amend. eff. Dec. 2, 1986)

8. From P-1 to B-3.

The classification of land and premises situated in the City of St. Clair Shores, County of Macomb, State of Michigan, described as: Lot 24 except the north 6 ft., west 3 ft. and south 1 ft. of "Nine-Mack Urban Renewal Plat No. 1".

Said property is located in the southeast quadrant of Nine Mile and Greater Mack to be changed from P-1, Vehicular Parking District to B-3, General Business District.

(Amend. eff. Jan. 6, 1987)

9. From RA to P-1.

The classification of land and premises situated in the City of St. Clair Shores, County of Macomb, State of Michigan, described as: Lot 7 of "Nine-Mack Urban Renewal Plat No. 1".

Said property is located on the northwest corner of Nine Mack Drive and Clairwood Avenue to be changed from RA, One-Family Residential District to P-1, Vehicular Parking District.

(Amend. eff. Jan. 6, 1987)

10. From RA to RM-1.

The classification of land and premises situated in the City of St. Clair Shores, County of Macomb, State of Michigan, described as: Lots 3, 4 and easterly 95 ft. of Lot 5 except the south 145.40 ft. of Assessor's Plat No. 56 of Greendale Acres Sub., as recorded in liber 21 on page 40, Macomb County Records.

Said property is located on the north side of Martin Road 252 ft. west of Harper Avenue to be changed from RA, One-Family Residential to RM-1, Multiple-Family Residential.

(Amend. eff. Feb. 3, 1987)

11. From RA to RM-1.

A parcel of land being all of Lot 33 of Assessor's Plat No. 27, a part of fractional sections 14 and 15, town 1 north, range 13 east, and part of Private Claim 625, according to the plat thereof recorded in liber 15, page 10 of plats.

And also part of the northeast $\frac{1}{4}$ of section 14, town 1 north, range 13 east described as: Commencing at the northwest corner of said Lot 33; thence south 76 degrees 40 minutes 50 seconds east 289.45 feet; thence south 23 degrees 26 minutes 49 seconds west 283.07 feet; thence south 16 degrees 03 minutes 30 seconds west 9.01 feet; thence north 73 degrees 45 minutes 51 seconds west 256.98 feet along the south line of said Lot 33 north 16 degrees 45 minutes 30 seconds east 275.12 feet along the west right-of-way line of said Lot 33 to the point of beginning, containing 1.761 acres of land more or less. Property located on the east side of Jefferson between Corteville and Millenbach, if extended, to be changed from one-family residential district (RA) to multiple-family residential district (low rise) (RM-1).

(Amend. eff. Feb. 18, 1987)

12. From RB to P-1.

The classification of land and premises situated in the City of St. Clair Shores, County of Macomb, State of Michigan, described as: Lots 27—30 incl. of "C. L. Walker's Harper Avenue Sub.", City of St. Clair Shores, Macomb County, Michigan as recorded in liber 9 on page 2, Macomb County Records. Property located on the west side of Couchez Avenue, 120 ft. north of Masonic Blvd. to be changed from RB, Two-Family Residential to P-1, Vehicular Parking District.

(Amend. eff. July 21, 1987)

13. From RA to P-1.

The classification of land and premises situated in the City of St. Clair Shores, County of Macomb, State of Michigan, described as: Lot 155 of "Whitmore Lake Sub.", City of St. Clair Shores, Macomb County, Michigan as recorded in liber 4 of plats, on page 17, Macomb County Records. Property located on the north side of Stephens Avenue, 240 ft. west of Jefferson Avenue to be changed from one-family residential district (RA) to vehicular parking district (P-1).

(Amend. eff. July 21, 1987)

14. From RA to O-1.

The classification of land and premises situated in the City of St. Clair Shores, County of Macomb, State of Michigan, described as: Part of Lot 68, Assessor's Plat No. 7, according to the plat thereof, City of St. Clair Shores, Macomb County, Michigan as recorded in liber 14, pages 36, 37 and 38 of plats, Macomb County Records, described as: beginning at a point distant south 26 degrees, 36 minutes 30 seconds east 316.71 feet along the westerly line of Jefferson Avenue, and north 68 degrees 22 minutes 00 seconds west 407.80 feet from the intersection of the northerly line of Lot 68 and the westerly line of Jefferson Avenue; thence proceeding north 68 degrees 22 minutes 00 seconds west 170.00 feet; thence north 21 degrees 38 minutes 00 seconds east 50.00 feet; thence south 68 degrees 22 minutes 00 seconds east 170.00 feet; thence south 21 degrees 38 minutes 00 seconds west 50.00 feet to the point of beginning. Said property is located on the west side of Jefferson Avenue between Newberry and Doremus, to be changed from RA, One-Family Residential District to O-1, Office Service District.

(Amend. eff. Aug. 4, 1987)

15. From RA to O-1.

The classification of land and premises situated in the City of St. Clair Shores, County of Macomb, State of Michigan, described as: Lots 61—65 incl. of "Jefferson Harper Superhighway Sub.", City of St. Clair Shores, Macomb County, Michigan as recorded in liber 9, on page 13, Macomb County Records, also the east 42 ft. of vacated Mack Avenue. Property located on the southeast corner of Mack Avenue and Laukel Avenue and is to be changed from RA, One-Family Residential District to O-1, Office Service District.

(Amend. eff. Aug. 18, 1987)

16. From RA to O-1.

The classification of land and premises situated in the City of St. Clair Shores, County of Macomb, State of Michigan, described as: Lots 151, 152, and 153 except the W. 337 feet of "Lakewood Gardens Sub. No. 1," City of St. Clair Shores, Macomb County, Michigan as recorded in liber 7 on page 52, Macomb County Records. Property located on the west side of Little Mack Avenue, 337 feet south of Ten Mile Road to be changed from RA, One-Family Residential District to O-1, Office Service District.

(Amend. eff. Dec. 8, 1987)

17. From RB to O-1.

The classification of land and premises situated in the City of St. Clair Shores, County of Macomb, State of Michigan, described as: Lots 41 and 42 of "Labadie's Ten Mile Subdivision", City of St. Clair Shores, Macomb County, Michigan as recorded in liber 13 on page 28, Macomb County Records.

This property is located on the south side of Ten Mile Road, 250 feet west of Jefferson Avenue to be changed from RB, Two-Family Residential District to O-1, Office Service District.

(Amend. eff. Mar. 8, 1988)

18. From RA to B-3.

The classification of land and premises situated in the City of St. Clair Shores, County of Macomb, State of Michigan, described as: Lots 136 and 137 of "Francis Lake Shore Park Subdivision", City of St. Clair Shores, Macomb County, Michigan, as recorded in liber 6 on page 62, Macomb County records. Property located on northeast corner of Evergreen and Harper Avenue, changed from one-family residential district (RA) to general business district (B-3).

(Amend. eff. Apr. 7, 1988)

19. From P-1 to O-1.

The classification of land and premises situated in the City of St. Clair Shores, County of Macomb, State of Michigan, described as: Part of Lots 13 and 14 of "Assessor's Plat No. 9" City of St. Clair Shores, Macomb County, Michigan according to the plat thereof as recorded in liber 14 on page 40, Macomb County Records and more particularly described as follows: Beg. at the southwest corner of Lot 14, thence north 2°-11'-30" east, 140 ft., thence south 87°-59'-00" east 414.63 ft., thence south 8°-02'-00" west 104.46 ft., thence south 78°-39'-30" west 158.83 ft., thence south 75°-19'-40" west 52.25 ft., thence north 87°-59'-00" west 199.56 ft., thence north 2°-11'-30" east 15.0 ft. to P.O.B. Property located on the east side of Little Mack Avenue approximately 740 ft. north of Ridgeway Avenue to be changed from P-1, Vehicular Parking District to O-1, Office Service District.

(Amend. eff. May 3, 1988)

20. From RA to P-1.

The classification of land and premises situated in the City of St. Clair Shores, County of Macomb, State of Michigan, described as: west 22 feet of Lot 23 of "Post Brys Subdivision", City of St. Clair Shores, Macomb County, State of Michigan, as recorded in liber 11 on page 32, Macomb County Records.

This property is located on the north side of Brys Drive, 120 feet east of Harper Avenue and is to be changed from RA, One-Family Residential District to P-1, Vehicular Parking District.

(Amend. eff. Aug. 16, 1988)

21. From RA to B-3.

The classification of land and premises situated in the City of St. Clair Shores, County of Macomb, State of Michigan, described as: Lot 253 of "Lakeview Gardens Sub" of Part of P.C. 599 and Part of P.C. 624, City of St. Clair Shores, Macomb County, Michigan, as recorded in liber 4 on page 88 of Macomb County Records.

This property is located on the north side of Lakeview Avenue, 273 feet west of Greater Mack Avenue, and is to be changed from RA, One-Family Residential District to B-3, General Business District.

(Amend. eff. Nov. 8, 1988)

22. From O-1 to RM-1.

The classification of land and premises situated in the City of St. Clair Shores, County of Macomb, State of Michigan, described as:

Part of P.C.s 599 and 623, T. 1 N., R. 13 E., City of St. Clair Shores, Macomb County, Michigan, and being more particularly described as follows:

Commencing at a point 418.30 ft. N. 75°-00' W. and 35.0 ft. N. 15°-00' E. from the S.E. corner of Lot 105 of "Lakeland Heights Sub." as recorded in liber 3 of plats on page 91 (Macomb County Records) and thence extending No. 75°00' W. 327.00 ft., thence No. 15°-00' E. 155.0 ft., thence S. 75°-00' E. 248.00 ft., thence 15°-00' 33.0 ft., thence S. 75°-00' E. 144.00 ft., thence S. 15°-00' W. 53.00 ft., thence No. 75°-00' W. 65.00 ft., thence S. 15°-00' W. 125.00 ft. to the point of beginning and containing 1.303 acres of land. Reserving easements of record.

Together with an easement for ingress and egress described as follows: Commencing at a point 457.30 ft. No. 75°-00' W. and 213.00 ft. No. 15°-00' E. from the S.E. corner of said Lot 105 of Lakeland Heights Sub., and thence extending N. 75°-00' W. 10.00 ft., thence No. 15°-00' E. 61.70 ft., thence S. 75°-03' E. 10.00 ft. along the southerly line of Bon Brae Avenue (50' wide), thence S. 15°-00' W. 61.71 ft. to the point of beginning.

This property is located on the northwest corner of Jefferson Avenue and Lakeland Avenue, to be changed from office service district (O-1), to multiple-family residential district (RM-1).

(Amend. eff. Aug. 8, 1989)

23. From RA to RM-1.

The classification of land and premises situated in the City of St. Clair Shores, County of Macomb, State of Michigan, described as:

Lot 116 exc. the N. 38 ft. of the E. 50 ft. of "Ingleside Gardens Sub." as recorded in liber 3, on page 191, Macomb County Records. Property located 125 ft. south Lincoln Avenue at 4th Street and is to be changed from RA 1 Family to RM-1 Multiple-Family.

(Amend. eff. Aug. 22, 1989)

24. From RB to P-1.

The classification of land and premises situated in the City of St. Clair Shores, County of Macomb, State of Michigan described as: Lots 125 and 126 of "Lake St. Clair Gardens Sub. No. 1" City of St. Clair Shores, Macomb County, Michigan, according to the Plat thereof as recorded in liber 10 on page 65, Macomb County Records.

The property is located on the south side of Ten Mile Road, 250 ft. east of Jefferson Avenue and is requested to be changed from RB, Two-Family Residential District to P-1, Vehicular Parking District.

(Amend. eff. Mar. 6, 1990)

25. From RA to O-1.

The classification of land and premises situated in the City of St. Clair Shores, County of Macomb, State of Michigan, described as: N. 124 ft. of Outlot A of "Sun Valley Sub. No. 2" as recorded in liber 30 on page 47, Macomb County Records. Said property is located on the southwest corner of Ten Mile Road and Wood Avenue and is to be changed from RA, One-Family Residential District to O-1, Office Service District.

(Amend. eff. May 22, 1990)

26. From RA to RM-1.

The classification of land and premises situated in the City of St. Clair Shores, County of Macomb, State of Michigan, described as: Lots 154, 251 and 252 except that part taken for road r.o.w. of "Stanley Park Subdivision" according to the plat thereof as recorded in liber 3 on page 79 of plats, Macomb County Records and the south 70 ft. of Lots 64 and 67 of "Bayview Subdivision" according to the plats thereof as recorded in liber 2 on page 104 of plats, Macomb County Records. Said property is located on the north side of Martin Road 300 feet east of Harper Avenue and is requested to be changed from RA, One-Family Residential District to RM-1, Multiple-Residential District.

(Amend. eff. June 5, 1990)

27. From RA to O-1.

The classification of land and premises situated in the City of St. Clair Shores, County of Macomb, State of Michigan, described as: Lots 132-134 inclusive except the west 300 feet and also except the east 27 feet and Lot 135 except the west 300 feet of "Lakewood Gardens Subdivision" No. 1, City of St. Clair Shores, Macomb County, Michigan, according to the plat thereof as recorded in liber 7 of plats on page 52, Macomb County Records. Said property is located on the west side of Little Mack Avenue between Stephens and Ten Mile Road, and is to be changed from RA, One-Family Residential District to O-1, Office Service District.

(Amend. eff. July 3, 1990)

28. From RA to P-1.

The classification of land and premises situated in the City of St. Clair Shores, County of Macomb, State of Michigan, described as: Lot 282 of "Lakeview Gardens Subdivision" of Part of P.C. 599 and part of P.C. 624, City of St. Clair Shores, Macomb County, Michigan, as recorded in liber 4 on page 88 of Macomb County Records. Said property is located on the south side of Lakeview Avenue, 672 feet west of Greater Mack Avenue, and is to be changed from RA, One-Family Residential District to P-1, Vehicular Parking District.

(Amend. eff. July 3, 1990)

29. From RA to O-1.

The classification of land and premises situated in the City of St. Clair Shores, County of Macomb, State of Michigan, described as:

Part of Lots 16, 17, and 40 of "Grove Pointe Gardens Sub" City of St. Clair Shores, Macomb County, Michigan, according to the plat thereof as recorded in liber 2 on page 237, Macomb County Records, more particularly described as follows:

Lot 16 exc, beg at a pt on w line of Lot 16, said pt being S 45.75 ft from nw cor Lot 16 th s3°49'30" e 17.41 ft th s86°10'30" w 16.88 ft th n40°17'30" e 24.25 ft to pt of beg also part Lot 40 desc as fol beg at ne cor Lot 40 th s40°17'30" w 45.75 ft th n3°49'30" w 31.85 ft th n86°10'30" e 32.84 ft to pt of beg and Lot 17 exc, beg at sw cor Lot 17 th n40°17'30"

e 60.3 ft th s3°49'30" e 43.29 ft th s86°10'30" w 41.97 ft to pt of beg also Part Lot 40 desc as fol beg at a pt on e line Lot 40 said pt being s40°17'30" w 70 ft from ne cor Lot 40 th s40°17'30" w 9.6 ft th n3°49'30" w 6.68 ft th n86°10'30" e 6.89 ft to pt of beg.

The property is located on the west side of Jefferson Avenue between Eleven Mile Road and Grove Pointe, and is requested to be changed from RA, One-Family Residential District to O-1, Office Service District.

(Amend. eff. Aug. 20, 1990)

30. From RA to O-1.

The classification of land and premises situated in the City of St. Clair Shores, County of Macomb, State of Michigan, described as: Part of Lots 147, 148, 149 and 150 of "Lake Wood Gardens Subdivision No. 1" City of St. Clair Shores, Macomb County, Michigan; as recorded in liber 7, page 52, Macomb County Records, more particularly described as follows:

Part of Lots 147, 148, 149 & 150 of "Lake Wood Gardens Subdivision No. 1" City of St. Clair Shores, Macomb County, Michigan; as recorded in liber 7, page 52, Macomb County Records. More particularly described as follows: Beginning at a point on the north line of Lot 150 distant north 89°-24'-20"W. 196.75 ft. from the northeast corner of Lot 150; thence S.00°-17'-20"W. 75.87 ft.; thence S.89°-24'-20"E. 42.00 ft.; thence S.00°-17'-20"W. 53.00 ft. to the south line of Lot 149; thence N.89°-24'-20"W. 122.00 ft. along the south line of Lot 149; thence N.00°-17'-20"E. 128.87 ft. to the north line of Lot 150; thence S.89°-24'-20"E. 80.00 ft. to the point of beginning. Also the east 324.0 ft. of Lot 147, & Lot 148 Exc. the east 27 ft. for highway purposes.

The property is located on the west side of Little Mack Avenue 600 ft. south of Ten Mile Road and is to be changed from RA, One-Family Residential District to O-1, Office Service District.

(Amend. eff. Sept. 5, 1990)

31. From RA to P-1.

The classification of land and premises situated in the City of St. Clair Shores, County of Macomb, State of Michigan, described as:

The westerly 50 ft. of Lot 12 and easterly 18 ft. of Lot 13 of "Assessor's Plat No. 18," City of St. Clair Shores, Macomb County, Michigan, according to the plat thereof as recorded in liber 14, on page 50 of plats, Macomb County Records.

The property is located on northwest corner of Ten Mile Road and Maple Park Blvd. and is to be changed from RA, One-Family Residential District to P-1, Vehicular Parking District.

(Amend. eff. Sept. 5, 1990)

32. From RA to P-1.

The classification of land and premises situated in the City of St. Clair Shores, County of Macomb, State of Michigan, described as:

East 18 ft. of Lot 23 and west 35 ft. of Lot 24 of "Post Brys Subdivision," City of St. Clair Shores, Macomb County, State of Michigan, according to the plat thereof as recorded in liber 11 on page 32, Macomb County Records.

This property is located on the north side of Brys Drive, 142 ft. east of Harper Avenue and is to be changed from RA, One-Family Residential District to P-1, Vehicular Parking District.

(Amend. eff. Sept. 5, 1990)

33. From B-2 to B-3.

The classification of land and premises situated in the City of St. Clair Shores, County of Macomb, State of Michigan, described as:

A parcel of land in and being part of Lot 4, 5, and 6 of "Assessor's Plat No. 5" City of St. Clair Shores, Macomb County, Michigan according to the plat thereof as recorded in liber 14 on page 20, Macomb County Records and Lots 11 thru 25 inclusive, Lots 29 thru 44 inclusive, and part of Grove Avenue of "Harper Avenue Subdivision" City of St. Clair Shores, Macomb County, Michigan according to the plat thereof as recorded in liber 8 on page 51, Macomb County Records and being more particularly described as follows:

Commencing at the N.W. corner of said Lot 6, A.P. No. 5, thence extending N. 86° 14'09"E. 473.10 ft. along the southerly line of Nine Mile Road (66 ft. wide); thence S. 17°24'W. 10.72 ft.; thence N. 86°14'09" E. 218.85 ft. along southerly line of Nine Mile Road (86 ft. wide); thence S. 17°24'W. 135.36 ft.; thence N. 86°14'09" E. 156.49 ft. to the westerly side line of Harper Avenue (66 ft. wide) thence S. 17°18'13" W. 634.40 ft. along the westerly side line of Harper Ave. (66 ft. wide); thence N. 72°54'10"W. 350.82 ft.; thence S. 17°24'W. 50.00 ft.; thence N. 72°54'10"W. 441.47 ft.; thence No. 17°24'02"E. 528.35 ft. to the point of beginning.

This property is located on the southwest corner of Harper and Nine Mile Road and is requested to be changed from B-2, Community Business District to B-3, General Business District.

(Amend. eff. May 6, 1991)

34. From RM-1 to O-1.

Lots 88 and 89 except that portion of Lot 88 lying within 60 feet of the Centerline of Harper Avenue of "Middle Bay Park Sub" City of St. Clair Shores, Macomb County, Michigan according to the plat thereof as recorded in liber 3 on page 4 of plats, Macomb County Records.

This property is located on the southeast corner of Detour and Harper Avenue and is requested to be changed from RM-1, Multiple-Family Residential District to O-1, Office Service District.

(Amend. eff. Aug. 20, 1991)

35. From RA to RB.

The classification of land and premises situated in the City of St. Clair Shores, County of Macomb, State of Michigan, described as:

West 100 feet of Lots 3 and 4 of "Near-Lake Subdivision" City of St. Clair Shores, Macomb County, Michigan according to the plat thereof as recorded in liber 5 of plats on page 28, Macomb County Records.

This property is located on the south side of Hoffman, 100 feet west of Jefferson Avenue, and is to be changed from RA, One-Family Residential District to RB, Two-Family Residential District.

(Amend. eff. Dec. 16, 1991)

36. From RA to O-1.

The classification of land and premises situated in the City of St. Clair Shores, County of Macomb, State of Michigan, described as:

Lots 74-78 inclusive; the west ½ of vacated public alley (20 feet wide) adjacent thereto; the west 46 feet of Lots 79-83 inclusive and the east 59 feet of vacated Mack Avenue of "Heffner and Flemming's Elm Drive Sub" City of St. Clair Shores, Macomb County, Michigan, according to the plat thereof as recorded in liber 8, page 90, Macomb County Records.

This property located on the northeast corner of Greater Mack and Downing Avenue, to be changed from RA, One-Family Residential District to O-1, Office Service District.

(Amend. eff. May 18, 1992)

37. From RA to O-1.

The classification of land and premises situated in the City of St. Clair Shores, County of Macomb, State of Michigan, described as:

Lots 4, 5, 6, 203, and the south 35.7 feet of the west ½ of Lot 204, also the east 74.78 feet of the south 27 feet of Lot 204 of "Stanley Park Sub" City of St. Clair Shores, Macomb County, Michigan, according to the plat thereof as recorded in liber 3 on page 79, Macomb County Records.

This property is located on the northeast corner of Eleven Mile Road and Gladstone Avenue and to be changed from RA, One-Family Residential District to O-1, Office Service District.

(Amend. eff. Aug. 4, 1992)

38. From RA to O-1.

The classification of land and premises situated in the City of St. Clair Shores, County of Macomb, State of Michigan, described as:

Part of Lot 26 of "Assessor's Plat No. 24" of parts of N.E. Frl. ¼ of Sec. 16, Frl. Sec 15 & P.C. 625 T.IN., R. 13 E., Village of St. Clair Shores, Macomb County, Michigan, as recorded in liber 15, page 7, Macomb County Register of Deeds, is more particularly described as beginning at a point on the north Line of said Lot 26 (also the southerly right-of-way line of 12 Mile Road) located distant S.87 59'30" E., a distance of 590.50 ft. from the northwest corner of said Lot 26; thence continuing S.87 59'30" E. 80.00 ft.; thence N.02 12'30" E. 255.00 ft.; thence S.87 59'30" E. 90.80 ft. thence S.02 12'30" W. along the westerly line of "Richmond Gardens Sub.," as recorded in Liber 88, Page 22, Macomb County Records, a distance of 734.96 ft.; thence N.68 38'30" W. along the northerly line of "LaChance and Richards Little Farms Sub.," as recorded in liber 6, page 3 of Macomb County Records, a distance of 442.49 ft.; thence N.02 12'30" E. 333.35 ft.; thence N.87 59'30" W. 8.99 ft.; thence N.02 12'30" E. 255.0 ft. to the point of beginning.

This property is located on the south side of Twelve Mile Road, 590.50 feet east of Little Mack Avenue and is to be changed from RA, One-Family Residential District to O-1, Office Service District.

(Amend. eff. Sept. 9, 1992)

39. From RA to P-1.

The classification of land and premises situated in the City of St. Clair Shores, County of Macomb, State of Michigan, described as:

East 44.9 feet of Lot 22 of "Elmcroft Sub" City of St. Clair Shores, Macomb County, Michigan according to the plat thereof as recorded in liber 7 on page 41, Macomb County Records.

This property is located on the northwest corner of Nine Mile Road and Glen Ct., and is to be changed from RA, One-Family Residential District to P-1, Vehicular Parking District.

(Amend. eff. Feb. 17, 1993)

40. From RA to P-1.

The classification of land and premises situated in the City of St. Clair Shores, County of Macomb, State of Michigan, described as:

Lot 299, east ½ of Lot 298 including the adjoining ½ of vacated public alley to the north and east of "Harper Labadie Sub" City of St. Clair Shores, Macomb County, Michigan according to the plat thereof as recorded in liber 9 of plats on page 92, Macomb County Records.

This property located on the north side of Bon Heur Avenue, 110 feet west of Harper Avenue and is requested to be changed from RA, One-Family Residential to P-1, Vehicular Parking District.

(Amend. eff. July 20, 1993)

41. From RA to P-1.

The classification of land and premises situated in the City of St. Clair Shores, County of Macomb, State of Michigan, described as:

E. ½ of Lot 68 of "Bayview Sub.," City of St. Clair Shores, Macomb County, Michigan according to the plat thereof as recorded in liber 2 of plats on page 104, Macomb County Records.

Property located on the south side of Bayside, 340 feet east of Harper, and is to be changed from RA, One-Family Residential to P-1, Vehicular Parking District.

(Amend. eff. Sept. 21, 1993)

42. From RA to B1.

The classification of land and premises situated in the City of St. Clair Shores, County of Macomb, State of Michigan, described as:

E. ½ of vacated public alley adjacent to Lot 1102 of Greendale Sub No. 3, City of St. Clair Shores, Macomb County, Michigan according to the plat thereof as recorded in liber 4, on page 33, Macomb County Records.

This property located on the south side of Ardmore Park, 110 feet east of Harper Avenue, and is to be changed from RA, One-Family Residential to B1, Local Business District.

(Amend. eff. Jan. 4, 1994)

43. From B-3 to P-1.

The classification of land and premises situated in the City of St. Clair Shores, County of Macomb, State of Michigan, described as:

Lots 237, 238, and 239 including all of the adjoining vacated Grove Avenue at the rear thereof of "Lakewood Gardens No. 3," City of St. Clair Shores, Macomb County, Michigan, according to the plat thereof as recorded in liber 8 of plats, page 33 of Macomb County Records.

This property is located on the west side of Little Mack Avenue, 400 feet north of Ten Mile Road, and is changed from B-3 General Business and P-1 Vehicular Parking District to O-1, Office Service District.

(Amend. eff. March 22, 1994)

44. From RM-1 to O-1.

The classification of land and premises situated in the City of St. Clair Shores, County of Macomb, State of Michigan, described as:

Lots 15, 16, and 17 except the west 343.72 ft. thereof of "Assessor's Plat No. 24," City of St. Clair Shores, Macomb County, Michigan, according to the plat thereof as recorded in liber 15 of plats on page 6, Macomb County Records.

This property is located on the west side of Little Mack 410 feet south of Twelve Mile Road, and has been changed from RM-1, Multiple-Family Residential District to O-1, Office Service District.

(Amend. eff. May 3, 1994)

45. From RA to P-1.

The classification of land and premises situated in the City of St. Clair Shores, County of Macomb, State of Michigan, described as:

Assessor's Plat No. 74, City of St. Clair Shores, Macomb County, Michigan as recorded in liber 53, on page 20, Macomb County Records, part of Outlot A described as commencing at the northwest corner of Outlot A, thence due south 246.53 feet; thence N 83 degrees -13'-13" E. 104.71 feet; thence S 89 degrees - 21'-53" E. 169.71 feet; thence easterly along the arc of a curve to the left 331.11 feet, having a radius of 1736.24 feet and a long chord bearing N 85 degrees - 10'-19" E 330.61 feet to a point of beginning; thence easterly along the arc of a curve to the left 549.47 feet, having a radius of 1736.24 feet and a long chord bearing N 70 degrees - 38'-33" E 547.18 feet; thence 5.76 degrees - 33'-23" E 185.38 feet; thence S 01 degrees - 15'-03" W 30.88 feet; thence S 80 degrees - 25'-10" W 703.94 feet; thence N 10 degrees - 05'-03" W 9.91 feet to the point of beginning.

This property is located on the southwest corner of Fourteen Mile Road and Freeway Drive and has been changed from RA, One-Family Residential District to P-1, Vehicular Parking District.

(Amend. eff. Sept. 7, 1994)

46. From RA to P-1.

The classification of land and premises situated in the City of St. Clair Shores, County of Macomb, State of Michigan, described as:

Lot 252 of "Lakeview Gardens Sub" of part of P. C. 599 and part of P. C. 624, City of St. Clair Shores, Macomb County, Michigan as recorded in liber 4 on page 88 of Macomb County Records.

This property is located on the north side of Lakeview Avenue 672 feet west of Greater Mack Avenue, and has been changed from RA, One-Family Residential District to P-1, Vehicular Parking District.

(Amend. eff. Oct. 4, 1994)

47. From RA to O-1.

The classification of land and premises situated in the City of St. Clair Shores, County of Macomb, State of Michigan, described as:

Part of Lot 26 of "Assessor's Plat No. 24," T.IN., R.13E City of St. Clair Shores, Macomb County, Michigan as recorded in liber 15, pages 6 and 7 of plats, Macomb County Records, is more particularly described as beginning at a point located as follows: commencing at the northwest corner of said Lot 26; thence S.87°59'30" E. along the southerly right-of-way line of 12 Mile Rd., a distance of 219.50 ft. and S.01°54'24"W. 255.00 ft. from said northwest corner; thence from said point of beginning continuing S.01°54'24"W. 200.94 ft. to a point on the northerly line of "LaChance and Richards Little Farms Sub." as recorded in liber 6, page 3 of plats, Macomb County Records; thence S.68°38'30"E. along said N'y. line a distance of 399.71 ft.; thence N.02°12'30"E. 333.35 ft.; thence N.87°59'30"W. 378.65 ft. to the point of beginning.

also:

Lots 75, 76 and 77 inclusive, "LaChance and Richards Little Farms Subdivision," City of St. Clair Shores, Macomb County, Michigan, as recorded in liber 6, page 3 of plats, Macomb County Records.

This property is located on the north side of St. Gertrude, east of Little Mack Avenue, and has been changed from RA, One-Family Residential District, to O-1, Office Service District.

(Amend. eff. Dec. 20, 1994)

48. From RA to RM-1.

The classification of land and premises situated in the City of St. Clair Shores, County of Macomb, State of Michigan, described as:

The land embraced by the following description is part of Private Claims 656 and 657 and Lots 16 and 17 and parts of Lots 19 and 20 of "Assessor's Plat No. 3," as recorded in liber 14, page 18 of Macomb County Records, more particularly described as follows:

Beginning at a point on the southerly line of said Private Claim 276 and the northerly line of said Private Claim 657 and on the southerly line of "Van Slambrouck Subdivision" as recorded in liber 32, page 37 of Macomb County Records, said p.o.b. being south 68 degrees 30 minutes 47 seconds east 33.13 feet from the intersection of the centerline of Marter Road and the southerly line of said Private Claim 276, said point also being the point of beginning of said "Van Slambrouck Subdivision"; thence continuing from this point south 68 degrees 30 minutes 47 seconds east along southerly line of Private Claim 276, 491.47 feet to the point of beginning of this description:

Thence continuing south 68 degrees 30 minutes 47 seconds east, 608.00 feet to a point on the westerly line of "Scott and Wagner Subdivision No. 3" as recorded in liber 53, page 40 of Macomb County Records:

Thence along the said westerly line south 50 degrees 59 minutes 00 seconds west 201.56 feet to a point on the south line of Macomb County:

Thence along the said southerly Macomb County line north 87 degrees 27 minutes 40 seconds west 497.43 feet to a point; thence north 21 degrees 29 minutes 13 seconds east, 185.19 feet; thence north 25 degrees 08 minutes 59 seconds west 54.48 feet; thence north 21 degrees 29 minutes 13 seconds east 113.00 feet to the point of beginning. Containing 134,307 S.F. or 3.083 Acres.

This property is located on the east side of Marter Road 350 + feet south of Rosedale Ct. (behind Assumption Greek Orthodox Church) and has been changed from RA, One-Family Residential, to RM-1, Multiple-Family Residential District (Low Rise).

49. From RA to P-1.

The classification of land and premises situated in the City of St. Clair Shores, County of Macomb, State of Michigan, described as:

Lot 11 of "Gschwind's Mack Avenue Gardens Subdivision," City of St. Clair Shores, Macomb County, Michigan, according to the Plat thereof, as recorded in liber 7 of plats, on page 21, Macomb County Records.

This property is located on the south side of Elizabeth, 186 feet west of Greater Mack Avenue and has changed from RA, One-Family Residential to P-1, Vehicular Parking District.

(Amend. eff. July 18, 1995)

50. From RA to B-1.

The classification of land and premises situated in the City of St. Clair Shores, County of Macomb, State of Michigan, described as:

Lot 34 of "Mack Avenue Gardens Sub.," City of St. Clair Shores, Macomb County, Michigan according to the Plat thereof as recorded in liber 5, on page 11, Macomb County Records.

This property is located on the north side of Maxine, 136 feet west of Greater Mack Avenue and has been changed from RA, One-Family Residential to B-1, Local Business District.

(Amend. eff. July 18, 1995)

51. From LI to B-1.

The classification of land and premises situated in the City of St. Clair Shores, County of Macomb, State of Michigan, described as:

Lot 105 and 106 of "Bock Farms Urban Renewal Plat Sub.," City of St. Clair Shores, Michigan, Macomb County, as recorded in liber 52 of plats on page 13, Macomb County Records.

Property located on the northwest corner of Little Mack and Lakeview and is proposed to be changed from LI, Light Industrial to B-1, General Business District.

(Amend. eff. Oct. 3, 1995)

52. From RA to P-1.

Lot 365 of "Dalby and Campbell's Eastlawn Sub.," City of St. Clair Shores, Macomb County, Michigan, according to the plat thereof as recorded in liber 7 of plats on page 75, Macomb County Records.

(Amend. eff. Dec. 19, 1995)

53. From LI to O-1.

The classification of land and premises situated in the City of St. Clair Shores, County of Macomb, State of Michigan, described as:

Lots 362, 363, and 364 and adjoining one half of vacated public alley of "Dalby and Campbell's Eastlawn Sub.," City of St. Clair Shores, Macomb County, Michigan, according to the plat thereof as recorded in liber 7 of plats on page 75, Macomb County Records.

This property is located on the southwest corner of Nine Mile Road and Pallister and has been changed from LI, Light Industrial, to O-1, Office Service District.

(Amend. eff. Feb. 21, 1996)

54. From RA to O-1.

The classification of land and premises situated in the City of St. Clair Shores, County of Macomb, State of Michigan described as:

Lots 124—126 inclusive except the west 300 feet and east 27 feet; and east ½ of Lot 127 of "Lakewood Gardens Subdivision No. 1" City of St. Clair Shores, Macomb County, Michigan according to the plat thereof as recorded in liber 7 of plats of page 52, Macomb County Records.

This property is located on the west side of Little Mack Avenue, approximately 124 feet north of Stephens Avenue and has been changed from; RA, One-Family Residential District to O-1, Office Service District.

(Amend. eff. March 5, 1996)

55. From RA to P-1.

The classification of land and premises situated in the City of St. Clair Shores, County of Macomb, State of Michigan described as:

East 120 feet of west 300 feet of Lots 124—126 inclusive of "Lakewood Gardens Subdivision No. 1" City of St. Clair Shores, recorded in liber 7 of plats on page 52, Macomb County Records.

This property is located on the west side of Little Mack Avenue, approximately 124 feet north of Stephens Avenue and has been changed from; RA, One-Family Residential District to P-1, Vehicular Parking District.

(Amend. eff. March 5, 1996)

56. From R-A to P-1.

The classification of land and premises situated in the City of St. Clair Shores, County of Macomb, State of Michigan described as:

East 75 feet of Lot 4 of "George J. Cooney's Sub." City of St. Clair Shores, Michigan according to the plat thereof as recorded in liber 5 of plats on page 92, Macomb County Records.

Property located on the north side of Blackburn 125 feet west of Jefferson is requested to be rezoned from RA, Single Family Residential to P-1, Vehicular Parking District.

(Amend. eff. May 6, 1996)

57. From RA to O-1.

The classification of land and premises situated in the City of St. Clair Shores, County of Macomb, State of Michigan described as:

Lot 18 except the east 10 feet taken for right-of-way purposes of "Grove Pointe Gardens Sub." City of St. Clair Shores, Macomb County, Michigan According to the plat thereof as recorded in liber 2 on page 237, Macomb County Records.

The property is located on the west side of Jefferson Avenue, 140 feet south of Grove Pointe and is requested to be changed from RA, One-Family Residential District to O-1, Office Service District.

(Amend. eff. May 6, 1996)

58. From RA to O-1.

The classification of land and premises situated in the City of St. Clair Shores, County of Macomb, State of Michigan described as:

All of Lots 65 through 80, inclusive, part of Lot 241, all of Lots 242 through 248, inclusive, the vacated public alley, 20 feet wide, contiguous to the S'ly line of said Lots 65 through 80, inclusive, part of vacated Cedar Ave., contiguous to the S'ly line of said Lots 241 through 248, inclusive and part of Lots 313 and 314, all being a part of "Casper Hoffman Co's. Super-Highway Subdivision" of a part of the north end of section 22, T.1.N., R.13 E., Lake Twp. (now City of St. Clair Shores), Macomb County Michigan, as recorded in liber 9 of plats, page 88, Macomb County Records, being more particularly described as: Beginning at the NE corner of said Lot 80; thence along the N'ly line of said Lots 65 through 80, and S'ly line of Eleven Mile Road, 135 feet wide, S. 87 24' 30"W. 320.05 feet meas. (320.00 feet record), thence along the W'ly line of Lot 65, its extension S'ly, and the W'ly line of said Lots 248 and 313 and the extensions thereof, S. 02 51' 55"E. 324.17 feet, thence N. 87 24' 30"E. 41.50 feet; thence N. 41 30' 47"E. 59.86 feet; thence N. 87 24' 30"E. 149.50 feet; thence N. 02 02' 30"W. 40.70 feet; thence N. 87 24' 30"E 98.00 feet; thence N. 02 02' 30"W. 10.50 feet; thence along the E'ly line of said Lot 241, N. 01 58' 30"W. 64.00 feet; thence N. 18 38' 14"W. 47.85 feet; thence along the E'ly line of said Lot 80 and its extension S'ly, N. 02 38' 50"W. 120.00 feet to the point of beginning. Containing 90,281.75 square feet of 2.07258 acres, more or less, of land. Subject to and/or together with all easements or rights of records.

This property is located on the south side of Eleven Mile Road, 135 feet west of Harper Avenue and is requested to be rezoned from RA, One-Family Residential to O-1, Office Service District.

(Amend. eff. July 15, 1996)

59. From LI to CR.

The classification of land and premises situated in the City of St. Clair Shores, County of Macomb, State of Michigan described as:

Lot No. 11 of "Assessor's Plat No. 74," City of St. Clair Shores, Macomb County, Michigan according to the plat thereof as recorded in liber 53 of plats on page 20, Macomb County Records.

Property located on the west side of Harper Avenue between Masonic and Fourteen Mile Road and is requested to be changed from LI, Light Industrial to CR, Commercial Recreation District.

(Amend. eff. Aug. 6, 1996)

60. From RA to P-1.

The classification of land and premises situated in the City of St. Clair Shores, County of Macomb, State of Michigan, described as:

Lot 247 and adjoining vacated Grove Avenue of "Lakewood Gardens No. 3" City of St. Clair Shores, Macomb County, Michigan, according to the plat thereof as recorded in liber 8 of plats on page 33, Macomb County Records.

Property located on the west side of Little Mack 1,040 feet north of Ten Mile Road, located north of Technical Industries, 25631 Little Mack, is requested to be changed from RA, One-Family Residential to P-1, Vehicular Parking District.

(Amend. eff. April 8, 1997)

61. From RA to P-1.

The classification of land and premises situated in the City of St. Clair Shores, County of Macomb, State of Michigan described as:

Lot 258, "Harper Labadie Sub." City of St. Clair Shores, Macomb County, Michigan according to the plat as recorded in liber 9 of plats on page 92, Macomb County Records, except that part more particularly described as follows: Beginning at the SW corner of Lot 258 thence northwesterly along the westerly line of Lot 258, 130 feet to the NW corner of said lot; thence northeasterly along the north line of Lot 258, 45.34 feet; thence southwesterly to a point on the south line of Lot 258, 15 feet east of the SW corner of Lot 258; thence northwesterly along the south line of Lot 258, 15 feet to p.o.b.

This property located on the north side of Bon Brae 120 feet west of Harper Avenue and is requested to be rezoned from RA, One-Family Residential to P-1, Vehicular Parking District.

(Amend. eff. April 22, 1997)

62. From RA to P-1.

The classification of land and premises situated in the City of St. Clair Shores, County of Macomb, State of Michigan described as:

Lot 24 of "The Elmcroft Subdivision", City of St. Clair Shores, Macomb County, Michigan as recorded in liber 14 of plats on page 42 of Macomb County Records.

The property is located on the north side of Glen Ct. adjacent to St. Mary's Nursing Home and is requested to be changed from RA, One-Family Residential to P-1, Vehicular Parking District.

(Amend. eff. May 20, 1997)

63. From RM-1 to B-1.

The classification of land and premises situated in the City of St. Clair Shores, County of Macomb, State of Michigan, described as:

Part of section 3, town 1 north, range 13 east, City of St. Clair Shores, Macomb County, Michigan, described as commencing at the east $\frac{1}{4}$ corner of said Sec. 3 thence due west 123.44 feet and S 01 degrees 28'30" east 43.0 feet to the point of beginning; thence due east 108.34 feet; thence south 30 degrees 36'10" west 170.78 feet; thence south 32 degrees 22'10" west, 31.62 feet; thence north 01 degree 28'30" west 173.76 feet to the point of beginning 0.218 + Ac.

Property is located on the south side of Masonic, 201 feet west of Harper Avenue and is requested to be changed from RM-1, Multiple-Family Residential to B-1, Local Business District.

(Amend. eff. Aug. 5, 1997)

64. From P-1 to O-1.

The classification of land and premises situated in the City of St. Clair Shores, County of Macomb, State of Michigan, described as:

Lot 365 of "Dalby and Campbell's Eastlawn Subdivision", City of St. Clair Shores, Macomb County, Michigan, according to the plat thereof as recorded in liber 7 of plats on page 75, Macomb County Records, except that part more particularly described as follows: Beginning at the southwest corner of Lot 365, thence south easterly along the south property line of Lot 365, 108 feet to the southeast corner of said lot; thence northeasterly along the east property line of Lot 365, 58.62 feet thence southwesterly along the north property line of Lot 365, 66 feet, thence southwesterly parallel to east property line of Lot 365, 25 feet, thence northwesterly parallel to south property line of Lot 365, 45 feet to point of beginning.

Property located on the west side of Pallister south of Nine Mile Road and is requested to be changed from P-1, Vehicular Parking District to O-1, Office Service District

(Amend. eff. May 20, 1997; amend. eff. Aug. 5, 1997)

65. From LI, Light Industrial District to B-1, Local Business District.

Lots 175—178 and vacated Grove Avenue of "Lakewood Gardens Subdivision No. 2" City of St. Clair Shores, Macomb County, Michigan according to the plat thereof as recorded in liber 8 on page 2, Macomb County Records.

This property is located on the west side of Little Mack approximately 190 feet south of Lawndale and is requested to be changed from LI, Light Industrial District to B-1, Local Business District.

(Amend. eff. Oct. 7, 1997)

66. From LI, Light Industrial District to B-1, Local Business District.

Lots 179, 180, 181 and vacated Grove Avenue of "Lakewood Gardens Sub. No. 2", City of St. Clair Shores, Macomb County, Michigan, according to the plat thereof as recorded in liber 8 on page 2, Macomb County Records.

This property is located on the southwest corner of Lawndale and Little Mack and is requested to be changed from LI, Light Industrial District to B-1, Local Business District.

(Amend. eff. Oct. 7, 1997)

67. From LI, Light Industrial District to B-1, Local Business District.

Lot 3, except the west 1,259.8 feet of "Assessor's Plat No. 8" City of St. Clair Shores, Macomb County, Michigan according to the plat thereof as recorded in liber 14 on page 39, Macomb County Records.

This property is located on the northwest corner of Lawndale and Little Mack and requested to be changed from LI, Light Industrial District to B-1, Local Business District.

(Amend. eff. Oct. 7, 1997)

68. From RA, One-Family Residential to O-1, Office Service District.

Lot 154 except the west 330 feet of "Lakewood Gardens Sub. No. 1", City of St. Clair Shores, Macomb County, Michigan according to the plat thereof as recorded in liber 7 on page 52, Macomb County Records.

This property is located on the west side of Little Mack, approximately 320 feet south of 10 Mile Road and requested to be changed from RA, One-Family Residential to O-1, Office Service District.

(Amend. eff. Oct. 7, 1997)

69. From RA, One-Family Residential to O-1, Office Service District.

Lot 155 except the west 330 feet of "Lakewood Gardens Sub. No. 1", City of St. Clair Shores, Macomb County, Michigan according to the plat thereof as recorded in liber 7 on page 52, Macomb County Records.

This property is located approximately 260 feet south of 10 Mile Road and requested to be changed from RA, One-Family Residential to O-1, Office Service District.

(Amend. eff. Oct. 7, 1997)

70. From B-3, General Business District to B-1, Local Business District.

Lots 157—159 inclusive of "Lakewood Gardens Sub. No. 1", City of St. Clair Shores, Macomb County, Michigan according to the plat thereof as recorded in liber 7 on page 52, Macomb County Records.

This property is located on the southwest corner of 10 Mile Road and Little Mack and requested to be changed from B-3, General Business District to B-1, Local Business District.

(Amend. eff. Oct. 7, 1997)

71. From B-3, General Business District to B-1 Local Business District.

Part of Lot 234 of "Lakewood Gardens No. 3", City of St. Clair Shores, Macomb County, Michigan according to the plat thereof as recorded in liber 8 on page 33, Macomb County, Michigan described as follows, beginning at southeast corner of lot 234; thence west along south line Lot 234, 176.48 feet; thence north 0 degrees 04 minutes east 100 feet; thence north 81 degrees 15 minutes east 116.50 feet; thence north 45 degrees 10 minutes east 50.69 feet to east line Lot 234; thence south to point of beginning, except east 27 feet and south 27 feet for highway purposes.

This property is located on the northwest corner of 10 Mile Road and Little Mack and requested to be changed from B-3, General Business District to B-1, Local Business District.

(Amend. eff. Oct. 7, 1997)

72. From B-3, General Business District to B-1, Local Business District.

The east 140 feet of Lots 235 and 236 of "Lakewood Gardens Sub. No. 3", City of St. Clair Shores, Macomb County, Michigan according to the plat thereof as recorded in liber 7 on page 52, Macomb County Records.

This property is located approximately 280 feet north of 10 Mile Road and requested to be changed from B-3, General Business District to B-1, Local Business District.

(Amend. eff. Oct. 7, 1997)

73. From B-3, General Business District To B-1, Local Business District.

The east 140 feet of Lots 240, 241 and 242 of "Lakewood Gardens Sub. No. 3", City of St. Clair Shores, Michigan according to the plat thereof, as recorded in liber 7 on page 52, Macomb County Records.

This property is located approximately 600 feet north of 10 Mile Road and requested to be changed from B-3, General Business District To B-1, Local Business District.

(Amend. eff. Oct. 7, 1997)

74. From B-3, General Business District to B-1, Local Business District.

Lots 243, 244 and 245 and vacated Grove Avenue of "Lakewood Gardens Sub. No. 3", City of St. Clair Shores, Macomb County, Michigan according to the plat thereof as recorded in liber 7 on page 52, Macomb County Records.

This property is located approximately 785 feet north of 10 Mile Road and requested to be changed from B-3, General Business District to B-1, Local Business District.

(Amend. eff. Oct. 7, 1997)

75. From B-3, General Business District to B-1, Local Business District.

Lot 134 except the south 20 feet of the east 92 feet and the east 14.40 feet of Lot 135 of "Mack Avenue Half Acres Sub", according to the plat thereof, as recorded in liber 8 on page 31, Macomb County Records.

This property is located on the southwest corner of 11 Mile Road and Little Mack and requested to be changed from B-3, General Business District to B-1, Local Business District.

(Amend. eff. Oct. 7, 1997)

76. From B-3, General Business District to B-1, Local Business District.

The south 142 feet of east 177 feet of Lot 1 except the east 27 feet of "Assessor's Plat No. 23", City of St. Clair Shores, Macomb County, Michigan, according to the plat thereof as recorded in liber 15 on page 5, Macomb County Records.

This property is located on the northwest corner of 11 Mile Road and Little Mack and requested to be changed from B-3, General Business District to B-1, Local Business District.

(Amend. eff. Oct. 7, 1997)

77. From B-1, Local Business District to RA, One-Family Residential District.

Lots 720—724 inclusive and ½ vacated public alley of "Green Garden Sub. No. 2", City of St. Clair Shores, Macomb County, Michigan according to the plat thereof as recorded in liber 8 on page 65, Macomb County Records.

This property is located on the southwest corner of Martin and Little Mack and requested to be changed from B-1, Local Business District to RA, One-Family Residential District.

(Amend. eff. Oct. 7, 1997)

78. From O-1, Office Service District to RA, One-Family Residential District.

Lots 725—730 inclusive and ½ vacated alley of "Green Gardens Sub. No. 2", City of St. Clair Shores, Macomb County, Michigan according to the plat thereof as recorded in liber 8 on page 65, Macomb County Records.

This property is located approximately 105 feet south of Martin on Little Mack and requested to be changed from O-1, Office Service District to RA, One-Family Residential District.

(Amend. eff. Oct. 7, 1997)

79. From B-3, General Business District to B-1, Local Business District.

Lots 21 and 22 except the west 503.72 feet of "Assessor's Plat No. 24", City of St. Clair Shores, Macomb County, Michigan, according to the plat thereof as recorded in liber 15 on page 6, Macomb County Records.

This property is located approximately 100 feet south of 12 Mile Road on Little Mack and requested to be changed from B-3, General Business District to B-1, Local Business District.

(Amend. eff. Oct. 7, 1997)

80. From B-3, General Business District to B-1, Local Business District.

Lot 25 of "Assessor's Plat No. 24", City of St. Clair Shores, Macomb County, Michigan, according to the plat thereof as recorded in liber 15 on page 6, Macomb County Records.

This property is located on the southwest corner of 12 Mile Road and Little Mack and requested to be changed from B-3, General Business District to B-1, Local Business District.

(Amend. eff. Oct. 7, 1997)

81. From LI, Light Industrial District to O-1, Office Service District.

Part of Lot 12 of "Assessor's Plat No. 9" also part of Lot 1 of "Harper-Mack Keystone Sub" and part of Ridgeway Avenue as platted in "Lakewood Gardens Sub" more particularly described as: Beginning Assessor's Plat No. 9, part of Lot 12, also part of Lot 1 of "Harper-Mack Keystone Sub" and part of Ridgeway Avenue as platted in "Lakewood Gardens Sub" more particularly described as: Beginning at the intersection of the east line of Little Mack Avenue (120 feet wide) and the north line of Ridgeway Avenue (50 feet wide), N 0°17'00" E 117.81 feet along said east line of Little Mack Avenue; thence north 81°55'45" E 184.25 ft; thence S 08°14'50" E 116.23 feet to a point on the north line of Ridgeway Avenue (50 feet wide); thence along said north line of Ridgeway Avenue S 81°50'06" W 201.73 feet to the point of beginning.

This property is located on the northeast corner of Ridgeway and Little Mack and requested to be changed from LI, Light Industrial District to O-1, Office Service District.

(Amend. eff. Oct. 7, 1997)

82. From B-3, General Business District, to B-1, Local Business District.

Lots 274 and 275 of "Mack Avenue Homesites No. 1", City of St. Clair Shores, Macomb County, Michigan according to the plat thereof as recorded in liber 9 on page 33, Macomb County Records.

This property is located approximately 60 feet north of Valera on Little Mack and requested to be changed from B-3, General Business District to B-1, Local Business District.

(Amend. eff. Oct. 7, 1997)

83. From B-3, General Business District to B-1, Local Business District.

Lots 276—281, inclusive, and ½ vacated public alley of "Mack Avenue Homesites No. 1", City of St. Clair Shores, Macomb County, Michigan, according to the plat as recorded in liber 9 on page 33, Macomb County, Michigan, according to the plat as recorded in Liber 9 on Page 33, Macomb County Records.

This property is located on the southeast corner of 10 Mile Road and Little Mack and requested to be changed from B-3, General Business District to B-1, Local Business District.

(Amend. eff. Oct. 7, 1997)

84. From B-3, General Business District to B-1, Local Business District.

Lots 412—418 inclusive of "Lakewood Gardens No. 5", City of St. Clair Shores, Michigan, according to the plat thereof, as recorded in liber 9 on page 27, Macomb County Records.

This property is located on the northeast corner of 10 Mile and Little Mack and requested to be changed from B-3, General Business District to B-1, Local Business District.

(Amend. eff. Oct. 7, 1997)

85. From B-3, General Business District to B-1, Local Business District.

Lots 419—423 inclusive of "Lakewood Gardens No. 5", City of St. Clair Shores, Michigan, according to the plat thereof as recorded in liber 9 on page 27, Macomb County Records.

This property is located on the southeast corner of Maple and Little Mack and requested to be changed from B-3, General Business District to B-1, Local Business District.

(Amend. eff. Oct. 7, 1997)

86. From B-3, General Business District to B-1, Local Business District.

The north 23 feet of Lot 25 except the west 27 feet taken for road; Lots 26, 27 and 28, except the west 27 feet taken for road and all of Lot 126 of "Visnaw's Mack Avenue Little Mack Farms Sub", City of St. Clair Shores, Macomb County, Michigan, according to the plat thereof as recorded in liber 7 on page 13, Macomb County Records.

This property is located on the northeast corner of 11 Mile Road and Little Mack and requested to be changed from B-3, General Business District to B-1, Local Business District.

(Amend. eff. Oct. 7, 1997)

87. From B-3, General Business District to B-2, Community Business District.

The west 2.088 acres of Lot 26 except the north 140 feet of the west 140 feet of "Assessor's Plat No. 24", City of St. Clair Shores, Macomb County, Michigan, according to the plat thereof as recorded in liber 15 on page 6, Macomb County Records, more particularly described as follows: Beginning at the northwest corner of lot 26; thence south 87°59'30" east 140 feet to the point of beginning; thence south 87°59'30" east 70.50 feet; thence south 02°12'30" west 445 feet; thence north 68°38'30" west 229.6 feet; thence north 01°45'30" east 238.40 feet; thence south 87°59'30" east 140 feet; thence north 01°48'30" east 140 feet to point of beginning.

This property is located approximately 140 feet south of 12 Mile Road and Little Mack and requested to be changed from B-3, General Business District to B-2, Community Business District.

(Amend. eff. Oct. 7, 1997)

88. From B-3, General Business District to B-2, Community Business District.

The north 140 feet to the west 140 feet of Lot 26 of "Assessor's Plat No. 24", City of St. Clair Shores, Macomb County, Michigan, according to the plat thereof as recorded in liber 15 on page 6, Macomb County Records.

This property is located on the southeast corner of 12 Mile Road and Little Mack and requested to be changed from B-3, General Business District to B-2, Community Business District.

(Amend. eff. Oct. 7, 1997)

89. From O-1 to B-1.

The classification of land and premises situated in the City of St. Clair Shores, County of Macomb, State of Michigan described as:

Lots 2 through 8 inclusive, the west ½ of vacated alley and the east 42 feet of vacated Greater Mack Avenue, Lockmoor-on-the-Lake Subdivision, as recorded in liber 12 of plats, page 1, Macomb County Records.

Property located on the south east side corner of Greater Mack and Edmunton Street.

(Amend. eff. 5-19-98)

90. B-3, General Business District, to B-1 Local Business District.

The classification of land and premises situated in the City of St. Clair Shores, County of Macomb, State of Michigan, described as:

Lots 2, 3 and 103, Hugo Scherer's Dorion Gardens, according to the plat thereof as recorded in liber 3, page 7 of plats, Macomb County Records.

Properties located at 31015 and 31025 Jefferson.

(Amend. eff. June 8, 1999)

91. B-3, General Business District, to B-1, Local Business District.

The classification of land and premises situated in the City of St. Clair Shores, County of Macomb, State of Michigan, described as:

The east 121.79 feet of the north 180 feet of Lot 67, Assessor's Plat No. 27, according to the plat thereof as recorded in liber 15, page 10 of plats, Macomb County Records.

Property located at 29167 Jefferson.

(Amend. eff. June 8, 1999)

92. B-3, General Business District, to B-1, Local Business District.

The classification of land and premises situated in the City of St. Clair Shores, County of Macomb, State of Michigan, described as:

Part of Lot 67, Assessors Plat No. 27, part of fractional sections 14 and 15, town 1 north, range 13 east and part of private claim 625, Village of St. Clair Shores, Macomb County, Michigan, according to the plat thereof as recorded in liber 15, page 10 of plats, Macomb County Records.

Property located at 29161 Jefferson

(Amend. eff. June 8, 1999)

93. B-3, General Business District, to P-1, Vehicular Parking District.

The classification of land and premises situated in the City of St. Clair Shores, County of Macomb, State of Michigan, described as:

The west 80 feet of the east 201.79 feet of the north 180 feet of Lot 67, Assessor's Plat No. 27, according to the plat thereof as recorded in liber 15, page 11 of plats, Macomb County Records.

(Amend. eff. June 8, 1999)

94. B-3, General Business District, to B-1, Local Business District.

The classification of land and premises situated in the City of St. Clair Shores, County of Macomb, State of Michigan, described as:

Part of Lot 67, Assessors Plat No. 27, according to the plat thereof as recorded in liber 15, page 10 of plats, Macomb County Records.

This property is located at 29157 Jefferson.

(Amend. eff. June 8, 1999)

95. B-3, General Business District, to B-1, Local Business District.

Lots 2 and 3, Bay View Subdivision, according to the plat thereof as recorded in liber 2, page 104, of plats, Macomb County Records.

This property is located at 28433 Jefferson.

(Amend. eff. June 8, 1999)

96. B-3, General Business District, to CLD, Central Lakefront District.

Lots 8 and 9, Lake St. Clair Gardens Subdivision Annex, according to the plat thereof as recorded in liber 9, page 48 of plats, Macomb County Records.

this property is located at 25120, 25122 and 25124 jefferson.

(amend. eff. june 8, 1999)

97. B-3, General Business District, to CLD, Central Lakefront District.

Lots 4, 5 and 7, Lake St. Clair Gardens Subdivision Annex, according to the plat thereof as recorded in liber 9, page 48 of plats, Macomb County Records.

This property is located at 25116 and 25118 Jefferson.

(Amend. eff. June 8, 1999)

98. B-3, General Business District, to CLD, Central Lakefront District.

Lots 4 and 5, except that part taken for highway, Assessors Plat No. 18, according to the plat thereof as recorded in liber 14, page 50 of Plats, Macomb County Records.

This property is located at 25113 Jefferson.

(Amend. eff. June 8, 1999)

99. B-3, General Business District, to CLD, Central Lakefront District.

Lot 3, except that part taken for highway, Assessor's Plat No. 18, according to the plat thereof as recorded in liber 14, page 50 of plats, Macomb County Records.

This property is located at 25107 and 25109 Jefferson.

(Amend. eff. June 8, 1999)

100. B-3, General Business District, to CLD, Central Lakefront District.

Lots 1, 2 and 3, Lake St. Clair Gardens Subdivision Annex, according to the plat thereof as recorded in liber 9, page 48 of plats, Macomb County Records.

This property is located at 25110 Jefferson.

(Amend. eff. June 8, 1999)

101. B-3, General Business District, to CLD, Central Lakefront District.

Lots 1 and 2, Assessors Plat No. 18, according to the plat thereof as recorded in liber 14, page 50 of plats, Macomb County Records.

This property is located at 22385 Ten Mile.

(Amend. eff. June 8, 1999)

102. B-3, General Business District, to CLD, Central Lakefront District.

Lot 5, except the west 40 feet and the south 19 feet of Lot 6, Labadie's Nearlake Subdivision, according to the plat thereof as recorded in liber 7, page 18 of plats, Macomb County Records.

This property is located at 25025 Jefferson.

(Amend. eff. June 8, 1999)

103. B-3, General Business District to CLD, Central Lakefront District.

Lots 118 through 126, both inclusive, Lake St. Clair Gardens Subdivision No. 1, according to the plat thereof as recorded in liber 10, page 65 of plats, Macomb County Records.

This property is located at 25050 Jefferson.

(Amend. eff. June 8, 1999)

104. B-3, General Business District, to CLD Central Lakefront District.

Lots 3 and 4, except that part taken for highway, Labadie's Nearlake Subdivision, according to the plat thereof as recorded in liber 7, page 18 of plats, Macomb County Records.

This property is located at 24935 Jefferson.

(Amend. eff. June 8, 1999)

105. B-3, General Business District, to CLD, Central Lakefront District.

All that part of Lots 113, 114 and 115, Lake St. Clair Gardens Subdivision No. 1, Village of St. Clair Shores, of part of Private Claim 623, now City of St. Clair Shores, Macomb County, Michigan, according to the plat thereof as recorded in liber 10, page 65 of plats, Macomb County Records.

The property is located at 25010 and 25020 Jefferson.

(Amend. eff. June 8, 1999)

106. RM-1, Multiple-Family Residential, to CLD, Central Lakefront District.

Lots 1 and 2, except the easterly 43 feet taken from Jefferson Avenue, including the adjoining one-half of the vacated public alley at the rear thereof, Labadie's Nearlake Subdivision, according to the plat thereof as recorded in liber 7, page 18 of plats, Macomb County Records.

This property is located at 24925 Jefferson.

(Amend. eff. June 8, 1999)

107. B-3, General Business District, to CLD, Central Lakefront District.

Lots 102 through 112, both inclusive, Lake St. Clair Gardens Subdivision No. 1, according to the plat thereof as recorded in liber 10, page 65 of plats, Macomb County Records

This property is located at 24910 Jefferson.

(Amend. eff. June 8, 1999)

108. RM-1, Multiple-Family Residential, to CLD, Central Lakefront District.

Lots 141 and 142, except the west 50 feet of Lot 142 and except that part taken for the widening of Jefferson Avenue, Gilmore and Chavenelle's Jefferson Avenue Subdivision, according to the plat thereof as recorded in liber 3, page 43 of plats, Macomb County Records.

This property is located at 24801 Jefferson.

(Amend. eff. June 8, 1999)

109. RM-1, Multiple-Family Residential, to CLD, Central Lakefront District.

Lots 277 and 278, except that portion of Lot 278 taken for the widening of Jefferson Avenue, Gilmore and Chavenelle's Jefferson Avenue Subdivision, according to the plat thereof as recorded in liber 3, page 43 of plats, Macomb County Records.

This property is located at 24901 Jefferson.

(Amend. eff. June 8, 1999)

110. B-3, General Business District, to CLD, Central Lakefront District.

Lots 38 and 39, Assessor's Plat No. 11, according to the plat thereof as recorded in liber 14, page 42 of plats, Macomb County Records.

This property is located 23717 Jefferson.

(Amend. eff. June 8, 1999)

111. B-3, General Business District to CLD, Central Lakefront District.

Beginning at a point on the westerly line of Jefferson Avenue, said point being south 18 degrees 56 minutes east 153.04 feet from the intersection of the southerly line of Nine Mile Road with the westerly line of Jefferson Avenue, and running thence south 18 degrees 56 minutes east 86.50 feet along the westerly line of Jefferson Avenue, thence south 69 degrees 05 minutes 52 seconds west of 105.73 feet; thence north 68 degrees 22 minutes 56 seconds west 104.96 feet; thence north 21 degrees 00 minutes 16 seconds east 42 feet; thence south 77 degrees 32 minutes 30 seconds east 156.89 feet to the place of beginning; being part of Lots 39 and 40, Assessor's Plat No. 11 as recorded in liber 14, page 42 of plats, Macomb County Records.

This property is located at 23709 Jefferson.

(Amend. eff. June 8, 1999)

112. B-3, General Business District to CLD, Central Lakefront District.

Lot 48, Jefferson Woods Subdivision, according to the plat thereof as recorded in liber 8, page 94 of plats, Macomb County Records.

This property is located at 23707 Jefferson.

(Amend. eff. June 8, 1999)

113. From RA, One-Family Residential, to P-1, Vehicular Parking District.

Lots 27 & 28, except S 130.50 ft. thereof and exc. E 4.00 ft. of Lot 28, Walter C. Hofer Subdivision, recorded in liber 9, page 93, Macomb County Records.

This property is located at the northeast corner of Harper Avenue and Maxine, vacant lot, 21513 Maxine.

(Amend. eff. Jan. 3, 2000)

114. From RA, One-Family Residential, to CR, Commercial Recreation.

The western 150 ft. of Lots 82 & 83, Grosse Pointe Lakeside Farms Subdivision, recorded in liber 3, page 203, Macomb County Records.

This property is located at the northwest corner of Freeway Drive and Robeson Blvd.

(Amend. eff. Jan. 3, 2000)

115. From RM-1, Multiple-Family Residential District (Low Rise), to B-3, General Business District.

Assessor's Plat No. 6, Lot 20 except that part taken for Nine Mile Road, Lot 21 except the westerly 70 feet and that part taken for Nine Mile Road, and the westerly 220 feet of Lot 30, St. Clair Shores, Macomb County Records.

This property is located directly west of 22201 E. 9 Mile Road.

(Amend. eff. March 14, 2001)

116. From P-1 Vehicular Parking District to B-3 General Business District.

Lots 2 and 3, Tromley-Wentworth Subdivision, City of St. Clair Shores, Macomb County, Michigan or recorded in liber 24, page 18 of plats, Macomb County Records.

Southeast corner of Harper and 12 Mile, 29500 and 29520 Harper Avenue.

(Amend. eff. June 20, 2001)

117. FROM RA Single-family Residential to P-1, Vehicular Parking District.

Parcel identification number 14-34-354-002, the west 7.00 feet of Lot 38 and all of Lot 39, Edward Rose St. Clair Shores Subdivision, City of St. Clair Shores, Macomb County, Michigan, as recorded in liber 27, page 8-9, of plats, Macomb County Records.

(Amend. eff. Feb. 5, 2002)

118. From RA, Single Family Residential, to P-1, Vehicular Parking District.

Lot 670 of Dalby and Campbell's Mack Park Subdivision No. 1 of Part of private claim 576, St. Clair Shores, as recorded in liber 8, page 77 of plats, Macomb County Records.

This property is located at the north side of Eight Mile, 110 feet east of Harper.

(Ord. eff. July 1, 2003)

119. From P-1, Vehicular Parking District, to B-1, Local Business District.

Existing parking lot west of 25007 to 25017 Little Mack - Lots 161 and 160, excepting the north 27 feet taken for Ten Mile right-of-way, Lakewood Gardens Subdivision No. 1, St. Clair Shores, as recorded in liber 7, page 52 Macomb County Records.

(Ord. eff. July 1, 2003)

120. From RA, Single Family Residential District, to P-1, Vehicular Parking District.

20630 Ten Mile - Lot 162, excepting the north 27 feet taken for Ten Mile right-of-way, Lakewood Gardens Subdivision No. 1, St. Clair Shores, as recorded in liber 7, page 52 Macomb County Records.

(Ord. eff. July 1, 2003)

121. From O-1, Office Service District, to B-1, Local Business District.

(Currently 25003 Little Mack) - The east 303.5 feet of Lot 156, excepting the east 27 feet taken for Little Mack Avenue right-of-way, Lakewood Gardens Subdivision No. 1, St. Clair Shores, as recorded in liber 7, page 52 Macomb County Records.

(Ord. eff. July 1, 2003)

122. From O-1, Office Service District, to B-2, Community Business District.

(Currently vacant parcels south of 25003 Little Mack) - The easterly 202.42 feet of Lots 154 and 155, Lakewood Gardens Subdivision No. 1, St. Clair Shores, as recorded in liber 7, page 52 Macomb County Records.

(Ord. eff. July 1, 2003)

123. From O-1, Office Service District, to P-1, Vehicular Parking District.

(Currently vacant parcels south of 25003 Little Mack and 283 feet west of Little Mack Ave.) - The westerly 180 feet of the east 463.5 feet of Lots 154 and 155 Lakewood Gardens Subdivision No. 1, St. Clair Shores, as recorded in liber 7, page 52 Macomb County Records.

(Ord. eff. July 1, 2003)

124. From O-1, Office Service District, to P-1, Vehicular Parking District.

(Currently parking lot for 25003 Little Mack) - west 133 feet of the east 463.5 feet of Lot 156, Lakewood Gardens Subdivision No. 1, St. Clair Shores, as recorded in liber 7, page 52 Macomb County Records.

(Ord. eff. July 1, 2003)

125. [From P-1 Vehicular Parking to B-1 Business Local Business District; from RA Residential to B-1 Local Business District; from RA Residential to P-1 Vehicular Parking; from B-3 General Business District to B-1 Local Business District; from P-1 Vehicular Parking to B-1 Local Business District.]

Vacant Parcel (previously 23700 Greater Mack Ave., South Lake Schools Administration) Applicant, City of St. Clair Shores - Lots 1, 5, 6, 7, 8, 9, 10, 11, 12 and 13 of the Elmcroft Subdivision, City of St. Clair Shores, Macomb County, Michigan as recorded in liber 7, page 41 of plats of Macomb County Records. Lots 9 and 10, from P-1 Vehicular Parking to B-1 Business Local Business District, and Lot 11 from RA Residential, to B-1 Local Business District, and Lots 12 and 13, from RA Residential to P-1 Vehicular Parking, Lots 1, 5, 6, 7, and 8, and ½ of the vacated alley rezoned, from B-3 General Business District to B-1 Local Business District, and the other ½ of the vacated alley, from P-1 Vehicular Parking to B-1 Local Business District.

(Ord. eff. July 28, 2003)

126. [From RA-1 Single Family to P-1 Vehicular Parking District.]

23136 Dorion - Rezoning of Lots 104 and 105 of Hugo Scherer's Dorion Gardens Subdivision, south side of Dorion Street, approximately 200' west of Jefferson Avenue, City of St. Clair Shores, Macomb County, Michigan, as recorded in liber 3, page 7, of plats of Macomb County Records, from RA-1 Single Family to P-1 Vehicular Parking District.

(Ord. eff. Sept. 18, 2003)

127. [From RA Single Family Residential District to O-1 Office; from RA Single Family Residential to P-1 Vehicular Parking.]

24205 Little Mack, the east half of Lot 123 except the west 150' thereof also except that part taken for widening Little Mack Avenue being 27' more or less. Lake Wood Gardens Subdivision No. 1, part of the east ½ of the northeast ¼ of Fractional Section 28 T.1 N., R. 13 Lake Township, Macomb County Michigan as recorded in liber 7, page 52, of plats of Macomb County Records, from RA Single Family Residential District to O-1 Office, and 24205 Little Mack the west half of Lot 123 except the west 150' thereof also except that part taken for widening Little Mack Avenue being 27' more or less. Lake Wood Gardens Subdivision No. 1, part of the east ½ of the northeast ¼ of Fractional Section 28 T.1 N., R. 13 Lake Township, Macomb County Michigan. From RA Single Family Residential District to O-1 Office, as recorded in liber 7, page 52, of plats of Macomb County Records, from RA Single Family Residential District to P-1 Vehicular Parking District.

(Ord. eff. Feb. 12, 2004)

128. [From RA Single Family Residential District to O-1 Office.]

26333 Jefferson, at the southwest corner of Bon Heur and Jefferson, Assessor's Plat No. 20, the south 107.46 feet of Lot 21 except that part taken for Highway; also T.F. Honner Subdivision, Lot 3 in liber 15 and page 3 of plats of Macomb County Records, from RA Single Family Residential District to O-1 Office.

(Ord. eff. April 6, 2004)

129. [From L-1 Light Industrial to B-3 General Business District.]

24000 Harper, on the east side of Harper between Laukel and Ridgeway, Ridgeway Park Subdivision (liber 4, page 31), Lots 99 Except the west 60.00 feet, all of the lots 100 through 102, all of the Lots 215 through 222, and Lot 223 except the west 60.00 feet, be rezoned from L-1 Light Industrial to B-3 General Business District.

(Ord. eff. May 12, 2004)

130. [From P-1 Parking District to O-1 Office.]

25631 Little Mack, on the west side of Little Mack, north of 10 Mile Road Lakewood Gardens Subdivision No. 3 (liber 8, page 33), Lots 243 through 247, inclusive, except the easterly 27.00 feet taken for Right of way, also all of the adjacent vacated Grove Street, the east 120 feet of lots 246 and 247 be rezoned from P-1 Parking District to O-1 Office.

(Ord. eff. July 1, 2004)

131. [From B-1 Local Business District to O-1 Office District.]

25631 Little Mack, on the west side of Little Mack, north of 10 Mile Road, Lakewood Gardens Subdivision No. 3 (liber 8, page 33), Lots 243 through 247, inclusive, except the easterly 27.00 feet taken for Right of way, also all of the adjacent vacated Grove Street, the east 120 feet of lots 243, 244, and 245 be rezoned from B-1 Local Business District to O-1 Office District.

(Ord. eff. July 1, 2004)

132. [From B-1 Local Business District to P-1 Parking District.]

25631 Little Mack, on the west side of Little Mack, north of 10 Mile Road, Lakewood Gardens Subdivision No. 3 (liber 8, Page 33), Lots 243 through 247, inclusive, except the easterly 27.00 feet taken for Right of way, also all of the adjacent vacated Grove Street, the west 161 feet of lots 243, 244 and 245 inclusive of adjacent vacated Grove Street be rezoned from B-1 Local Business District to P-1 Parking District.

(Ord. eff. July 1, 2004)

133. [From RA-1 (Single Family Residential) to RM-1 (Multiple-Family Low rise residential)].

21605 Martin Road on the north side of Martin Road, east of Harper, Part of Lots 64 and 67 of Bay View Subdivision, liber 2 page 104 and part of Lots 154 and 251 and all of lot 252 of Stanley Park Subdivision liber 3 page 79, be rezoned from RA-1 (Single Family Residential) to RM-1 (Multiple-Family Low Rise Residential).

(Ord. eff. Sept. 16, 2004)

134. Rezone from L-1, Light Industrial, to B-3, General Business District.

23780 Harper at the southeast corner of Harper and Grand Lake, the north 29.00 feet of lot 102 except the west 30.00 feet of Lakeview Gardens Subdivision, liber 4, page 88, be rezoned from L-1 Light Industrial, to B-3, General Business District.

(Ord. eff. Feb. 25, 2005)

135. Rezone from RA (Single Family Residential), to P-1, Parking District.

22521 Maxine—One lot on the north side of Maxine, immediately east of the existing parking lot for 22400 Harper (commonly known as 21521 Maxine) rezoning the west 47.6 feet of Lot 1 liber 5, page 11, be rezoned from RA Single Family Residential to P-1 Parking subject to installing a 5-ft. buffer from the property line on Maxine to 9 feet past the rear corner of the home.

(Ord. eff. May 25, 2005)

136. Rezone from LI, Light Industrial District to B-3, General Business District.

23700 Harper-Lakeview Gardens Subdivision, Lots 106 And 107 except the east 15.00 feet and except the west 30.00 feet as recorded in liber 4, page 88 Macomb County Records be rezoned from LI Light Industrial, to B-3 General Business District.

(Ord. eff. Sept. 8, 2005)

137. Rezone from LI, Light Industrial District to B-3, General Business District.

23710 and 23712 Harper-Lakeview Gardens Subdivision Lot 105 except the west 30.00 feet and except the east 15.00 feet as recorded in liber 4, page 88 Macomb County Records be rezoned from LI Light Industrial, to B-3 General Business District.

(Ord. eff. Sept. 8, 2005)

138. Rezone from LI, Light Industrial District to B-3, General Business District.

23720 Harper -Lakeview Gardens Subdivision The south 25.00 feet of lot 104 except the west 30.00 feet and except the east 15.00 feet as recorded in liber 4, page 88 Macomb County Records be rezoned from LI Light Industrial, to B-3 General Business District.

(Ord. eff. Sept. 8, 2005)

139. Rezone from LI, Light Industrial District to B-3, General Business District.

23730 Harper-Lakeview Gardens Subdivision The south 10.00 feet of lot 103 except the east 15.00 feet and the north 15.00 feet of Lot 104 except the east 15.00 feet and except the west 30.00 feet of Lots 103 and 104 as recorded in liber 4, page 88 Macomb County Records be rezoned from LI Light Industrial, to B-3 General Business District.

(Ord. eff. Sept. 8, 2005)

140. Rezone from LI, Light Industrial District to B-3, General Business District.

23740 Harper-Lakeview Gardens Subdivision The north 25.00 feet of the south 35.00 feet of Lot 103 except the west 30.00 feet and except the east 15.00 feet as recorded in liber 4, page 88 Macomb County Records be rezoned from LI Light Industrial, to B-3 General Business District.

(Ord. eff. Sept. 8, 2005)

141. Rezone from LI, Light Industrial District to B-3, General Business District.

23760 Harper-Lakeview Gardens Subdivision The south 20.00 feet of Lot 102 And The north 5.00 feet of Lot 103 except the west 30.00 feet of Lots 102 and 103 as recorded in liber 4, page 88 Macomb County Records be rezoned from LI Light Industrial, to B-3 General Business District.

(Ord. eff. Sept. 8, 2005)

142. Rezone from LI, Light Industrial District to B-3, General Business District.

23800 and 23804 Harper-Lakeview Gardens Subdivision Lot 3 except east 50 feet and except west 30 ft as recorded in liber 4, page 88 Macomb County Records be rezoned from LI Light Industrial, to B-3 General Business District.

(Ord. eff. Sept. 8, 2005)

143. Rezone from LI, Light Industrial District to B-3, General Business District.

23812 Harper-Lakeview Gardens Subdivision Lot 1 except the east 20 feet and except that part taken for highway as recorded in liber 4, page 88 Macomb County Records be rezoned from LI Light Industrial, to B-3 General Business District.

(Ord. eff. Sept. 8, 2005)

144. Rezone from LI, Light Industrial District to B-3, General Business District.

23818 and 23820 Harper-Jefferson-Harper Superhighway Subdivision, Lot 259 and all of vacated alley adjacent thereto as recorded in liber 9, page 13 Macomb County Records be rezoned from LI Light Industrial, to B-3 General Business District.

(Ord. eff. Sept. 8, 2005)

145. Rezone from LI, Light Industrial District to B-3, General Business District.

23830 Harper-Jefferson-Harper Superhighway Subdivision, Lots 256-258, Inclusive, and all of vacated alley adjacent thereto as recorded in liber 9, page 13 Macomb County Records be rezoned from LI Light Industrial, to B-3 General Business District.

(Ord. eff. Sept. 8, 2005)

146. Rezone from LI, Light Industrial District to B-3, General Business District.

23900 and 23908 Harper-Jefferson-Harper Superhighway Subdivision Lots 3 and 4 as recorded in liber 9, page 13 Macomb County Records be rezoned from LI Light Industrial, to B-3 General Business District.

(Ord. eff. Sept. 8, 2005)

147. Rezone from LI, Light Industrial District to B-3, General Business District.

23906 Harper-Jefferson-Harper Superhighway Subdivision Lot 2 as recorded in liber 9, page 13 Macomb County Records be rezoned from LI Light Industrial, to B-3 General Business District.

(Ord. eff. Sept. 8, 2005)

148. Rezone from LI, Light Industrial District to B-3, General Business District.

23910 Harper-Jefferson-Harper Superhighway Subdivision Lot 1 as recorded in liber 9, page 13 Macomb County Records be rezoned from LI Light Industrial, to B-3 General Business District.

(Ord. eff. Sept. 8, 2005)

149. Rezone from LI, Light Industrial District to B-3, General Business District.

24100 Harper-Ridgeway Park Subdivision The south 28.00 feet of Lots 96, 97, and 98 except that part lying within 60.00 feet of the centerline of Harper Avenue as recorded in liber 4, page 31 Macomb County Records be rezoned from LI Light Industrial, to B-3 General Business District.

(Ord. eff. Sept. 8, 2005)

150. Rezone from LI, Light Industrial District to B-3, General Business District.

24104 Harper-Ridgeway Park Subdivision The north 22.00 feet of the south 50.00 feet of Lots 96, 97, And 98 except that part lying within 60.00 feet of the centerline of Harper Avenue as recorded in liber 4, page 31 Macomb County Records be rezoned from LI Light Industrial, to B-3 General Business District.

(Ord. eff. Sept. 8, 2005)

151. Rezone from LI, Light Industrial District to B-3, General Business District.

24101 Harper-Assessor's Plat No. 9 beginning at a point at a distance N81°50'06"E 201.73 feet from the intersection of the east line of Little Mack Ave (120 feet wide) And The north line of Ridgeway Ave (50 Ft Wide); then N08°14'50"W 116.23 ft; then N81°55'48"E 162 ft; then S89°27'44"E 65.23 feet to a point on the westerly line of Harper Ave (120 ft wide); then alongside the westerly line S19°52'44"W 120.20 feet to a point at the intersection of the westerly line of Harper Ave And north line of Ridgeway Ave (50 ft wide); then along side north line of Ridgeway Ave

S81°50'06"W 169.80 feet to p.o.b. also part of Ridgeway Ave as platted in Lakewood Gardens Subdivision and part of Lots 105 and 106 of Lakewood Gardens Subdivision be rezoned from LI Light Industrial, to B-3 General Business District.

(Ord. eff. Sept. 8, 2005)

152. Rezone from LI, Light Industrial District to B-3, General Business District.

24108 Harper-Ridgeway Park Subdivision the north 22.00 feet of the south 72.00 feet of Lots 96, 97, and 98 except that part lying within 60.00 feet of the centerline of Harper Avenue as recorded in liber 4, page 31 Macomb County Records be rezoned from LI Light Industrial, to B-3 General Business District.

(Ord. eff. Sept. 8, 2005)

153. Rezone from LI, Light Industrial District to B-3, General Business District.

Vorndran Family Trust, Ridgeway- Ridgeway Park Subdivision the south 72.00 feet of the west 30.00 feet of Lot 95 as recorded in liber 4, page 31 Macomb County Records (Parcel Number 14-27-305-038) be rezoned from LI Light Industrial, to B-3 General Business District.

(Ord. eff. Sept. 8, 2005)

154. REZONE from LI, Light Industrial District to B-3, General Business District.

24112 Harper-Ridgeway Park Subdivision the south 33.00 feet of the north 66.00 feet of Lots 96, 97, and 98 except that part lying within 60.00 feet of the centerline of Harper Avenue as recorded in liber 4, page 31 Macomb County Records be rezoned from LI Light Industrial, to B-3 General Business District.

(Ord. eff. Sept. 8, 2005)

155. Rezone from LI, Light Industrial District to B-3, General Business District.

24114 Harper-Ridgeway Park Subdivision The north 66.00 feet of lots 96—98 Except That Part Lying Within 60.00 feet of the centerline of Harper Avenue also assessing for 47.64% interest in Lot 94; also Lot 95 except the south 72.00 feet of the west 30.00 feet (Parcel 14-27-305-041) as recorded in liber 4, page 31 Macomb County Records be rezoned from LI Light Industrial, to B-3 General Business District.

(Ord. eff. Sept. 8, 2005)

156. Rezone from LI, Light Industrial District to B-3, General Business District.

24116 Harper-Ridgeway Park Subdivision the north 33.00 feet of Lots 96, 97, and 98 except that part lying within 60.00 feet of the centerline of Harper Avenue as recorded in liber 4, page 31 Macomb County Records be rezoned from LI Light Industrial, to B-3 General Business District.

(Ord. eff. Sept. 8, 2005)

157. Rezone from LI, Light Industrial District to B-3, General Business District.

24122 Harper-Whitmore Lake Subdivision Lot 80, 81 and the east 7 feet of Lot 82 as recorded in liber 4, page 17 Macomb County Records be rezoned from LI Light Industrial, to B-3 General Business District.

(Ord. eff. Sept. 8, 2005)

158. Rezone from RA, Single Family Residential to P-1 Parking District.

29807 Oakgrove - the west side of Oakgrove between 12 Mile and Garfield the west 30 feet of Visnaw's Lake Shore Gardens Annex Subdivision Lot 57, liber 6, page 48 of the plats of Macomb County Records, from RA, Single Family Residential to P-1 Parking District.

(Ord. eff. Dec. 20, 2005)

159. Rezone from RA, Single Family Residential to P-1 Parking District.

29815 Oakgrove - the west side of Oakgrove between 12 Mile and Garfield the west 30 feet of Visnaw's Lake Shore Gardens Annex Subdivision Lot 56, liber 6, page 48 of the plats of Macomb County Records, from RA, Single Family Residential to P-1 Parking District.

(Ord. eff. Dec. 20, 2005)

159(a). Rezone from B-2, Community Business, to O-1, Office District.

29000 Little Mack—The west 2.088 acres of Lot 26, except the north 140.00 feet of the west 140.00, as recorded in liber 15, pages 6-7, Macomb County Records, be rezoned from B-2 Community Business, to O-1 Office District.

(Ord. eff. Apr. 13, 2006)

160. Rezone from RA-1, Single Family Residential, to O-1, Office District.

20830 12 Mile Road—The north 255.00 feet of the east 80.00 feet of the west 299.50 feet of Lot 26, as recorded in liber 15, pages 6-7, Macomb County Records, be rezoned from RA-1 Single Family Residential, to O-1 Office District.

(Ord. eff. Apr. 13, 2006)

161. Rezone from RA-1, Single Family Residential, to O-1, Office District.

20910 12 Mile Road—part of Lot 26, described as follows: Commencing at the northwest corner of Lot 26; thence south 87°59'30" east 299.50 feet to the point of beginning; thence south 87°59'30" east 155.00 feet; thence south 02°12'30" west 255.00 feet; thence north 87°59'30" west 155.00 feet; thence north 02°12'30" east 255.00 feet to the point of beginning, as recorded in liber 15, pages 6-7, Macomb County Records be rezoned from RA-1 Single Family Residential to O-1 Office District.

(Ord. eff. Apr. 13, 2006)

162. Rezone from RA-1, Single Family Residential, to O-1, Office District.

20920 12 Mile Road—The north 255.00 feet of the west 66.00 feet of the following description: Being part of Lot 26, described as follows: Beginning 454.50 feet south 87°59'30" east 206.20 feet to a point; thence south 02°12'30" west 609.94 feet to a point; thence north 68°38'30" west 218.55 feet to a point; thence north 02°12'30" east 537.53 feet to the point of beginning, as recorded in liber 15, pages 6-7, Macomb County Records, be rezoned from RA-1 Single Family Residential to O-1 Office District.

(Ord. eff. Apr. 13, 2006)

163. Rezone from RA-1, Single Family Residential, to O-1, Office District.

20924 12 Mile Road—part of Lot 26, described as follows: Commencing at the northwest corner of lot 26; thence south 87°59'30" east 520.00 feet to the point of beginning; thence south 87°59'30" east 70.00 feet; thence south 02°12'30" west 255.00 feet; thence north 87°59'30" west 70.00 feet; thence north 02°12'30" east 255.00 feet to the

point of beginning, as recorded in liber 15, pages 6-7, Macomb County Records be rezoned from RA-1 Single Family Residential to O-1 Office District.

(Ord. eff. Apr. 13, 2006)

164. Rezone from RA, Single Family Residential, to P-1 Parking District.

21531 Visnaw—north side of Visnaw just east of Harper Avenue, Lot 101, Visnaw's Lakewood Shores Subdivision, liber 9, page 24 of plats of Macomb County Records, from RA, Single Family Residential to P-1, Parking District.

(Ord. eff. Apr. 22, 2009)

165. Rezone from RA Single Family Residential to P-1 Vehicular Parking District.

22803, 22807, and 22815 Ridgeway—For these parcels on the north side of Ridgeway, 180 feet west of Jefferson, and all of the vacated alley, commonly known as 22803, 22807 and 22815 Ridgeway, rezoning of Lots 8, 7, and 6 and all of the vacated alley, liber 4 page 31 be rezoned from RA Single Family Residential, to P-1 Vehicular Parking District.

(Ord. eff. Apr. 22, 2009)

166. Rezone from RA, Single Family Residential, to B-1, Local Business District.

32225 Jefferson—Lot 4 ONLY (except the west 20.00 feet) of Supervisor's Plat of Edgewater Park Subdivision liber 3, page 153 of the plats of Macomb County Records, shall be rezoned from RA Single Family Residential, to B-1 Local Business District. This property is located on the west side of Jefferson at the southwest corner of Jefferson and Edgewater.

(Ord. eff. Apr. 22, 2009)

167. Rezone from O-1, Office to LI, Light Industrial.

20020 9 Mile Road - Lots 362, 363 and 364 only of Dalby and Campbell Eastlawn Subdivision, as recorded in liber 7, page 75 of plats, Macomb County Records, Macomb County, Michigan, shall be rezoned from O-1, Office to LI, Light Industrial. This property is located on the south side of Nine Mile Road at the southwest corner of Nine Mile Road and Pallister Avenue.

(Ord. eff. Sept. 23, 2009)

168. Rezone from RA, Single-Family Residential to P-1, Vehicular Parking District.

Vacant Edgewater Street (identified as tax parcel 14-02-452-023) - the west 20.00 feet of Lots 3 and 4 of Edgewater Park Subdivision, as recorded in liber 3, page 153, of plats, Macomb County Records, Macomb County, Michigan, shall be rezoned from RA, Single Family Residential, to P-1, Vehicular Parking District. This property is located on the south side of Edgewater Street, 180.00 feet west of Jefferson Avenue and 195.00 feet south of Masonic Boulevard.

(Ord. eff. Jan. 7, 2010)

169. Rezone from P-1 Parking District to LI - Light Industrial.

20643 Stephens - Vacant land located on Little Mack Avenue, adjacent to, and north of, 20643 Stephens, parcel identification number 14-28-278-029, described as follows: Lakewood Gardens Subdivision No. 1, Lot 121, except the west 150.00 feet, according to the plat thereof, as recorded in liber 7, page 52, of plats, Macomb County Records, Macomb County, Michigan, from P-1 Parking District to LI - Light Industrial.

(Ord. eff. Feb. 3, 2010)

170. Rezone from RA-Single-Family Residential to B-1 Local Business District.

23157 Doremus - Gaukler Pointe Land Co. Subdivision, Lot 161 and the east ½ of Lot 162, parcel identification number 14-35-151-027, as recorded in liber 3, page 39, of plats, Macomb County Records, Macomb County, Michigan, from RA-Single-Family Residential to B-1 Local Business District. This parcel is located on the north side of Doremus just west of Jefferson.

(Ord. eff. July 28, 2010)

171. Rezone from RA-Single-Family Residential to P-1 Parking at 21515 Harper Lake.

21515 Harper Lake - The west 42 feet of Lot 5 of the Jefferson-Harper Superhighway Subdivision, as recorded in liber 9, page 13, of plats, Macomb County Records, Macomb County, Michigan, from RA-Single-Family Residential to P-1 Parking.

(Ord. eff. Sept. 8, 2010)

172. Rezone from O-1 Office District to R-B Two-Family Residential District at 29305 Jefferson.

29305 Jefferson - Visnaws Lakewood Shores Subdivision Lots 151 and 382, liber 9, page 24, Macomb County Records, Macomb County, Michigan, from O-1 Office District, to R-B Two-Family Residential.

(Ord. eff. Dec. 29, 2010)

173. Rezone from RM-1 Multiple-Family Low Rise to B-1 Local Business District at 20700 12 Mile Road.

20700 12 Mile Road - Assessor's Plat No. 24, Lot 24 except the west 113.00 feet, liber 15, pages 6—7, Macomb County Records, Macomb County, Michigan, from RM-1 Multiple-Family Low Rise to B-1 Local Business District.

(Ord. eff. Apr. 20, 2011)

174. Rezone from RA Single-Family Residential to P-1 Vehicular Parking District at 21516 Maple.

21516 Maple - Maple Park Subdivision Lot 70, liber 7, page 22, Macomb County Records, Macomb County, Michigan, from RA Single-Family Residential to P-1 Vehicular Parking District.

(Ord. eff. Sept. 21, 2011)

175. Rezone from RA Single-Family Residential to P-1 Vehicular Parking District at 20713 California.

20713 California - Heffner and Flemming's Glenhurst Subdivision Lot 457 liber 10 page 37, Macomb County Records, Macomb County, Michigan, north side of California, 114 feet west of Harper Avenue from RA Single-Family Residential to P-1 Vehicular Parking District.

(Ord. eff. Oct. 24, 2012)

176. Rezone from RA Single-Family Residential to P-1 Vehicular Parking District at 22713 Pallister.

22713 Pallister - Dalby and Campbell Eastlawn Subdivision Lot 366 and the north 15' Lot 367 liber 7, page 75, Macomb County Records, Macomb County, Michigan, west side of Pallister, 200 feet south of Nine Mile, from RA Single-Family Residential to P-1 Vehicular Parking District.

(Ord. eff. Oct. 24, 2012)

177. Rezone from RA Single-Family Residential to P-1 Vehicular Parking District at 22129 Elizabeth.

22129 Elizabeth - Gschwind's Mack Avenue Gardens Subdivision Lot 138, liber 7, page 86, Macomb County Records, Macomb County, Michigan, northwest corner of Elizabeth and Greater Mack, 155 feet from Greater Mack, from RA Single-Family Residential to P-1 Vehicular Parking District.

(Ord. eff. Dec. 12, 2012)

178. Rezone from RA Single-Family Residential to P-1 Vehicular Parking District at 20712 Elizabeth (south side of Elizabeth, west of Harper).

20712 Elizabeth - Metry Woods Subdivision Lot 8 INCL ½ vacated alley, liber 27, page 24 Macomb County Records, Macomb County, Michigan, southwest corner of Elizabeth and Harper, 100 feet from Harper, from RA Single-Family Residential to P-1 Vehicular Parking District.

(Ord. eff. Feb. 19, 2014)

179. Rezone from RA Single-Family Residential to RM-1 Multiple-Family Low Rise, south Corner of Bon Brae and B Street, between Jefferson and Harper, 22108 Bon Brae.

22108 Bon Brae - Bon Brae Subdivision (liber 3, page 199), Lot 22 south corner of Bon Brae and B Street between Jefferson and Harper from RA - Single-Family Residential to RM-1 Multiple-Family Low Rise (PPC140009A).

(Ord. eff. Aug. 6, 2014)

180. Rezone from RA-1 Single-Family Residential to RM-1 Multiple-Family Low Rise, west side of Jefferson between St. Gertrude and Lanse Conditional Rezoning*.

28801 Jefferson Avenue - the east 43 feet of Lot 71 and Lots 72 thru 74 inclusive, except that part taken for highway, of Assessor's Plat Number 27. also Lots 1 thru 4 Inclusive, the south 10 feet of Lot 165 Inclusive and Lots 168 thru 171 inclusive of L'anse Creuse Gardens Subdivision also Lots 131 and 132 of St. Gertrude Subdivision from RA-1 - Single-Family Residential to RM-1 Multiple-Family Low Rise on the condition* that if the petitioner should decide not to pursue the project after site plan approval, then the parcel would automatically revert back to its original zoning classification of RA-1 Single-Family Residential 24 months after the rezoning occurred.

(Ord. eff. Aug. 26, 2015)

181. Rezone from RA-1 Single-Family Residential to PD Philanthropic District, north of Jefferson Avenue, east of the Milk River, at the south (east) boundary of the City of St. Clair Shores.

1100 Lake Shore Drive Assessor's Plat No. 7 (liber 14, pages 36-38) part of lot 13 described as follows: beginning at the interior of the boundary of the village of St. Clair Shores and north side line of Lakeshore Rd; then N17°58'53"E 155.16 feet to the point of beginning; then N16°05'W 824.09 feet; then N31°40'16"W 219.75 FT; then N36°29'E 651.22 feet to a point on Lake St. Clair; then meandering southerly along the Shore of Lake St. Clair to the east boundary of the Village of St. Clair Shores; then S17°58'53" west alongside the Village line to the point of beginning of the City of St. Clair Shores from RA-1 Single-Family Residential to PD Philanthropic District (PPC 150014A).

(Ord. eff. Dec. 30, 2015)

182. Rezone from RA-1 Single-Family Residential to P-1 Parking; parcel number 09-14-34-206-019, located at the north-east corner of Liberty and Alice.

Northeast corner of Liberty and Alice Parcel number 09-14-34-206-019 - Fresard's Lake Subdivision (L3, p189) part of lot 32, desc as follows: beg at the SE corner of lot 32; thence N69°52'30"W 22.7'; thence S88°15'00"E 29.2' to the SW corner of lot 32; thence N01°45'00"W 125'; thence north 88°15'00"E 101.6' to the E line of lot 32; thence southwesterly 142.6' to the point beginning; from RA-1 Single-Family Residential to P-1 Parking (PPC 180001A).

(Ord. eff. Mar. 14, 2018)

183. Rezone from RA-1 Single-Family Residential to P-1 Parking; Part of parcel number 09-14-34-206-017, located at the northeast of 22509 and 22519 Liberty.

Landlocked parcel east of Alice Street and northeast of 22509 and 22519 Liberty part of parcel number 09-14-34-206-017, Fresard's Lake Subdivision (L3, P189) Lots 33 and 34 exc the S 139', from RA-1 Single Family Residential To P-1 Parking (PPC180001B).

(Ord. eff. Mar. 14, 2018)

184. Rezone from RA-1 Single-Family Residential to B-1 Local Business District; Part of parcel number 09-14-34-206-017, located east of Alice between Liberty and Nine Mile.

Landlocked parcel east of Alice Street between Liberty and Nine Mile Road north part of Parcel 4, part of parcel number 09-14-34-206-017, Fresard's Lake Subdivision (L3, P189) Lots 33 and 34 exc the S 139' From RA-1 Single-Family Residential To B-1 Local Business District (PPC180001C).

(Ord. eff. Mar. 14, 2018)

185. Rezone from RA-1 Single-Family Residential to P-1 Parking; Part of 22522 East Nine Mile, parcel number 09-14-34-206-044, located northeast of 22521 Liberty and part of 22522 Nine Mile.

Landlocked parcel northeast of 22521 Liberty and part of 22522 Nine Mile (part of Parcel 5) Parcel Number 09-14-34-206-044, Fresard's Lake Subdivision; part of Lot 35 northerly 50 feet of Lot 35 liber 3 page 189 From RA-1 Single-Family Residential To P-1 Parking.

(Ord. eff. Mar. 14, 2018)

186. Rezone from P-1 Parking to O-1 Office Part of parcel number 09-14-28-278-026, located at 24205 Little Mack the north-east corner of Liberty and Alice, west side of Little Mack approximately 325 feet north of Stephens.

Legal description: The west half of lot 123 of Lakewood Gardens Subdivision No. 1 lot 123 except the west 150 feet, also except the east 27 feet for Little Mack.

(Ord. eff. Dec. 12, 2018)

187. Rezone from RA-1 Single-Family Residential to O-1 Office parcel number 09-14-28-278-028, located at 24201 Little Mack the north-east corner of Liberty and Alice, west side of Little Mack approximately 260 feet north of Stephens.

Legal description: Lakewood Gardens Subdivision No. 1 lot 122 except the west 150 feet.

(Ord. eff. Dec. 12, 2018)

188. Rezone from RA-LB Single-Family Lakeshore Residential District to RM-1 Multiple-Family Low Rise District, numbers 09-14-02-477-001 through 09-14-02-477-016, located at 101 Lac Sainte Claire Drive to 404 Lac Sainte Claire Drive, east side of Jefferson across from Edgewater Street along Lac Sainte Claire Drive.

Legal description: All of Lac Sainte Claire Villa's M CCP No. 171.

189. Rezone from RA-1 Single Family Residential to P-1 Parking, parcel number 09-14-33-257-014, located at 20720 California, south side of California Street approximately 50 feet west of Harper Avenue

Legal description: Heffner and Flemmings Glenhurst Subdivision N10 ft of w50 ft of lot 300; also W ½ of LOTS 415 to 419 incl and E10 ft of vacated alley.

(Comp. Ords. 1988, § 15.1000; ord. eff. Dec. 12, 2018; Ord. of 4-15-2019(1))

190. Rezone from RA-1 Single-Family Residential to P-1 Parking, parcel number 09-14-33-257-014, located at 20720 California, south side of California Street approximately 50 feet west of Harper Avenue. Legal description: Heffner and Flemmings Glenhurst Subdivision, north ten feet of west 50 feet of Lot 300; also west half of Lots 415 to 419 including and east ten feet of a vacated alley.

(Comp. Ords. 1988, § 15.1000; ord. eff. Dec. 12, 2018; Ord. of 4-15-2019(1))

191. Rezone from RA-1 Single-Family Residential to RM-1 Multiple-Family Low-Rise, west side of Jefferson approximately 920 feet south of 9 Mile, 23415 Jefferson, parcel number 14-35-151-037. Legal description: Assessor's Plat Number 7 (liber 14, pages 36 to 38) part of Lots 68 and 69 described as follows: Beginning at a point on the southerly line of Lot 68, said point being 651.53 feet on the northerly line of Lot 10; said point being 167 feet from the northwest cor. of Lot 10; thence south 21°33'21" west 25 feet; thence south 84°37'15" west 62.25 feet; thence south 21°33'21" west 55.40 feet to the point of ending on the southerly line of Lot 67, also exc. that part of Lot 67 taken for Jefferson Avenue.

(Ord. eff. Sept. 25, 2019)

192. Rezone a portion of 31601 Harper Avenue from O-1 Office to RM-1 Multiple-Family Low-Rise, located at the corner of Share and Harper. Legal description: Assessor's Plat Number 34, part of Lot 4 described as follows: commencing at the northeast corner of Lot 148 of Wm P. Hull Subdivision No. 1; thence south 85°55'30" east 308.82 feet to centerline of Harper Avenue; thence south 35°33'30" west 109.49 feet; thence southwesterly along an arc of a curve to the right 245.38 feet, whose long chord bears south 43°25'04" west, having a radius of 1,016.46 feet, to the point of beginning; thence continuing southwesterly along an arc of a curve to right 100.04 feet, whose long chord bears south 53°09'11" west, having a radius of 1,016.46 feet; thence northeasterly along an arc of a curve to the left 268.32 feet, whose long chord bears north 45°56'16" west, having a radius of 510.00 feet; thence north 49°53'20" east 91.00 feet; thence south 47°40'08" east 271.92 feet to the point of beginning; excepting the southeasterly 33.00 feet for Harper Avenue right-of-way, City of St. Clair Shores.

(Ord. amend. eff. Sept. 16, 2020; Ord. of 6-15-2020)

193. Rezone from B-3 General Business District to RA-1 Single-Family Residential Parcel Number 09-14-27-105-86, located at 21210 east 10 Mile, on the south side of 10 Mile Road between Harper and Manhattan. Legal description: Assessor's Plat No. 14 (liber 14, page 45) Lots 86 through 89 and all that part of Lot 90 lying east of a line, said line beginning at a point in north line lot 90, said point being two feet east of northwest cor. Lot 90 and ends at a point in south line Lot 90, said point being 15.60 feet east of southwest cor. Lot 90.

(Ord. amend. eff. Dec. 16, 2020)