

## APPENDIX A ZONING<sup>1</sup>

### TITLE

An ordinance regulating and restricting the height and size of buildings; the size of yards, courts, and other open spaces; the density of population; the location and use of buildings and land for trade, industry, residence and other purposes; creating districts for said purposes and establishing the boundaries of such districts; defining certain terms used herein; providing for enforcement and administration and imposing 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 Warren 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; providing adequate light, air, and reasonable access; and 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 WARREN ORDAINS:

## ***ARTICLE I. SHORT TITLE***

### **Section 1.01 [Title.]**

This Ordinance shall be known as the Zoning Ordinance of the City of Warren, and will be referred to herein as "This Ordinance."

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<sup>1</sup>Editor's note(s)—Printed herein as adopted is the zoning ordinance of the city, Ordinance Number 30, adopted on July 21, 1960. Amendments have been inserted and are indicated by history notes in parentheses following the amended sections or subsections. Obvious misspellings have been corrected. The word "section" has been added before those catchlines which are missing the word "sections." Other changes made for clarity are enclosed by brackets [ ].

Charter reference(s)—Zoning authority, § 3.1(b)(2)(h); planning department, planning commission, § 7.22.

Cross reference(s)—Any ordinance pertaining to zoning saved from repeal, § 1-6(13); buildings and building regulations, Ch. 9; mobile homes and trailers, Ch. 20; signs, Ch. 31; soil removal, dumping and regrading, Ch. 32; streets, sidewalks and other public places, Ch. 34; subdivision regulations, Ch. 35; fences generally, App. A, § 4.70 et seq.

State law reference(s)—Authority to regulate land use, MCL 125.581 et seq.

## ***ARTICLE II. DEFINITIONS<sup>2</sup>***

For the purpose of this Ordinance certain terms and words are herewith defined:

Words used in the present tense include the future tense, words in the singular number include the plural number, and words in the plural number include the singular number; the word "building" includes the word "structure", and the word "shall" is always mandatory and not merely directory.

### **Section 2.01 Alley.**

A way open to public travel intended for secondary access to premises and not less than eighteen (18) feet wide, but not more than thirty (30) feet wide.

### **Section 2.02 Basement.**

That portion of a building which is wholly or partly below the average grade of the ground level adjoining the building when the height from the grade up to the first floor tier of floor beams or joists is less than the height from the grade level down to the floor, provided, however, that if the height from the grade level to the first tier of floor beams or joists is five (5) feet or more, such basement shall be considered a story.

### **Section 2.03 Boarding or rooming house.**

A boarding or rooming house shall be construed to mean any dwelling occupied in any such manner that certain rooms in excess of those used by members of the immediate family and occupied as a home or family unit, are leased or rented to persons outside of the family, without any attempt to provide therein or therewith cooking or kitchen accommodations.

### **Section 2.04 Building department.**

References throughout this ordinance to the Building Department shall mean the Division of Building and Safety Engineering, and the Director of Public Service or any of his duly appointed representatives, including the Building Director or any of his subordinate officers or employees.

(Ord. No. 30-994, § 1, 12-13-11)

### **Section 2.05 Building.**

Any structure, either temporary or permanent, having a roof, and used or built for the shelter or enclosure of any person, animal, chattel or property of any kind. This shall include tents, awnings, or vehicles situated on private property and used for purposes of a building.

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<sup>2</sup>Cross reference(s)—Definitions and rules of construction generally, § 1-2.

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### **Section 2.06 Building-principal.**

A building in which is conducted the main or principal use of the lot on which said building is situated.

### **Section 2.07 Building-accessory.**

A subordinate building or structure on the same lot, or part of the main building, occupied by or devoted exclusively to an accessory use.

### **Section 2.08 Building line.**

The front line of the building or the legally established line which determines the location of the building with respect to the street line.

### **Section 2.09 Carport.**

A partially open shelter or structure for housing of vehicles. Such structures shall comply with all yard requirements applicable to garages.

### **Section 2.10 Court.**

A court is an open unoccupied space other than a yard, and bounded on at least two sides by a building. A COURT extending to the front lot line or front yard, or to a rear lot line or rear yard is an OUTER COURT. Any other court is an INNER COURT.

### **Section 2.11 District.**

Any section of the incorporated parts of the City of Warren for which the regulations governing the use of buildings and premises or the height and area of buildings are uniform.

### **Section 2.12 Dwelling unit.**

A building, or portion thereof, designed for occupancy by one (1) family for residential purposes and having cooking facilities.

### **Section 2.13 Dwelling, one-family.**

A building designed for and occupied by one (1) family, and so designated and arranged as to provide cooking and kitchen accommodations and sanitary facilities for one (1) family only.

### **Section 2.14 Dwelling, two-family.**

A building designed for and occupied by two (2) families, and so designated and arranged as to provide cooking and kitchen accommodations and sanitary facilities for each of the two (2) families only.

### **Section 2.15 Dwelling, multiple-family.**

A building or portion thereof, designed for occupancy by three (3) or more families living independently of each other and having separate cooking and kitchen accommodations and sanitary facilities.

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### **Section 2.16 Efficiency apartment.**

A dwelling unit consisting of not more than two (2) rooms in addition to kitchen and necessary sanitary facilities.

### **Section 2.17 Essential services.**

The phrase "essential services" means the erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, communication, steam, or water transmissions or distribution systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith (but not including buildings) reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions for the public health, safety or general welfare.

### **Section 2.18 Family.**

A family is any number of persons living together in a dwelling comprising a single nonprofit housekeeping unit and related by blood, marriage, adoption, domestic partnership. A family shall include not more than three (3) persons not so related occupying a dwelling and living as a single nonprofit housekeeping unit. With the exceptions of domestic employees and of any individual with a disability as defined in Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988.

(Ord. No. 30-1036, § 1, 4-24-18)

### **Section 2.19 Farm.**

A farm is a platted or unplatted parcel of land not less than three (3) acres.

### **Section 2.20 Floor area.**

Floor area shall mean the total gross floor area, as measured to the outside surfaces of exterior walls, but not including the following spaces: crawl spaces, unfinished and non-habitable portions of the basement and attics, garages and open porches, balconies and terraces.

### **Section 2.21 Garage-community.**

A community garage is a structure, or a series of structures, for the storage of motor vehicles, having no public shop or services in connection therewith, and separated into compartments or sections with separate vehicular entrances, for the use of two or more owners or occupants of property in the vicinity.

All such garages intended to accommodate more than four (4) vehicles shall first receive the approval of the Board of Appeals.

### **Section 2.22 Garage-private.**

A private garage is a structure for the storage of not more than a number of vehicles as may be required in connection with the permitted use of the principal building.

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### **Section 2.23 Garage-public.**

A public garage is a structure, other than a private or community garage, for the storage, care, repair or refinishing of motor vehicles, except that a structure or room used solely for the display and sale of such vehicles in which they are not operated under their own power, and in connection with which there is no repair, maintenance, or refinishing service or storage of vehicles other than those displayed, shall not be considered a garage for the purpose of this Ordinance.

### **Section 2.24 Gasoline service station.**

A gasoline service station is a building or structure designed or used for the retail sale or supply of fuels, lubricants, air, water, and other operating commodities for motor vehicles, and including the customary space and facilities for the installation of such commodities on or in such vehicles, but not including space for facilities for storage, repair, bumping, painting and refinishing.

### **Section 2.25 Grade.**

The elevation of the curb at the midpoint of the front of the lot or tract, as established by the Director of Public Service.

### **Section 2.26 Greenbelt.**

- (a) An eight (8) foot greenbelt shall be a solid planting strip composed of evergreen trees spaced not more than twenty (20) feet apart and not less than one (1) row of evergreen shrubs, spaced not more than five (5) feet apart and which are at least five (5) feet or more in height after one (1) full growing season after planting, and which shall be planted and maintained in a healthy growing condition by either the occupant or owner of the property.
- (b) A twenty (20) foot greenbelt shall be a planting strip composed of two (2) rows of evergreen trees, spaced alternately at not more than twenty (20) feet apart and not less than three (3) rows of evergreen shrubs, spaced at not more than eight (8) feet apart and which are at least five (5) feet or more in height after one (1) full growing season after planting, and which shrubs will eventually grow to a height of not less than twelve (12) feet at maturity, and which shall be planted and maintained in a healthy growing condition by either the occupant or owner of the property.

A decorative masonry wall, not more than six (6) feet in height and not less than eight (8) inches in thickness may be substituted for either of the above greenbelts, upon approval of the Planning Director, and shall be maintained in an attractive condition and structurally sound.

- (c) The occupant or owner shall maintain greenbelt in an attractive well-trimmed condition at all times, and free from litter, refuse and weeds.

(Ord. No. 30-227, § 1, 11-22-66; Ord. No. 30-998, § 1, 7-9-13)

### **Section 2.27 Group housing.**

A residential development involving the ultimate construction of two (2) family dwellings or multiple-family or combination of multiple and two (2) or one (1) family dwellings, on a lot, parcel or tract of land, or on a combination of lots under one ownership.

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### **Section 2.28 Height of buildings.**

The vertical distance from the ground level adjoining the building to the highest point on the roof surface in the case of a flat roof, to the deck line for mansard roofs, to the mean height level between eaves and ridge for gable, hip or gambrel roofs.

### **Section 2.29 Home occupation.**

Any occupation or profession carried on only by a member of a family, residing on the premises, in connection with which there is used no sign other than one (1) non-illuminated name plate attached to the building entrance which is not more than one (1) square foot in area; provided that:

- (a) No commodity is sold upon the premises;
- (b) No person is regularly employed for commercial purposes other than a member of the immediate family, residing on the same premises;
- (c) No mechanical equipment is used except such as is normally used for domestic or household purposes, but this shall not include the office of a veterinarian;
- (d) No more than twenty-five (25) percent of the total floor area is to be used for home occupation.

### **Section 2.30 Hotel.**

A building containing twenty-five (25) or more 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 for the accommodation of transient guests and no cooking being permitted therein, and containing a public dining room for the accommodation of at least twenty-five (25) guests, and a general kitchen.

### **Section 2.31 Kennel.**

A kennel shall be considered a lot or premises at which three (3) or more dogs are kept either permanently or temporarily.

### **Section 2.32 Lot.**

A parcel of land separated from other parcels or portions by descriptions as in a subdivision or on a record survey map or by metes and bounds for purpose of sale, lease, or separate use and undivided by any street and occupied by, or designated to be developed for, one (1) building or principal use and the accessory buildings or uses customarily incidental to such building, use or development include such open spaces and yards as are designed and arranged or required by this ordinance for such building, use or development.

(Ord. No. 30-726, § 1, 9-23-86)

### **Section 2.33 Lot-corner.**

A corner lot is a lot of which at least two (2) adjacent sides abut for their full length upon a street.

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### **Section 2.34 Lot—Double frontage.**

Double frontage lot is a parcel of land which extends from one street to another street.

### **Section 2.35 Lot-interior.**

An interior lot is a lot other than a corner lot.

### **Section 2.36 Lot line—Front.**

The line abutting a street. On a corner lot the shorter street line shall be considered the front lot line. Where new street lines are established by Ordinance on the Master Thoroughfare Plan of the City of Warren, such lines shall be the front lot line.

### **Section 2.37 Lot line—Rear.**

The rear lot line is that boundary which is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be that assumed line parallel to the front lot line not less than ten (10) feet long, lying most distant from the front line and wholly within the lot.

### **Section 2.38 Lot line-side.**

A side lot line is any lot boundary line not a front lot line or a 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 lot line.

### **Section 2.39 Lot depth.**

The perpendicular distance between the front and rear lines, measured along the median between the side lot lines.

### **Section 2.40 Lot width.**

The horizontal distance between the side lot lines measured at the two points where the building line, or setback, intersects the side lot lines.

### **Section 2.41 Lot of record.**

A parcel of land, the dimensions of which are shown in a recorded plat on file with the County Register of Deeds, or any parcel which has been created in accordance with the provisions of the Plat Act [MCL 560.101 et seq.], and which has been assigned a parcel number by the Land File Division of the Macomb County Treasurer's Office and the description for which is on file with the City Assessor's Office.

(Ord. No. 30-726, § 2, 9-23-86)

### **Section 2.42 Mobile home park.**

A mobile home or trailer coach park refers to any site, lot, field, or tract of land upon which three (3) or more occupied mobile homes or trailer coaches are harbored, either free of charge or for revenue purposes, and shall

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include any building structure, tent, vehicle, or enclosure used or intended for use as a part of the equipment of such mobile home or trailer coach park.

#### **Section 2.43 Motel or motor court.**

A motel or motor court is a business comprising of a series of attached, semi-detached or detached rental units for the overnight accommodation of transient guests, each unit containing bedroom, bathroom and closet space, but no kitchen or cooking facilities, with the exception of units for use of the manager and/or caretaker.

#### **Section 2.44 Occupied mobile home.**

An occupied mobile home or trailer coach refers to any mobile home or trailer coach located on a site within the mobile home park when such mobile home is connected to any park facility such as a sewerage collection system, water or electrical distribution system.

#### **Section 2.45 Outlot.**

An outlot is a parcel of land which must be designated on a recorded plat as an outlot before it may be legally considered as such.

#### **Section 2.46 Parking space.**

An area surfaced by use of either bituminous, oil aggregate, stabilized gravel or equivalent, enclosed or unenclosed, not less than nine (9) feet wide by twenty (20) feet long, except as regulated by Section 4.32 (i) of this Ordinance.

(Ord. No. 30-457, § 2, 2-12-74)

#### **Section 2.47 Public utility.**

Any person, firm, corporation, municipal department or board duly authorized to furnish, and furnishing to the public, under municipal regulations, electricity, gas, steam, telephone, telegraph, transportation or water.

#### **Section 2.48 Soil.**

The word soil as used herein shall be topsoil, subsoil, sand[,], gravel, muck or any other type of natural earthy material.

#### **Section 2.49 Story.**

That portion of a building included between the surface of any floor and the surface of the floor next above, or if there should be no floor above, then the space between the surface of any floor and the ceiling next above.

A basement shall be considered a story if the distance from the building grade line to the ceiling is equal to or greater than the distance from the building grade line to the floor or if its ceiling is over five (5) feet above the average established grade, or if it is used for business purposes by other than a janitor or domestic servant in the same building.

(Ord. No. 30-127, § 1, 7-14-64; Ord. No. 30-131, § 1, 7-14-64)



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### **Section 2.50 Story-half.**

A half story is an uppermost story lying under a sloping roof, the usable floor area of which does not exceed seventy-five (75) percent of the floor area of the story immediately below it, and not used, or designed, arranged or intended to be used, in whole or in part, as an independent housekeeping unit or dwelling.

Tri-level and quad-level buildings shall be considered one and one-half (1½) stories if the lower floor area is considered a story as in Section 2.49.

Bi-level shall be considered two (2) stories, if one of the lower floor areas is considered a story as in Section 2.49.

### **Section 2.51 Street.**

A street is any thoroughfare or way, other than public alley, dedicated to the use of the public and open to public travel, whether designated as a road, avenue, highway, boulevard, drive, lane, circle, place, court, terrace, or any similar designation, or a private street open to restricted travel at least thirty (30) feet in width.

### **Section 2.52 Structure.**

Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

### **Section 2.53 Tourist home.**

A dwelling furnishing over-night sleeping quarters to transient guests, containing not more than three (3) guest bedrooms.

### **Section 2.54 Trailer coach or mobile home.**

A vehicle with or without its own motive power, equipped for or used for living purposes and mounted on wheels or designed to be so mounted and transported.

### **Section 2.55 Utility room.**

A utility room, or space, is a room or space located other than in the basement, specifically designed and constructed to house any home utilities such as the heating unit and laundry facilities.

### **Section 2.56 Use.**

The purpose for which land or buildings thereon are designed, arranged, or intended to be occupied or used, or for which they are occupied or maintained.

### **Section 2.57 Use-accessory.**

A use normally incidental to, and subordinate to, the principal use of the premises.

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### **Section 2.58 Yard-front.**

A front yard is an open space extending the full width of an interior lot and/or full length of all sides bordering upon a street or streets of a corner lot and of a uniform depth measured horizontally at right angles to the street lot line, unoccupied from the ground upward, except as hereinafter specified.

### **Section 2.59 Yard-rear.**

A rear [rear] yard is an open space extending the full width of a lot and of a uniform depth measured horizontally at right angles to the rear lot line and unoccupied from the ground upward, except as hereinafter specified.

### **Section 2.60 Yard-side.**

A side yard is an open space, extending from the front yard to the rear [rear] yard, and of a uniform width measured horizontally at right angles to the side lot line and unoccupied from the ground upward, except as hereinafter specified.

### **Section 2.61 Outdoor retail sales.**

The display and sale of products and services on a lot outside of a building including products and services that are displayed year round and those such as Christmas trees and flowers that are displayed and sold on a temporary or seasonal basis, excluding garage sales that are otherwise regulated in this Ordinance.

(Ord. No. 30-283, § 1, 6-25-68; Ord. No. 30-835, § 1, 2-22-94; Ord. No. 30-858, § 1, 2-13-96)

### **Section 2.62 Driveways.**

A driveway shall be hardsurfaced access connecting such parking space with a street or alley and permitting ingress and egress of a motor vehicle.

(Ord. No. 30-457, § 3, 2-12-74)

### **Section 2.63 Coin-operated amusement machine and/or device establishments.**

Coin-operated amusement machine and/or device establishments shall be defined as a place of business that has in operation an excess of five (5) coin-operated machines and/or devices.

(Ord. No. 30-462, § 1(2.63), 7-9-74)

### **Section 2.64 Coin-operated amusement machine and/or device.**

A coin-operated amusement machine and/or device means a ski-ball machine, air-hockey machine, motion picture machine, shuffleboard, miniature pool table, or any other similar machine, instrument, or contrivance which may be operated or set in motion upon the insertion of a coin, or under normal use is designed to have a coin; however, in lieu of said coin, the proprietor charges a flat rate to use said device.

(Ord. No. 30-462, § 1(2.64), 7-9-74)

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### **Section 2.65 Senior citizen housing.**

A residential building containing eight (8) or more dwelling units specially designed for the use and occupancy of any person married or single, who is sixty-two (62) years of age or over. Such building shall not contain equipment for surgical care or for the treatment of disease or injury, other than for emergency first-aid care. Such building shall be:

- (1) Owned by the City of Warren and administered by the Warren Housing Commission in accordance with Warren Code of Ordinances, Chapter 4, Section 10-41, et seq.; or,
- (2) Constructed with the assistance of mortgage financing or other financial assistance insured by or procured through or with the assistance of municipal, State or Federal governmental agencies, and is constructed and maintained on a non-profit basis by a charitable organization which is organized pursuant to the provisions of the Michigan's General Corporation Act (P.A. 1931 No. 327)<sup>3</sup>.

(Ord. No. 30-469, § 1, 9-24-74)

### **Section 2.66 Medical clinic.**

Medical Clinic shall mean any facility providing physical or mental health service or medical or surgical care of the sick or injured but shall not include in-patient or overnight accommodations. Medical clinic includes health center, health clinic, and doctors' offices.

(Ord. No. 30-538, § 1, 6-14-77)

### **Section 2.67 Shopping center.**

A group of commercial establishments, planned, developed, owned and managed as a unit related in location, size, and type of shops to the trade area that the unit serves; it provides on site parking in definite relationship to the types of sizes of stores.

(Ord. No. 30-538, § 2, 6-14-77)

### **Section 2.68 Special land use.**

Special land use is a use of land for an activity which, under usual circumstances, would be detrimental to other land uses permitted within the same district but which is permitted because of circumstances unique to the location of the particular use and which use can be permitted conditionally without jeopardy to uses permitted within such district.

(Ord. No. 30-657, § 1, 4-12-83)

### **Section 2.69 Special land use permit.**

An authorization by the City Council or Planning Commission specified herein to use a parcel of land and/or structure for a special land use.

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<sup>3</sup>Editor's note(s)—This act has been repealed. Refer now to the Business Corporation Act, P.A. 284 of 1972 (MCL 450.1101 et seq.).

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(Ord. No. 30-657, § 2, 4-12-83)

### **Section 2.70 Class C liquor license establishment.**

A Class C Liquor establishment shall mean any place licensed by the State of Michigan Liquor Control Commission to sell at retail beer, wine, and spirits for consumption on the premises.

(Ord. No. 30-659, § 1, 4-26-83)

State law reference(s)—Similar provisions, MCL 436.2t.

### **Section 2.71 Tavern.**

Tavern shall mean any place licensed by the State of Michigan Liquor Control Commission to sell retail beer and wine for consumption on the premises only.

(Ord. No. 30-659, § 2, 4-26-83)

### **Section 2.72 Garage sale.**

The sale of used tangible household personal belongings to the householder and conducted on an individual lot used as a one-family, two-family, or multiple-family dwelling.

The items offered for sale shall be limited to personal property that is usual to a residence and commonly used in a family.

A garage sale is not for the sale, display, or trading of articles of commerce obtained either new or used for the purpose of sale or resale nor for the sale, display or trading of goods manufactured or processed either on or off the lot for the purpose of sale or resale. The manner of regulation for garage sales as defined herein shall be found in Section 4.42 of this Ordinance.

(Ord. No. 30-680, § 1, 6-26-84)

### **Sections 2.73—2.75 Reserved.**

Editor's note(s)—Section 2 of Ord. No. 30-859, adopted March 26, 1996, repealed §§ 2.73—2.75 in their entirety.

Formerly, §§ 2.73—2.75 pertained to the location of on-premises signs, off-premises signs and billboards and derived from §§ 1—3 of Ord. No. 30-722, adopted Aug. 26, 1986.

### **Section 2.76 Pawnbroker.**

Any person, corporation or member, or members of a copartnership or firm, who loans money on deposit, or pledge of personal property, or other valuable thing, other than securities or printed evidence of indebtedness, or who deals in the purchasing of personal property or other valuable thing on condition of selling the same back again at a stipulated price, is hereby defined to be a pawnbroker.

(Ord. No. 30-805, § 1, 12-26-91)

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## **Section 2.77 Secondhand dealers.**

Any person, corporation or member or members of a corporation or firm who primarily engage in the retail sale of used merchandise, antiques, and secondhand goods; such as, clothing, shoes, furniture, books, rare manuscripts, musical instruments, office furniture, phonographs and phonograph records, store fixtures and equipment. Excluded from this definition are dealers primarily engaged in selling used motor vehicles, trailers, boats, mobile homes, automobile parts and accessories, scrap and waste dealers.

(Ord. No. 30-805, § 1, 12-26-91)

## **Section 2.78 Child care center or day care center.**

A child care or day care center is a facility, other than a private residence, licensed by the State of Michigan to receive one (1) or more preschool or school-age children for care for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian. Child care center or day care center includes a facility that provides care for more than two (2) consecutive weeks, regardless of the number of hours of care per day. The facility is generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before- or after-school program, or drop-in center. Child care center or day care center does not include any of the following:

- (i) A Sunday school, a vacation bible school, or a religious instructional class that is conducted by a religious organization where children are attending for not more than three (3) hours per day for an indefinite period or for not more than eight (8) hours per day for a period not to exceed four (4) weeks during a twelve-month period.
- (ii) A facility operated by a religious organization where children are in the religious organization's care for not more than three (3) hours while persons responsible for the children are attending religious services.
- (iii) A program that is primarily supervised, school-age-child-focused training in a specific subject, including, but not limited to, dancing, drama, music, or religion. This exclusion applies only to the time a child is involved in supervised, school-age child-focused training.
- (iv) A program that is primarily an incident of group athletic or social activities for school-age children sponsored by or under the supervision of an organized club or hobby group, including, but not limited to, youth clubs, scouting, and school-age recreational or supplementary education programs. This exclusion applies only to the time the school-age child is engaged in the group athletic or social activities and if the school-age child can come and go at will.
- (v) A state licensed family child care home or a state licensed group child care home.

(Ord. No. 30-991, § 1, 2-22-11)

## **Section 2.79 Family child care home.**

Family child care home is a private home licensed by the State of Michigan to receive one (1) to six (6) minor children for care and supervision for compensation, for periods of less than twenty-four (24) hours a day, unattended by a parent or legal guardian, except children related by blood, marriage, or adoption to an adult member of the family residing in the home. Family child care home includes a home in which care is given to an unrelated minor child for more than four (4) weeks during a calendar year. A family child care home does not include an individual providing babysitting services for another individual which is exempt from licensing requirements under MCL 722.111.

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(Ord. No. 30-991, § 2, 2-22-11)

### **Section 2.80 Group child care home.**

Group child care home is a private home licensed by the State of Michigan to receive more than six (6) but not more than twelve (12) minor children for care and supervision, for compensation, for periods of less than twenty-four (24) hours a day unattended by a parent or legal guardian, except children related by blood, marriage, or adoption to an adult member of the family residing in the home. Group child care home includes a home in which care is given to an unrelated minor child for more than four (4) weeks during a calendar year.

(Ord. No. 30-991, § 3, 2-22-11)

### **Section 2.81 Antenna.**

Any device utilized for the purpose of sending or receiving electromagnetic waves, including but not limited to, microwave, cellular telephone, radio, television, personal communication services or other communications. Citizen radio, short wave, amateur radio, residential TV or satellite TV antennas and towers are excluded from the regulations of this chapter.

(Ord. No. 30-857, § 1, 1-9-96; Ord. No. 30-881, § 1, 10-28-97)

### **Section 2.82 Antenna tower.**

Any structure which is utilized to support an antenna or antennas, as defined in section 2.81, above the ground or above an existing structure. Antenna towers include, but are not limited to, monopoles, tripods, wood poles, roof mounting brackets, chimney brackets, multiple leg tower structures, signs and self supporting and guy wired towers.

(Ord. No. 30-857, § 1, 1-9-96; Ord. No. 30-881, § 1, 10-28-97)

### **Section 2.83 Seasonal use.**

A temporary use permitted and regulated pursuant to this ordinance for a limited period of time conducted every year at the same time of year, such as, but not limited to, the sale of Easter flowers and Christmas trees.

(Ord. No. 30-858, § 2, 2-13-96)

### **Section 2.84 Temporary.**

Temporary shall mean for the duration of a limited time period as specified in the provisions of this Ordinance.

(Ord. No. 30-858, § 2, 2-13-96)

### **Section 2.85 Temporary use.**

A use permitted and regulated pursuant to this Ordinance for periods of time that are limited in duration as specified by this Ordinance.

(Ord. No. 30-858, § 2, 2-13-96)

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(Supp. No. 89)

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### **Section 2.86 Temporary, seasonal or special structure.**

A non-permanent structure used in conjunction with the seasonal sale or temporary event pursuant to this Ordinance.

(Ord. No. 30-858, § 2, 2-13-96)

### **Section 2.87 Condominium Act.**

Act 59 of 1978, as amended; MCL 559.101 et seq. as amended.

(Ord. No. 30-862, § 1, 4-9-96)

### **Section 2.88 [Condominium project, condominium subdivision plan, master deed, common elements, etc.]**

Condominium project, condominium subdivision plan, master deed, common elements, and other words and phrases relating to condominiums shall be defined pursuant to Sections 3 to 10 of the Condominium Act, Act 59 of 1978 (MCL 559.103 to 110), (except as otherwise defined and used in Article IVB).

(Ord. No. 30-862, § 1, 4-9-96)

### **Section 2.89 Single family site condominium.**

All allocation or division of land permitted under the State of Michigan Condominium Act, Act 59 of 1978 as amended, which permits single family detached housing pursuant to a master deed.

(Ord. No. 30-862, § 1, 4-9-96)

### **Section 2.90 Condominium unit.**

Condominium unit means that portion of the condominium project designed and intended for separate ownership and use as described in the master deed.

(Ord. No. 30-862, § 2, 4-9-96)

### **Section 2.91 Estate sale.**

The sale of used personal property belonging to the occupants of a residential dwelling and conducted on the residential lot to liquidate an estate. The sale shall be conducted by the owner, occupant or agent thereof and shall include viewing time.

(Ord. No. 30-875, § 1, 3-11-97)

### **Section 2.92. Used car lot.**

Any property used for the sale, offer for sale, exchange, display, consignment or storage of any passenger motor vehicles, including RV trailers, golf carts, motorcycles, motorized scooter, and other motorized vehicle powered by gas, electricity or battery, that are used, secondhand, previously owned or used, whether or not

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refurbished, including property used in combination with other uses not stated in this provision. Used car lot excludes automotive manufacturers and new car dealerships, unless the property of the automotive manufacturer and new car dealership is used in combination with a used car lot or used car sales.

(Ord. No. 30-1001, § 3, 8-27-13)

### **Section 2.93 Reserved.**

Editor's note(s)—Ord. No. 30-1064 , § 1, adopted April 27, 2021, repealed § 2.93, which pertained to medical marihuana facility and derived from Ord. No. 30-1020, § 1, adopted April 12, 2016.

### **Section 2.94 Reserved.**

Editor's note(s)—Ord. No. 30-1064 , § 1, adopted April 27, 2021, repealed § 2.94, which pertained to registered qualifying patient or patient and derived from Ord. No. 30-1020, § 1, adopted April 12, 2016.

### **Section 2.95 Reserved.**

Editor's note(s)—Ord. No. 30-1064 , § 1, adopted April 27, 2021, repealed § 2.95, which pertained to registered primary caregiver or primary caregiver and derived from Ord. No. 30-1020, § 1, adopted April 12, 2016.

### **Section 2.96 Reserved.**

Editor's note(s)—Ord. No. 30-1064 , § 1, adopted April 27, 2021, repealed § 2.96, which pertained to debilitating medical condition and derived from Ord. No. 30-1020, § 1, adopted April 12, 2016.

### **Section 2.97 School.**

The buildings, grounds, or facilities, or any portion thereof, owned, occupied by, or under the custody or control of public or private institutions for the primary purpose of providing educational instruction to students at or below the twelfth grade level.

(Ord. No. 30-1020, § 1, 4-12-16)

### **Section 2.98 Recreational facility.**

Any public building or field used for the primary purpose of sports or recreation.

(Ord. No. 30-1020, § 1, 4-12-16)

### **Section 2.99 Library.**

A facility in which literary, musical, artistic, or reference materials or items, such as, but not limited to, books, computers, recordings, or videotapes, are kept for the use by or loaning to patrons of the facility, but are not normally offered for sale.

(Ord. No. 30-1020, § 1, 4-12-16; Ord. No. 30-1027, § 1, 5-9-2017)



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### **Section 2.100 Health club or fitness center.**

A facility primarily used for body conditioning and physical exercise, and which involves multiple activities and facilities, including but not limited to weight training, aerobic and related exercise classes, jogging, swimming pools, whirlpool, sauna, steam room, and may include courts for racquet sports occupying a limited area of the facility, generally in the range of less than 10 percent of the building, and may include accessory uses, such as showers, locker rooms, tanning salons and health food sales or fitness screenings, provided they are only in support of the primary uses. A health club or fitness center does not include rehabilitation services provided by licensed health care providers.

(Ord. No. 30-1027, § 1, 5-9-2017)

### **Section 2.101 Gym or personal fitness center.**

An indoor commercial establishment or use where physical exercise or training is conducted on an individual basis, with or without the option for having one-to-one instruction with a personal trainer, using exercise equipment or open floor space, and may have accessory uses provided they are in support of the primary use, but shall not include court sports facilities, swimming pools, and spectator seating for sports.

(Ord. No. 30-1027, § 1, 5-9-2017)

### **Section 2.102 Recreational center—Indoor.**

An indoor facility, with or without seating for spectators, providing accommodations for individual, organized, or franchised sports, including, but not limited to, basketball, ice hockey, soccer, tennis, volleyball, racquetball, batting cages, water parks, fun ranges, or handball. The facility may also provide other regular organized or franchised events, health and fitness club facilities, swimming pool, snack bar, restaurant, retail sales of related sport, health or fitness items, and other support facilities, as accessory uses.

(Ord. No. 30-1027, § 1, 5-9-2017)

### **Section 2.103 Arena recreational center.**

An indoor recreational center with main and accessory structures that have a combined maximum gross area of floor space that exceeds 20,000 square feet.

(Ord. No. 30-1027, § 1, 5-9-2017)

### **Section 2.104 Recreational center—Outdoor.**

A commercial business establishment that conducts outside of a building, on a permanent or seasonal basis, in open or partially enclosed or screen facilities, activities designed for participant uses, such as driving ranges, miniature golf, swimming pools, tennis courts, outdoor racquet sports, motorized cart and motorcycle or car tracks, motorized model airplanes, water parks, firing ranges or amusements, such as carnival rides, amusement games, trampolines, or inflatable play equipment or approved as a temporary use.

(Ord. No. 30-1027, § 1, 5-9-2017)

## ***ARTICLE III. ZONING DISTRICTS AND MAPS***

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### **Section 3.01 Zoning districts.**

For the purpose of this Ordinance the City of Warren is hereby divided into districts to be known as the following:

1. R-1-A Districts—One-Family Residential Districts.
2. R-1-B Districts—One-Family Residential Districts.
3. R-1-C Districts—One-Family Residential Districts.
4. R-1-P Districts—One-Family Residential Parking Districts.
5. R-2 Districts—Two-Family Residential Districts.
6. R-3 Districts—Multiple-Family Residential Districts.
7. R-4 Districts—Mobile Home Districts.
8. PB Districts—Professional Business Districts.
9. C-1 Districts—Local Business Districts.
10. C-2 Districts—General Business Districts.
11. C-3 Districts—Wholesale and Intensive Business Districts.
12. P Districts—Parking Districts.
13. M-1, M-2, M-3 and M-4 Districts—Industrial Districts.
14. R-5 Districts—High-Rise Apartment Districts.
15. "O" Districts—Office Districts.
16. "S" Districts—Special Service Districts.
17. City Center District—Specially Designated Overlying District.
18. Village Historic District—Specially Designated Historic District.
- [19. R-3-A Districts—Senior Citizen Congregate Living.]

### **Section 3.02 Zoning map.**

The areas comprising these zoning districts and the boundaries of said districts as shown upon the map attached hereto and made a part of this Ordinance, being designated as the Zoning Map of the City of Warren, with all proper notations, references and other information shown thereon.

### **Section 3.03 District boundaries.**

The boundaries of zoning districts, as shown on the map accompanying and made a part of this Ordinance, unless otherwise shown, are lot or tract lines or the center lines of streets, roads, or alleys, or the extension thereof, railroad right-of-way lines and the corporate limits of the City of Warren.

### **Section 3.04 Interpretation of boundaries.**

Questions concerning district boundary lines as shown on the Zoning Map shall be decided by the Zoning Board of Appeals after recommendation by the Planning Commission.

## **ARTICLE IV. GENERAL PROVISIONS**

### **Section 4.01 Compliance with all laws; uses not expressly permitted are prohibited; illegal operation of a business is a misdemeanor.**

- (a) A building or land shall only be used, altered, constructed or reconstructed if it complies with:
  - (1) All applicable provisions of the Code of Ordinances, including appendix A, zoning; and
  - (2) All other applicable laws.
- (b) Uses not expressly permitted within a specified zoning district are prohibited in that district.
- (c) Unless otherwise provided, a person operating a business in violation of any applicable law is guilty of a misdemeanor punishable by imprisonment for not more than ninety (90) days or a fine of not more than five hundred dollars (\$500.00), or both.

(Ord. No. 30-990, § 1, 2-22-11; Ord. No. 30-1020, § 2, 4-12-16)

Editor's note(s)—The Legislative Record Documents submitted to City council and made part of the official legislative record on February 22, 2011, in support of the amendment to section 4.01 which demonstrate the deleterious secondary effects of medical marijuana enterprises, businesses, facilities or similar uses are on file with the City Clerk.

### **Section 4.02 Scope.**

Except as hereafter provided, no building shall be erected or altered to exceed in height the limit established for the district in which such building is located. No building shall be erected, nor shall an existing building be altered, enlarged or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity with the regulations hereby established for the district in which such building is located.

### **Section 4.03 Buildings under construction.**

Any building or structure for which a building permit has been issued and the construction of the whole or a part of which has been started, or for which a contract or contracts have been entered into pursuant to a building permit issued prior to the effective date of this Ordinance, may be completed and used in accordance with the plans and applications on which said building permit was granted.

Any such permit for a use which would become non-conforming by virtue of the passage of this Ordinance or amendment thereto shall not be renewed if construction, pursuant to the issuance of such permit, has not commenced within one year from the date of issuance.

### **Section 4.04 Lots: Use for yards, courts, etc.**

No portion of a lot and other similar uses used in complying with the provisions of this Ordinance for yards, courts, lot area per family or percentage of lot occupancy in connection with an existing or proposed building or

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structure, including tents and trailer coaches, shall again be used as part of the lot required in connection with any other building or structure existing or intended to exist at the same time.

#### **Section 4.05 Building grades.**

Any building requiring yard space shall be located at such an elevation that a sloping grade shall be maintained to cause the flow of surface water to run away from the walls of the building. A building grade line (sometimes referred to as the finish line) shall mean the elevation of the ground adjoining the building on all four sides. A first floor elevation shall mean the height which the first floor extends above building grade. A sloping earth grade shall be maintained and established from the center of the front line to the finish grade line at the building front and from the rear wall of the buildings to the rear lot line. The height of the finish grade line of any dwelling shall not be less than twelve (12) inches nor more than eighteen (18) inches above the curb or crown of the abutting street measured from the center of the front of the building.

When a new building is being constructed on a vacant lot between two existing buildings or adjacent to an existing building, the existing established grade shall be referred to in determining the grade around the new building and the yard around the new building shall be graded in such a manner as to prevent run-off of surface water flowing onto the adjacent properties. Grades shall be approved by the Building Inspector.

No person, firm or corporation shall alter an established surface drainage grade to the extent that normal surface drainage is materially obstructed or retarded.

#### **Section 4.06 Yard—Use.**

No part of any required yard, except a rear or side yard shall be used for any detached garage or any accessory building other than a garage or use, or for the storage of vehicles. Any portion of a lot in front of the front building line shall be used for ornamental purposes only and nothing shall be placed thereon except trees, shrubs, or items of similar nature.

#### **Section 4.07 Lot limitation.**

No more than one (1) principal building shall be placed on a lot with the exception of those uses, which in accordance with this ordinance, the planning commission has approved the location of one (1) or more principal buildings provided the land area allocated to each building is equal to or greater than the lot area required for the district and the building and land complies with all other requirements of the district in which it is located.

(Ord. No. 30-726, § 3, 9-23-86)

#### **Section 4.08 Yards—Alley.**

Wherever there is a public alley at the rear of a lot upon which the lot abuts for the full width, measurements of the depth of any abutting rear yard, required under this Ordinance, may be made to the center line of such, alley.

#### **Section 4.09 Corner visibility.**

Within any required front or corner side yard on any corner lot, no wall, fence, sign, hedge, shrub, or other obstruction to visibility shall be permitted between the heights of two and one-half (2½) feet and ten (10) feet above the existing street grade within the triangular area formed by the street property lines and a line connecting there at points twenty-five (25) feet from the intersection of the street lines or their extension.

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#### **Section 4.10 Water supply—Sewers.**

- (a) No building permit shall be issued under the terms of this Ordinance before all wells are drilled and tested in accordance with requirements of State Health Department, and all well water is to be tested by the Macomb County Health Department.
- (b) No building or structure shall hereafter be erected or altered and used for an outside toilet of any type whatsoever, unless located and erected in conformance with the laws of the State of Michigan and the rules and regulations of the Michigan Department of Health and Macomb County Health Department.
- (c) Where an approved public sewer is available all new buildings shall be connected to such public sewerage system at the time of construction. When an approved public sewer becomes available, existing dwellings and habitable buildings shall be connected to same at such time as may be deemed necessary by the Macomb County Health Department or the City of Warren Building Department.

#### **Section 4.11 Waste, garbage, and rubbish.**

No garbage, sewage, filth, refuse or other obnoxious matter shall be kept in open containers or piled on the open ground. No business or industrial use shall permit waste materials, cans, cartons, and other similar materials, to be scattered over open ground. All waste materials must be periodically disposed of at least once in each thirty (30) day period.

#### **Section 4.12 Waste receptacles.**

The occupant or occupants of every building where waste accumulates, and in case of a semidetached or terrace building, the owner, lessee or agent, shall cause to be provided, and the City may provide, for said building, kept clean and in place, proper receptacles for said wastes, either stationary or portable. No occupant, whether owner, lessee or agent, shall permit the storing or accumulation of rubbish or waste, or permit it to be kept in open yards or lots, unless placed in any accessory building. In no case shall such receptacles be stored in any front yard. Receptacles may be stored on the side or rear yard so long as they are out of sight, covered or partially shielded from view of the general public.

For garbage, compost and recycling containers shall be portable, constructed of durable plastic or substantial metal construction for use with automated commercial collection systems with hinged lids, clearly color coded/marked as to its use; "compost," "garbage" or recycling" so maintained as to be water tight, and vermin resistant and may be of 32—96 gallon capacity. Garbage receptacles shall be adequate in size and number to hold one week's accumulation. Portable receptacles shall have handles or bails and a tight fitting cover.

(Ord. No. 30-1050 , § 1, 9-10-19)

#### **Section 4.13 Storage, dumping of waste, junk, garbage, and other similar materials.**

The use of land for the storage or collection or accumulation of used lumber, and other used materials, or for the dumping or disposal of broken concrete, scrap iron, junk, garbage, rubbish or other refuse or of ashes, slag or other industrial wastes or by-products shall not be permitted in any district, except as specifically specified in Section 17.02(t) of this Ordinance and under a Temporary Certificate from the Building Department, after approval of the Board of Appeals after the recommendation of the Planning Commission which may be issued in appropriate cases upon the filing of an application accompanied by a suitable agreement and bond that such dumping or disposal will not pollute the waters of the City or cause stagnant water to collect, or leave the surface of the land, at the expiration date of such permits, in an unstable condition or unfit for the growing of turf or for other land uses permitted in the district in which such dumping occurs.

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The dumping of dirt or sand excavated from the earth is permitted in any district provided the grade has been established and approved by the Director of Public Service, and further that the surface of such material is graded within sixty (60) days in a manner preventing the collection of stagnant water and which leaves the ground surface in a condition suitable for the growing of turf or for other land uses permitted in the district.

No land within the City, regardless of zoning district, shall be used for dumping, burying or otherwise disposing of any toxic substances. For purposes of this Ordinance, toxic substance means any material in concentrations which, alone or in combination presents a significant threat to the health, safety or welfare of human life or which has the capacity to produce injury or illness through ingestion, inhalation, or absorption through the body surface.

(Ord. No. 30-601, § 1, 9-25-79)

#### **Section 4.14 Reserved.**

Editor's note(s)—Section 2 of Ord. No. 30-859, adopted March 26, 1996, repealed § 4.14 in its entirety. Formerly, §§ 4.14 pertained to billboards and signs located in certain districts and derived from § 4 of Ord. No. 30-722, adopted Aug. 26, 1986.

#### **Section 4.15 Minimum lot width for two or more families.**

No two (2) family or multiple family residence shall be built on a lot having a width at the front line of less than sixty (60) feet and not fronting upon a public street.

#### **Section 4.16 Motor vehicles.**

No motor vehicles, as defined in Chapter 37 "Traffic and Motor Vehicles" section 37-47, shall be stored on any residential lot, in any residential district, or on any parcel of land used but not zoned for residential purposes unless it shall be in operating condition and properly and currently licensed or located inside a permanent structure in sound condition. No motor vehicle in excess of one (1) ton capacity shall be stored on any residential lot, in any residential district or on any parcel of land used for residential purposes regardless of zoning district, unless it is a permitted use pursuant to Article V-A of the Zoning Ordinance.

(Ord. No. 30-819, § 1, 10-13-92; Ord. No. 30-821, § 1, 2-1-93; Ord. No. 30-860, § 3, 3-26-96; Ord. No. 30-876, § 3, 3-11-97)

#### **Section 4.17 Non-conforming uses:**

- (a) *Non-Conforming Use-Continuance.* Any lawful non-conforming use consisting of a building or land usage existing at the time of the effective date of this Ordinance may be continued, except as herein prohibited or restricted, provided that the building or use thereof shall not be structurally changed, altered or enlarged, unless such altered or enlarged building or use shall conform to the provisions of this Ordinance for the district in which it is located. No non-conforming use if changed to a use permitted in the district in which it is located shall be resumed or changed back to a non-conforming use. Failure to continue to use any land, building or structure, or part thereof, which use is a non-conforming use under this Ordinance, for a period of one (1) year or more shall be held to be conclusive proof of an intention to legally abandon any such non-conforming use.
- (b) *Non-Conforming Use-Restoration.* Nothing in this Ordinance shall prevent the restoration, repairing, or rebuilding of any non-conforming building or structure damaged to the extent of sixty (60) percent or less of its valuation by fire, explosion, act of God, or any act of the public enemy, subsequent to the effective date of

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this Ordinance, or shall prevent the continuance of the use of such building or part thereof, as such use existed at the time of such impairment of such building or part thereof.

- (c) *Non-Conforming Use-Repair.* Nothing in this Ordinance shall prevent the repair, reinforcement or reconstruction of a non-conforming building, structure, or part thereof existing at the effective date of this Ordinance, rendered necessary by wear and tear, deterioration or depreciation, provided the cost of such work shall not exceed thirty (30) percent or [of] the valuation of such building or structure at the time such work is done nor shall any provision of this Ordinance prevent compliance with the provisions of any Building Code in effect in this City or the Housing Law of Michigan relative to the maintenance of buildings or structures.
- (d) *Non-Conforming Use-Exceptions.* Nothing in this ordinance shall prohibit the alteration, improvement, or rehabilitation of a no-conforming building or structure existing at the effective date of this Ordinance, provided the same does not involve any increase in height, area, bulk, or change or use. Nothing in this Ordinance shall prevent the strengthening or restoration of any building or wall declared unsafe by the Building Department.
- (e) *Non-Conforming Use-Removal.* In accordance with Act No. 207, Public Acts of Michigan 1921 [MCL 125.581 et seq.], as amended by Section 3a of Act No. 272 of the Public Acts of Michigan, 1947 [MCL 125.583a], the City Council may acquire by purchase, condemnation or otherwise, private property for the removal of non-conforming uses and structures; provided, the property shall not be used for public housing. The City Council may in its discretion provide that the cost and expense of acquiring such private property be paid from general funds, or the cost and expense or any portion thereof be assessed to a special district. The elimination of such non-conforming uses and structures in a zoned district as herein provided is hereby declared to be for a public purpose and for a public use. The City Council shall have the authority to institute and prosecute proceedings for the condemnation of non-conforming uses and structures under the power of eminent domain in accordance with the laws of the State of Michigan and the provisions of the City Charter relative to condemnation.

(Ord. No. 30-124, § 1, 6-9-64)

#### **Section 4.18 Attached garage buildings.**

- (a) On interior lots when a garage building is attached to and made structurally a part of the principal building on the lot, the following minimum side yard requirements shall apply:

R-1-A Two (2) side yards each having a width of not less than ten (10) feet and the combined widths of both side yards not less than twenty (20) feet provided that such principal building on adjoining lots shall be not less than twenty (20) feet apart.

R-1-B Two (2) side yards each having a width of not less than six (6) feet and the combined widths of both side yards not less than fifteen (15) feet, provided that such buildings on adjoining lots shall be not less than fifteen (15) feet apart.

R-1-C Two (2) side yards each having a width of not less than five (5) feet and the combined widths of both side yards not less than thirteen (13) feet, provided that such principal buildings shall be not less than thirteen (13) feet apart.

On lots less than sixty (60) feet in width, which were of record on the date of adoption of this Ordinance, or on lots in a proposed subdivision which has received the approval of the City Council as to lot and street layout at the time of the adoption of this Ordinance, a minimum side yard of five (5) feet and a minimum combined width of both side yards of ten (10) feet shall be permitted, provided such principal buildings shall be not less than ten (10) feet apart, and provided the overhang shall not exceed twelve (12) inches, not including gutter.

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#### **Section 4.19 Detached garage buildings.**

- (a) All detached garages located in side and rear yards and within ten (10) feet of the rear wall of any principal building shall comply with all yard requirements applicable to the principal structure in the district. In no event shall such garages locate closer than five (5) feet from any side lot lines.
- (b) Detached garages shall not exceed one (1) story or ten (10) feet in height to the eaves, and shall not occupy more than thirty (30) percent of the area of any rear yard, and shall not be nearer than two (2) feet to the side lot line, provided, however, that where there are existing accessory buildings or garages on the same or adjacent lot, such accessory buildings or garages shall not be constructed closer than four (4) feet to such existing accessory building.

Garages on corner lots which face a side street shall not be constructed closer than twenty (20) feet from the side street lot line; garages which face the front street and are attached to and become a part of the principal building, shall not be constructed closer than twenty (20) feet from the side street lot line; garages which face the front street and are attached to and become a part of the principal building, shall not be constructed closer than twenty (20) feet from the side street lot line or closer to the side lot line than the location of the principal building thereon, whichever is greater.

#### **Section 4.20 Detached accessory buildings.**

- (a) All detached accessory buildings shall not exceed one (1) story or ten (10) feet in height measured to the eaves and shall not occupy more than thirty (30) percent of the rear yard. Such buildings shall conform to, and shall not project beyond, the existing side building lines of the principal building on the lot and shall be one (1) foot from the edge of any easement. The construction of all such accessory structures shall be subject to the following conditions:
  - 1. That a building permit be obtained as required by Section 22.02 of this ordinance, and that the building be of masonry, wood or metal construction.
  - 2. That the building be fixed to a permanent foundation of the type required for detached garages in the Building Code.
  - 3. That the accessory building be placed against any other accessory structure, such as a detached garage, that may exist in the yard. Only one (1) detached accessory structure shall be permitted in the yard.
  - 4. That no flammable substance be stored in an accessory building unless it is located at least ten (10) feet from any residence.
  - 5. That all accessory structures, excluding garages, will not exceed a total of 120 square feet.

(Ord. No. 30-278, § 1, 5-14-68; Ord. No. 30-300, § 1, 11-26-68)

#### **Section 4.21 Combination business and dwelling structures.**

When a dwelling occupies a space above a business use, such dwelling unit shall provide a minimum floor area of six hundred seventy-two (672) square feet, exclusive of stairways and utility room space; and not less than fifty-five hundred (5,500) square feet of usable lot area in addition to the required lot area for the business and its required off-street parking.

#### **Section 4.22 Overhangs.**

In the construction of a building closer than twelve (12) feet from another building, the following shall apply:



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1. When the overhang is twelve (12) inches or less, not including the gutter, the measurements shall be taken from the outside wall of the building.
  2. When the overhang exceeds twelve (12) inches, not including the gutter, the measurements to the adjacent building shall be taken from the edge of the overhang to the closest point of the adjacent building.
  3. When both buildings have an overhang exceeding twelve (12) inches, not including the gutter, the measurements shall be taken from the outer edge of both overhangs at their closest point.

### **Section 4.23 Double-frontage lots.**

On double-frontage lots a front yard, as prescribed for the district as herein established, shall be provided on both streets.

### **Section 4.24 Front yard exceptions.**

When the majority of the buildings have been built in a block at the time of the adoption of this Ordinance, no building hereafter erected or altered shall project beyond the minimum building lines thus established, provided, that no residential building shall be required by this Ordinance to set back more than forty (40) feet; and provided further, that this regulation shall not be interpreted as to reduce the buildable width of a corner lot facing an intersection street.

### **Section 4.24-A Front yards along thoroughfares.**

The minimum front yard set back required in each residential district of this Ordinance shall be increased five (5) feet for all lots facing on a thoroughfare, as defined in the City of Warren Thoroughfare Plan.

### **Section 4.25 Yard encroachments.**

Outside stairways, fire escapes, fire towers, porches, platforms, balconies, boiler flues and other projections shall be considered as part of the building and not as part of the yards or courts or unoccupied spaces, provided, however, that this provision shall not apply to one (1) fireplace or one (1) chimney projecting not more than sixteen (16) inches into side yard space, and not more than eight (8) feet in length, nor to platforms, terraces, or steps below the first floor level. Side yards shall be measured from the exterior wall of any principal building to the side property line, except as hereinafter specified. Measurement of the front yard shall be taken from the foremost portion of the building, porch, garage or overhang. Covered porches shall be regarded as part of the main building.

### **Section 4.26 Size of residential dwellings.**

- (a) Minimum size of new single-family dwellings. Any proposed new single-family dwelling, whether built alone, in a subdivision or a site condominium development, shall be no less than the average square foot floor area of the existing dwellings located within a three-hundred-foot radius of the proposed site or subdivision. The three-hundred-foot radius shall be measured from the boundary of the site or subdivision. However, in no event shall a new single-family dwelling have a square foot floor area which is less than the minimum dimensions set forth in Schedule A.
- (b) Single-family dwellings in existence on the effective date of this amendment which were constructed smaller than the minimum requirements set forth herein, may be continued or increased in size without meeting the minimum requirements herein.

- (c) Floor area measurements are based upon distance between exterior surface of enclosing walls and between centerlines of common partition walls for each living unit.

**SCHEDULE A. MINIMUM SQUARE FOOT FLOOR AREA REQUIREMENTS**

**FOR RESIDENTIAL DWELLINGS**

Zone		1	1½			2		
		Story	Story			Story		
		Finished	Finished			Finished		
			1st	2nd	Total	1st	2nd	Total
			Floor	Floor		Floor	Floor	
			Area	Area		Area	Area	
R-1-A	With Basement	1500	1260	500	1760	900	900	1800
	Without Basement	1620	1380	500	1880	1000	1000	2000
R-1-B	With Basement	1200	940	400	1340	750	750	1500
	Without Basement	1320	1060	400	1460	850	850	1700
R-1-C	With Basement	1080	800	400	1200	650	650	1300
	Without Basement	1200	900	400	1300	750	750	1500
R-1-C	Lots less than 60 feet in width which were in existence on July 21, 1960:							
	With Basement	880	800	300	1100	650	650	1300
	Without Basement	980	900	300	1200	750	750	1500
R-2	With Basement	800 per unit	720	300	1020 per unit	600	600	1200 per unit
	Without Basement	920 per unit	840	300	1140 per unit	700	700	1400 per unit
First floor and second floor individual units shall use one story requirements for each unit.								
R-3		650 per unit						
	Senior Citizen Unit	500 per unit						
R-3A	Congregate living	350 per unit						
R-5		650 per unit						
	Senior Citizen Unit	500 per unit						

Every principal building within a multiple-family development shall be provided with a full basement as defined in Section 2.02 of this ordinance, except high rise apartment residential buildings.

(Ord. No. 30-469, § 4, 9-24-74; Ord. No. 30-500, § 5, 1-27-76; Ord. No. 30-534, § 3, 4-12-77; Ord. No. 30-931, § 1, 11-13-01)

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#### **Section 4.27 Size of hotel, motel and motor court rooms.**

In every hotel, motel or motor court hereafter erected, each unit in addition to the manager's or caretaker's unit, shall have one (1) room with not less than one hundred fifty (150) square feet of floor area, a bathroom of not less than thirty-five (35) square feet and a closet of not less than eight (8) square feet.

#### **Section 4.28 Privacy.**

In every dwelling hereafter erected, access to every living room and to every bedroom shall be had without passing through a bedroom or through a room containing a water-closet. Access to waterclosets must be possible from all bedrooms without passing through another bedroom or room used as a bedroom. This provision does not apply to any sleeping porch, sun-parlor or any other enclosed outside porch entered by way of a bedroom.

#### **Section 4.29 Substandard basement or garage dwelling; detached garage; conversion of attached garage to living space.**

- (a) All substandard basement dwellings, or garage dwellings, which have been heretofore erected or occupied, are hereby declared to be unlawful dwellings and shall be vacated within a period of two (2) years or otherwise altered so as to comply with the provisions of this Ordinance. Hardship cases may be appealed for not more than one (1) one-year extension to the Zoning Board of Appeals.
- (b) Detached garages shall not be converted to living space.
- (c) The expansion of a residential dwelling to add living space is encouraged to be in the nature of a first or a second story addition of living space pursuant to the State Construction Code. However, in those situations where the applicant demonstrates a practical difficulty in adding on living space, an attached garage may be converted to living space in conformity with the following regulations:
  - 1. The conversion from garage to living space shall be constructed in accordance with all applicable building regulations, zoning regulations and construction codes.
  - 2. The garage door must be removed and the exterior finished with materials that architecturally match the existing structure.
  - 3. A new garage or storage shed shall be built provided that the dimensions of all existing structures together with the proposed new garage or storage shed will not cover more than thirty (30) percent of the lot.
  - 4. It must be demonstrated that there will be at least two (2) off-street parking spaces provided after the garage conversion.
  - 5. There shall be one (1) driveway and approach provided. The driveway and approach shall not exceed twenty (20) feet in width at the property line.
  - 6. Any new driveway installed shall be set back three (3) feet from the residential structure and three (3) feet from the property line. The three (3) foot setback from the property line may be waived by the building department upon demonstration that drainage is installed according to engineering standards.
  - 7. Any converted living space abutting an existing driveway shall be protected with a continuous curb constructed of concrete measuring eight (8) inches in height. The area from the building wall to the front edge of the exposed curb shall be a minimum of five (5) feet and shall be filled with hard surfacing or may be modified upon approval of the building department with decorative materials.

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8. After conversion, the former garage area shall be utilized as an integral part of the existing single dwelling and not as a separate use.

(Ord. No. 30-988, § 1, 7-27-10)

### **Section 4.30 Essential services.**

Essential services shall be permitted as authorized and regulated by law and other ordinances, it being the intention thereof to exempt such essential services from the application of this Ordinance.

### **Section 4.31 Loading space.**

On the same premises with every building, structure, or part thereof, erected and occupied for manufacturing, storage, warehouse goods display, department store, wholesale store, market hotel, hospital, mortuary, laundry, dry cleaning, or other uses similarly involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services in order to avoid undue interference with public use of the streets or alleys. Such space unless otherwise adequately provided for, shall be laid out in the dimension of at least ten by twenty-five (10' x 25') feet or two hundred fifty (250) square feet in area, with clearance of at least fourteen (14) feet in height. Loading dock approaches shall be provided with a pavement having as asphaltic or portland cement binder so as to provide a permanent, durable and dustless surface.

One (1) such space shall be provided for every twenty thousand (20,000) square feet or fraction thereof in excess of three thousand (3,000) square feet of building floor use or land use for above mentioned purposes.

### **Section 4.32 Off-street parking requirements.**

In all zoning districts, off-street parking facilities for the storage or parking of self-propelled motor vehicles for use of occupants, employees, and patrons of the buildings hereafter erected, altered or extended after the effective date of this Ordinance, shall be provided and maintained as herein prescribed.

- (a) Loading spaces as required in Section 4.31 shall not be construed as supplying off-street parking space.
- (b) When units of measurements determining the number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half ( $\frac{1}{2}$ ) shall be disregarded and fractions over one-half shall require one (1) parking space.
- (c) Whenever a use requiring off-street parking is increased in floor area, and such use is located in a building existing on or before the effective date of this Ordinance, additional parking space for the additional floor space shall be provided and maintained in amount hereafter specified for that use.
- (d) Repealed as per Ordinance No. 30-294. The effect of this amendment is to require the computation of off-street parking spaces based upon total gross floor area as defined in Section 2.20 of Article II, Definitions of said Ordinance No. 30.
- (e) Off-street parking facilities for one, two or multi-family dwellings shall be located on the same lot or plot of ground as the building they are intended to serve.

The location of required off-street parking facilities for other than one, two or multi-family dwellings shall be within three hundred (300) feet of the building they are intended to serve, measured from the nearest point of the off-street parking facilities and the nearest point of the building, provided the property on which the building is located shall not prohibit an industry which employs five hundred (500) or more employees from the supplying [of] off-street parking at a reasonable distance, greater than three hundred (300) feet from the building, in which said

employees are employed, upon approval of the Planning Commission, and provided such parking lot is owned by the owner of the property on which the industrial plant is located.

- (f) In the case of a use not specifically mentioned, the requirements of off-street parking facilities for a use which is so mentioned and said use is similar shall apply.
- (g) Nothing in this section shall be construed to prevent collective provisions of off-street parking facilities for two or more buildings or uses, provided collectively, such facilities shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with the table.
- (h) The amount of required off-street parking space for new uses or buildings, additions thereto and additions to existing building as specified above shall be determined in accordance with the following table, and the space, so required shall be stated in the application for a building permit and shall be irrevocably reserved for such use.

Use	Required Parking Space
(1) One and two family dwellings	One (1) parking space for each family unit.
(2) Multiple dwellings and efficiency apartments.	Two (2) parking spaces per dwelling unit. Where community or recreation type building has been included within the site plan there shall be provided one off-street parking space for each fifty (50) square feet of floor area for said building.
(2B) All multiple dwellings and efficiency apartments in R-5 zones.	See Section 10A.02(e) and 10A.03(a).
(4) Convalescent homes and homes for the aged or similar uses.	One (1) parking space for each three (3) patient beds; plus one (1) space for each staff or visiting doctor; plus one (1) space for each four (4) employees, including nurses. Loading and unloading space for ambulances and the like shall not be included herein.
(5) Orphanage or similar use.	One (1) parking space for each ten (10) beds.
(6) Hotels.	One (1) parking space for each three (3) guest rooms, plus one (1) additional space for each five (5) employees.
(7) Private Clubs, Fraternities, boarding and lodging business.	One (1) parking space for each two (2) guest bedrooms.
(8) Community centers, libraries, museums, post offices, civic clubs, etc.	Provide about each building an improved area other than the front yard which shall be sufficient in size to provide adequate facilities for parking as approved by the Planning Commission.
(9) Theaters and Auditoriums (other than incidental to schools).	One (1) parking space per seat for first fifty (50) seats and one (1) parking space for each four (4) seats for all seats over fifty (50) seats.
(10) Elementary and Junior High Schools.	One (1) parking space for each two (2) employees (including teachers and administrators), plus sufficient off-street space for the safe and convenient loading and unloading of students.
(11) High Schools and Colleges	One (1) parking space for each two (2) employees (including teachers and administrators) and one (1) for each ten (10) students, in addition to the requirements of the auditorium.

(12) Dance halls, pool and billiard rooms, assembly halls and exhibition halls without fixed seats.	One (1) parking space for each three hundred (300) square feet of gross floor area.
(13) Stadiums and sports arenas.	One (1) parking space for each four (4) seats.
(14) Bowling Alleys.	Six (6) parking spaces for each alley; plus one (1) space for each one (1) employee.
(15) Churches.	One (1) for each three (3) seats in the main unit of worship. Where individual seats are not provided, each (20) inches of bench shall be considered as one (1) seat.
(16) Mortuaries or funeral homes.	One (1) parking space for each fifty (50) square feet of floor space in the slumber rooms, parlors or individual funeral service rooms.
(17) Establishment for sale and consumption on the premises of alcoholic beverages, food or refreshments.	One (1) parking space for each two hundred (200) square feet of floor area.
(18) Medical or dental clinics.	One (1) parking space for each one hundred fifty (150) square feet of gross floor area
(19) Banks, business or professional offices.	A. One (1) parking space for each two hundred (200) square feet of gross floor area. B. Three and one-half (3½) stories minimum. Calculated as follows: Gross floor area of building (out-to-out dimensions of building) multiplied by the factor 80% and that result divided by two hundred (200), which result will give parking requirement.
(20) Furniture and appliance stores, personal service shops (not including beauty parlors and barber shops), household equipment or furniture repair shops, clothing or shoe repair or srvice shops, hardware stores, motor vehicle sales, wholesale stores and machinery sales.	One (1) parking space for each five hundred (500) square feet of floor area.
(21) Beauty parlors and Barber shops.	One and one quarter (1.25) parking spaces for each beauty and/or barber shop chair.
(22) All retail stores, martial arts and yoga studios, except as otherwise specified herein.	One (1) parking space for each three hundred (300) square feet of gross floor area.
(23) Industrial establishments, including manufacturing, research and testing laboratories, creameries, bottling works, printing and engraving shops, warehouse and storage buildings.	One (1) parking space for each one thousand two hundred 1,200 square feet of gross floor area
(24) Amusement Machines	One (1) parking space shall be provided for each amusement machine (as defined in Section 3-501, Code of Ordinances), in addition to the parking requirements for the commercial use in which the amusement machine is located.
(25) Senior Citizen Housing	One (1) parking space per dwelling unit.
(26) Hospitals and Sanitoriums.	Three (3) spaces per bed for all hospitals (including psychiatric, medical, both private and public), except if hospital has ambulatory out-patient service and/or educational training programs, then four (4) spaces per bed.

(27) Sexually oriented businesses	One (1) parking space for each three hundred fifty (350) square feet of net floor area, as defined in Section 6-77 of the Warren Code of Ordinances.
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- (i) All spaces that abut a continuous curb required in accordance with Section 16.07 of this Ordinance or a common property line shall be laid out in the following dimensions, including off-street maneuvering lanes:

Type	Width	Length	Length of Maneuvering Lane
90°	9'	22'*	22'
60°	9'	20'*	20'
45°	9'	19'*	17'
Parallel	12'*	20'	15' one-way
			20' two-way

All spaces that abut a common property line where a continuous curb is not required shall provide one protective bumper curb per parking space. Said bumper curb shall be placed no closer than five feet from the property line.

All spaces that do not abut a continuous curb required in accordance with Section 16.07 or a common property line shall be laid out in the following dimensions:

Type	Width	Length	Length of Maneuvering Lane
90°	9'	20'*	22'
60°	9'	18'*	20'
45°	9'	17'*	17'
Parallel	10'*	20'	15' one-way
			20' two-way

\*Measured from the front of the stall on a perpendicular line.

- (j) All requests and applications for building permits for structures or uses other than one and two-family dwellings requiring off-street parking shall be accompanied by plans identifying the parking stalls, their widths and lengths, maneuvering area, and points of ingress and egress.
- (k) All off-street parking areas shall be provided with adequate ingress and egress, shall be hard surfaced with concrete or plant-mixed bituminous material (base may be stabilized gravel or equivalent), shall be maintained in a usable dustproof condition, shall be graded and drained to dispose of all surface water, provide protective bumper curbs as per Sections 4.32 (i) and 16.07, and shall otherwise comply with Section 2.46 and 16.05 of this Ordinance.

(Ord. No. 30-287, § 3, 8-13-68; Ord. No. 30-294, § 1, 9-24-68; Ord. No. 30-367, § 1, 4-13-71; Ord. No. 30-444, § 1, 8-14-73; Ord. No. 30-457, § 4, 2-12-74; Ord. No. 30-462, § 2, 7-9-74; Ord. No. 30-485, §§ 1, 2, 6-10-75; Ord. No. 30-489, §§ 1, 2, 7-22-75; Ord. No. 30-500, § 4, 1-27-76; Ord. No. 30-559, § 2, 5-9-78; Ord. No. 30-627, § 1, 11-12-80; Ord. No. 30-657, § 3, 4-12-83; Ord. No. 30-1002, § 2, 10-22-13; Ord. No. 30-1005, § 1, 7-9-14; Ord. No. 30-1071, § 1, 2-8-22)

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### **Section 4.33 Curb cuts.**

It shall be unlawful for any person to cut, break out or remove any curb along or to construct a curb return or driveway approach in the right-of-way of a public street, way or alley except as authorized by the Director of Public Service of the City of Warren.

### **Section 4.34 [Parking as adjunct use.]**

In all districts where off-street parking facilities are permitted uses as an adjunct to business and such facilities provide a service to the patrons or customers patronizing such businesses, such off-street parking lots shall be established and maintained as prescribed by Article XVI.

### **Section 4.35 Circuses, fairs, carnivals and similar uses.**

Permit circuses, fairs, carnivals and similar uses in any District after approval by the Board of Appeals under the following conditions:

- (1) When engaged in by schools, churches, fraternal societies and similar non-profit organizations as an accessory use for the sole purpose of raising money for the financial support of such institutions in pursuit of their natural functions; provided, that such uses are confined to the land and buildings normally used and occupied by such institutions.
- (2) A permit is obtained from the City of Warren Police Department.
- (3) Such use and occupancy is not disturbing to the public peace and tranquility.
- (4) Such use and occupancy will not create undue traffic hazard and congestion.
- (5) Permits for such uses shall be valid for a total of sixteen (16) consecutive or nonconsecutive days; however, the permit expires thirty (30) days from the date of issue.

(Ord. No. 30-868, § 1, 9-24-96)

### **Section 4.36 Building set backs on major streets and highways.**

- (a) No building or structure shall be erected or constructed within the area set down by the City's Master Thoroughfare Plan.
- (b) All set backs, where required, shall be measured from the proposed right-of-way established by the City's Master Thoroughfare Plan.

### **Section 4.37 Municipal parking lots.**

The City Council, in consultation with the Planning Commission, shall make studies of various areas in the City of Warren for the purposes of determining areas in which there is need for the establishment of off-street parking facilities to be provided by the City of Warren and to be financed wholly or in part by a special assessment district or shall include recommendations of the site, location and other pertinent features of the proposed off-street parking facilities and the area they should be intended to serve.

Wherever, pursuant to this procedure, the City Council shall establish off-street parking facilities by means of a special assessment district, or by any other means the City Council may determine, upon completion and acceptance of such off-street parking facilities by the City Council, all existing buildings and uses and all buildings



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erected or uses established thereafter within the special assessment district, or districts, shall be exempt from the requirements of this section for privately supplied off-street parking facilities.

#### **Section 4.38 [Non-residential driveways, etc.]**

The location of all driveways, entrances and/or exits to non-residential properties shall first be approved by the City of Warren Traffic Engineer.

#### **Section 4.39 Property maintenance.**

Every parcel of property including buildings vacant or occupied, and every part thereof, shall be kept clean and shall be kept free from any accumulation of dirt, filth, rubbish, garbage or other matter in or on the same, or in the yards, courts, passages, area of alleys connected therewith or belonging to the same. The owner of every dwelling shall be responsible for keeping the entire building free from vermin. The owner shall also be responsible for complying with the provisions of this section except that the tenants shall be responsible for the cleanliness of those parts of the premises which they occupy and control. Any hazardous places that are necessary during construction must be fenced or boarded up. Property owners and/or occupants shall be held responsible for the condition, cleanliness and maintenance of the areas between their lot lines and the adjoining street and curbs, where existing.

#### **Section 4.40 Railroad spurs.**

The extension of all railroad spur lines and railroad sidings shall be approved by the City Council. All plans to cross streets and highways shall first receive the approval of the City Engineer and Police Department Traffic Division.

#### **Section 4.41 [Property between lot line and curb.]**

No owner or person in control of any property adjacent to property located between the lot line or sidewalk and the curb of the street or traveled portion of the street shall allow, permit, or maintain any stones or rocks except as confined within curbed planters or boxed areas not exceeding three (3) feet in length by three (3) feet in width; provided, however, that the City Council can, in its discretion it determines that the property will be improved, grant the property owner the right to place a planter or boxed area which exceeds three (3) feet in length and three (3) feet in width.

Said area between the lot line or sidewalk and the curb of the street or traveled portion of the highway shall be maintained with grass, sod or artificial turf in all residential areas. This same area if in commercial or industrial zones or abutting property used in such a manner, on paved streets shall be maintained with grass, sod or artificial turf, except that a strip of concrete not to exceed three (3) feet in width may be constructed immediately adjacent to the curb and decorative shrubbery not exceeding three (3) feet in height may be permitted. At the direction of or with the specific permission of the City Council, the said area if ten (10) feet or less between the sidewalk and curb on paved streets in commercial or industrial zones or abutting property used in such a manner may be entirely of concrete constructed to a minimum depth of four (4) inches provided a permit is obtained from the Division of Buildings and Safety Engineering as provided in Section 9-101 of the Code of Ordinances.

(Ord. No. 30-325, § 1, 2-10-70)

#### **Section 4.42 Garage sales.**

Garage sales as defined in Section 2.72 may be permitted as provided below:

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- A. *Location*—Garage sales may be located in any zoning district provided that the activity is conducted solely on one (1) lot containing a one-family, two-family or multiple-family dwelling or on any one (1) lot containing any use permitted or approved in any residential district.
  - B. *Display of Items*—The items offered for sale shall not be displayed in the front yard setback of any lot. In no instance however shall any items or articles in connection with a garage sale be located closer than fifteen (15) feet from a public sidewalk.
  - C. *House of Operation*—A garage sale may be held only between the hours of 9:00 a.m. and 9:00 p.m. on those days indicated on the license as issued by the City Clerk. It shall be a violation of this Ordinance for the licensee to maintain hours either prior to 9:00 a.m. or subsequent to 9:00 p.m. on any day for visits by the general public to purchase, shop for trade, or deliver goods or articles in connection with any garage sale as regulated herein.
  - D. *Duration of Sale*—A garage sale as provided for herein shall be limited to a period of time not to exceed four (4) consecutive days. Any garage sale must be concluded by 9:00 p.m. of the fourth consecutive day as indicated on the license issued by the City Clerk. At the conclusion of any garage sale, the sale or display or trading of any goods or articles shall be prohibited.
  - E. *License Required*—In order to conduct a garage sale as described herein any owner, tenant, lessee or occupant shall receive a license from the City Clerk. The license for any garage sale shall be issued and recorded based on the City of Warren permanent parcel index number as assigned by the Land File Division of the Macomb County Treasurer's Office pursuant to P.A. 101 of 1965 (MCL 211.252). Said license shall not be issued until the Clerk certifies the application is in accordance with Section 4.42(D) above and that the required fee [is] paid in accordance with the fee schedule adopted by the City Council. In no case, however, shall the Clerk issue a license for garage sale purposes to any lot bearing the same parcel number more than twice during any calendar year.

(Ord. No. 30-680, § 2, 6-26-84; Ord. No. 30-852, § 1, 3-28-95)

#### **Section 4.43 Standard method of measurement.**

To determine compliance with the locational criteria referred to in this ordinance, the following standardized method for measurement shall apply:

- a) All measurements shall be based on the connection of two (2) reference points by a horizontal straight line on the site plan prepared pursuant to the "Definitions and Specifications for Required Plans" that are part of the "City of Warren Planning Commission Rules of Procedure Standards and Policies" as amended.
- b) The first reference point shall be found in the following manner:
  - If the proposed use is to be located within a building containing no other use(s), then the measurement shall be taken from a point on an outside wall of the building.
  - If the proposed use is to be located within a building that contains other use(s), then the measurement shall be taken from a point on the outer perimeter of a wall or area defined for the proposed use within the building.
- c) The second reference point shall be found by locating the point nearest to the first reference point containing any of the following:
  - 1) When the measurement involves the distance to a given zoning district, the point is found on the given zoning district line.

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- 2) When the measurement involves the distance to an existing use as described herein, the second reference point is established in the following manner:
    - i) If the existing use is located within a building containing no other use(s), then the measurement shall be taken from a point on an outside wall of the building.
    - ii) If the existing use is to be located within a building that contains other use(s) than the proposed uses as described herein then the second reference point shall be found on the outer perimeter of a wall or area defined for the existing use within the building.
  - 3) When the measurement involves the distance to an existing school then the second reference point is the property line of the school site closest to the first reference point.

#### **Section 4.44 Outdoor retail sales; purpose.<sup>4</sup>**

The purpose of this Ordinance is to provide for the use of land for outdoor retail sales both permanent and temporary. However, it is recognized that outdoor retail sales if not regulated properly may be unduly distracting to motorists; may over burden the use of property; may result in congestion, may cause a hazard to pedestrians; and may cause on-site circulation problems. Outdoor retail sales are an additional use of land and the land must be able to accommodate the additional use before it will be approved. An outdoor retail use will not be approved if it will result in a distraction to motorists, will result in insufficient parking, will be located in the required set back; will interfere with the existing on-site circulation; will interfere with off-site traffic movement; will reduce pedestrian safety; will interfere with or otherwise have a deleterious effect upon the use and enjoyment of the abutting properties.

(Ord. No. 30-858, § 3, 2-13-96)

#### **Section 4.45 Outdoor retail sales; scope.**

The provisions of this Ordinance shall govern the use of all property for outdoor retail sales, both permanent and temporary.

(Ord. No. 30-858, § 3, 2-13-96)

#### **Section 4.46 Permanent outdoor retail sales.**

Permanent outdoor retail sales may be permitted in conjunction with a permanent building in C-1, C-2, C-3, N-1 and N-2 zoning districts. The division of buildings and safety engineering shall issue a permanent outdoor retail sales permit upon compliance with the following requirements:

- a. The goods, items or articles sold or activities conducted as part of any outdoor retail sale in a C-1, C-2, C-3, M-1 or M-2 zoning district must be consistent with the zoning district where the parcel is located.
- b. The applicant must receive site plan approval from the Planning Commission pursuant to section 22.16, however, any application that does not comply with the requirements set forth in this Ordinance shall not receive site plan approval, unless the appropriate variance is obtained. The applicant shall obtain any variance needed from the Zoning Board of Appeals prior to petitioning for site plan approval.

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<sup>4</sup>Editor's note(s)—Ord. No. 30-858, § 3, adopted Feb. 13, 1996, amended former §§ 4.44—4.47, to read as herein set out in §§ 4.44—4.56. The provisions of former §§ 4.44—4.47 pertained to outdoor retail sales and derived from Ord. No. 30-835, § 3, adopted Feb. 22, 1994.

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- c. The petitioner must obtain a certificate of occupancy.
  - d. The petitioner must comply with all applicable provisions of this Ordinance, the general Code of Ordinances to the extent they are not inconsistent herewith, and applicable state laws.

(Ord. No. 30-858, § 3, 2-13-96)

#### **Section 4.47 Temporary outdoor retail and Christmas tree sales in residential districts.**

Temporary outdoor retail and Christmas tree sales are prohibited in residential districts, however, based on the parcel's ability to accommodate the additional use and upon demonstrated compliance with sections 4.48 to 4.54, the Zoning Board of Appeals may grant approval for one temporary outdoor retail sale per calendar year. The temporary outdoor retail sale is a commercial use, therefore, the petitioner shall also comply with all requirements contained in Article XIII, Local Business Districts.

(Ord. No. 30-858, § 3, 2-13-96)

#### **Section 4.48 Temporary outdoor retail sales in commercial and industrial districts.**

Temporary outdoor retail sales may be permitted in conjunction with a permanent building in C-1, C-2, C-3, M-1 and M-2 zoning districts. The Division of Buildings and Safety Engineering shall issue a non-transferable temporary outdoor retail sales permit upon compliance with all the following requirements:

- a. One (1) temporary outdoor retail sale may be conducted per parcel for a period not to exceed thirty (30) consecutive days in a calendar year.
- b. The goods, items or articles sold or activities conducted as part of any outdoor retail sale in a C-1, C-2, C-3, M-1 or M-2 zoning district must be consistent with the zoning district where the parcel is located, and in the case of residential sites, the goods, items or articles sold or activities conducted must be consistent with C-1 Zoning Districts.
- c. Petitioner shall submit proof of a valid certificate of occupancy prior to the issuance of an outdoor retail sales permit.
- d. The petitioner must receive site plan approval from the planning commission pursuant to section 22.16. however, any application that does not comply with the requirements set forth in this Ordinance shall not receive site plan approval, unless the appropriate variance is obtained. The applicant shall obtain any variance needed from the Zoning Board of Appeals prior to petitioning for site plan approval.
- e. The petitioner shall comply with all applicable provisions of this ordinance, the general Code of Ordinances to the extent they are not inconsistent herewith, and state laws.

(Ord. No. 30-858, § 3, 2-13-96)

#### **Section 4.49 Seasonal outdoor retail sales site plan approval.**

An applicant is not required to obtain site plan approval every year for a seasonal sale once the applicant has obtained site plan approval from the planning commission pursuant to section 22.16 of the Zoning Ordinance provided that there is not any on-site change or change in the proposed use. If there is an on-site change or change in the proposed use the applicant must obtain site plan approval as provided in section 22.16 of the Zoning Ordinance.

(Ord. No. 30-858, § 3, 2-13-96)

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#### **Section 4.50 Temporary outdoor retail sales application.**

An application shall be filed with the division of buildings and safety engineering for a temporary outdoor retail sales permit. Written verification of ownership of the parcel in question shall be provided with the application, including notarized permission of the property owner for the intended use. The application shall be accompanied by an application fee in the amount established by resolution adopted by the city council. The petitioner shall seek site plan approval from the planning commission and any variances that may be needed from the Zoning Board of Appeals.

(Ord. No. 30-858, § 3, 2-13-96; Ord. No. 30-945, § 3, 4-27-04)

#### **Section 4.51 Variances in conjunction with an outdoor retail sales permit.**

Upon a finding of unnecessary hardship and pursuant to the standards set forth in Article XX of this Ordinance, the Zoning Board of Appeals for the City of Warren may grant a temporary variance in conjunction with a temporary outdoor retail sales permit. Any temporary variance granted in conjunction with an outdoor retail sales permit shall automatically expire upon the expiration of the temporary outdoor retail sales permit.

(Ord. No. 30-858, § 3, 2-13-96)

#### **Section 4.52 Standards for temporary outdoor retail sales approval.**

The buildings and safety engineering division shall evaluate all temporary outdoor retail sales applications for conformity with the requirements of this Ordinance. The division shall deny any application for a temporary outdoor retail sales permit which does not comply with all provisions of this Ordinance or does not comply with the following requirements:

- a) The proposed site must have a minimum twenty-six-foot driveway or a separate ingress and egress to the site; and
- b) The proposed sale must not cause a distraction to motorists travelling on an adjacent roadway; and
- c) The proposed sale must not be located within any required setback of the applicable zoning district; and
- d) No sales activity or display of merchandise shall be permitted in the area designated for required off-street parking for the existing or temporary use; and
- e) The proposed sale must not interfere with the existing on-site circulation; and
- f) The proposed sale must not interfere with off-site traffic movement including the public street that provides access to the lot in question; and
- g) The proposed sale will not interfere with or otherwise have a deleterious effect upon the use and enjoyment of the abutting properties; and
- h) The applicant has complied with all licensing or permitting requirements of the Code of Ordinances or other laws of the State of Michigan; and
- i) The goods, items or articles sold or activities conducted as part of the proposed outdoor retail sale in a C-1, C-2, C-3, M-1 or M-2 zoning district must be consistent with the zoning district where the parcel is located, and in the case of residential sites, the goods, items or articles sold or activities conducted must be consistent with C-1 Zoning Districts.

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- j) Due to the volume of traffic generated by these temporary retail sales, a proposed sale in residential districts must provide a minimum of eight (8) hardsurfaced parking spaces.

(Ord. No. 30-858, § 3, 2-13-96)

#### **Section 4.53 Regulations for all outdoor retail sales.**

All outdoor retail sales, whether permanent or temporary, shall comply with the following regulations:

- a) A copy of the approved site plan and permit shall be displayed on site at all times for the duration of the permitted sale.
- b) The location of all sales activity and the display of all merchandise shall be maintained in the area specified on the approved plan.
- c) No sales activity or display of merchandise shall be permitted in the public right-of-way or any required setback.
- d) The proposed activity shall be located so as to ensure safe vehicular and pedestrian circulation.
- e) The hours of operation shall be limited to hours consistent with the parent parcel unless otherwise approved and indicated on the approved site plan.
- f) The period of operation of the proposed use shall be limited to dates specified on the approved plan or in the permit. The duration of all temporary uses shall not exceed thirty (30) consecutive days in any calendar year.
- g) All electrical service shall comply with applicable city codes, ordinances or other regulations and any permits required shall be obtained by the applicant.
- h) Sanitary facilities shall be provided in the permanent building the sale is being operated in conjunction with and shall comply with all applicable city codes, ordinances and regulations.
- i) Any temporary structures including display tables or fixtures to be used as part of the proposed sales area shall be erected in a safe manner in accordance with any applicable city codes, ordinances or regulations. Camping trailers, portable sanitary facilities and temporary living quarters are prohibited.
- j) The property shall be maintained in a neat and orderly condition and cleaned immediately after the close of each business day.
- k) Signage for the temporary use shall be noted on the approved plan. The sign shall be limited to a double-faced or back to back sign no greater than thirty-two (32) square feet and shall be set back not less than the established setback or parking line whichever is less. For double-faced or back to back signs, the allowable sign surface area shall be calculated by using the area of only one side of the sign, provided that the front and back of the sign are separated by no more than three (3) feet.

(Ord. No. 30-858, § 3, 2-13-96)

#### **Section 4.54 Cash bond required for temporary outdoor retail sales.**

Clean up required for temporary outdoor retail sales. Final cleanup of temporary outdoor retail sales shall be the responsibility of the applicant within forty-eight (48) hours of the expiration of the approved permit or cessation of said use whichever occurs first.

(Ord. No. 30-858, § 3, 2-13-96; Ord. No. 30-945, § 1, 4-27-04)

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### **Section 4.55 Sidewalk sales.**

Sidewalk sales where the retail sale of goods, items and articles normally sold in conjunction with a permanent business that has been issued a certificate of occupancy to operate such business, may be conducted for a period not to exceed ten (10) consecutive days per calendar year without obtaining an outdoor retail sales permit or filing a clean up bond. Any sale conducted in excess of ten (10) consecutive days per calendar year shall require planning commission approval pursuant to section 4.46. All sidewalk sales shall be confined to the private sidewalk area, shall not intrude upon the required off-street parking and shall be limited to the hours of operation consistent with the permanent business.

(Ord. No. 30-858, § 3, 2-13-96)

### **Section 4.56 Permit revocation and denial.**

Any permit issued for a temporary outdoor retail or Christmas tree sale may be denied or revoked by the city, pursuant to the procedure set forth in section 18-12 of the Code of Ordinances, at any time for any of the following reasons:

- a) Fraud, misrepresentation or any false statement made in the application for permit;
- b) Fraud, misrepresentation or any false statement made in the operation of the business;
- c) Any violation or failure to comply with any of the provisions of sections 4.44 to 4.55 or any ordinance of the city related to the operation of the business;
- d) Conducting the business in violation of any law, conducting the business in such a manner to constitute a breach of peace or constitute a menace to the health, safety or welfare of the public.

(Ord. No. 30-858, § 3, 2-13-96)

### **Section 4.57 Regulation of antennas and antenna towers; purpose.**

The purpose of this ordinance is [to] ensure that antennas and antenna towers are situated in appropriate locations and relationships to buildings, structures and other land uses; to limit inappropriate physical and aesthetic overcrowding of land use activities; to retain the integrity, character and aesthetic quality of neighborhoods; to facilitate adequate and efficient provision of sites for antennas and antenna towers; to collect and maintain public information about antennas and antenna towers and to allow for the efficient planning for the location of these facilities; to minimize the adverse impacts of technological obsolescence; to promote the timely removal of facilities upon the discontinuance of use; to minimize the adverse impacts of tall towers having low architectural and aesthetic appeal; to minimize the negative visual impact of antennas and antenna towers on residential areas, community facilities and landmarks, historic sites, natural beauty areas, and public rights of way; and to promote the use of as few structures as reasonably feasible.

(Ord. No. 30-857, § 2, 2-13-96; Ord. No. 30-881, § 2, 10-28-97)

### **Section 4.58 Exemptions.**

- (a) Citizen radio, short wave radio, amateur radio, residential TV or satellite TV antennas and towers are exempt from the provisions of sections 4.59 through 4.66 of this appendix.
- (b) Roof antennas and towers which are twelve (12) feet or less above the highest point on a building or roof are also exempt from the provisions of sections 4.59 through 4.66 of this appendix.

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(Ord. No. 30-881, § 2, 10-28-97)

#### **Section 4.59 Permitted zoning districts.**

Antennas and antenna towers are permitted in C-1, C-2, C-3 or SS districts upon approval as a special land use pursuant to section 14.02. Antenna and/or antenna towers are a permitted use in M-1, M-2, M-3 and M-4 zoning districts as regulated herein.

(Ord. No. 30-881, § 2, 10-28-97)

#### **Section 4.60 Height of antenna towers.**

In all permitted districts, antenna towers, antennas or other structural projections shall not exceed one hundred fifty (150) feet in height as measured from the average ground elevation of the site.

(Ord. No. 30-881, § 2, 10-28-97)

#### **Section 4.61 Setbacks.**

- (1) No antenna or antenna tower shall be located closer than four hundred fifty (450) feet from any residential use, residential district, health care, day care or educational institution. The distance shall be measured from the base of the tower or supporting structure to the property line of the residence or residential district boundary line.
- (2) Antenna towers shall comply with the setback standards for a structure in the zoning district for the parcel.
- (3) A freestanding antenna tower (i.e. not mounted on a roof) shall not be located in any front yard.
- (4) All accessory structures must meet the minimum setback standards for accessory structures in the zoning district for the parcel and shall not be inhabited, used for vehicle storage or used for outdoor storage of any kind.

(Ord. No. 30-881, § 2, 10-28-97)

#### **Section 4.62 Fence; landscaping required.**

All antenna towers shall be screened from entry by a six (6) foot high fence to prevent unauthorized persons from access to the tower. Existing on site vegetation shall be preserved to the maximum extent possible. The petitioner shall submit a detailed landscaping plan with the application for site plan approval. The proposed landscaping shall provide a buffer for the site and a screen for the structure base, accessory buildings and enclosure.

(Ord. No. 30-881, § 2, 10-28-97)

#### **Section 4.63 Lighting and color of antenna tower.**

Antenna tower lighting shall conform to all F.A.A. rules and regulations and shall be designed to minimize the glare or other impact on adjoining properties. All antenna towers shall be finished in an unobtrusive, neutral color.

(Ord. No. 30-881, § 2, 10-28-97)



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#### **Section 4.64 Site plan approval.**

Upon submitting an application for site plan approval of an antenna or antenna tower, the Petitioner shall also provide the following information:

- (1) Name, address and phone number of the Petitioner and of the owner of the property.
- (2) A location map of all antennas and antenna towers which the Petitioner has currently erected in the City of Warren and shall include a master plan for any future antenna locations known to the Petitioner. This requirement is for planning purposes only and shall not limit the Petitioner to the sites indicated on the map.
- (3) An affidavit of the total watts of effective radiated power of the proposed antenna.
- (4) An affidavit verifying that the proposed site and proposed antenna(s) complies with all Federal Communication Commission rules and guidelines; and all federal, state and local laws. In the event any antenna is found to exceed the applicable F.C.C. standard, site plan approval shall be immediately revoke.
- (5) A statement as to whether an environmental assessment was required by the Federal Communications Commission and a copy of the environmental assessment if one was required.
- (6) The antenna, antenna tower and all supporting equipment shall not block areas which will hamper firefighting equipment and maintenance of electrical lines.
- (7) If the proposed antenna location is on a new tower, the Petitioner shall submit an affidavit attesting that there is no suitable space available on any existing tower in the desired area.
- (8) An affidavit of the proposed height of the tower and a statement verifying a "safe fall" zone for the tower or antenna. The statement, together with any and all attachments, shall be certified and sealed by a licensed engineer or architect. Manufacturers specifications of a "safe fall" zone must be submitted. No inhabited building shall be located within the safe fall zone area.
- (9) A statement verifying that the tower or antenna will withstand wind speeds and ice loads as required by the BOCA Building Code. The statement, together with any and all attachments, shall be certified and sealed by a licensed engineer or architect. Manufacturers specifications must be submitted.
- (10) The system shall be certified by a licensed engineer to verify that the signal(s) being transmitted will not interfere with the ability of surrounding uses to receive signals from different radio, television, telephone or other electronic equipment.

(Ord. No. 30-881, § 2, 10-28-97)

#### **Section 4.65 Co-location.**

To prevent the proliferation and congestion of antenna towers, it is encouraged for any new antenna to be co-located on an existing antenna tower, provided there is technically suitable space available on an existing tower within the desired area pursuant to the following regulations:

- (1) The maximum number of co-locations on any tower is limited to four (4) unless the applicant can demonstrate to the satisfaction of the planning commission that the structure can safely accommodate additional co-locations and the radio frequency emissions will continue to comply with federal regulations.
- (2) All co-locations on existing towers shall be subject to the setback requirements contained in section 4.61.

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- (3) Any proposed antenna addition to an existing tower shall receive site plan approval pursuant to section 22.16 of this appendix.
  - (4) In cases where special land use approval has already been granted for an existing tower, there is no further special land use approval required for co-location.

(Ord. No. 30-881, § 2, 10-28-97)

#### **Section 4.66 Use of public property.**

Upon recommendation of the Planning Commission and approval of the City Council, properly zoned property owned by the City of Warren, excluding street rights-of-way, may be used for antenna and antenna tower purposes upon the execution of a valid lease approved by the City Attorney. After receiving approval to place an antenna or antenna tower on City property, the Petitioner must proceed to obtain all required approvals as required by the Ordinances of the City of Warren.

(Ord. No. 30-881, § 2, 10-28-97)

#### **Section 4.67 Monitoring of antenna radio frequency emissions.**

Each telecommunications provider with antennas located within the City shall provide the City with a semi-annual report disclosing the radio frequency emissions of each antenna site. The City shall require an annual inspection of the radio frequency emissions of each antenna site to ensure that the site complies with the requirements of the Telecommunications Act of 1996. The City shall charge the provider a fee for the cost of the annual inspection.

(Ord. No. 30-881, § 2, 10-28-97)

#### **Section 4.68 Antenna and antenna tower removal.**

- (1) In the event an antenna has not been used for a period of 180 days or more, as evidenced by the cessation of transmission and/or reception of radio signals, it shall be the responsibility of the owner of the property to secure removal of the unused antenna within thirty (30) days of discontinuance.
- (2) In the event all antennas located on a tower have not been used for a period of 180 days or more, as evidenced by the cessation of transmission and/or reception of radio signals, it shall be the responsibility of the owner of the property to secure the removal of the unused antenna within sixty (60) days of discontinuance.
- (3) In the event any antenna is found to exceed the applicable F.C.C. standard, site plan approval shall be immediately revoked and the antenna shall be removed.
- (4) To insure compliance with this section, the Planning Commission upon site plan approval, shall require that a cash deposit or an approved surety bond, covering the estimated cost of removal to be deposited with the City Treasurer. The Petitioner is required to maintain either the cash deposit or a surety bond for the performance of the removal until the antenna(s) or antenna tower is removed. In the event the antenna(s) or antenna tower is not erected as planned or is removed as required by this ordinance, the cash deposit shall be refunded. In the event, an antenna(s) or antenna tower is not removed pursuant to the provisions of this ordinance, the bond shall be forfeited to the general fund of the City of Warren.

(Ord. No. 30-857, § 2, 2-13-96; Ord. No. 30-881, § 2, 10-28-97)

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## Sections 4.69—4.89 Reserved.

Editor's note(s)—Ord. No. 30-999, § 1, adopted July 9, 2013, repealed §§ 4.70 through 4.84, which pertained to the regulation of fences and derived from Ord. No. 30-894, § 1, adopted June 23, 1998; Ord. No. 945, § 2, adopted April 27, 2004; and Ord. No. 30-960, § 1, adopted Oct. 11, 2005.

## Section 4.90 Parking, storage or placement of vehicles and watercraft offered "for sale" or "for trade."

- (a) *Public Property.* No person or owner of any vehicle or watercraft, including but not limited to all vessels, boats, recreational vehicles, off road vehicles and snowmobiles, shall allow such vehicle to be placed or parked on any public property in the City of Warren, including street rights-of-way, for the purpose of advertising the vehicle or watercraft "for sale" or "for trade."
- (b) *Residential Property.* No person or owner of any vehicle or watercraft, including but not limited to all vessels, boats, recreational vehicles, off road vehicles and snowmobiles, shall allow such vehicle to be placed or parked on any residential front yard or right-of-way, excluding driveways, for the purpose of advertising the vehicle or watercraft "for sale" or "for trade."
- (c) *Commercial/Industrial Property.* No person or owner of any vehicle or watercraft, including but not limited to all vessels, boats, recreational vehicles, off road vehicles and snowmobiles, shall allow such vehicle to be placed or parked on any private property zoned commercial or industrial for the purpose of advertising the vehicle or watercraft "for sale" or "for trade," except the provisions of this section do not apply to properly licensed automobile dealerships and properly licensed car lots.

(Ord. No. 30-888, § 1, 2-24-98)

## Section 4.91. Public notification.

All notices for a public hearing required under the Michigan Zoning Enabling Act, Act 110 of 2006, as amended (MZEA) or this Ordinance, shall comply with the following requirements in addition to any other requirements of the MZEA or the Ordinance:

### A. *General.*

- 1. *Published Notice.* When a published notice is required by this Ordinance or the Michigan Zoning Enabling Act, Act 110 of 2006, as amended (MZEA), the notice shall be published in a newspaper of general circulation within the city not less than fifteen (15) days before the date of the hearing, and shall include the content stated in this section.
- 2. *Personal or Mailed Notices.* When the provisions of this Ordinance or state law require that personal or mailed notice be provided, notice shall be provided to:
  - a. The owners of the property for which approval is being considered, and the applicant, if different than the owner(s) of the property.
  - b. Except for rezoning requests involving eleven (11) or more adjacent properties or an ordinance interpretation request that does not involve a specific property; to all persons to whom real property is assessed within three hundred (300) feet of the boundary of the property subject to the request, regardless of whether the property or occupant is located within the boundaries of the City of Warren. Notice shall be provided to the citizens from the adjacent municipality after their municipality receives notice from the City of Warren that describes generally a geographic area of land located within three hundred (300) feet

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of the boundary of the property within the City of Warren. 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 (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area 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.

- c. Notice by mail/personal delivery/affidavit: Notice shall be deemed mailed by deposit in the United States mail, first class, properly addressed, postage paid or by personal delivery to the occupant or manager's address, posted or attached to the entrance door. A list shall be prepared of all property owners or registrants to whom notice was mailed, as well as anyone to whom personal service was delivered.
- d. Timing of Notice. Unless otherwise provided in the MZEA, or this Ordinance where applicable, notice of a public hearing shall be provided as follows:
  - i. For a public hearing on an application for a rezoning, ordinance amendment, special land use, planned unit development, site plan, variance, appeal of ordinance interpretation: not less than fifteen (15) days before the date of the application will be considered for approval.

B. *Content.* All mail, personal and newspaper notices for public hearings shall:

- 1. Describe the nature [of the] request. Identify whether the request is for a rezoning, text amendment, site plan review, special land use, planned unit development, variance, appeal, ordinance interpretation or otherwise.
- 2. State the location of the property that is the subject of the request. The notice shall include a listing of all existing street addresses within the subject property. In the absence of a known street address, other means of identifying the property may be used such as tax parcel identification number, identifying the nearest cross streets, or including a map showing the location of the property. No street addresses must be listed when eleven (11) or more adjacent properties are proposed for rezoning, or when the request is for an ordinance interpretation not involving a specific property.
- 3. When and where the request will be considered, indicating the date, time and place of the public hearings.
  - i. Include a statement describing when and where written comments will be received concerning the request, and that the public may appear in person or by counsel.
  - ii. Information on how persons with disabilities will be accommodated.

(Ord. No. 30-1071 , § 2, 2-8-22)

## ***ARTICLE IV-A. SIGNS<sup>5</sup>***

### ***DIVISION I. IN GENERAL***

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<sup>5</sup>Cross reference(s)—Sign erectors and sign permit fees, Ch. 31.

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### **Section 4A.01 Necessity.**

It is hereby determined that the proliferation of signs in the City is unduly distracting to motorists and pedestrians, creates a traffic hazard and reduces the effectiveness of signs needed to direct and warn the public. It is also determined that the appearance of the City is marred by the proliferation of signs and that such proliferation restricts light and air, contributes to blighting, deteriorates the scenic and natural beauty of the community and negatively affects property values. It is necessary to regulate sign or advertising distractions and obstructions that may contribute to traffic accidents; regulate to avoid hazards that may be caused by signs overhanging or projecting over public rights-of-way; regulate/reduce the illegal use of and demand for tobacco products by underage persons through restrictions on billboard advertising of tobacco products; and regulate to provide more open space thereby preserving the scenic and natural beauty of designated areas.

(Ord. No. 30-859, § 1, 3-26-96; Ord. No. 30-893, § 1, 6-9-98)

### **Section 4A.02 Purpose.**

The purpose of this ordinance is to provide for the establishment of signs that will promote viable commercial and industrial activity, will encourage community activity and events, will encourage political and other free expression of ideas and will disseminate messages regardless of content, but will not, by reason of their size, location, spacing, construction or manner of display, endanger life or limb, confuse or mislead traffic, obstruct vision necessary for traffic safety or otherwise endanger the public health or safety. Additionally, these regulations are designed to promote the welfare and temperance of minors exposed to tobacco billboards in order to reduce the demand for and use of tobacco products by underage persons. Furthermore it is the intent of this ordinance to preserve and improve the appearance of the City by preventing the placement of oversized signs that are out of scale with surrounding buildings and structures and by preventing an accumulation of signs that would cause visual clutter.

(Ord. No. 30-859, § 1, 3-26-96; Ord. No. 30-893, § 1, 6-9-98)

### **Section 4A.03 Scope.**

The provisions of this ordinance shall govern the construction, alteration, repair and maintenance of all signs and outdoor display structures; the construction, alteration, repair and maintenance of appurtenant and auxiliary devices with respect to their structural and fire safety; and the licensing and regulation of sign and outdoor display companies.

(Ord. No. 30-859, § 1, 3-26-96)

### **Section 4A.04 Nonconforming signs.**

Any permanent sign already established on the effective date of this ordinance which does not conform to the requirements of this ordinance is rendered nonconforming and shall be subject to the regulations contained in Division VII relating to nonconforming signs.

(Ord. No. 30-859, § 1, 3-26-96)

### **Section 4A.05 Substitution.**

Wherever this article permits a commercial message, a noncommercial message is automatically permitted.

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(Ord. No. 30-1029, § 1, 9-26-17)

### **Section 4A.06 Severability.**

If a court of competent jurisdiction holds a section, subsection, sentence, clause, or phrase of this Article to be invalid for any reason, the remaining portions of this article, not specifically held to be invalid, remain valid and enforceable.

(Ord. No. 30-1029, § 2, 9-26-17)

### **Sections 4A.07—4A.09 Reserved.**

## *DIVISION II. DEFINITIONS*

### **Section 4A.10 General definitions.**

For purposes of this ordinance, unless otherwise expressly stated, the following words and phrases shall be defined as follows:

1. *Alter*. Any addition to or removal of any part of any sign or billboard, or any other alteration which may change the design or approved method of functioning.
  - 1.1. *Ambient light level*. The amount of illumination that is already present in the area before any additional light is added.
2. *Approved*. Acceptable to the Building Official of the City of Warren, or in accordance with this ordinance.
3. *Approved combustible materials*. Only those combustible materials which, when tested in accordance with the American Society for Testing Materials standard method of testing for flammability, burn at a rate of no faster than two and one-half inches per minute.
4. *Awning*. A metal, wooden, fiberglass or other approved fire retardant material such as cloth, canvas, fabric, plastic or any light flexible material which extends over a porch, patio deck, balcony, window, door or open space. The construction and erection of an awning shall be regulated pursuant to the applicable BOCA codes.
5. *Balloon*. Any air filled or gas filled object tethered to a fixed location.
6. *Building official*. Shall include all representatives of the Buildings and Safety Engineering Division.
7. *Building line*. The front line of the building or the minimum distance required between the property line and the nearest supporting member of a building, structure or sign as specified by the zoning ordinance.
8. *Canopy*. A roof like structure which is either freestanding or is projecting from a building and is supported by structural members. A canopy may be constructed of metal, wood or any approved fire retardant material such as cloth, canvas, fabric, plastic or any light flexible material which is attached to the canopy. The construction and erection of an awning shall be regulated pursuant to the applicable BOCA codes.
9. *Clearance*. The vertical distance between the surface grade beneath the sign and the lowest point of the sign, including framework and embellishments.

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10. *Collector roads.* Collector roads are roads that gather traffic from local residential streets and carry it to major thoroughfares; they normally have an 86' right-of-way and are the half-mile roads.
  - 10.1. *Digital display area.* The area of an electronic message center that is made up of a digital screen.
  11. *Erect.* To build, construct, alter, repair, display, relocate, attach, hang, place, suspend, affix or maintain any sign, including the painting of exterior wall signs.
  12. *Facade.* The exterior wall of a building including window openings, door openings and the outside surface of a parapet wall.
  13. *Festoons.* A string of ribbons, tinsel, small flags or pinwheels.
  - 13.1. *Foot-candle.* A unit of illumination equal to that given by a source of one candela at a distance of one foot.
  14. *Front or face of a building.* The external surface of a building which is visible from any private or public street or highway.
  15. *Height.* The vertical distance measured from the highest point of the sign, including decorative embellishments, to the surface grade beneath the sign.
  16. *Maintenance.* The cleaning, painting, repair or replacement of defective parts of a sign in a manner that does not alter the design or structure of the sign.
  17. *Major thoroughfares.* Major thoroughfares are those major roads that carry traffic through the city; they normally have 120' rights-of-way and are located one mile apart.
  18. *Marquee.* A permanent roof like structure extending from part of the wall of a building, but not supported by the ground, and constructed of material such as metal, glass, wood or other construction material.
  19. *Non-conforming sign.* A sign which was erected legally, but which does not comply with subsequently enacted sign regulations; or a sign which does not conform to the sign regulations but for which a special permit has been issued.
  20. *Parapet.* The extension of a false front, wall or other surface above a roofline.
  21. *Parcel.* One (1) or more lots under single ownership and control which are used, developed or built upon as a unit.
  - 21.1. *Public right-of-way.* An area designated for public travel, owned by a government entity.
  - 21.2. *Responsible party.* The responsible party is the person or entity that is a legal or equitable owner, tenant, or lessee of the property where the sign is located, the owner or lessee of the sign, a person erecting the sign, or other person or entity with legal rights to the sign.
  - 21.3. *School premises or school playground.* Includes the buildings, grounds, or facilities, or any portion thereof, owned, occupied by, or under the custody or control of public or private institutions for the primary purpose of providing educational instruction to students at or below the twelfth grade level.
  22. *Sign.* Any device, structure, fixture, painting, or visual image using words, graphics, symbols, numbers, lights, or letters to communicate a message or attract attention.
  - 22.1. *Static electronic messaging.* Graphics or lettering on an electronic message center that includes: (1) no animation effects and (2) changes from one message to the next through fade or dissolve transitions, not traveling or scrolling transitions.
  - 22.2. *Tobacco advertisement.* Any means of advertising used for the purpose or effect of promoting the use or sale of a tobacco product, a trademark of a tobacco product or a trade name.

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- 22.3. *Tobacco products.* Includes but is not limited to cigarettes, cigars, chewing tobacco or snuff. "Chewing tobacco" means loose tobacco or a flat, compressed cake of tobacco, which is inserted into the mouth to be chewed or sucked. "Tobacco snuff" means shredded, powdered, or pulverized tobacco, which may be inhaled through the nostrils, chewed, or placed against the gums.
  23. *Use.* The purpose for which a building, lot, sign or structure is intended, designed, occupied or maintained.
  24. *Zoning districts.* Zoning district classification in this Article references Appendix A, Article III, Zoning Districts and Maps.

(Ord. No. 30-859, § 1, 3-26-96; Ord. No. 30-893, § 2, 6-9-98; Ord. No. 30-1029, § 3, 9-26-17)

#### **Section 4A.11 Specific sign definitions.**

For purpose of this ordinance, the following signs as listed shall be defined as follows:

1. *Abandoned sign.* A sign that, by reason of neglect, damage, or deterioration, requires repair or refurbishment, and the owner or other responsible party either (1) fails, neglects, or refuses to initiate repair or refurbishment to the sign within ten days of the City sending written notice; or (2) fails, neglects, or refuses to complete repairs or refurbishment within 60 days of the City sending written notice.
2. *Animated sign.* A sign or display manifesting either kinetic or illusionary motion by natural, mechanical or electrical means.
3. *Awning sign.* A sign that is painted on, printed on or attached flat against the surface of the awning and shall be allowed in place of a wall sign as regulated in this ordinance.
4. *Balloon sign.* A sign in which one (1) or more balloons are used as a temporary sign or as a means of directing attention to any business, profession, commodity, service, product or entertainment.
5. *Banner sign.* A temporary sign made of fabric or other non-rigid material with no enclosing framework.
6. *Billboard.* A sign structure advertising an establishment, merchandise, service or entertainment which is not sold, produced, manufactured or furnished at the property on which the sign is located, also called "off-premise" or "outdoor advertising" signs.
7. *Canopy sign.* A sign that is painted on, printed on or attached to a canopy which is affixed to a building wall or to the ground by columns or posts and shall be allowed in place of a wall sign as regulated in this ordinance.
8. *Changeable copy sign.* A sign whose informational content can be changed or altered by manual, electric, electro-mechanical or electronic means.
9. *Construction sign.* A temporary on-premise sign identifying an architect, contractor, subcontractor or material supplier participating in construction on the property.
10. *Double-faced sign.* A sign with two faces, back-to-back.
11. *Election sign.* A temporary sign used in connection with a local, state, or national election or referendum.
12. *Electrical sign.* A sign or sign structure in which electrical wiring, connections or fixtures are used.
- 12.1. *Electronic message center.* A sign that displays its message via a lighted digital face with the capability to change the sign's message or color by computer control.



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13. *Feather flag sign.* A sign consisting of a vertically elongated pennant attached on one of the sides to a single support post.
  14. *Festoon sign.* A sign consisting of ribbons, tinsel, small flags, pinwheels, garland or other material hanging or draped.
  15. *Freestanding sign.* A sign that is erected upon or supported by the ground and is affixed to the ground, but not attached to any building, including signs on poles or pylons that are anchored into the ground. Also called ground signs.
  16. *Garage sale sign.* A temporary on-premise sign advertising the sale of used household items.
  17. *Government sign.* Any temporary or permanent sign erected and maintained by the City, county, state or federal government for traffic direction or for designation of or direction to any school, hospital, historical site, public service, public property, facility or function.
  18. *Identification sign.* A sign whose copy is limited to the name and address of a building, institution or person, activity or occupation being identified.
  19. *Illuminated sign.* A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.
  20. *Informational sign.* An on-premise commercial sign two (2) square feet or less used for the limited purposes of identifying, directing or conveying a message.
  21. *Marquee sign.* A sign attached to or supported by a marquee structure and shall be considered a wall sign for the purpose of this ordinance.
  22. *Monument sign.* A sign mounted directly to the ground with a maximum height not to exceed five (5) feet.
  23. *Multiple faced sign.* A sign containing three (3) or more faces, not necessarily back-to-back.
  24. *Mural.* A picture painted directly on a wall and shall be considered a painted wall sign for the purpose of this ordinance.
  25. *Nameplate.* A non-electronic, on-premise identification sign attached to the building giving only the name, address and/or occupation of an occupant or group of occupants.
  26. *Obsolete sign.* An on-premise sign that advertises an establishment, merchandise, service or entertainment that is no longer sold, produced, manufactured, furnished on the premises or a business that has closed.
  27. *Off-premise sign.* A sign structure advertising an establishment, merchandise, service or entertainment which is not sold, produced, manufactured or furnished at the property on which the sign is located, also called "billboards" or "outdoor advertising."
  28. *On-premise sign.* A sign which pertains to the use of the premises or property on which it is located.
  29. *Opinion sign.* A non-commercial sign, which expresses an opinion or other point of view, including but not limited to political and religious statements but which does not advertise any product, good, business or service.
  30. *Painted wall sign.* A sign which is applied with paint or similar substance on the surface of an exterior wall, fence, masonry, concrete or other building wall, including but not limited to murals. Painted wall signs shall be allowed in place of a wall sign as regulated in this ordinance. Prior to painting a sign on a wall in place of a wall sign, a permit must be obtained and the entire wall must be freshly painted with one continuous color.

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31. *Portable sign.* A temporary sign designed to be moved easily and not permanently affixed to the ground or to a structure or building. A portable sign is capable of being readily moved from one location to another.
  32. *Projecting sign.* A sign that is affixed to any building or part thereof, or to any structure and projects out by more than eighteen (18) inches.
  33. *Public carrier sign.* Any temporary or permanent sign erected to designate a public carrier location.
  34. *Real estate sign.* A temporary sign advertising the real estate upon which the sign is located as being for sale, rent or lease.
  35. *Roof sign.* Any sign erected over or on the roof of a building.
  36. *Rope lighting sign.* Lighting that has multiple interconnected lamps, including LEDs or light bulbs, connected to a single electrical source, or luminous tubing that contains a gas, such as neon, that glows when electric current is sent through it. Rope lighting includes strand lighting, lite ropes, flexible impact lighting, tubular lighting, string lighting, and other similar forms of illumination.
  37. *Temporary lighting.* Lighting displayed for a limited time period with no permanent electrical wiring.
  38. *Temporary sign.* A sign, banner or other advertising device constructed of cloth, canvas, fabric, wood or other light temporary material, with or without a structural frame, intended to be displayed for a limited time period, including but not limited to election signs, portable signs and political signs.
  39. *Inflatable sign.* A sign that is capable of being inflated with air, helium, or other gas.
  40. *Wall sign.* A sign attached parallel to and extending not more than eighteen (18) inches from the wall of a building with no copy on the sides or edges, including painted, individual letter, cabinet and signs on a mansard.
  41. *Window sign.* A sign installed on the inside, outside, or around the border of a window.

(Ord. No. 30-859, § 1, 3-26-96; Ord. No. 30-1011, § 1, 5-26-15; Ord. No. 30-1029, § 4, 9-26-17)

### ***DIVISION III. GENERAL PROVISIONS***

#### **Section 4A.12 Permits required.**

It shall be the duty of the licensed sign erector who erects, alters, changes or remodels any sign or sign structure, to first obtain the required permit and provide payment of fees as provided in Division VIII.

(Ord. No. 30-859, § 1, 3-26-96)

#### **Section 4A.13 Signs not requiring a permit.**

The following types of signs are exempt from the permit requirements but shall conform to all other applicable ordinance provisions.

- a) *Construction signs.* Construction signs of sixteen (16) square feet or less, including engineer, architect and similar signs used in connection with construction operations. All construction signs shall be removed within one (1) week after completion of construction.
- b) *Government signs.*
- c) *Nameplates.* Nameplate signs of two (2) square feet or less.

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- d) *Election signs.* Temporary election signs may be erected on private property on the election filing deadline date for the elected office sought. For all elections or referendums without filing deadlines, temporary election signs may be erected 60 days prior to the earliest election date. All temporary election signs shall be removed in accordance with section 4A.26(c). Temporary election signs shall be allowed as follows:

Two (2) nonilluminated election signs per candidate and per issue is allowed for each lot frontage; those located along a major thoroughfare or collector road shall not exceed sixteen (16) square feet per sign; and if located along a local residential street shall not exceed six (6) square feet per sign.

- e) [*Public carrier signs.*] Public carrier signs of three (3) square feet or less.
- f) [*Traffic control/directional signs.*] Traffic control/directional signs located in parking districts smaller than two (2) square feet in size.
- g) *Real estate signs.* On-premise signs erected to announce the sale or rent of property provided such signs are not over five (5) feet in height and if located in a residential district are not more than eight (8) square feet in area, or if located in non-residential districts shall not be more than sixteen (16) square feet in area. All real estate signs must be removed within one (1) week following the closing of the sale, rental or lease of the property.
- h) *Garage sale signs.* One (1) garage sale sign per residence is allowed for the approved time period of the garage sale. The sign shall be located in the front yard set back at the site of the garage sale and shall be four (4) square feet or less.
- i) *Opinion signs.* Three (3) opinion signs per residence shall be allowed in residential areas, excluding election signs which are otherwise regulated in this ordinance. The signs shall be located in the front yard set back and shall not exceed four (4) square feet in sign area.
- j) *Temporary community activity or event signs.* A permit is not required, however, notification to the City Clerk's office is required pursuant to section 4A.44.
- k) Window signs not visible from the public right-of-way.

(Ord. No. 30-859, § 1, 3-26-96; Ord. No. 30-891, § 1, 5-12-98; Ord. No. 30-1029, § 5, 9-26-17)

#### **Section 4A.14 Prohibited signs.**

The following signs are prohibited in all districts:

- (a) Any sign not expressly permitted by this article.
- (b) Unless permitted elsewhere in this article, signs that use flashing, blinking, intermittent, or moving lights; or exposed incandescent light bulbs.
- (c) Exterior rope lighting visible from the public right-of-way except temporary lighting and government signs.
- (d) Signs imitating or resembling official traffic or government signs or signals that are made of the same material, and are of similar size and shape and color.
- (e) Signs attached to trees, telephone poles, public benches, streetlights, or placed on any public property or public right-of-way, unless otherwise provided by ordinance.
- (f) Roof signs.
- (g) Abandoned signs.
- (h) Obsolete signs.

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- (i) Signs in parking districts (P) greater than two (2) square feet in size.
  - (j) Off-premises signs other than billboards, election and special events or activities signs as regulated in this ordinance.
  - (k) Except as provided in this appendix, any billboard containing any tobacco advertisement in any publicly visible location on or within five hundred (500) feet of the perimeter of any school premises, playground, or playground area in a public park.
  - (l) A sign advertising alcoholic liquor as prohibited in Warren Code of Ordinances, Chapter 4, Article II, Section 4-9A.
  - (m) Inflatable signs, except as permitted in Warren Code of Ordinances, Appendix A, Article IV-A, Division V, Section 4A.42.
  - (n) Feather flag signs.
  - (o) An off-premises sign advertising a Marihuana Business or Caregiver Operation.
  - (p) A sign, visible from a public right-of-way, advertising Caregiver Operations or Marihuana Businesses, except Retail Establishments and Provisioning Center Facilities.
  - (q) A sign that contains any words or phrases listed in MCL 333.17711, including, but limited to: apothecary, dispensary, pharmacy, and drugstore.

(Ord. No. 30-859, § 1, 3-26-96; Ord. No. 30-893, § 3, 6-9-98; Ord. No. 30-1001, § 5, 8-27-13; Ord. No. 30-1011, § 2, 5-26-15; Ord. No. 30-1020, § 3, 4-12-16; Ord. No. 30-1029, § 6, 9-26-17; Ord. No. 30-1064, § 2, 4-27-21)

#### **Section 4A.15 Construction specifications.**

All signs shall be constructed, installed and erected in compliance with the BOCA National Building, Fire and Electrical Codes as adopted by reference in the Code of Ordinances.

(Ord. No. 30-859, § 1, 3-26-96)

#### **Section 4A.16 Measurement of sign area.**

- (a) The surface area of a sign is the area which encloses the limits of individual letters, words, symbols, graphics, numbers, lights, or message of the sign together with any frame.
- (b) When a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except when two (2) such faces are placed back to back within two (2) feet from one another, if the two (2) faces are of equal area then the area of the sign shall be taken as the area of one (1) face, or if the two (2) faces are of unequal area then the area of the longer face shall be taken as the area of the sign.

(Ord. No. 30-859, § 1, 3-26-96; Ord. No. 30-1029, § 7, 9-26-17)

#### **Section 4A.17 Setbacks.**

The following setback regulations shall apply to signs located in all zoning districts:

- a) No sign shall project or overhang a public right-of-way or public easement.
- b) All freestanding or ground signs shall be set back from the right-of-way line a minimum distance equal to the height of the sign.

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- c) Within any required front or corner side yard on any corner lot, no sign or other obstruction to visibility shall be permitted between the heights of two and one-half (2½) feet and ten (10) feet above the existing street grade within the triangular area formed by the street property lines and line connecting there at points twenty-five (25) feet from the intersection of the street lines or their extension.
  - d) No sign shall be erected, constructed or placed in such a manner so as to obstruct the driver's view of traffic or pedestrians at intersecting streets, highways or driveways.
  - e) No sign shall be erected so that any part of it, including cables, guys and other structural equipment is within four (4) feet of any electric light pole, street lamp or other public utility pole.
  - f) No sign shall be erected, constructed or placed within six (6) feet of a public utility conductor.

(Ord. No. 30-859, § 1, 3-26-96)

#### **Section 4A.18 Height.**

The height of all signs, unless provided otherwise in this ordinance, shall comply with the following:

- a) *Wall signs.* Wall signs shall not extend beyond the top or ends of the wall to which the signs are attached.
- b) *Freestanding signs.* The height of all freestanding signs shall not exceed twenty (20) feet.

(Ord. No. 30-859, § 1, 3-26-96)

#### **Section 4A.19 Clearance.**

All freestanding, projecting, and marquee signs shall have a clearance of ten (10) feet beneath the sign structure, excluding monument signs.

(Ord. No. 30-859, § 1, 3-26-96)

#### **Section 4A.20 Maintenance.**

- (a) All signs shall be properly maintained. Exposed surfaces shall be clean and painted if paint is required. All supports, braces, guys and anchors shall also be kept in repair. Defective parts shall be replaced promptly.
- (b) The building official shall have the authority to order the repair of any sign in violation of this ordinance, or the removal of any sign which is defective, damaged, obsolete or substantially deteriorated to the extent that the public safety or welfare is endangered. The sign shall be repaired or removed within thirty (30) days of the notice of repair or removal. Notices shall be sent by certified mail.

(Ord. No. 30-859, § 1, 3-26-96)

#### **Section 4A.21 Illumination.**

Unless otherwise prohibited, all signs permitted by this ordinance may be illuminated. All illumination shall be in accordance with the requirements of the electrical code. In no case shall any open spark or flame be used for display purposes unless specifically approved by the building official.

(Ord. No. 30-859, § 1, 3-26-96)

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#### **Section 4A.22 Identification.**

Every sign for which a permit has been issued and erected or constructed shall be plainly identified with the name of the person owning, erecting or operating such sign, and shall bear the original sign permit number.

(Ord. No. 30-859, § 1, 3-26-96)

#### **Section 4A.23 Obstruction to exitways.**

No sign shall be erected, constructed or maintained so as to obstruct any fire escape, required exitway, window or door opening used as a means of egress; or to prevent the free passage from one part of a roof to another part thereof, or to prevent access thereto for the firefighting personnel.

(Ord. No. 30-859, § 1, 3-26-96)

#### **Section 4A.24 Owner permission.**

No person shall erect, construct or place any sign, temporary or permanent, on the property of another without first obtaining permission of the property owner, agent or manager. For all signs over four (4) square feet in total area, written permission shall be filed with the Division of Buildings and Safety Engineering signed and dated by the owner, agent or manager granting permission and shall include the owner, agent or manager's address and telephone number.

(Ord. No. 30-859, § 1, 3-26-96)

#### **Section 4A.25 Biennial sign inspections.**

Every sign, whether erected prior to or after the effective date of this ordinance, shall be inspected biennially by the Division of Buildings and Safety Engineering. An inspection fee shall be required as prescribed in Chapter 31, section 31-13 of the Code of Ordinances.

(Ord. No. 30-859, § 1, 3-26-96)

#### **Section 4A.26 Removal of signs.**

(a) *Temporary signs.* Temporary signs erected in violation of this ordinance, such as in a public easement, public right-of-way, or without a valid permit, or signs left remaining after the expiration of a permit, may be removed and disposed of as follows:

- (1) The sign may be removed by a building official without prior notice;
- (2) Signs removed shall be held by the city for a period of fifteen (15) days to allow the owner to reclaim the signs;
- (3) Before any sign is returned to the owner, the owner shall reimburse the City for the costs of removal and storage of the sign as provided in the sign permit fee schedule found in Chapter 31, section 31-14 of these ordinances;
- (4) If the owner of the sign does not reclaim it within fifteen (15) days of removal, the sign shall be deemed abandoned and the city may dispose of the sign.

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- (b) *Permanent signs.* In cases of emergency, the building official may remove a permanent sign that is in violation of this ordinance as follows:
- (1) The sign may be removed by a building official without prior notice;
  - (2) After removal of the sign, the building official shall mail a notice, certified mail, to the owner stating the action taken and the reasons for the action.
  - (3) Any sign removed must be held by the city for a period of thirty days to allow the owner an opportunity to reclaim the sign;
  - (4) Before any sign is returned to the owner, the owner shall reimburse the city for the actual costs of removal, storage and reclamation of the sign. If the owner of the sign does not reclaim it within thirty (30) days of notice, it shall be deemed abandoned and the City may dispose of the sign.
- (c) *Election signs.* All candidates for political office and property owners shall be responsible to remove their temporary election signs within seven (7) days after the primary, school or special election. If any candidate for an office is nominated in the primary election, the candidate shall be allowed to have his or her election signs remain through the general election, however, all such election signs shall be removed within seven (7) days after the general election. Further, the following provisions apply to the removal of temporary election signs:
- (1) Any sign erected in violation of this ordinance may be removed and disposed of pursuant to the provisions set forth in section 4A.26(a).
  - (2) The city shall provide a written notice to any candidate who has any temporary election sign(s) remaining after the period for removal and shall include the address of the violation. If the offending sign(s) is not removed within seven (7) days of service of the notice, the city shall issue a civil infraction violation to the candidate.
  - (3) The first violation of this section is a civil infraction which shall result in the assessment of a fine not to exceed \$100.00. Any subsequent violation shall result in assessment of a fine of not less than \$100.00 or not more than \$1,000.00 per violation, plus costs and other sanctions for each infraction.
- (d) *Non-conforming signs.* All non-conforming signs shall be removed pursuant to Division VII.
- (Ord. No. 30-859, § 1, 3-26-96; Ord. No. 30-891, § 2, 5-12-98)

#### **Section 4A.27 Electronic message center.**

In addition to other applicable zoning requirements, a responsible party shall comply with all of the following electronic message center requirements:

- (a) From one hour before dusk to one hour after dawn, the light emitted from the electronic message center does not exceed .3 foot-candles over the ambient light levels measured from anywhere on the public right-of-way or along the lot line;
- (b) Except a property where a business has a valid State of Michigan Motor Fuels Retail Outlet License, the digital display area of an electronic message center does not exceed 25% of the total permitted free standing sign area;
- (c) There is no more than one electronic message center;
- (d) The electronic message center is a freestanding sign;
- (e) An electronic message center uses only static electronic messaging; and

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- (f) An electronic message center does not change its graphics or message more than once every 30 seconds.

(Ord. No. 30-1029, § 8, 9-26-17)

#### **Section 4A.28 Window signs.**

In addition to other applicable Zoning requirements, a responsible party shall comply with all of the following requirements:

- (a) Total non-illuminated window signage shall not exceed 50% percent of the window where it is placed.
- (b) Total illuminated window signage, including rope lighting on the inside of a window, shall not exceed 25% percent of the window where it is placed.
- (c) Total window signage shall not exceed fifty (50) percent of the window where it is placed.

(Ord. No. 30-1029, § 9, 9-26-17)

#### **Sections 4A.29—4A.30 Reserved.**

### *DIVISION IV. REGULATION BY ZONE*

#### **Section 4A.31 Signs permitted in residential zones (R-1-A, R-1-B, R-1-C, R-2, R-3, R-3-A, R-4, R-5).**

The following signs are allowed in residential zones:

- a) All signs not requiring a permit.
- b) Subdivisions. One (1) subdivision identification sign per street frontage, neighborhood, subdivision or development. Signs not to exceed thirty-two (32) square feet in sign area for each location.
- c) Apartment, condominium or mobile home complex. One (1) identification sign per entrance to apartment or condominium complex. Signs not to exceed thirty-two (32) square feet in sign area.
- d) Permitted non-residential uses. One (1) freestanding and one (1) wall sign not to exceed thirty[-two] (32) square feet in sign area for each sign for permitted non-residential uses including churches, synagogues, schools, libraries and parks.

(Ord. No. 30-859, § 1, 3-26-96)

#### **Section 4A.32 Residential height and setback regulations.**

All freestanding signs located in residential districts shall have a maximum height of five (5) feet and shall be set back from the right-of-way line a minimum distance equal to the height of the sign.

(Ord. No. 30-859, § 1, 3-26-96)



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**Section 4A.33 Signs permitted in Professional Business and Special Service Districts (P.B., S.S.).**

- a) All signs not requiring a permit.
- b) One on-premise sign or advertising display of a size not exceeding twelve (12) square feet in area for each business on the premises shall be allowed in professional business districts and special service districts.
- c) Any freestanding sign located in a professional business or special service district shall have a maximum height of fifteen (15) feet.

(Ord. No. 30-859, § 1, 3-26-96; Ord. No. 30-891, § 3, 5-12-98)

**Section 4A.34 Signs permitted in Office Districts (O).**

- a) All signs not requiring a permit.
- b) One freestanding on-premise sign or advertising display of a size not to exceed fifty (50) square feet shall be allowed in office districts.
- c) One (1) wall sign of a size not to exceed twenty (20) square feet shall be allowed for each business in office districts.

(Ord. No. 30-859, § 1, 3-26-96; Ord. No. 30-891, § 3, 5-12-98)

**Section 4A.35 Signs permitted in Commercial Business and Industrial Districts (C-1, C-2, C-3, M-1 and M-2).**

- a) All signs not requiring a permit.
- b) One freestanding on-premise sign or advertising display of a size not to exceed seventy-five (75) square feet shall be allowed in commercial business and industrial districts zoned C-1, C-2, C-3, M-1 and M-2.
- c) Total wall signage of a size not to exceed forty (40) square feet shall be allowed for each business in commercial business and industrial districts zoned C-1, C-2, C-3, M-1 and M-2.

(Ord. No. 30-859, § 1, 3-26-96; Ord. No. 30-891, § 3, 5-12-98)

**Section 4A.36 On-premise signs permitted in Industrial Districts (M-3 and M-4).**

- a) All signs not requiring a permit.
- b) One freestanding on-premise sign or advertising display of a size not to exceed one hundred and fifty (150) square feet shall be allowed in industrial districts zoned M-3 and M-4.
- c) Total wall signage of a size not to exceed one hundred and fifty (150) square feet shall be allowed for each building in industrial districts.

(Ord. No. 30-859, § 1, 3-26-96; Ord. No. 30-891, § 3, 5-12-98)

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### **Section 4A.37 Shopping centers.**

Regardless of the zoning district, shopping centers as defined in section 2.67 are permitted the following signage:

- a) All signs not requiring a permit.
- b) One freestanding on-premise identification sign of a size not to exceed one hundred and fifty (150) square feet in size and which shall not exceed twenty-five (25) feet in height shall be allowed for each shopping center.
- c) One (1) wall sign of a size not to exceed forty (40) square feet shall be allowed for each business located in the shopping center.
- d) One (1) informational sign, hung from a walkway canopy of a size not to exceed two (2) square feet, shall be allowed for each business located in the shopping center.

(Ord. No. 30-859, § 1, 3-26-96; Ord. No. 30-891, § 3, 5-12-98)

### **Section 4A.38 Street number required.**

All buildings located in commercial and industrial districts shall have the assigned street number displayed in six (6) inch numbers on the exterior of the building in a location that is readable from the public right-of-way.

(Ord. No. 30-859, § 1, 3-26-96; Ord. No. 30-891, § 3, 5-12-98)

### **Sections 4A.39, 4A.40 Reserved.**

## *DIVISION V. TEMPORARY SIGNS*

### **Section 4A.41 Temporary signs permitted.**

In all districts, one (1) temporary sign may be approved for each parcel based on the permanent parcel identification number, two (2) times per calendar year for a temporary time period not to exceed thirty (30) consecutive days as follows:

- a) Signs located along major thoroughfares shall not exceed thirty-two (32) square feet in total area; shall have no more than two (2) faces and shall not project higher than six (6) feet above surface grade.
- b) Signs located along collector roads shall not exceed sixteen (16) square feet in total area; shall have no more than two (2) faces and shall not project higher than six (6) feet above surface grade.
- c) Signs located along local residential streets shall not exceed four (4) square feet in total area; shall have no more than two (2) faces and shall not project higher than three (3) feet above surface grade.
- d) A sign with more than one face shall have its faces back to back or arranged so that any two (2) faces form a "V" and shall not have any angle greater than fifteen (15) degrees.
- e) The sign shall contain no visible moving, revolving or mechanical parts or other apparent visible movement achieved by electrical, electronic or mechanical means, including intermittent electrical pulsations or wind current.
- f) All temporary signs shall be set back from the right-of-way line a minimum of ten (10) feet.

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(Ord. No. 30-859, § 1, 3-26-96)

#### **Section 4A.42 Temporary balloon signs.**

In all commercial and industrial districts, except where expressly prohibited in this ordinance, one (1) balloon sign may be approved one (1) time per calendar year for a temporary time period not to exceed thirty (30) consecutive days per business or premise.

(Ord. No. 30-859, § 1, 3-26-96; Ord. No. 30-1001, § 6, 8-27-13)

#### **Section 4A.43 Outdoor retail sales.**

Pursuant to an approved outdoor retail sale permit, a temporary sign shall be allowed that complies with the following:

- a) The sign shall not exceed thirty-two (32) square feet in total area and shall not project higher than five (5) feet above grade.
- b) The sign shall be limited to a double faced or back to back sign. For double-faced or back to back signs, the allowable sign surface area shall be calculated by using the area of only one side of the sign provided that the front and back of the sign are separated by no more than three (3) feet.
- c) The sign shall be set back a minimum of ten (10) feet from the right-of way line.

(Ord. No. 30-859, § 1, 3-26-96)

#### **Section 4A.44 Temporary community activity or event signs.**

Community activity signs may be erected on private property advertising temporary community activities or events as follows:

1. The non-profit organization sponsoring the community activity shall provide written notification to the City Clerk's office of the dates of the activity or event together with a list of the sign locations fourteen (14) days prior to the date when the signs will be erected.
2. Signs may be erected ten (10) days prior to the date of the activity or event and shall be removed within four (4) days after the activity or event. All signs erected in violation of the this ordinance shall be removed pursuant to section 4A.26.
3. No sign shall be erected greater than three (3) square feet in size. Community activity or event signs shall be limited to one sign per lot frontage and each non-profit organization shall be limited to erecting twenty-five (25) signs per activity or event.
4. All signs shall be erected on private property only. No sign shall be erected on public property or road rights-of-way.
5. Permission to erect temporary signs advertising community activities or events shall be limited to two (2) activities or events per calendar year for each non-profit organization.

(Ord. No. 30-859, § 1, 3-26-96)

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**Section 4A.45 Temporary sign locations prohibited.**

- (a) No temporary sign shall be attached to a tree, fence, utility pole, drain or fire escape or impair the access to a roof or ingress or egress of any structure.
- (b) No temporary sign shall be located on any public right-of-way or any property required for parking.

(Ord. No. 30-859, § 1, 3-26-96)

**Sections 4A.46, 4A.47 Reserved.**

*DIVISION VI. BILLBOARDS*

**Section 4A.48 Billboards.**

- a) Except as regulated by the Highway Advertising Act, MCL 252.301 et seq., and this Appendix, billboards of a size not exceeding four hundred (400) square feet are allowed in M-3 and M-4 industrial zones, provided that the billboard is located no closer than five hundred (500) feet from any residential use.
- b) Except as regulated by the Highway Advertising Act, MCL 252.301 et seq., and this Appendix; effective March 1, 1999, it shall be unlawful for any person to place, cause to be placed, or to maintain a billboard containing any tobacco advertisement in any publicly visible location on or within 1000 feet of the perimeter of any school premises, playground, playground area in a public park, unless the billboard is designed for the purpose of communicating the hazards of tobacco products or encourage minors to refrain from using or purchasing tobacco products. However, the public service billboard shall not include any positive display of a recognized image, artwork, photograph, logo, or graphic used for marketing or promotion of tobacco products.

(Ord. No. 30-859, § 1, 3-26-96; Ord. No. 30-893, § 4, 6-9-98)

**Section 4A.49 Billboard sign spacing.**

No off-premise sign or billboard shall be located closer than five hundred (500) feet to another off-premise sign or billboard.

(Ord. No. 30-859, § 1, 3-26-96)

**Section 4A.50 Billboard height.**

Billboards shall not exceed fifty (50) feet in height as measured from the crown of the frontage road to the highest point of the sign.

(Ord. No. 30-859, § 1, 3-26-96)

**Section 4A.51 Billboard set backs.**

Off-premise signs and billboards shall be set back pursuant to the setback regulations of the zoning district where the sign is located.

(Ord. No. 30-859, § 1, 3-26-96)

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### **Section 4A.52 Civil defense siren.**

No off-premise sign or billboard shall be located closer than one thousand (1,000) feet to any civil defense siren.

(Ord. No. 30-859, § 1, 3-26-96)

### **Section 4A.53 Off-premise signs prohibited.**

Off-premise signs and billboards shall be prohibited in the following districts:

- a) Residential districts;
- b) Parking districts;
- c) Professional business districts;
- d) Office districts;
- e) Special services districts;
- f) Commercial business districts;
- g) M-1 and M-2 industrial districts.

(Ord. No. 30-859, § 1, 3-26-96)

### **Sections 4A.54, 4A.55 Reserved.**

## *DIVISION VII. NONCONFORMING SIGNS*

### **Section 4A.56 Determination of legal nonconformity.**

Existing signs which do not conform to the specific provisions of this ordinance may be eligible for the designation "legal nonconforming sign" provided that the following are complied with:

- a) The building official determines that such sign is properly maintained and does not in any way endanger the health or safety of the public.
- b) The sign was installed in conformance with a valid permit and complied with all applicable laws in effect prior to the adoption of this ordinance.
- c) The sign is not a billboard containing tobacco advertisements regulated by section 4A.48 b) of this Appendix. Billboards regulated by section 4A.48 b) shall not be afforded legal nonconforming status and any individual in violation of section 4A.48 b) shall remove the tobacco advertising from the billboard immediately upon the effective date of section 4A.48 b).

(Ord. No. 30-859, § 1, 3-26-96; Ord. No. 30-893, § 5, 6-9-98)

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### **Section 4A.57 Maintenance and repair of legal nonconforming signs.**

The legal nonconforming sign is subject to all requirements of this ordinance regarding safety, maintenance and repair. If a sign suffers more than fifty (50%) percent damage or deterioration, it must be brought into conformance with this ordinance or removed.

(Ord. No. 30-859, § 1, 3-26-96)

### **Section 4A.58 Loss of legal nonconforming sign status.**

A legal nonconforming sign shall lose its designation and is required to be brought into conformity with this ordinance upon any of the following events occurring:

- a) The sign is relocated or replaced.
- b) The structure or size of the sign is altered in any way except toward compliance with this ordinance. This does not include change of copy or normal maintenance.
- c) The use of the parcel is changed.
- d) The activity, business or usage to which the sign relates has been discontinued for a period of ninety (90) days or longer.
- e) Repealed.

(Ord. No. 30-859, § 1, 3-26-96; Ord. No. 30-965, § 1, 4-11-06)

### **Sections 4A.59, 4A.60 Reserved.**

## *DIVISION VIII. PERMITS*

### **Section 4A.61 Application for permits.**

Application for the erection, structural alteration or relocation of a sign shall be made to the Division of Buildings and Safety Engineering. The following information shall be provided:

- (a) Name, address and telephone number of the applicant.
- (b) Name and address of the owner of the sign.
- (c) Name and address of person erecting the sign.
- (d) Street address or location of the property on which the sign is to be located together with the name and address of the property owner.
- (e) The type of sign or sign structure as defined in this ordinance.
- (f) A site plan with measurements showing the proposed location of the sign together with the locations of all existing signs on the same premises.
- (g) Specifications and drawings showing the materials, design, exact wording, dimensions, structural supports and electrical components of the sign.
- (h) Copy of applicable stress sheets and calculations showing the structure as designed for dead load and wind pressure.

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- (i) Any electrical permit required and issued for the sign.
  - (j) Any other information that the building division finds necessary to ensure compliance under this ordinance and all other applicable laws of the city and the State of Michigan.

(Ord. No. 30-859, § 1, 3-26-96; Ord. No. 30-1011, § 3, 5-26-15)

#### **Section 4A.62 Permit fees.**

All applications for permits filed with the Division of Buildings and Safety Engineering shall be accompanied by payment of a sign permit fee according to the schedule of fees set forth in the sign permit fees ordinance found in Chapter 31, section 31-2.

(Ord. No. 30-859, § 1, 3-26-96)

#### **Section 4A.63 Permit issuance; denial; revocation.**

- a) *Approval.* Approved permits shall be issued within ten (10) working days of receipt of a valid permit application, provided the proposed sign, alteration or relocation complies with all applicable codes and ordinances.
- b) *Denial.* When a permit is denied the applicant shall be notified, in writing, within ten (10) working days of the receipt of a permit application of the denial and the reasons for the denial.
- c) *Revocation.* The permit issued may be revoked by the Building Official, if upon inspection the workmanship or materials used do not conform to the plans and specifications approved or required upon issuance of the permit, or upon the violation of this ordinance.

(Ord. No. 30-859, § 1, 3-26-96)

#### **Section 4A.64 Final inspection.**

Upon the completion of the installation, structural alteration or the relocation of a sign, the permit holder shall notify the Division of Buildings and Safety Engineering. A final inspection may be required including an electrical inspection and footing inspection of freestanding signs.

(Ord. No. 30-859, § 1, 3-26-96)

#### **Section 4A.65 Appeals.**

Any appeals from the requirements of this ordinance shall be made to the Zoning Board of Appeals pursuant to Article XX of the Zoning Ordinance.

(Ord. No. 30-859, § 1, 3-26-96)

#### **Section 4A.66 Penalties.**

The violation of any provision of this article by any person shall, upon conviction, be punished by a fine not exceeding five hundred dollars (\$500.00) or imprisonment for a term not exceeding ninety (90) days, or both.

(Ord. No. 30-859, § 1, 3-26-96)

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**Sections 4A.67, 4A-68 Reserved.**

## ***ARTICLE IV-B. CONDOMINIUMS***

### **Section 4B.01 Detached single family site condominiums: Purpose.**

The intent of these requirements is to ensure that all single family condominium subdivisions are developed in compliance with the similar planning and engineering standards applicable to similar forms of single family subdivision development within the City of Warren. It is also the intent of these requirements to insure that the development of all single family condominium subdivisions shall observe all applicable yard setback requirements and minimum floor requirements of the zoning district within which the project is located. The number of residences and the size of the condominium unit (lot area) shall be no greater and spacing no less than would be permitted if the parcel were subdivided for each specific zoning district, pursuant to the Subdivision Control Act, P.A. 288 of 1967 as amended and as permitted and regulated in the City of Warren Zoning Ordinance # 30 Articles V, VI and VII.

(Ord. No. 30-862, § 2, 4-9-96)

### **Section 4B.02 Uses permitted.**

Single family detached condominiums may be allowed in any zoning district which permits single family subdivisions subject to the restrictions of the specific zoning district in which it is located.

(Ord. No. 30-862, § 2, 4-9-96)

### **Section 4B.03 Site plan review.**

All condominium subdivision plans shall be submitted pursuant to site plan review provisions of section 22.16 of this Ordinance and Section 66 of the State of Michigan Condominium Act, Act 59 of 1978: MCL 559.101 et seq., and include the following additional information:

1. A survey of the condominium subdivision site.
2. A flood plain plan if the condominium site is within or impacted by a flood plain area. Each development shall meet or exceed the requirements of Article XXI-C Flood Hazard District.
3. A plan delineating all natural features on the site including, but not limited to, ponds, streams, lakes, drains, flood plains, wetlands and woodland areas.
4. The location, size, shape, area, width and horizontal boundaries of all condominium units. A corresponding unit number shall be included and all common areas designated. The location of all proposed units shall be specified.
5. A copy of the master deed and a copy of all restrictive covenants to be applied to the project.
6. A utility plan showing all sanitary sewer, water, and storm drainage improvements, including all easements granted to the city for installation, repair and maintenance of all utilities.
7. A street construction, paving, and maintenance plan, certified by a professional engineer, for all streets within the proposed condominium subdivision plan.



8. A storm drainage and storm water management plan, including all lines, swales, drains, basins, and other facilities.

(Ord. No. 30-862, § 2, 4-9-96)

**Section 4B.04 Setback and dimensional requirements.**

- a) A condominium unit shall conform to the lot area, percentage of lot coverage, side and rear yard setbacks, height, and minimum floor area requirements of the zoning district within which the unit is located. If the project encompasses more than one zoning district, then each condominium unit shall conform to the requirements of the applicable zoning district.
- b) The front yard setbacks along roads or streets shall be determined based upon the distance between the centerline of the street or road and the nearest point of the proposed building that shall front said street. In no case shall any such building be located closer than fifty-five (55) feet to the centerline of said street.

The minimum front yard setbacks shall be as follows:

*Front Yard Setback Requirements*

Zoning District	Local Streets 60 feet	Collector Street 86 feet	Major Thoroughfares 120 feet
R-1-A	60 feet	73 feet	90 feet
R-1-B	55 feet	68 feet	85 feet
R-1-C	55 feet	68 feet	85 feet
R-1-P	55 feet	68 feet	85 feet

(Ord. No. 30-862, § 2, 4-9-96)

**Section 4B.05 Design standards.**

All development in a single family site condominium shall conform to the applicable engineering and planning design standards of Articles III and IV of Chapter 35 of the City of Warren Subdivision Regulations and are to be constructed to city engineering standards. All streets and roads may be dedicated to the public or may be private. In any case, they shall be constructed to the Warren Engineering Standards for public roads. Street connections shall be required, where necessary, to provide continuity to the public road system.

The term "plat" shall be substituted with the term "site condominium subdivision plan"; the term "lot" shall be substituted with the term "condominium unit"; the term "tentative preliminary plat approval" shall be substituted with the term "preliminary plan review"; the term "final preliminary plat approval" shall be substituted with the term "final plan review"; and the term "proprietor" shall be deemed to refer to the applicant pursuant to this Ordinance. Any applications, fees, procedures for review or hearing, as set forth in these ordinances and their other provisions, shall be fully complied with, except as provided herein.

(Ord. No. 30-862, § 2, 4-9-96)

**Section 4B.06 Utility easements.**

The site condominium subdivision plan shall include all necessary public utility easements to enable the installation, repair and maintenance of all necessary public utilities to be installed. Appropriate dedications for

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sanitary sewers, lines, and storm drainage improvements shall be provided. All such easements must be approved by the engineering division.

(Ord. No. 30-862, § 2, 4-9-96)

### **Section 4B.07 Planning commission review.**

Pursuant to authority conferred by Section 141 of the Condominium Act. Act 59 of 1978, as amended, all site condominium subdivision plans shall require approval of the planning commission before units may be sold or site improvement initiated. The public hearing and site plan review provisions of section 22.16 shall apply where applicable. An application for site plan review shall be submitted to the planning commission. The planning commission shall follow the procedure for review of site condominiums as adopted by the planning commission in its "Rules of Procedure Standards and Policies." The review process for single family site condominiums shall consist of the following two (2) steps:

1. *Preliminary plan review.* In the preliminary review phase, the planning commission shall review the overall plan for the site including roads, streets, unit configurations and the consistency of the plans with all applicable provisions of the Zoning Ordinance. Plans submitted for preliminary review shall include information specified in items 1 through 4 of Section 4B.03 of this Ordinance.
2. *Final plan review.* Upon receipt of preliminary plan approval, the applicant shall prepare the appropriate engineering plans and apply for final review by the planning commission. Final plans shall include information as required by items 1 through 8 of Section 4B.03 of the Zoning Ordinance. Such plans shall be reviewed by the city attorney and the engineering division. Further, such plans shall be submitted for review and comment to all applicable local, county and state agencies and public utilities as may be deemed necessary by the City of Warren. Final approval shall not be granted until such time as the applicable agencies have reviewed said plans and report any findings to the planning commission.

(Ord. No. 30-862, § 2, 4-9-96)

### **Section 4B.08 Submission of as-built mylar, final acceptance.**

The city shall also require engineering inspections. After construction of the condominium subdivision, an as-built reproducible mylar of the completed site is to be submitted to the city for review by the engineering division. The engineering division shall review the as-built mylar and prepare a report to the director of public service recommending to accept or reject the as-built mylar. A final certificate of occupancy and any building bonds will not be released to the developer/owner until said as-built mylar has been approved by the engineering division. Upon acceptance by the director of public service, copies of the as-built mylars shall be filed with the city clerk, engineering division, building division, assessing department and planning department.

(Ord. No. 30-862, § 2, 4-9-96)

## ***ARTICLE IV-C. PERMITTED CHILD CARE USES***

### ***DIVISION 1. INSPECTION; REGISTRATION REQUIRED***

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### **Section 4C.01 State licensed child care facilities.**

Pursuant to the Child Care Organizations Act, PA 116 of 1973, found at MCL 722.101 et seq., the State of Michigan is authorized to license child care facilities. State licensed family child care homes and group child care homes are facilities licensed to operate in private homes by a resident of the home. Child care centers or day care centers are facilities generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before- or after-school program, or drop-in center and are not permitted in residential homes.

(Ord. No. 30-991, § 4, 2-22-11)

### **Section 4C.02 Inspections; zoning regulations.**

- a. *State inspections.* Inspections of state licensed child care facilities are conducted by the Michigan Department of Human Services as authorized by state law. Fire safety inspections are conducted by the State of Michigan Bureau of Fire Safety.
- b. *Zoning.* Child care licensees are required to comply with all applicable zoning regulations.

(Ord. No. 30-991, § 4, 2-22-11)

### **Section 4C.03 Annual registration required.**

All state licensed child care facilities shall register with the division of buildings and safety engineering using a registration form provided. The registration shall be an annual registration and shall be renewed by December 1 of each year. The division of buildings and safety engineering shall maintain a list of all state licensed child care facilities. A registration fee shall be collected in accordance with the fee schedule established by resolution adopted by the city council.

(Ord. No. 30-991, § 4, 2-22-11)

### **Sections 4C.04—4C.05 Reserved.**

## *DIVISION 2. PERMITTED ZONING DISTRICTS*

### **Section 4C.06 Family child care homes; zoning districts allowed.**

A state licensed family child care home which complies with all provisions of this article, shall be a permitted use in the following residential districts: One Family Residential Districts, R-1-A, R-1-B, R-1-C, R-1-P, and Two Family Residential Districts, R-2, provided that an adult who lives in the home is the family child care home licensee. If the licensee ceases to live in the home, the family child care operations shall cease.

(Ord. No. 30-991, § 4, 2-22-11)

### **Section 4C.07 Group child care homes; districts allowed with approval.**

- a. *Special exception approval required.* A state licensed group child care home which meets all the standards listed below and receives approval of the Zoning Board of Appeals as a special exception pursuant to Article

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20, Division 6, Special Exceptions Upon Approval of Zoning Board of Appeals, shall be permitted in One Family Residential Districts, R-1-A, R-1-B, R-1-C, R-1-P, and Two Family Residential Districts, R-2:

1. *Mortgage survey.* The applicant shall file a written application together with a copy of the residential mortgage survey, showing the dimensional elements of the property including the availability of off-street parking and fencing. The requirement of section 20.36 that copies of a professional site plan be submitted shall be satisfied by the submission of fourteen (14) copies of a residential mortgage survey.
  2. *Residency.* An adult who lives in the home is the group child care home licensee. If the licensee ceases to live in the home, the approval of the group child care exception shall be automatically revoked and the group child care operations shall cease.
  3. *Locational criteria.* The group child care home shall comply with the following locational criteria:
    - a. Is located more than one thousand five hundred (1,500) feet from any of the following facilities that are in existence on the date the application for special exception approval is submitted:
      - (i) Any adult foster care small group home or large group home licensed under the Adult Foster Care Facility Licensing Act, 1979 PA 218, MCL 400.701 to 400.737.
      - (ii) Any facility offering substance abuse treatment as licensed under Article 6 of the Public Health Code, 1978 PA 368, MCL 333.6101 to 333.6523.
      - (iii) Any community correction center or other similar facility under the jurisdiction of the department of corrections.
    - b. Is located more than seven hundred fifty (750) feet from another licensed group child care home in existence on the date the application for special exception approval is submitted.
    - c. In the event one (1) of the facilities listed in subsection (a) above locates within the required distance after the group child care home receives special exception approval, the previously granted special exception approval shall remain in effect and the group child care home may continue in the approved location.
  4. *Off-street parking.* Provide one (1) off-street parking space per employee required by the State of Michigan Licensing Rules for family and group child care homes. The number of employees required for the child to caregiver ratio shall be specified in the application for special exception approval. A driveway on private property may be utilized for off-street parking, however, in no event shall any vehicle be parked in the driveway blocking the public sidewalk.
- b. *Application of regulations.* Group child care homes operated in single family dwellings prior to the adoption of this ordinance [Ordinance No. 30-991] were never lawful uses, as a result they do not qualify as non-conforming uses that may continue without complying with this ordinance. Therefore, all State licensed group child care homes, regardless of when licensed, shall comply with all provisions of this Article. Group child care homes licensed and operated in single family dwellings prior to the adoption of this ordinance shall comply with the requirements of this Article within one hundred eighty (180) days of the ordinance effective date, however, in the event one of the facilities listed in subsection 3(a) located within the required distance after a licensed group child care home was already in existence, the group child care home may continue in that location.

(Ord. No. 30-991, § 4, 2-22-11)

#### **Section 4C.08 Family and group child care homes; prohibited districts.**

State licensed family and group child care homes are prohibited in the following residential districts due to the increased density of the residential district: R-3, Multiple Family Dwelling Districts, R-3-A, Senior Citizen

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Congregate Living Districts, R-4, Mobile Home Districts, R-5, High Rise Apartment Districts, Planned Unit Development Districts, PUD, and DD, Downtown District.

(Ord. No. 30-991, § 4, 2-22-11)

#### **Section 4C.09 Child care centers; permitted zoning districts.**

- a. *Districts.* A state licensed child care center generally described as a child care center, day care center, day nursery, nursery school, parent cooperative preschool, play group, before- or after-school program, or drop-in center shall be a permitted use in the following districts: C-1, Local Business District, SS, Special Service District, C-2, General Business District, C-3, Wholesale and Intensive Business District, the non-residential uses within a PUD, Planned Unit Development District, DD, Downtown District.
- b. *Accessory use.* A State licensed child care center shall be a permitted accessory use operated in conjunction with a public or private school or church meeting the requirements of section 5.11.
- c. *Off-street parking.* Provide one (1) off-street parking space for every one (1) teacher, employee and administrator; plus one (1) off-street parking space for every seven (7) children based on the capacity number stated in the State issued license.
- d. *Certificate of occupancy.* Prior to operating the facility, the State licensed child care center shall obtain a valid certificate of occupancy from the Division of Buildings and Safety Engineering certifying that the child care center complies with all applicable codes and ordinances.

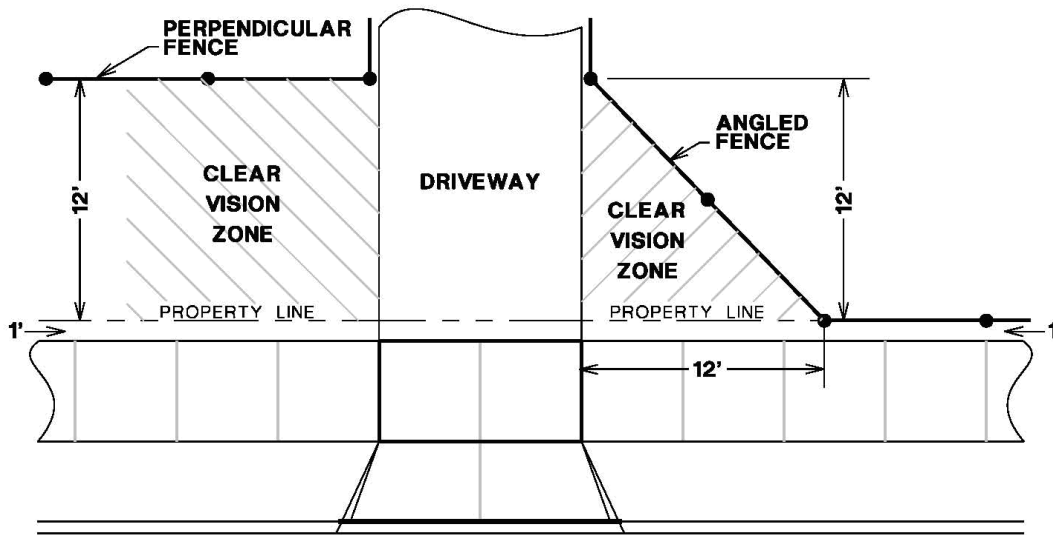
(Ord. No. 30-991, § 4, 2-22-11)

#### **Sections 4C.10, 4C.11 Reserved.**

### *DIVISION 3. REGULATIONS*

#### **Section 4C.12 Fences required for state licensed child care homes.**

- a. *Required.* State licensed child care homes shall install a fence around the perimeter of the area used for child care to provide a visual buffer and to protect and enclose the yard to prevent intrusion from without and straying from within. The fence shall meet the following standards:
  1. *Height.* The height of the fence shall be a minimum of four (4) feet, and shall not exceed six (6) feet.
  2. *Material.* The fence shall be ornamental and may be constructed of wood, vinyl, chain link, wrought iron or other decorative material.
  3. *Fence permit required.* A fence permit is required prior to installation of a fence.
  4. *Privacy fences on corner lots allowed.* A privacy fence is permitted on corner lots provided that, all set back requirements are met and if the fence abuts any driveway, including driveways on adjacent property, the fence shall be set back a minimum of twelve feet from the intersection of the property line and the driveway providing a clear vision zone area as depicted on the diagram below. The portion of the fence set back a minimum of twelve (12) feet, may be angled away from the driveway or installed perpendicular to the driveway. The clear vision zone area is required to provide for the unobstructed vision of a driver exiting the driveway.



(Ord. No. 30-991, § 4, 2-22-11)

**Section 4C.13 Family and group child care homes; basement egress.**

If the basement area is approved for child care in a family or group child care home, a basement egress window shall be provided in compliance with the Michigan Residential Code.

(Ord. No. 30-991, § 4, 2-22-11)

**Section 4C.14 Family and group child care homes; signage.**

Exterior signage is prohibited except as follows: one (1) non-illuminated name plate attached to the building entrance which is not more than one (1) square foot in total area.

(Ord. No. 30-991, § 4, 2-22-11)

**Section 4C.15 Businesses.**

The provision to allow State licensed family and group child care uses in single family residential districts is limited to the child care as licensed by the State and no other business shall be operated on the residential premises. The residential nature of the dwelling shall be maintained.

(Ord. No. 30-991, § 4, 2-22-11)

**Section 4C.16 Drop off and pick up of children.**

No vehicle shall be parked blocking any sidewalk or driveway approach when dropping off or picking up the children for care and supervision at the family or group child care home. The child care licensee shall notify all parents and guardians of this regulation.

(Ord. No. 30-991, § 4, 2-22-11)

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**Section 4C.17 Child care facilities; smoke detectors.**

Smoke detectors shall be installed in compliance with all applicable State codes and regulations.  
(Ord. No. 30-991, § 4, 2-22-11)

**Sections 4C.18—4C.20 Reserved.**

**ARTICLE IV-D. FENCES, WALLS AND LANDSCAPE SCREENS**

**DIVISION 1. DEFINITIONS**

**Section 4D.01. Definitions.**

For purposes of this article, these words and terms are defined as follows:

*Cul-de-sac street* means a short minor street with only one end open to vehicular traffic and being permanently terminated at the other end by a vehicle turnaround.

*Fence* means a permanent or temporary barrier or partition enclosing or surrounding a plot of land or portion thereof for the purpose of screening, preventing or controlling entrance, confining within or marking a boundary separating areas of land.

*Landscape berm* means a natural buffer comprised of a mound of earth that is used for planting vegetation. Berms are usually two (2) to six (6) feet high and are used to shield, screen, and buffer views, separate incompatible land uses, provide visual interest and decrease noise.

*Landscape screen* means hedges, ornamental shrubs, trees, bushes, and landscape berms, and/or any combination thereof which forms a continuous screen at minimum of thirty-six (36) inches high.

*Landscape greenbelt* means a natural buffer that is a solid planting strip in compliance with section 2.26 of this appendix used to shield, screen, and buffer views, separate incompatible land uses, provide visual interest and decrease noise.

*Nonconforming fence* means any fence which was lawfully in existence before the effective date of this article, and which no longer conforms to the requirements of this article.

*Opaque* means it restricts the passage of light and sight and may result in obscurity and concealment.

*Privacy fence* means a decorative fence constructed of a solid material such as wood, vinyl or other material that obscures view and provides privacy from without.

*Wall* means a type of fence or barrier constructed of masonry on a continuous concrete footing.  
(Ord. No. 30-998, § 2, 7-9-13)

**DIVISION 2. GENERAL PROVISIONS**

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### **Section 4D.02. Compliance.**

It is unlawful to construct or install, or cause to be constructed or installed, any fence, wall or landscape screen upon any property within the city in violation of the requirements of this article.

(Ord. No. 30-998, § 2, 7-9-13)

### **Section 4D.03. Permit required.**

It shall be unlawful for any person to construct or erect any fence or wall upon any property within the city without first having obtained a permit from the division of buildings and safety engineering. The permit application shall be accompanied by a plot plan showing the type, size and proposed location of the fence and payment of the permit fee established by resolution adopted by city council. The fee shall be based on the lineal foot of fence to be installed.

(Ord. No. 30-998, § 2, 7-9-13)

### **Section 4D.04. Permit exemptions.**

No permit shall be required for the following fences and walls:

1. A temporary fence used in conjunction with a special event approved by the city.
2. For the installation of a temporary snow fence during the winter season.
3. Fences and walls constructed or erected on public property.
4. Temporary construction fences and fences required for protection around excavations that comply with the state construction code. Such fences shall not be maintained for a period greater than a year without special approval of the Zoning Board of Appeals.

(Ord. No. 30-998, § 2, 7-9-13)

### **Section 4D.05. Nonconforming fences and walls.**

Fences and walls presently in existence that do not conform to the provisions of this article are nonconforming fences that shall not be permitted to increase or change from the description given on the permit application at the time the permit was issued. Such fences and walls, when repaired or replaced, shall conform to all provisions of this article.

(Ord. No. 30-998, § 2, 7-9-13)

### **Section 4D.06. Location private property.**

All fences, walls or landscape screens must be located entirely on the private property of the person constructing the fence, wall or landscape screen, provided, however, that if the adjoining property owners jointly apply for and sign a permit or with written notarized consent of the adjacent property owner a fence may be erected on the common property line.

(Ord. No. 30-998, § 2, 7-9-13)



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#### **Section 4D.07. Setback required.**

Walls, fences and landscape screens shall conform to the setback requirements for the zoning district, unless otherwise provided in this article.

(Ord. No. 30-998, § 2, 7-9-13)

#### **Section 4D.08. Fences, walls and landscape screens in front yard between building line and front property line.**

No fence, wall or landscape screen shall be constructed between the established building line and the front property line, except as follows:

- a. *Corner lot.* On a corner lot abutting a street, a fence may be installed not exceeding thirty (30) inches in height between the established front setback line to the front property line, and shall be of a non-sight obscuring fence material.
- b. *Cul-de-sac.* When a lot at the closed end of a cul-de-sac street and the side yard is adjacent to a street, fences or walls may be extended beyond the front building line up to one (1) foot from the sidewalk and shall not exceed the height of four (4) feet along the side yard property line adjacent to the street.

(Ord. No. 30-998, § 2, 7-9-13)

#### **Section 4D.09. Measurement of height.**

Height of a fence, wall or landscape screen shall be measured from the approved or natural ground level closest to the fence, wall or landscape screen of the lot or parcel thereon to the highest point from the ground of the fence, wall or landscape screen.

(Ord. No. 30-998, § 2, 7-9-13)

#### **Section 4D.10. Materials.**

All fences or walls shall be constructed of materials in compliance with the state construction code and shall be of sufficient quality with proper maintenance to withstand rusting, rotting and other weather-related deterioration for a period of not less than ten (10) years.

(Ord. No. 30-998, § 2, 7-9-13)

#### **Section 4D.11. Orientation.**

All supporting posts, cross-members, and hardware of all fences shall face toward the interior of the lot of the person erecting the fence, except in the case of an opaque fence, which shall be uniform in appearance as viewed from both sides.

(Ord. No. 30-998, § 2, 7-9-13)

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#### **Section 4D.12. Posts or foundation.**

All fences shall be a self supporting structure. All fences shall be installed on posts sunk below grade to a depth of at least half of the height of the fence and shall not be further than ten (10) feet apart. Walls shall be erected on continuous foundations no less than forty-two (42) inches below grade.

(Ord. No. 30-998, § 2, 7-9-13)

#### **Section 4D.13. Private agreements for lot lines.**

The city shall not be responsible for the enforcement of any agreement relative to mutual or separate payment for the cost of construction of fences, nor shall the city be responsible for the determination of the location of any fence which is constructed on lot lines.

(Ord. No. 30-998, § 2, 7-9-13)

#### **Section 4D.14. Deed restrictions or other covenants.**

The issuance of a fence permit under this article is not intended nor should it be construed to abrogate or modify the permit holder's duties as contained in covenants and restrictions arising from a deed or other document. The city will not review covenants or building and use restrictions before the issuance of a fence permit.

(Ord. No. 30-998, § 2, 7-9-13)

#### **Section 4D.15. Landscape berm.**

Where required, landscape berms shall conform to the following standards:

1. *Dimensions.* Unless otherwise indicated or appropriate, required berms shall be measured from the grade of the adjacent road right-of-way or parking lot adjacent to the berm, whichever is higher, and shall be constructed with slopes no steeper than one (1) foot vertical for each three (3) feet horizontal (33 percent) slope), with at least a two-foot flat area on top. Berms shall undulate both vertically and horizontally and the landscape plan shall show the proposed contours of the berm, subject to review and approval of berm design as shown on the site plan.
2. *Protection from erosion.* Any required berm shall be planted with sod, ground cover, or other suitable live plant material to protect it from erosion so that it retains its height and shape. The use of railroad ties, cement blocks, and other types of construction materials to retain the shape and height of a berm shall be prohibited.
3. *Required plantings for front yard berms.* Berms located in the front yard of nonresidential parcels shall be landscaped with a minimum of one (1) ornamental tree planted for each thirty-five (35) lineal feet or portion thereof of required berm, plus, one (1) row of shrubs that are planted five (5) feet apart.
4. *Required plantings for berms used for screening other than in the front yard.* Berms located on nonresidential parcels shall be landscaped with a minimum of one (1) deciduous shade tree shall be planted for each thirty (30) lineal feet or portion thereof, plus, a minimum of one (1) ornamental tree shall be planted for each fifty (50) lineal feet or portion thereof of required berm, plus, evergreen trees or hedges that are at least eight (8) feet high as measured from the top of the root ball, which, upon being planted in two (2) rows with staggered offset planted fifteen (15) foot on center of both rows.

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5. *Measurement of berm length.* For the purposes of calculating required plant material, berm length shall be measured along the exterior edge of the berm.
  6. *Berm requirements for parking lots.* Wherever front, side, or rear yards adjacent to public rights-of-way are used for parking, a berm shall be required to screen the parking from view of the road. The berm shall be located totally on private property, adjacent to the road right-of-way line to create a visual barrier for at least seventy-five (75) percent of the berm length, provided that corner visibility shall be maintained as required in section 4.09 of this appendix.

(Ord. No. 30-998, § 2, 7-9-13)

#### **Section 4D.16. Maintenance.**

All fences, walls and landscape screens shall be maintained in a good condition at all times. All fences and walls shall be kept in good structural condition and neatly painted, stained, sealed or preserved and such treatment shall be of the same contiguous color, stain or other treatment.

(Ord. No. 30-998, § 2, 7-9-13)

#### **Section 4D.17. Prohibited fences and walls.**

The following installations shall be prohibited:

- a. *Razor wire, spikes and nails.* No person shall construct or cause to be constructed a fence or wall with razor wire partially or wholly around any property, street, alley, lane or public highway or in front of any public place or space, nor shall the top of a fence material be sharp or pointed, nor shall there be affixed any spike, nail or other pointed instrument of any kind to any fence.
- b. *Barbed wire.* No person shall construct or cause to be constructed a fence or wall with barbed wire partially or wholly affixed to the fence or wall around any property, street, alley, lane, public highway or in front of any public place or space, except as approved for a specific location by the Zoning Board of Appeals.
- c. *Electrical current.* No fence shall be constructed or maintained which is charged or connected with an electrical current.

(Ord. No. 30-998, § 2, 7-9-13)

#### **Section 4D.18. Maintenance of nuisances prohibited.**

Fences shall be maintained so as not to endanger life or property. Any fence which, through lack of repair, type of construction or otherwise, endangers life or property is hereby deemed a nuisance. If an unsafe condition exists in regard to a fence, the city shall serve on the owner, agent or person in control of the property upon which such fence is located, a written notice describing the unsafe condition and specifying the required repairs or modifications to be made to render the fence safe or requiring the unsafe fence or any portion thereof to be removed, and shall provide a time limit for such repair, modification or removal.

(Ord. No. 30-998, § 2, 7-9-13)

#### **Sections 4D.19—4D.30. Reserved.**

### *DIVISION 3. RESIDENTIAL DISTRICTS*

#### **Section 4D.31. Entranceway structures.**

Residential subdivision entranceway structures including fences, walls or landscape screens shall be permitted, subject to site plan review as landscape features.

(Ord. No. 30-998, § 2, 7-9-13)

#### **Section 4D.32. Specifications for residential areas.**

All fences in residential areas shall be of an ornamental type. Fences in residential areas shall not exceed four (4) feet in height and may be constructed of either metal, iron, chain link, wire, ornamental aluminum, vinyl or solid material construction such as wood, brick or masonry, except privacy fences allowed as provided in section 4D.33 may not exceed six (6) feet in height.

(Ord. No. 30-998, § 2, 7-9-13)

#### **Section 4D.33. Privacy fences on interior and corner lots.**

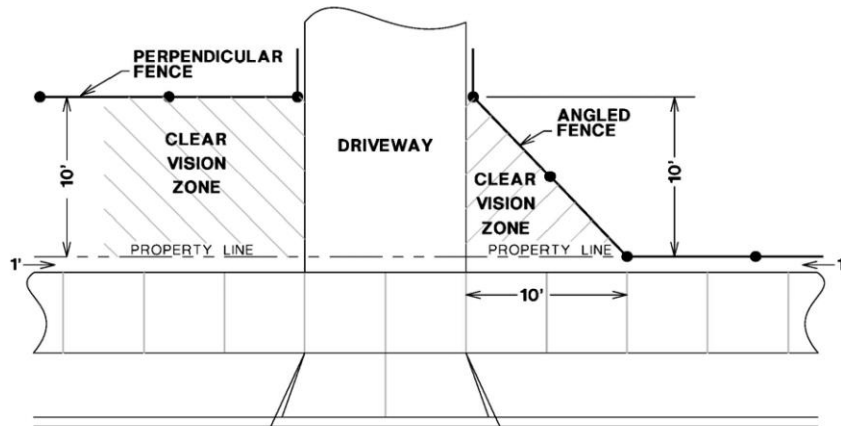
- a. *Interior lots.* On interior lots in residential areas, privacy fences may be located on the lot line or immediately adjacent thereto and may be constructed not more than six (6) feet in height above the established grade of the property and shall not extend beyond either the front building line of the property or into the front yard setback.
- b. *Corner lots.* A privacy fence is permitted on corner lots provided that if the fence abuts any driveway, including driveways on adjacent property, the fence shall be set back a minimum of ten (10) feet from the intersection of the property line and the driveway providing a clear vision zone area as depicted on the diagram below. The portion of the fence set back a minimum of ten (10) feet, may be angled away from the driveway or installed perpendicular to the driveway. The clear vision zone area is required to provide for the unobstructed vision of a driver exiting the driveway.

(Ord. No. 30-998, § 2, 7-9-13)

#### **Section 4D.34. Fence required for pools and ponds.**

- a. *Swimming pools.* All regulations of the applicable building code provisions shall apply to swimming pools and the method of enclosing the swimming pool for the safety of the public.
- b. *Reflector pools and ponds.* For the protection of the general public, any reflector pool, fish pond, lily pond or other artificially-constructed body of water which contains twenty-five (25) inches or more of water in depth at any point shall be enclosed by a fence not less than four (4) feet in height. The fence gates shall be self-closing and latching, with the latch on the inside of the gate not readily accessible for children to open. Fence gates shall be capable of being securely locked. However, if the entire premises of the residence is enclosed, then the provision requiring a fence enclosing the reflector pool, fish pond, lily pond, or other artificially-

constructed body of water may be waived by the division of buildings and safety engineering upon inspection and approval.



**Section 4D.34. Fence required for pools and ponds.**

(Ord. No. 30-998, § 2, 7-9-13)

**Section 4D.35. Reserved.**

*DIVISION 4. NON-RESIDENTIAL ZONING DISTRICTS*

**Subdivision I. Fences and Obscuring or Screen Walls**

**Section 4D.36. Obscuring walls.**

Where a non-residential land use abuts a residential district and a wall is used to obscure the non-residential property from the abutting property, the wall shall be constructed of masonry material. Standard concrete blocks are prohibited. Poured or precise concrete walls are permitted provided that they are installed on a continuous concrete footing and are eight (8) inches thick. Required walls shall be similarly finished on all sides and structurally sound.

(Ord. No. 30-998, § 2, 7-9-13)

**Section 4D.37. Corner clearance.**

Obscuring walls and solid construction fences shall comply with the specifications for maintenance of corner visibility as required in section 4.09 of this appendix.

(Ord. No. 30-998, § 2, 7-9-13)

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#### **Section 4D.38. Height.**

Obscuring walls and fences in non-residential zones shall not exceed six (6) feet in height.

(Ord. No. 30-998, § 2, 7-9-13)

#### **Section 4D.39. Location.**

All fences and walls constructed or installed between lots shall not exceed a height of six (6) feet above the average grade of the two (2) adjoining lots and shall not extend closer to the front lot line than the established building line or front set back line.

(Ord. No. 30-998, § 2, 7-9-13)

#### **Section 4D.40. Refuse, recycling container screening.**

Containers for refuse and recycling uses shall be screened from view from any adjacent residential use or public right-of-way, excluding alleys. Screening may consist of a six (6) foot high opaque wall constructed of masonry material which matches the primary masonry of the principal structure on the site. Standard concrete blocks are prohibited. Poured or precise concrete walls are permitted provided that they are installed on a continuous concrete footing and are eight (8) inches thick. Live landscape material located so it does not interfere with the function of the refuse container is encouraged in addition to the opaque screen.

(Ord. No. 30-998, § 2, 7-9-13)

#### **Section 4D.41. Service areas.**

All service areas shall be screened from view from all right-of-ways through use of a six (6) foot high opaque screen wall. Landscape materials shall be utilized in conjunction with the wall.

(Ord. No. 30-998, § 2, 7-9-13)

#### **Section 4D.42. Reserved.**

### **Subdivision II. Landscape Screens and Natural Buffers**

#### **Section 4D.43. Purpose.**

Landscape screens and natural buffers are necessary for the continued protection and enhancement of all land uses. Landscape screens, berms and greenbelts are capable of enhancing the character of the area, preserving natural features, improving property values, alleviating the impact of noise, traffic, and visual distraction associated with certain uses and improving storm water quality, reduce pollution, light glare, soil erosion and thermal heat island effects. Screening is important to protect less-intensive uses from the noise, light, traffic, litter and other impacts of more intensive, non-residential uses. Accordingly, these provisions are intended to set minimum standards for the design and use of landscaping screens and natural buffers for the protection and enhancement of the environment and under no circumstances shall they preclude the installation of more extensive landscaping.

(Ord. No. 30-998, § 2, 7-9-13)

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#### **Section 4D.44. Landscape screen required.**

Landscape screening shall be provided as follows:

- a. *Screening of utility substation and mechanical equipment.* Mechanical equipment, such as air compressors, pool pumps, transformers, air conditioning units, sprinkler pumps, satellite dish antennas, utility substations and similar equipment shall be screened by evergreens on at least three (3) sides. Insofar as practical, screening shall exceed the vertical height of the equipment being screened by at least six (6) inches within two (2) years of planting.
- b. *Foundations.* Foundation plantings shall be provided along the front or sides of any building which faces a public road, or is adjacent to a parking lot or other area which provides access to the building by the general public. Foundation planting areas shall be integrated into the sidewalk system adjacent to the building. Foundation planting areas shall contain at a minimum, one (1) ornamental tree and five (5) shrubs per thirty-five (35) lineal feet of applicable building frontage. Individual planting areas shall be at least eight (8) feet in any single dimension and no less than one hundred fifty (150) square feet in area. Minor substitutions of plantings and distance requirements required by this paragraph may be permitted upon approval of the planning director.
- c. *Rights-of-way.* Public rights-of-way shall be planted with sod or other suitable live ground cover, and shall be maintained by the owner or occupant of the adjacent property as if the rights-of-way were part of the required landscaped areas or greenbelts. No plantings except grass or ground cover shall be permitted closer than three (3) feet from the edge of the road pavement.
- d. *Approved outdoor storage areas in industrial districts.* The requirements for open storage in an industrial district are set forth in Article XVII, section 17.02 of the zoning ordinance.
- e. *Approved outdoor storage area for parking and storage of commercial trucks and large equipment in industrial zones.* Approved outdoor storage areas shall be screened from view on three (3) sides and from any adjacent residential use or public right-of-way, excluding alleys. Screening shall consist of a six (6) foot high opaque wall constructed of masonry material or poured or precast concrete walls, provided that they are installed on a continuous concrete footing; or an eight (8) foot greenbelt in conformity with the provisions set forth in section 2.26 of this appendix.
- f. *Multiple family dwellings adjacent to a freeway.* Where multiple-family dwellings abut a limited access freeway, a landscaped buffer shall be provided to screen freeway noise and views. The buffer shall consist of a combination of closely spaced evergreens and earth mounding, providing a total minimum design height of eleven (11) feet. The size and placement of plantings should provide for a complete visual barrier at the desired height within five (5) years of planting. The planning commission may modify these requirements where noise mitigation measures, such as walls, have been constructed in the freeway right-of-way.
- g. *Privacy screen for multi-family patio areas.* Where multiple-family dwellings are designed so that rear open areas or patio areas front onto a public street, a landscaped privacy screen shall be provided. Such screen shall consist of one (1) ornamental tree and five (5) shrubs per three (3) lineal feet of rear open or patio area. The planning commission may modify these requirements where the modifications to the planting materials or distance requirement is minor in nature.

(Ord. No. 30-998, § 2, 7-9-13)

#### **Section 4D.45. Front yard landscape berm required.**

A front yard landscape berm that complies with section 4D.15 is required for the following land uses:

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- a. Used car lots.
  - b. Automotive repair facilities.
  - c. Gasoline or service stations.

(Ord. No. 30-998, § 2, 7-9-13)

**Section 4D.46. Modifications to non-residential requirements for landscape screens or natural buffers.**

The planning commission may modify the specific requirements for landscape screens or natural buffers upon a finding that one (1) or more of the following conditions exist:

1. Topographic features or other unique features of the site create conditions such that strict application of the requirements would result in a less effective screen than an alternative design.
2. Parking, vehicular circulation, or land use are such that strict application of the requirements would not enhance the site or result in the desired screening effect.
3. The public benefit intended by the landscape screen or buffer requirements could be better achieved with an alternative design.

(Ord. No. 30-998, § 2, 7-9-13)

**Section 4D.47. Minor revisions to landscape plant materials.**

The planning director may approve minor revisions to landscape plant materials due to seasonal planting problems and lack of plant availability. Minor revisions may be approved only when there is no reduction in the quality of plant material, no significant change in size or location of plant material, the new plant material is compatible with the area, and the new plant material is of the same general category and the same general design characteristics, including mature height and crown spread, as the material being replaced. Following approval of plant substitutions, an as-built landscape plan must be submitted to the planning director for attachment to the approved site plan.

(Ord. No. 30-998, § 2, 7-9-13)

**Sections 4D.48—4D.60. Reserved.**

***ARTICLE IV-E. ELECTRIC VEHICLE INFRASTRUCTURE; DECLARATION OF  
LEGISLATIVE INTENT AND PURPOSE***

The intent of this ordinance is to facilitate and encourage the use of electric vehicles and to expedite the establishment of convenient, cost-effective electrical vehicle infrastructure that such use necessitates.

***DIVISION 1. DEFINITIONS***



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## Section 4E.01 General definitions.

For purposes of this ordinance, unless otherwise expressly stated, the following words and phrases shall be defined as follows:

- (a) *Accessible electric vehicle charging station* means an electric vehicle charging station where the battery charging station is located within accessible reach of a barrier-free access aisle and electric vehicle.
- (b) *Battery charging station* means an electrical component assemblies or cluster of component assemblies designed specifically to charge batteries within electric vehicles.
- (c) *Battery electric vehicle* means any vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle's battery, and produces zero emissions or pollution when stationary or operating.
- (d) *Charging levels* means the standardized indicators of electrical force, or voltage, at which an electric vehicle's battery is recharged. The terms 1, 2 and 3 are the most common charging levels, and include the following specifications:
  - (1) Level 1 is considered slow charging. Voltage includes the range from zero (0) through one hundred twenty (120).
  - (2) Level 2 is considered medium charging. Voltage is greater than one hundred twenty (120) and includes voltage up to and including two hundred forty (240).
  - (3) Level 3 is considered fast or rapid charging. Voltage is greater than two hundred forty (240).
- (e) *Electric vehicle* means any vehicle that is licensed and registered for operation on public and private highways, roads, and streets, and is powered either partially or exclusively on electrical energy from the grid or from an off-board source that is stored on-board via a battery for motive purpose. "Electric vehicle" includes: (1) a battery electric vehicle; and (2) a plug-in hybrid electric vehicle.
- (f) *Electric vehicle charging station* means a public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.
- (h) *Electric vehicle charging station—private restricted use* means an electric vehicle charging station that is (1) privately owned with restrictive access (e.g., single-family home, executive parking, designated employee parking) or (2) publicly owned and restricted from public access (e.g., fleet parking with no access to the general public).
- (i) *Electric vehicle charging station—public use* means an electric vehicle charging station that is (1) publicly owned and publically available (e.g., Park and Ride parking, public library parking lot, on-street parking) or (2) privately owned and available to visitors for use (e.g., shopping center parking).
- (j) *Electric vehicle infrastructure* means wiring conduit/wiring, structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations and rapid charging stations.
- (k) *Electric vehicle parking space* means any designated parking space with a barrier-free access aisle that identifies the use to be exclusively for the parking of an electric vehicle.
- (l) *Non-electric vehicle* means any motor vehicle that does not meet the definition of an electric vehicle.
- (m) *Plug-in hybrid electric vehicle* means an electric vehicle that (1) contains an internal combustion engine and also allows power to be delivered to drive wheels by an electric motor; (2) charges its battery primarily by connecting to the grid or other off-board electrical source; (3) may additionally be able to

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sustain battery charge using an on-board internal combustion-driven generator; and (4) has the ability to travel powered by electricity.

(ord. No. 30-1019, § 1, 3-22-16)

## *DIVISION 2. COMPLIANCE*

### **Section 4E.02 Compliance.**

It is unlawful to construct or install, or cause to be constructed or installed, any electric vehicle charging station upon any property within the city in violation of the requirements of this article.

(ord. No. 30-1019, § 1, 3-22-16)

### **Section 4E.03 Permit required.**

It shall be unlawful for any person to construct or erect an electric vehicle charging station upon any property within the city without first having obtained a permit from the Building Division or other designated city division/department. The permit application shall be accompanied by a plot plan prepared by a licensed professional architect, engineer, landscape architect, professional community planner or land surveyor showing the type, size and proposed location of the electric vehicle charging station and payment of the permit fee established by resolution adopted by City Council. The fee shall be based on the existing fee schedule adopted by City Council. The requirement for submission of an official plot plan is not required for properties zoned R-1-A, R-1-B, R-1-C and R-2 when the electric vehicle charging station is located inside a structure. If the electric vehicle charging station is located outside of the structure for properties zoned R-1-A, R-1-B, R-1-C and R-2, a plot plan drawn to scale by the owner, occupant or interested party is required.

(ord. No. 30-1019, § 1, 3-22-16)

## *DIVISION 3. REGULATION BY ZONE*

### **Section 4E.04 Permitted locations.**

- (a) Level 1 and Level 2 electric vehicle charging stations are permitted in every zoning district, when accessory to the primary permitted use. Such stations located at single-family, multifamily, and mobile home park dwellings shall be designated as private restricted use only. Installation shall be subject to permit approval administered by the Building Division.
- (b) Level 3 electric vehicle charging stations are permitted in every zoning district except R-1-A, R-1-B, R-1-C, R-1-P and R-2 that is for residential use when accessory to the primary permitted use. Installation shall be subject to permit approval administered by the Building Division.
- (c) If the primary use of the parcel is the retail electric charging of vehicles, then the use shall be considered a gasoline service station for zoning purposes. Installation shall be located in and subject to approval in zoning districts which permit gasoline service stations.

(ord. No. 30-1019, § 1, 3-22-16)

***DIVISION 4. RESIDENTIAL USE IN RESIDENTIAL DISTRICT AND NON-RESIDENTIAL DEVELOPMENT***

**Section 4E.05 Residential use in residential district and non-residential development.**

- (a) *Parking.*
  - (1) For a newly developed parcel, an electric vehicle charging station space shall be included in the calculation for minimum required parking spaces required in accordance with Section 4.32. For an existing parcel, an approved existing parking space (except an accessible space) may be converted to an electric vehicle parking space without being in violation of the requirements in Section 4.32.
  - (2) Public electric vehicle charging stations are reserved for parking and charging electric vehicles only. Electric vehicles may be parked in any space designated for public parking, subject to the restrictions that would apply to any other vehicle that would park in that space.
- (b) *Accessible electric vehicle spaces.* It is strongly encouraged that the owner of the property provide a minimum of one accessible electric vehicle charging station. Accessible electric vehicle charging stations should be located in close proximity to the building or facility entrance and connected to a barrier-free accessible route of travel. The owner of the property may designate the accessible electric vehicle charging station exclusively for use by people with disabilities.
- (c) *Lighting.* It is recommended that lighting shall be provided where an electric vehicle charging station is installed, unless charging is for daytime purposes only. Lighting shall not encroach upon abutting properties.
- (d) *Equipment standards and protection.*
  - (1) Battery charging station outlets and connector devices shall be no less than thirty-six (36) inches and no higher than forty-eight (48) inches from the surface where mounted. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designed and located so as not to impede pedestrian travel or create trip hazards on sidewalks.
  - (2) Adequate battery charging station protection, such as concrete-filled steel bollards shall be used. Curbing may be used in lieu of bollards if the battery charging station is set back a minimum of twenty-four (24) inches from the face of the curb.
- (e) *Usage fees.* The property owner is not restricted from collecting a service fee for the use of an electric vehicle charging station made available to visitors of the property.
- (f) *Signage.*
  - (1) Information shall be posted identifying voltage and amperage levels and any time of use, fees, or safety information related to the electric vehicle charging station.
  - (2) Each electric vehicle charging station space shall be posted with signage indicating the space is only for electric vehicle charging purposes. For purposes of this subsection, "charging" means that an electric vehicle is parked at an electric vehicle charging station and is connected to the battery charging station equipment. Restrictions shall be included on the signage if removal provisions are to be enforced by property owner pursuant to Chapter 37 of the City of Warren Traffic Code and/or the Motor Vehicle Code, MCL 257.1 et seq.

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- (3) Design specifications for signage shall be obtained from the Building Division or designated city division/department.
- (g) *Maintenance*. Electric vehicle charging stations shall be maintained in all respects, including the functioning of the equipment. A phone number or other contact information shall be provided on the equipment for reporting non-functioning equipment, malfunctioning equipment, or other issues regarding the equipment.

(Ord. No. 30-1019, § 1, 3-22-16; Ord. No. 30-1069, § 1, 1-11-22)

## **ARTICLE IV-F. ALTERNATIVE ENERGY**

### *DIVISION 1. PURPOSE*

#### **Section 4F.01 Purpose.**

This section is intended to protect the public health, safety, and general welfare of the City of Warren by protecting groundwater from pollution, contamination or depletion resulting from construction, reconstruction, repair, or abandonment of geothermal systems.

(Ord. No. 30-1009, § 1, 3-24-15, eff. 4-13-15)

### *DIVISION 2. DEFINITIONS*

#### **Section 4F.02 Definitions.**

The following words, terms and phrases when used in this section shall have the following meanings:

*Annular space* means the space between the casing or well screen, and the wall of the borehole; between drilling pipe and casing; or between two separate strings of casing.

*Aquifer* means the subsurface water-bearing layer of soil, sand, gravel, or rock that will yield usable quantities of water to a well.

*Borehole* means a hole drilled or bored into the earth, usually for exploratory or economic purposes; a hole into which casing, screen, and other materials may be installed to construct a well.

*Casing* means an impervious, durable pipe placed in a borehole to prevent the walls of the borehole from caving, and to seal off surface drainage or undesirable water, gas, or other fluids and prevent entrance into a well.

*Closed horizontal loop geothermal system* means a geothermal system that consists of the following basic elements: underground loops of piping; heat transfer fluid; a heat pump, and an air distribution system. An opening is made in the earth. The closed horizontal loop geothermal system is constructed in the following way. A series of pipes are installed into the opening and connected to a heat exchange system in the building. The pipes form a "closed loop" and are filled with a heat transfer fluid. The fluid is circulated through the piping from the opening into the heat exchanger and back. The system functions in the same manner as the open loop system except there is no pumping of groundwater.

*Closed vertical loop geothermal system* means a geothermal system in which a borehole extends beneath the surface. Pipes are installed with U-bends at the bottom of the borehole. The pipes are connected to the heat exchanger and heat transfer fluid is circulated through the pipes.

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*Drinking water* means water which is intended for human consumption and other domestic uses, and is considered to be free of harmful chemicals and disease-causing microorganisms.

*Geothermal borehole* means a hole drilled in the earth that piping is inserted for use into a geothermal system.

*Geothermal system* means a system for heating and/or cooling buildings using the earth's thermal properties in conjunction with electricity.

*Groundwater* means water beneath the earth's surface, located between saturated soil and rock, which supplies wells and springs.

*Grout* means a low permeability material that is placed in the space between the wall of the borehole and the casing of a well end, or placed in the annular space of the borehole. The placement of grout is to prevent the migration of water or fluid contaminants into and through the borehole. Grout shall consist of neat cement, high solids bentonite slurry, or hydrated bentonite chips.

*Heat transfer fluid* means any liquid used for the purpose of transferring thermal energy from the heat source to another location.

*Open loop geothermal system* means a geothermal system in which groundwater is pumped from a well into a heat exchanger located in a surface building. The water drawn from the earth is then pumped back into the aquifer through a different well or in some cases the same well (commonly referred to as "re-injection"). Alternatively, the groundwater could be discharged to a surface water body (also known as "pump and dump"). In the heating mode, cooler water is returned to the earth, while in the cooling mode, warmer water is returned to the surface water body.

*Permeability* means the propensity of a material to allow fluid to move through its pores or interstices.

*Separation/Isolation distances* means the distance of a source of contamination from a surface drinking water source, a groundwater source supply well, or any type of borehole.

*Water supply well* means a well used for extracting groundwater for human consumption.

*Well* means any excavation that is drilled, cored, driven, dug, bored, augured, jetted, washed, or otherwise constructed for the purpose of exploring for groundwater, monitoring groundwater, utilizing the geothermal properties of the ground, or extracting water from or injecting water into an aquifer. A well does not include an open ditch, drain tiles, an excavation made for obtaining or prospecting for oil, natural gas, minerals, or products mined or quarried, lateral geothermal heat exchange systems less than 20 feet deep, nor temporary dewatering wells such as those used during the construction of subsurface facilities only for the duration of the construction.

(Ord. No. 30-1009, § 1, 3-24-15, eff. 4-13-15)

### ***DIVISION 3. GENERAL PROVISIONS***

#### **Section 4F.03 Permit required.**

- (1) No person or entity shall do any of the following without first obtaining a permit:
  - (a) Construct or install a geothermal system;
  - (b) Dig, bore, drill, replace, modify, repair, or destroy a well that is, is intended to be, or was part of a geothermal system; or
  - (c) Make any other excavation that may intersect groundwater without first obtaining a permit from the City and, for construction of a well, a permit from the Macomb County Health Department.

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- (d) Install a closed loop horizontal or closed loop vertical geothermal system. (No permit shall be issued for any open loop geothermal system because such systems are prohibited by Section 4F.05 below.)

(Ord. No. 30-1009, § 1, 3-24-15, eff. 4-13-15)

#### **Section 4F.04 Application procedure.**

- (1) The application may be made by the property owner; a representative of the property owner authorized in writing by the property owner such as a tenant authorized under a lease, or the well driller, and shall be accompanied by the required filing fee.
- (2) Applications for City permits shall be made to the City Engineer on approved forms and shall contain the information required in Section 4F.05 of this Ordinance.
- (3) Permits shall be issued for the particular parcel of property on which the geothermal system is to be constructed and/or installed. The locations of the loops that are part of any closed loop geothermal system shall be completely located within the property's boundaries.
- (4) A site plan showing the proposed location, number of wells, and location of loops must be submitted to the City Engineer for review and approval. The plan must include the calculated, anticipated volume of grout that will be needed.

(Ord. No. 30-1009, § 1, 3-24-15, eff. 4-13-15)

#### **Section 4F.05 Permit requirements.**

- (1) Permits may be issued only for closed loop geothermal systems. A horizontal closed loop geothermal system shall be no more than 20 feet deep.
- (2) Boreholes shall be drilled by water well drillers registered/licensed in the State of Michigan.
- (3) The standing column well geothermal system, including heat pump exchanger, piping, and all other related systems shall be installed by a geothermal well installation contractor, who is certified in the proper installation methods as specified by the geothermal system manufacturer.
- (4) The property owner shall maintain a well log of the borehole and "as built" plans showing the location and specifications of closed loop geothermal system components.
- (5) Borehole piping shall be high density polyethylene as specified in International Ground Source Heat Pump Association standards for closed loop heat pumps.
- (6) The annular space of the boreholes must be grouted for the full depth of the borehole using high solid bentonite grout.
- (7) Heat transfer fluids must be non-toxic, environmentally safe material approved by the City Engineer.
- (8) All wells permits must be obtained from the Macomb County Health Department (or its successor agency) and must comply with the Michigan Water Well Construction and Pump Installation Code, Groundwater Quality Control, Part 127, 1978 P.A. 368, as amended, and all rules and regulations promulgated pursuant thereto, or any replacing statute and regulations.

(Ord. No. 30-1009, § 1, 3-24-15, eff. 4-13-15)

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#### **Section 4F.06 Permit fee.**

The geothermal system permit fee shall be in the amount established by resolution of the City Council and shall be paid when the application is filed.

(Ord. No. 30-1009, § 1, 4-13-15)

#### **Section 4F.07 Permit revocation.**

- (1) The City Engineer may revoke a permit if:
  - (a) Any action or any geothermal system violates a provision of this article or applicable City ordinance; or
  - (b) There are factual inaccuracies in a permit application or the documents supporting it.
- (2) The City Engineer shall notify the property owner and occupant in writing of a permit revocation.
- (3) The property owner or occupant may appeal a revocation within 21 days to the Public Service Director who shall hold a hearing on that revocation to allow the appellant to prove the geothermal system complies with this article or applicable City ordinance or that the statements in the application and supporting documents are true.
- (4) When a permit is revoked, the property owner shall immediately abandon the geothermal system as required by this section. Except in cases where the City Engineer reasonably determines that groundwater contamination is an imminent risk, the obligation to abandon the geothermal system after revocation shall be stayed while any appeal is pending.

(Ord. No. 30-1009, § 1, 3-24-15, eff. 4-13-15)

#### **Section 4F.08 System testing.**

Pipes for geothermal system permitted under this section shall be tested hydrostatically at one and one-half times the maximum system design pressure, but not less than 100 psi (689 kPa), for a duration of not less than 15 minutes. All geothermal systems must be pressure checked by a licensed geothermal system contractor every five years from the date of its initial successful test. Results shall be filed with the City Engineer. If the test results show the system fails to meet these requirements, the City Engineer may require the property owner to shut down and /or repairs the system.

(Ord. No. 30-1009, § 1, 3-24-15, eff. 4-13-15)

#### **Section 4F.09 System abandonment.**

Abandonment of a geothermal system shall comply with the laws, rules and regulations applicable to abandonment of water supply wells. Heat transfer fluid must be removed by displacement with grout. The top of the borehole must be uncovered and capped with grout.

(Ord. No. 30-1009, § 1, 3-24-15, eff. 4-13-15)

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**Section 4F.10 Conflict with other regulations.**

If any provision of this section conflicts with any applicable state or federal law, rule or regulation which is more strict or which is determined to preempt a provision of this section, the applicable state or federal requirement shall control.

(Ord. No. 30-1009, § 1, 3-24-15, eff. 4-13-15)

**Section 4F.11 Violation and penalty.**

Any violation of any provision of this section shall constitute a municipal civil infraction punishable by a civil fine of not less than \$100.00 but not more than \$1,000.00. Each day of that a condition exists that violates any provision of this sections shall constitute a separate offense.

(Ord. No. 30-1009, § 1, 3-24-15, eff. 4-13-15)

**Sections 4F.12—4F.60. Reserved.**

***ARTICLE IV-G. MICHIGAN MEDICAL MARIHUANA ACT (MMMA) OPERATIONS,  
MICHIGAN REGULATION AND TAXATION OF MARIHUANA ACT (MRTMA)  
ESTABLISHMENTS, PERSONAL RECREATIONAL MARIHUANA ADULT-USE, AND  
MEDICAL MARIHUANA FACILITIES LICENSING ACT (MMFLA) FACILITIES<sup>6</sup>***

***DIVISION I. GENERAL PROVISIONS***

**Section 4G.01 Short title.**

This Article is known and cited as the "Marihuana Zoning Ordinance."

(Ord. No. 30-1064 , § 3, 4-27-21)

**Section 4G.02 Purpose.**

It is the purpose of this Article to promote the health, safety, and welfare of the citizens of the City by permitting Marihuana Businesses and Caregiver Operations in areas of the City that are appropriate for each proposed use. This will reduce potential danger, nuisance, and security problems that sometimes result from marihuana cultivation, processing, and transfer.

(Ord. No. 30-1064 , § 3, 4-27-21)

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<sup>6</sup>Editor's note(s)—Ord. No. 30-1064 , § 3, adopted April 27, 2021, repealed the former Art. IV-G, §§ 4G.01—4G.10, and enacted a new Art. IV-G as set out herein. The former Art. IV-G pertained to Medical Marihuana Facilities and derived from Ord. No. 30-1035, § 1, adopted April 9, 2018; and Ord. No. 30-1048 , § 1, adopted July 23, 2019.



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### Section 4G.03 Applicability.

This Article addresses marihuana cultivating, processing, testing, transfer, and transporting, pursuant to the Michigan Medical Marihuana Act, MCL 333.26421 et seq. (MMMA), Medical Marihuana Facility Licensing Act, MCL 333.27101 et seq. (MMFLA) and the Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et seq. (MRTMA). Manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, or dispense is illegal under Federal Law, 21 USC 841.

(Ord. No. 30-1064 , § 3, 4-27-21)

### Section 4G.04 Definitions.

(1) For purposes of the Zoning Ordinance, the following definitions apply:

*Caregiver or Primary Caregiver.* A person who the State has issued a registry identification card as a primary caregiver pursuant to the MMMA, and is currently registered with the State as a caregiver to assist with a patient's medical use of marihuana.

*Caregiver Operation.* A location, other than the registered qualifying patient's primary residence, where a caregiver cultivates, processes, or cultivates and processes medical marihuana for his/her registered qualifying patient(s), pursuant to the MMMA and the State medical marihuana regulations.

*Consumption Establishment.* A location where a state-licensed Designated Consumption Establishment Licensee operates a commercial space for on-site marihuana consumption as permitted by the MRTMA and the State recreational marihuana regulations.

*Cultivate.* The act of growing, harvesting, drying, or separating marihuana plants.

*Growing Establishment/Facility.* A location where a state-licensed medical marihuana, recreational marihuana, or both medical and recreational marihuana Grower cultivates, and packages marihuana for sale to a Processer Licensee a Retailer Licensee, or a Provisioning Center Licensee, pursuant to the MMFLA, the MRTMA, and the State medical and recreational marihuana regulations.

*Licensee.* A person holding a State Operating License.

*Marihuana.* Any plant or derivative of the species *Cannabis sativa* L.

*Marihuana Business.* A Growing Establishment/Facility, Processing Establishment/Facility, Secure Transporter Establishment/Facility, Safety Compliance Establishment/Facility, Provisioning Center Facility, or Retail Establishment.

*Medical Marihuana.* Marihuana cultivated, processed, transferred, tested, or transported as required by the MMFLA and the State medical marihuana regulations or the Michigan Medical Marihuana Act, MMMA, MCL 333.26421, et seq.

*Microbusiness Establishment.* A single location where a Microbusiness Licensee cultivates 150 plants or less, processes those plants, and transfers the resulting recreational marihuana to either: (1) a person 21 years or older; or (2) a Marihuana Safety Compliance Establishment.

*Municipal License.* A license issued by the City of Warren that permits a person to operate a Marihuana Business in the City.

*Patient Operation.* A location where a Registered Qualifying Patient or his/her Primary Caregiver cultivates, processes, or cultivates and processes medical marihuana in patient's primary residence for that patient's use only pursuant to the MMMA and the State medical marihuana regulations.

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*Personal Recreational Adult-Use.* Cultivating and processing marihuana for personal consumption in that person's primary residence only pursuant to the MRTMA and the State marihuana regulations.

*Process.* The act of preparing marihuana plants for consumption, including, but not limited to: blending, extracting, infusing, or manufacturing into usable form.

*Processing Establishment/Facility.* A location where a state-licensed medical marihuana, recreational marihuana, or both medical and recreational marihuana Processor Licensee obtains marihuana from a Grower Licensee and extracts resin from the marihuana or creates marihuana-infused products for sale and transfer in packaged form to a Provisioning Center Facility or Retail Establishment, pursuant to the MMFLA, the MRTMA, and the State medical and recreational marihuana regulations.

*Provisioning Center Facility.* A location where a state-licensed Provisioning Center Licensee obtains marihuana from a Grower Licensee or Processor Licensee and sells or otherwise transfers marihuana to a Registered Qualifying Patient, directly or through the Qualifying Patient's Primary Caregiver pursuant to the MMFLA and the State medical marihuana regulations.

*Recreational Marihuana.* Marihuana cultivated, processed, transferred, tested, and transported as required by the MRTMA and the State recreational marihuana regulations.

*Registered Qualifying Patient.* A person who the State has issued a registry identification card as a qualifying patient pursuant to the MMMA.

*Residential Zone.* Any residentially-zoned area within the city or an adjacent municipality.

*Retail Establishment.* A location where a state-licensed recreational marihuana Retailer Licensee obtains marihuana from a Grower Licensee or Processor Licensee, and sells, or otherwise transfers marihuana to individuals who are 21 years of age or older.

*Safety Compliance Establishment/Facility.* A location where a state-licensed medical marihuana, recreational marihuana, or both medical and recreational marihuana Safety Compliance Licensee receives marihuana from another Marihuana Business, Primary Caregiver, or Registered Qualified Patient and tests it for contaminants, tetrahydrocannabinol and other cannabinoids, pursuant to the MMFLA, the MRTMA, and the State medical and recreational marihuana regulations.

*Secure Transporter Establishment/Facility.* A location where a state-licensed medical marihuana, recreational marihuana, or both medical and recreational marihuana Secure Transporter Licensee stores marihuana, pursuant to the MMFLA, the MRTMA, and the State medical and recreational marihuana regulations.

*Single Property.* A single contiguous parcel of real property made up of one (1) or more addresses or suites.

*State.* State of Michigan.

*State Operating License.* A license issued under the MMFLA, MRTMA, and State medical and recreational marihuana regulations that allows the Licensee to operate one (1) of the following businesses as specified on the license:

- (i) Class A, Class B, Class C, or Excess Recreational Marihuana Growing Establishment.
- (ii) Class A, Class B, Class C Medical Marihuana Growing Facility.
- (iii) Recreational Marihuana Processing Establishment.
- (iv) Medical Marihuana Processing Facility.
- (v) Recreational Marihuana Safety Compliance Establishment.
- (vi) Medical Marihuana Safety Compliance Facility.
- (vii) Recreational Marihuana Secure Transporter Establishment.

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- (viii) Medical Marihuana Secure Transporter Facility.
  - (ix) Recreational Marihuana Retail Establishment.
  - (x) Medical Marihuana Provisioning Center Facility.
  - (xi) Recreational Marihuana Temporary Marihuana Event.
  - (xii) Recreational Marihuana Consumption Establishment.
  - (xiii) Recreational Marihuana Microbusiness.

*Temporary Marihuana Event.* An event where a Marihuana Event Organizer Licensee oversees onsite sale and consumption of recreational marihuana.

- (2) If not specifically defined by this Article, the definitions found in the MMMA, MMFLA, the MRTMA, and the State medical and recreational marihuana regulations apply.

(Ord. No. 30-1064 , § 3, 4-27-21)

## *DIVISION II. REGULATION BY ZONE*

Marihuana Businesses, Personal Recreational Adult-Uses, Patient Operations, and Caregiver Operations are only permitted in the zones as listed below.

### **Section 4G.05 Patient operations and personal recreational adult-uses.**

Patient Operations and Personal Recreational Adult-Uses are permitted in that patient or person's primary residence in all zones as long as in compliance with Article IV-G of this Zoning Ordinance and Chapter 19.5 of the Warren Code of Ordinances.

(Ord. No. 30-1064 , § 3, 4-27-21)

### **Section 4G.06 Caregiver operations.**

Caregiver Operations are permitted in M-1, M-2, M-3, and M-4 zones, if at the time of Municipal License application submittal, the Operation is located:

- (1) at least 500 feet from the nearest lot line of all of the following:
  - (a) A Planned Unit Development;
  - (b) A residential zone, except R-1-P zones;
  - (c) A public library;
  - (d) A public park; or
  - (e) A tax-exempt religious institution.
- (2) At least 1,000 feet from the nearest lot line of a school.

(Ord. No. 30-1064 , § 3, 4-27-21)

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### **Section 4G.07 Growing, processing, and secure transporter establishments/facilities.**

Marihuana Growing, Processing, and Secure Transporter Facilities are permitted in M-1, M-2, M-3, and M-4 zones, if, at the time of Municipal License application submittal, the Establishment/Facility is located:

- (1) at least 500 feet from the nearest lot line of all of the following:
  - (a) A residential zone, except R-1-P zones;
  - (b) A Planned Unit Development;
  - (c) A public library;
  - (d) A public park; or
  - (e) A tax-exempt religious institution.
- (2) At least 1,000 feet from the nearest lot line of a school.

(Ord. No. 30-1064 , § 3, 4-27-21)

### **Section 4G.08 Provisioning center facilities, retail establishments, and consumption establishments.**

Provisioning Center Facilities, Retail Establishments, and Consumption Establishments are permitted in C-3, M-1, M-2, M-3, and M-4 zones, subject to the limitations in Section 19.5-16 of the Marihuana Regulatory Ordinance if, at the time of Municipal License application submittal, the Establishment/Facility is located:

- (1) at least 500 feet from the nearest lot line of all of the following:
  - (a) A residential zone, except R-1-P zones;
  - (b) A Planned Unit Development;
  - (c) A public library;
  - (d) A public park; or
  - (e) A tax-exempt religious institution.
- (2) At least 1,000 feet from the nearest lot line of a school.

(Ord. No. 30-1064 , § 3, 4-27-21)

### **Section 4G.09 Safety compliance establishments/facilities.**

Safety Compliance Establishments/Facilities are permitted in C-3, M-1, M-2, M-3, and M-4 zones.

(Ord. No. 30-1064 , § 3, 4-27-21)

## *DIVISION III. CO-LOCATION*

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**Section 4G.10 Marihuana businesses located at the same property.**

- (1) Subject to the requirements listed in the Warren Code of Ordinances Chapter 19.5 and subsection (2) and (3) below, a Licensee may operate any combination of the following Establishments/Facilities at the same property:
    - (a) Growing Establishment/Facility;
    - (b) Process Establishment/Facility;
    - (c) Provisioning Center Facility and Retail Establishment; and
    - (d) Consumption Establishment.
  - (2) Each type of Establishment/Facility listed in subsection (1) shall have its own designated address and be inaccessible to any other type of Marihuana Business except through a separate locked entrance/exit.
  - (3) A Retail Establishment or Consumption Establishment shall locate only on the same property as an existing Provisioning Center Facility, but a Retail Establishment may operate within a single facility.
- (Ord. No. 30-1064 , § 3, 4-27-21)

*DIVISION IV. PROHIBITIONS, PENALTY, AND SEVERABILITY*

**Section 4G.11 Prohibitions.**

- (1) A Marihuana Business, Patient Operation, Caregiver Operation, or Personal Recreational Adult-Use is not permitted to have any of the following:
  - (a) Marihuana related outdoor retail sales; or
  - (b) Except as permitted by MCL 333.26423(d) and MCL 333.27961(a), marihuana-related outdoor storage.
- (2) A Marihuana Business or Caregiver Operation is not permitted in any of the following areas:
  - (a) the portion of the Downtown District (commonly known as the DDA District as described in Chapter 2, Section 2-112) north of 12 Mile Road, south of the 13 Mile/Chicago Road thoroughfare including all lots (north and south), east of Mound Road, and west of Lorraine Avenue;
  - (b) the Downtown Center, (DC) as described in Appendix A, Article 21B;
  - (c) the Village Historic District, as described in Appendix A, Article 21A; and
  - (d) the Van Dyke TIFA Authority District as described in Exhibit A of the Resolution Establishing Tax Increment Finance Authority adopted September 23, 1986.
- (3) Microbusinesses, Temporary Marihuana Events, and food trucks transferring or selling marihuana or marihuana products are not permitted in any zone.

(Ord. No. 30-1064 , § 3, 4-27-21)

**Section 4G.12 Penalty.**

A person violating this Article is responsible for a municipal civil infraction punishable by a fine of not more than \$500, or as provided by State law. As provided in Warren Code of Ordinances, § 1-8(e), each day a violation of this ordinance continues is a new and separate offense and may be abated as a nuisance.

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(Ord. No. 30-1064 , § 3, 4-27-21)

### **Section 4G.13 Severability.**

If a court of competent jurisdiction holds a section, subsection, sentence, clause, or phrase of this Article to be invalid for any reason, the remaining portions of this Article, not specifically held to be invalid, remain valid and enforceable.

State law reference(s)—Michigan Medical Marihuana Act, MCL 333.26421 et seq.; Medical Marihuana Facility Licensing Act, MCL 333.27101 et. seq.; Marihuana Tracking Act, MCL 333.27901 et. seq.; and Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 et. seq.

(Ord. No. 30-1064 , § 3, 4-27-21)

## ***ARTICLE V. R-1-A ONE FAMILY RESIDENTIAL DISTRICT***

### **Section 5.01 Uses permitted.**

In all R-1-A Districts, no building or land, except as otherwise provided in this Ordinance, shall be erected or used except for one (1) or more of the following specified uses:

- (a) One-family dwellings.
- (b) Farms on those parcels of land separately owned outside the boundaries of proprietary or supervisor's plats, having an area of not less than three (3) acres, all subject to City and County health and sanitation ordinances.
- (c) Churches, synagogues, mosques, public schools, public libraries, private educational institutions, funeral homes, community buildings, country clubs, fraternal lodges, or similar civic or social clubs, (but not a residential club, or a club operated as a commercial enterprise), upon approval by the Planning Commission pursuant to section 5.11.
- (d) Municipal owned and operated parks and playgrounds upon approval by the Planning Commission.
- (e) Reserved.
- (f) Publicly owned buildings, transformer stations and substations without service yards, upon approval of the Planning Commission and upon a finding that the proposed use is in harmony with the structures in the area, not injurious to the surrounding neighborhood and in accord with the spirit and purpose of this Ordinance.
- (g) Temporary buildings for uses incidental to construction work which buildings shall be removed upon completion or abandonment of the construction work.
- (h) The use of a parcel, lot or lots for the carrying on of gardening activities or the production or agricultural products through the direct tilling of the soil together with facilities for the sale of products thus produced thereon shall be permitted, provided that said facilities for the sale of such products shall be located on the premises not nearer than thirty (30) feet from the front lot line.
- (i) Accessory buildings or uses customarily incident to any of the above permitted uses, when located on the same or an adjoining lot and which do not involve any business, profession, trade or occupation. One (1) private garage for each residential lot in which there is housed not more than three (3) vehicles, not more than one (1) of which may be commercial vehicle, shall be considered a legal accessory use, provided, however, any such commercial vehicle shall not exceed one (1) ton capacity,

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and shall be kept housed within a garage when not in use; and provided, further, that no moving vans shall be housed in private garages. All garages and/or accessory buildings shall not contain more than seven hundred (700) square feet of floor area.

- (j) The storage or parking of recreational units as allowed pursuant to Article V-A, Recreational Vehicles.
- (k) One (1) estate sale per dwelling of the personal property located thereon in a residential district may be conducted per calendar year, provided that a license is obtained from the City Clerk pursuant to Chapter 18 of the Code of Ordinances. All estate sales shall comply with the following regulations:
  - 1) The sale shall be conducted between the hours of 9 a.m. and 9 p.m. only.
  - 2) The items offered for sale shall not be displayed or located outside the dwelling and/or garage located thereon.
  - 3) The estate sale is limited to four (4) specified days per calendar year as listed on the estate sale license.
- (l) The storage or parking of recreational units as allowed pursuant to Article V-A, Recreational Vehicles.
- (m) Growing, storing, or cultivating marihuana or processing or manufacturing marihuana into a usable form, except that such uses may be permitted if all of the following conditions are satisfied:
  - (1) The use, storage, cultivation, growth, manufacturing or processing of the medical marihuana is in compliance with the Michigan Medical Marihuana Act, MCL 333.264231 et seq., as amended, including but not limited to the requirements stated in Section 4, MCL 333.26424, as amended, and in accordance with all applicable ordinances and regulations, including the Fire Protection Code and Article VI of Chapter 22 of the Code of Ordinances;
  - (2) The dwelling is registered with the department of buildings and safety engineering and has passed an administrative safety inspection for electrical, heating, plumbing, storage, and disposal of materials or water used in connection with the marihuana;
  - (3) The dwelling has a filtration for its ventilation system or unit to prevent the emission of odors upon neighboring properties, and which has been inspected by and meets with the satisfaction of the Department of Buildings and Safety Engineering;
  - (4) No more than one (1) person may grow, cultivate, manufacture, store or process marihuana in each dwelling structure;
  - (5) The growth, cultivation, manufacture, or storage of medical marihuana occurs solely at the property under exclusive control, through written lease, contract or deed in favor a qualifying patient who occupies the property as his or her principal residence;
  - (6) The legal owner or property manager of the residential dwelling authorizes the use, storage, cultivation, growth, or processing of the marihuana;
  - (7) No more than one (1) person per residential dwelling may cultivate, grow, manufacture or process marihuana on the premises who otherwise meets the standards in this section.
  - (8) The uses permitted in this subsection (m) are allowed only in the residential districts classified as R-1-A, R-1-B, R-1-C, R-1-P, R-2 and R-3, unless expressly permitted elsewhere in this Code.
  - (9) No use, storage, growth, cultivation or processing of marihuana is permitted in Downtown Center District as described in Appendix A of the Code of Zoning Ordinances, Section 21-B.

(Ord. No. 30-141, § 1, 9-8-64; Ord. No. 30-277, § 1, 5-14-68; Ord. No. 30-810, § 2, 6-29-92; Ord. No. 30-860, §§ 4, 5, 3-26-96; Ord. No. 30-871, § 1, 11-12-96; Ord. No. 30-875, § 2, 3-11-97; Ord. No. 30-876, §§ 4, 5, 3-11-97; Ord. No. 30-859, § 2, 3-26-96; Ord. No. 30-1020, § 4, 4-12-16)

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Editor's note(s)—Ord. No. 30-875, § 2, adopted March 11, 1997, amended § 5.01 with the addition of subsection (n). At the direction of the city this subsection has been redesignated as (k) in order to preserve the sequential lettering of the subsections.

**Section 5.02 Building height.**

No building hereafter erected or altered in R-1-A Districts shall exceed thirty-five (35) feet in height or two (2) stories, except as provided in Article XIX of this Ordinance.

**Section 5.03 Lot area.**

In R-1-A Districts each one (1) family dwelling, together with its accessory buildings hereafter erected shall provide a lot area of not less than ten thousand nine hundred eighty (10,980) square feet, and shall have a lot width of not less than ninety (90) feet. Provided, however, that this requirement shall not apply to any lot which at the time of this Ordinance becomes effective is narrower at the building line, or less in area than the specifications herein provided, if such lot was of record at the time of the adoption of this Ordinance, or if such lot is in a proposed subdivision which has received the approval of the City Council as to lot and street layout at the time of adoption of this Ordinance.

Where lots are to be created having widths in excess of the minimum required in R-1-A Districts, the following standards shall be permitted, provided that no lots shall have less than one hundred (100) feet in depth.

Lot Width	Lot Depth	Area (sq. ft.)
90	122	10,980
91	119	10,829
92	116	10,672
93	113	10,509
94	110	10,340
95	107	10,165
100	100	10,000

**Section 5.04 Percentage of lot coverage.**

One-family dwellings, together with accessory buildings, hereafter erected on any lot in R-1-A Districts, shall not cover more than thirty (30) percent of the area of such lot.

**Section 5.05 Front yard.**

Each lot in R-1-A Districts shall have a front yard of not less than thirty (30) feet, provided, however, that where a front yard of greater or lesser depth than above specified exists in front of dwellings on more than fifty (50) percent of the lots of record on one side of the street in any one block in an R-1-A District, the depth of front yard for any building thereafter erected or placed on any lot in such block shall be not less, but need not be greater, than the average depth of front yards of such existing buildings.

Where residences are to be erected on adjacent lots, such building line shall be staggered at least two (2) feet, with no building located closer than thirty (30) feet from the front property line.



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### **Section 5.06 Side yards.**

All lots in R-1-A Districts shall have two (2) side yards, each having a width of not less than ten (10) feet and the combined width of both side yards, shall be not less than twenty-five (25) feet, provided that principal buildings on adjoining lots shall be located not less than twenty-five (25) feet apart, provided the overhang shall not exceed twenty-four (24) inches, not including gutter.

On lots less than ninety (90) feet in width which were of record on the date of this amendment, the required combined width of side yards may be reduced six (6) inches for each foot or major fraction thereof by which the width of such lot is less than ninety (90) feet, provided that the minimum side yard shall be not less than five (5) feet and the combined width of both side yards shall not be less than fifteen (15) feet, and provided, further, that principal buildings on adjoining lots shall be located not less than fifteen (15) feet apart.

### **Section 5.07 Side yards abutting upon a street.**

In R-1-A Districts, the width of the side yard abutting upon a street shall be not less than thirty (30) feet when rear yards abut side yards; however, when rear yards abut rear yards, the side yard abutting the street shall be not less than twenty (20) feet.

### **Section 5.08 Rear yards.**

Each lot in R-1-A Districts shall have a rear yard of not less than thirty-five (35) feet.

### **Section 5.09 Off-street parking facilities.**

Off-street parking facilities shall be provided as hereinbefore specified in Section 4.32 of this Ordinance.

### **Section 5.10 Floor area.**

See "Schedule A", Article IV, for minimum floor area requirements for residential dwellings in R-1-A Districts.

### **Section 5.11 Churches, schools, libraries and civic clubs.**

Churches, synagogues, mosques, public schools, public libraries, private educational institutions, funeral homes, community buildings, country clubs, fraternal lodges or similar civic or social clubs shall be permitted with permission of the Planning Commission pursuant to the standards set forth in section 22.14(b)(1) and upon compliance with the following minimum requirements:

- (1) That these uses shall be located on a major thoroughfare as identified by the City of Warren Master Thoroughfare Plan.
- (2) That the size of the site shall be a minimum of one-half (½) acre, shall have a lot width of not less than one hundred (100) feet and a lot depth of not less than two hundred (200) feet.
- (3) That the driveway approaches shall not be located closer than [five hundred] 500 feet to a major intersection.
- (4) That all vehicular access to and from the permitted uses shall be on a major thoroughfare or collector street.

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- (5) That a six (6) foot wall or eight (8) foot greenbelt pursuant to section 2.26 of this Ordinance, be provided where the site abuts a residential district or residential use or is adjacent to an alley which abuts a residential district or residential use.
  - (6) No building shall exceed thirty-five (35) feet in height or two (2) stories.
  - (7) The total site coverage shall be no more than thirty (30) percent of the lot area.
  - (8) Every building shall have a front yard of not less than thirty (30) feet. If a circular drive is proposed in the front yard, a distance equal to the width of the drive shall be added to the front yard setback.
  - (9) Every building shall have two [2] side yards of not less than twenty (20) feet each.
  - (10) The width of the side yard abutting upon a street shall not be less than twenty (20) feet when the rear yard abuts a rear yard. However, in the case of a rear yard abutting a side yard of an adjacent residential lot, the side yard abutting upon a street shall not be less than twenty-five (25) feet.
  - (11) Each lot shall have a rear yard of not less than forty-five (45) feet where the building does not exceed two (2) stories or thirty-five (35) feet in height. Where any building exceeds thirty-five (35) feet in height, then such building shall be set back one (1) foot in addition to the forty-five (45) feet for each foot the building exceeds the height allowed.
  - (12) Off-street parking facilities shall be provided as specified in section 4.32 of this Ordinance.
  - (13) Accessory facilities such as community halls, fellowship or social halls, recreation facilities and other similar uses incidental to the principal use or facility shall also conform to the standardized parking requirement outlined in section 4.32 of this Ordinance.

(Ord. No. 30-871, § 2, 11-12-96)

## **ARTICLE V-A. RECREATIONAL VEHICLES AND UNITS ON RESIDENTIAL LOTS**

### **Section 5A.01 Purpose.**

The purpose of this parking and storage ordinance is to provide regulation for the parking and storage of recreational vehicles, camper enclosures, utility trailers, snowmobiles, boats and other watercraft on a lot used for single or two family residential uses. These regulations are intended to promote the public health, safety and welfare by reducing traffic hazards; maintaining unobstructed access to public sidewalks, thoroughfares and rights-of-way; maintaining sanitation standards; and by preserving the residential character of the neighborhoods of the community.

(Ord. No. 30-860, § 1, 3-26-96; Ord. No. 30-876, § 1, 3-11-97)

### **Section 5A.02 Definitions.**

The following words and phrases shall have the following meanings:

1. *Camper enclosure.* Any structure or enclosure designed for mounting on a pickup truck or truck chassis to provide temporary sleeping or living quarters for recreational, camping or travel use, including but not limited to a slide in camper or camper cap.
2. *Recreational vehicle.* A vehicular unit which provides either temporary living quarters or transportation of recreational, camping or travel apparatus such as campers. The recreational vehicle may have its own motive power or may be designed to be drawn by a motor vehicle. The term recreational vehicle

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shall include but is not limited to a motor home, a travel trailer, a truck camper, a folding camper trailer, a fifth wheel.

3. *Recreational unit.* Any recreational vehicle, camper enclosure, utility trailer, snowmobile, boat or other watercraft.
4. *Snowmobile.* A motor driven vehicle designed for travel primarily on snow or ice, which usually utilizes sled type runners or skis, an endless belt tread, or any combination of these.
5. *Utility trailer.* A vehicle without motive power, designed to be drawn by a motor vehicle, used for carrying property including but not limited to a boat or other watercraft, motorcycle, snowmobile, off-road vehicle or other equipment for recreational, camping or travel use.
6. *Watercraft.* Any vessel for traveling in or on water, whether the unit is unpowered or powered including those units powered by oars, paddles, sail or motor and rafts both rigid and inflatable.

(Ord. No. 30-860, § 1, 3-26-96; Ord. No. 30-876, § 1, 3-11-97)

### **Section 5A.03 Parking and storage in enclosed building.**

Recreational units may be parked and/or stored in an enclosed building such as a shed, barn or garage.

(Ord. No. 30-860, § 1, 3-26-96; Ord. No. 30-876, § 1, 3-11-97)

### **Section 5A.04 Parking and storage in front or side yard.**

No person shall park or store any recreational unit in the front or side yard of any single or two family residential lot, except that one recreational unit may be parked on an established driveway for a period not to exceed seventy-two (72) hours for purposes of loading, unloading, trip preparation, and routine maintenance and repair except that at no time shall any unmounted camper enclosure or any boat not mounted on a boat trailer be parked or stored on a front or side yard driveway.

(Ord. No. 30-860, § 1, 3-26-96; Ord. No. 30-876, § 1, 3-11-97)

### **Section 5A.05 Blocking sidewalk prohibited.**

At no time shall any recreational unit which is parked or stored on the driveway, as provided in section 5A.04, block the sidewalk or otherwise interfere with pedestrian travel on the sidewalk.

(Ord. No. 30-860, § 1, 3-26-96; Ord. No. 30-876, § 1, 3-11-97)

### **Section 5A.06 Parking and storage in rear yard.**

A recreational unit may be parked or stored in the rear yard provided that the recreational unit is parked or stored no less than five (5) feet from any property line, and ten (10) feet from the dwelling.

(Ord. No. 30-860, § 1, 3-26-96; Ord. No. 30-876, § 1, 3-11-97)

### **Section 5A.07 Storage pad required.**

A recreational unit parked or stored outside of a building shall be located on a storage pad constructed of either concrete, asphalt or patio block which shall encompass the wheel areas of the vehicle. All storage pads shall

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be constructed and maintained to properly hold the vehicle stored thereon. All storage pads shall be brought into compliance with this section within ninety (90) days from the effective date of this Ordinance.

(Ord. No. 30-860, § 1, 3-26-96; Ord. No. 30-876, § 1, 3-11-97)

#### **Section 5A.08 Parking or storage on public property.**

No person shall park or store any recreational unit upon any public property including the planting areas between the sidewalk and curb, sidewalks, rights-of-way, and public streets, except that pursuant to section 37-464 of the Warren Code of Ordinances relating to the regulation of traffic, one (1) recreational unit may be parked on a public street in front of the residence for a period not to exceed forty-eight (48) hours for the purpose of loading, unloading, trip preparation and routine maintenance and repair, however, at no time shall any unmounted camper enclosure or any boat not mounted on a boat trailer be parked or stored on a public street.

(Ord. No. 30-860, § 1, 3-26-96; Ord. No. 30-876, § 1, 3-11-97)

#### **Section 5A.09 Number of recreational units allowed.**

Other than in an enclosed building, no person shall park or store more than one (1) recreational unit upon any single family or two family residential lot or parcel. Units used in conjunction with one another such as a boat mounted on a trailer shall be considered one recreational unit.

(Ord. No. 30-860, § 1, 3-26-96; Ord. No. 30-876, § 1, 3-11-97)

#### **Section 5A.10 Use while parked or stored prohibited.**

No recreational unit parked or stored on a residential lot shall be used for lodging or habitation. Use for sleeping over one night is permitted.

(Ord. No. 30-860, § 1, 3-26-96; Ord. No. 30-876, § 1, 3-11-97)

#### **Section 5A.11 Connection to utilities prohibited.**

No recreational unit parked or stored shall be connected to electricity, gas, water or sanitary sewer facilities, except that a temporary electrical connection may be made for purposes of recharging batteries.

(Ord. No. 30-860, § 1, 3-26-96; Ord. No. 30-876, § 1, 3-11-97)

#### **Section 5A.12 Use limited to single and two family dwellings.**

The parking or storage of recreational units as allowed in this article is limited to those lots or parcels upon which a single or two family dwelling is located. Parking or storage shall be limited to units owned by the occupants of the dwelling.

(Ord. No. 30-860, § 1, 3-26-96; Ord. No. 30-876, § 1, 3-11-97)

#### **Sections 5A.13—5A.16 Reserved.**

### ***ARTICLE VI. R-1-B ONE FAMILY RESIDENTIAL DISTRICT***

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**Section 6.01 Uses permitted.**

All uses permitted and as regulated in R-1-A Districts, except as hereinafter modified.

**Section 6.02 Building height.**

No building hereafter erected or altered in R-1-B Districts shall exceed thirty-five (35) feet in height or two (2) stories except as provided in Article XIX of this Ordinance.

**Section 6.03 Lot area.**

In R-1-B Districts each one (1) family dwelling, together with its accessory buildings hereafter erected, shall be located on a lot having an area of not less than eight thousand four hundred (8,400) square feet, and a lot width of not less than seventy (70) feet. Provided, however, that this requirement shall not apply to any lot which at the time this Ordinance becomes effective is narrower at the front building line, or less in area than the specifications herein provided, if such lot was of record at the time of the adoption of this Ordinance, or if such lot is in a proposed subdivision which has received the approval of the City Council as to lot and street layout at the time of adoption of this Ordinance.

Where lots are to be created having widths in excess of the minimum required in R-1-B, the following shall be permitted, provided that no lots shall have less than one hundred (100) feet in depth:

Lot Width	Lot Depth	Area (sq. ft.)
70	120	8,400
71	117	8,307
72	114	8,208
73	111	8,100
74	108	7,992
75	105	7,875
80	100	8,000

**Section 6.04 Percentage of lot coverage.**

One (1) family dwellings, together with accessory buildings, hereafter erected on any lot in R-1-B Districts, shall not cover more than thirty (30) percent of the area of such lot, provided that this requirement shall not apply to any lot which at the time of this Ordinance becomes effective is lesser in area than the specifications herein provided if such lot was of record at the time of the adoption of this Ordinance.

**Section 6.05 Front yard.**

Each lot in R-1-B Districts shall have a front yard of not less than twenty-five (25) feet. Where residences are to be erected on adjacent lots, such building line shall be staggered at least two (2) feet with no building located closer than twenty-five (25) feet from the front yard.

**Section 6.06 Side yards.**

All lots in R-1-B Districts shall have two (2) side yards, each having a width of not less than six (6) feet and the combined width of both side yards shall not be less than twenty (20) feet; provided, that principal buildings on adjoining lots shall be located not less than twenty (20) feet apart, provided the overhang shall not exceed twenty-

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four (24) inches, not including gutter. In such cases, said measurements shall be taken from the outer edge of the overhang.

On lots less than seventy (70) feet in width which were of record on the date of the adoption of this Ordinance, the required combined width of side yards may be reduced by six (6) inches for each foot or major fraction thereof by which the width of such lot is less than seventy (70) feet, and provided, further, that the minimum side yard shall be not less than five (5) feet and the combined width of both side yards shall be not less than fifteen (15) feet.

### **Section 6.07 Side yards abutting upon a street.**

In R-1-B Districts, the width of the side yard abutting upon a street shall not be less than twenty-five (25) feet when rear yards abut side yards, however, when rear yards abut rear yards, the side yard abutting the street shall be not less than twenty (20) feet.

### **Section 6.08 Rear yards.**

Each lot in R-1-B Districts shall have a rear yard depth of not less than thirty-five (35) feet.

### **Section 6.09 Off-street parking facilities.**

Off-street parking facilities shall be provided as hereinbefore specified in Section 4.32 of this Ordinance.

### **Section 6.10 Floor area.**

See "Schedule A", Article IV, for minimum floor area requirements for residential dwellings in R-1-B Districts.

## ***ARTICLE VII. R-1-C ONE FAMILY RESIDENTIAL DISTRICT***

### **Section 7.01 Uses permitted.**

All uses permitted and as regulated in R-1-B Districts, except as hereinafter modified.

### **Section 7.02 Building height.**

No building hereafter erected or altered in R-1-C Districts shall exceed thirty-five (35) feet in height or two (2) stories, except as provided in Article XIX of this Ordinance.

### **Section 7.03 Lot area.**

A one (1) family dwelling in R-1-C Districts, together with accessory buildings, hereafter erected, shall be located on a lot having an area of not less than nine thousand (9000) square feet and a lot width of not less than sixty (60) feet; provided, however, when a community water and sewer system is provided, the lot area shall not be less than seventy-two hundred (7,200) square feet and with a width of not less than sixty (60) feet.

All corner lots whose rear yards abut rear yards shall have a minimum width of seventy-five (75) feet. All corner lots whose rear yards abut a side yard shall have a minimum width of eighty (80) feet.

Where lots are to be created having widths in excess of the minimum required in R-1-C Districts, the following standards shall be permitted, provided that no lot shall have less than one hundred (100) feet of depth.

Lot Width	Lot Depth	Area (sq. ft.)
60'	120'	7,200
61'	117'	7,137
62'	114'	7,068
63'	111'	6,993
64'	108'	6,912
65'	105'	6,825
70'	100'	7,000

Provided that these requirements shall not apply to any lot which at the time of [sic] this Ordinance becomes effective is narrower at the front building line or less in area than the specifications herein provided, if such lot was of record at the time of adoption of this Ordinance, or if such lot is in a proposed subdivision which has received the approval of the City Council as to lot and street layout, at the time of adoption of this Ordinance.

(Ord. No. 30-61, § 1, 11-13-62)

#### **Section 7.04 Percentage of lot coverage.**

One (1) family dwellings, together with accessory building, hereafter erected on any lot in R-1-C Districts, shall not cover more than thirty (30) percent of the area of such lot, provided, that this requirement shall not apply to any lot which at the time of [sic] this Ordinance becomes effective is less in area than the specifications herein provided if such lot was of record at the time of the adoption of this Ordinance.

#### **Section 7.05 Front yard.**

Each lot in R-1-C Districts shall have a front yard of not less than twenty-five (25) feet.

Where residences are to be erected on adjacent lots, such building line shall be staggered at least two (2) feet, with no building located closer than twenty-five (25) feet from the front property line.

#### **Section 7.06 Side yards.**

All lots in R-1-C Districts shall have two (2) side yards, each having a width of not less than five (5) feet and the combined width of both side yards shall be not less than thirteen (13) feet; provided, that principal buildings on adjoining lots shall be located not less than thirteen (13) feet apart, provided the overhang shall not exceed twenty-four (24) inches, not including gutter. On lots less than sixty (60) feet in width, which were of record on the date of adoption of this Ordinance, or on lots in a proposed subdivision which has received the approval of the City Council as to lot and street layout at the time of the adoption of this Ordinance, a minimum side yard of three (3) feet and a minimum combined width of both side yards of eleven (11) feet shall be permitted, provided that the principal buildings on adjoining lots shall be located not less than ten (10) feet apart, and provided the width of the overhang shall not exceed twelve (12) inches, not including gutter.

On lots less than thirty-five (35) feet in width which were of record on the date of adoption of this Ordinance, the required combined width of side yards may be reduced by six (6) inches for each foot or major fraction thereof by which the width of such lot is less than thirty-five (35) feet provided that the minimum side yard shall be not less than three (3) feet and the combined width of both side yards shall be not less than six (6) feet.

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### **Section 7.07 Side yards abutting upon a street.**

In R-1-C Districts, the width of the side yard abutting upon a street shall be not less than twenty-five (25) feet when rear yards abut side yards; however, when rear yards abut rear yards, the side yard abutting the street shall be not less than twenty (20) feet.

### **Section 7.08 Rear yards.**

Each lot in R-1-C Districts shall have a rear yard depth of not less than thirty-five (35) feet.

### **Section 7.09 Off-street parking facilities.**

Off-street parking facilities shall be provided as hereinbefore specified in Section 4.32 of this Ordinance.

### **Section 7.10 Floor area.**

See "Schedule A", Article IV, for minimum floor area requirements for residential dwellings in R-1-C Districts.

## ***ARTICLE VIII. R-1-P ONE FAMILY PARKING DISTRICT***

### **Section 8.01 Uses permitted.**

In all R-1-P Districts, no building or land, except as otherwise provided for, shall be erected or used except for one (1) or more of the following specified uses:

- (a) All uses permitted and as regulated in R-1-C Districts.
- (b) Parking of private passenger motor vehicles as prescribed in Article XVI.

### **Section 8.02 Building height.**

No building hereafter erected or altered in R-1-P Districts shall exceed thirty-five (35) feet in height or two (2) stories, except as provided in Article XIX of this Ordinance.

### **Section 8.03 Lot area.**

A one family dwelling in R-1-P Districts, together with accessory buildings, hereafter erected shall be located on a lot having an area of not less than nine thousand (9,000) square feet and with an average width of not less than sixty (60) feet; provided, however, when a community water and sewer system is provided the lot area shall not be less than seventy-two hundred (7,200) square feet and with a lot width of not less than sixty (60) feet.

Where additional lot widths are provided, the sliding scale in Section 7.03 shall be permitted.

Provided that these requirements shall not apply to any lot which at the time this Ordinance becomes effective is narrower at the street line or less in area than the specifications herein provided if such lot was of record at the time of adoption of this Ordinance, or if such lot is in a proposed subdivision which has received the approval of the City Council as to lot and street layout, at the time of adoption of this Ordinance.



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### **Section 8.04 Percentage of lot coverage.**

One family dwellings, together with accessory buildings, hereafter erected on any lot in R-1-P Districts, shall not cover more than thirty (30) percent of the area of such lot, provided that this requirement shall not apply to any lot which at the time of [sic] this Ordinance becomes effective is lesser in area than the specifications herein provided if such lot was of record at the time of the adoption of this Ordinance.

### **Section 8.05 Front yard.**

Each lot in R-1-P Districts shall have a front yard not less than twenty-five (25) feet in depth.

### **Section 8.06 Side yards.**

All lots in R-1-P Districts shall have two (2) side yards each having a width of not less than five (5) feet and the combined width of both side yards shall be not less than thirteen (13) feet; provided that the principal buildings on adjoining lots shall be located not less than thirteen (13) feet apart, provided the overhang shall not exceed twenty-four (24) inches, not including the gutter.

On lots less than thirty-five (35) feet in width, the required combined widths of side yards may be reduced by six (6) inches for each foot or major fraction thereof by which the width of such lot is less than thirty-five (35) feet, and provided further, that the minimum said yard may be three (3) feet and the combined width of both side yards shall not be less than six (6) feet.

### **Section 8.07 Side yards abutting upon a street.**

In R-1-P Districts, the width of the side yard abutting upon a street shall be not less than twenty-five (25) feet when rear yards abut side yards; however, when rear yards abut rear yards, the side yard abutting the street shall not be less than twenty (20) feet.

### **Section 8.08 Rear yards.**

Each lot in R-1-P Districts shall have a rear yard depth of not less than thirty-five (35) feet.

### **Section 8.09 Off-street parking facilities.**

Off-street parking facilities shall be provided as hereinbefore specified in Section 4.32 of this Ordinance.

### **Section 8.10 Floor area.**

See "Schedule A", Article IV, for minimum floor area requirements for residential dwellings, in R-1-P Districts. The minimum floor area requirements applicable to dwellings in R-1-C Districts shall apply to all dwellings in this District.

## ***ARTICLE IX. R-2 TWO-FAMILY RESIDENTIAL DISTRICT***

### **Section 9.01 Uses permitted.**

In all R-2 Residential Districts, no building or land, except as otherwise provided in this Ordinance, shall be erected or used except for one (1) or more of the following specified uses:

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- (a) All uses permitted and as regulated in R-1-C Districts.
  - (b) Two-family dwellings.
  - (c) Private museums, on approval of the Planning Commission.
  - (d) Building and uses customarily incidental to the above permitted uses shall include not more than one (1) private garage which shall provide parking space for not more than two (2) motor vehicles per living unit, not more than one of which may be a commercial vehicle which shall not exceed three-quarter (¾) ton capacity and shall be kept housed within a garage when not in use, provided said commercial vehicle is owned and operated by a member of the family who resides in said living unit. Maximum area per car to be stored in such garages shall not exceed two hundred fifty (250) feet.
  - (e) A residence may be used for a home occupation, provided it complies with Section 2.29 of this Ordinance, after approval has been granted by the Board of Appeals.
  - (f) Hospitals, except animal hospitals or sanitariums for contagious, mental or drug or liquor addict cases, and institutions of a philanthropic and charitable nature, after approval has been granted by the Planning Commission.
  - (g) The storage or parking of trucks, truck tractors and truck trailers of over three-quarter (¾) ton capacity, automobile trailers, or the storage, parking or use of coaches, bus or streetcar bodies, or similar dwellings, tourist cabins, or tents shall not be allowed or considered a legal accessory use in an R-2 District. This shall not prohibit the storage of one unoccupied house trailer or watercraft, which is the property of the occupant, provided, however, that such house trailer or watercraft shall be parked in the rear yard at least ten (10) feet away from any dwelling and any property line.

### **Section 9.02 Building height.**

No building hereafter erected or altered in R-2 Districts shall exceed thirty-five (35) feet in height or two (2) stories, except as provided in Article XIX of this Ordinance.

### **Section 9.03 Lot area.**

Every lot in an R-2 District, upon which a building for dwelling purposes is hereafter erected, shall be not less than nine thousand (9,000) square feet for the first living unit, plus three thousand (3,000) square feet for the second unit and such lot shall not be less than sixty (60) feet in width; provided, however, when such lot is provided with a community water and sewer system, such lot shall contain a lot width of not less than sixty (60) feet and a lot area of not less than six thousand six hundred (6,600) square feet for the first living unit plus two thousand (2,000) square feet for the second living unit, provided that these requirements shall not apply to any lot which at the time of [sic] this Ordinance becomes effective is narrower at the street line or lesser in area than the specifications herein provided if such lot was of record at the time of adoption of this Ordinance.

### **Section 9.04 Percentage of lot coverage.**

No dwelling together with its accessory buildings hereinafter erected on any lot in R-2 Districts, shall cover more than thirty (30) percent of the area of such lot, provided that this requirement shall not apply to any lot which at the time of [sic] this Ordinance becomes effective is lesser in area than the specifications herein provided if such lot was of record at the time of the adoption of this Ordinance.

### **Section 9.05 Front yards.**

Each lot in R-2 Districts shall have a front yard of not less than twenty-five (25) feet in depth.

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### **Section 9.06 Side yards, one and two family dwellings.**

All lots in R-2 Districts on which one (1) family dwelling is established, shall have two (2) side yards, one with a minimum width of not less than five (5) feet and the aggregate width of both side yards shall be not less than thirteen (13) feet. All lots in R-2 Districts on which a two (2) family dwelling is established shall have two (2) side yards of not less than ten (10) feet each.

### **Section 9.07 Side yard-non-residential use.**

Every lot on which a building or structure used for a non-dwelling purpose, other than an accessory building is erected, shall have a side yard on each side of such lot, and each such yard shall be not less than fifteen (15) feet in width with an increase of one (1) foot in width for each five (5) feet or part thereof by which the said building or structure exceeds thirty-five (35) feet in overall dimensions along the side yard and also of an additional one (1) foot for every two (2) feet in height in excess of thirty-five (35) feet.

### **Section 9.08 Side yards abutting upon a street.**

In R-2 Districts, the width of the side yard abutting upon a street shall be not less than twenty-five (25) feet when rear yards abut side yards; however, when rear yards abut rear yards, the side yard abutting the street shall be not less than twenty (20) feet.

### **Section 9.09 Rear yards.**

Each lot in an R-2 District shall have a rear yard of a depth of not less than thirty-five (35) feet for one (1) story buildings and not less than fifty (50) feet for two (2) story buildings.

### **Section 9.10 Off-street parking.**

Off-street parking facilities shall be provided as hereinbefore specified in Article 4.32 of this Ordinance.

### **Section 9.11 Floor area.**

All dwelling units shall comply with the minimum floor area requirements of "Schedule A", Article IV, for R-2 Districts.

## ***ARTICLE X. R-3 MULTIPLE-FAMILY DWELLING DISTRICT***

### **Section 10.01 Uses permitted.**

In all R-3 Districts no building or land, except as otherwise provided in this Ordinance, shall be erected or used except for one (1) or more of the following specified uses:

- (a) All uses permitted and as regulated in R-2 Districts.
- (b) Multiple-family dwellings and efficiency apartments.
- (c) Boarding, rooming and lodging houses or tourist homes.

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- (d) Private garages or community garages, either separated or in connected groups, having common and unpierced dividing walls between contiguous private garages. Maximum area per car to be stored in such garages shall not exceed two hundred-fifty (250) square feet.

### **Section 10.02 Building height.**

No building hereafter erected or altered in R-3 Districts shall exceed thirty-five (35) feet in height or two and one-half (2½) stories.

### **Section 10.03 Lot area.**

Every lot in an R-3 District on which a one-family dwelling is to be erected shall comply with lot area regulations for R-1-C Districts. Every lot in an R-3 District on which a two-family dwelling is to be erected shall comply with lot area regulations for R-2 Districts.

Every lot in an R-3 District on which a multiple family dwelling is to be erected shall provide a minimum lot area of seventy-two hundred (7,200) square feet for the first living unit, and not less than four thousand (4,000) square feet of lot area for each additional efficiency unit or dwelling unit with one (1) or two (2) bedrooms, (including dens, libraries, and/or any other rooms outside kitchen, living, or dining room (except bathroom) exceeding eighty (80) square feet, not exceeding one hundred fifty (150) square feet to be counted as one (1) room, and not less than five thousand (5,000) square feet for each additional three (3) or four (4) bedroom unit.

The aforementioned minimum square foot requirements shall not be applicable to site plans approved prior to the effective date of this amendment provided a building permit is obtained and construction commenced within six (6) months after the effective date of this amendment. In such case the minimum square foot requirements shall conform to Section 10.03 of Ordinance No. 30 as adopted on December 8, 1964.

- (a) *Senior Citizen Housing Lot Area.* Every parcel of land in an R-3 District on which a Multiple Family Dwelling for senior citizens is to be erected shall provide a minimum lot area of not less than fifteen hundred (1,500) square feet for each efficiency unit or dwelling unit with one (1) bedroom and not less than twenty-five hundred (2,500) square feet of lot area for each two (2) bedroom unit. No unit to exceed two bedrooms. The building shall be so arranged as to provide outdoor sitting areas and courtyards.

(Ord. No. 30-153, § 1, 12-8-64; Ord. No. 30-469, § 6, 9-24-74; Ord. No. 30-500, § 1, 1-27-76; Ord. No. 30-534, § 2, 4-12-77)

### **Section 10.04 Front yard.**

Each lot in R-3 Districts shall have a front yard of not less than twenty-five (25) feet in depth for a one (1) story building plus ten (10) feet for each additional story or portion thereof.

### **Section 10.05 Side yards-residential use.**

Every lot on which a multiple dwelling is erected shall be provided with a side yard on each side of such lot. Each such side yard shall have a minimum width of fifteen (15) feet which shall be increased by one-half (½) foot for each ten (10) feet or part thereof by which the length of the multiple dwelling exceeds fifty (50) feet in overall dimensions along the adjoining lot line.

### **Section 10.06 Side yards-non-residential use.**

Every lot on which a building or structure used for non-dwelling purposes, other than accessory buildings is erected, shall be provided with a side yard on each side of such lot. Each such side yard shall have a minimum

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width of fifteen (15) feet, which shall be increased by one (1) foot for each five (5) feet or part thereof by which the length of the building or structure exceeds fifty (50) feet in overall dimension along the adjoining lot line and also, by an additional one (1) foot for every two (2) feet or part thereof by which the height of such building or structure exceeds thirty-five (35) feet.

**Section 10.07 Side yard abutting upon a street.**

In R-3 Districts the width of side yards abutting upon a street shall be not less than twenty-five (25) feet.

**Section 10.08 Rear yard.**

Each lot in an R-3 District shall have a rear yard depth of not less than thirty-five (35) feet for one (1) story buildings and not less than fifty (50) feet for two (2) or more story buildings.

**Section 10.09 Floor area.**

All dwelling units shall comply with the minimum floor area requirements of "Schedule A", Article IV, for R-3 Districts.

**Section 10.10 Off-street parking facilities.**

Off-street parking facilities shall be provided as hereinafter specified in Section 4.32 of this Ordinance.

Whenever off-street parking facilities are located adjacent to an existing single or two-family residence or single or two-family residential district or adjacent to an alley which abuts an existing single or two-family residence or residential district, an eight (8) foot greenbelt or decorative wall shall be erected and maintained in compliance with Section 2.26 of this Ordinance.

(Ord. No. 30-256, § 1, 7-25-67)

**Section 10.11 Approval.**

In case of planned residential developments involving the construction of one (1) or more two-family dwellings or multiple family buildings or combination of multiple and two (2) or one (1) family dwellings on a lot, parcel or tract of land, or on a combination of lots under one ownership, a detailed site plan shall be submitted to the Planning Commission for review and approval. Such site plan shall indicate:

- (a) The location of main and accessory buildings on the site and the relation of one to another.
- (b) Traffic and pedestrian circulation features within and without the site.
- (c) The location of off-street parking areas.
- (d) The identification of all service lanes and areas within the development.
- (e) The location of open spaces on the site.
- (f) The location of any landscape, fences or walls proposed in and around the site.
- (g) The height and bulk of buildings.

(Ord. No. 30-256, § 2, 7-25-67)

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### **Section 10.12 Uses permissible on special approval.**

Senior citizen housing may be permitted under such conditions as the Planning Commission, after hearing, finds the use not being injurious to the R-3 District and surrounding area and not contrary to the spirit and purpose of this Ordinance, subject further to review and approval by Warren City Council. Further, before any recommendation is made, the Planning Commission will consider the following factors:

- (a) The comfort and rest of elderly citizens will not be disturbed by noises and fumes from motor vehicles because of the proximity of the proposed site to heavily traveled highways.
- (b) That the possible inability of senior citizens to drive will not require them to walk along heavily traveled roads without safe pedestrian ways allowing them to reach public transportation facilities.
- (c) That such public transportation should be available in the immediate area which is adequate for senior citizens.
- (d) That other facilities required by senior citizens, such as hospitals, medical, dental, banking and like places, are similarly not far removed from the proposed site.
- (e) That the site be located within a reasonable distance from open air public recreational facilities, such as parks and swimming pools, etc.

(Ord. No. 30-469, § 2, 9-24-74)

### **Section 10.13 Environmental design criteria.**

The Planning Commission shall review the site plan with regard to the natural features of the property in question. Of specific concern to the Planning Commission shall be trees and other existing foliage, topography, and natural terrain. The Planning Commission shall be assured that the development of the site plan will not adversely affect any of the above natural features. Existing trees shall be preserved wherever possible. The location of trees must be considered when planning the open and recreation spaces, location of buildings, underground services, walks, paved areas, and finished grade levels. The Planning Commission shall inquire into the means whereby trees and other natural features will be protected during construction.

(Ord. No. 30-500, § 3, 1-27-76)

### **Section 10.14 Useable recreation space.**

For each square foot of total floor area there shall be a minimum of two-tenths (.2) square feet of useable recreation space. The site plan submitted to the Planning Commission shall include the location and use of such recreation space areas. Useable recreation areas may include but not be limited to the following uses: Swimming pool, tennis, handball, basketball or related type courts; shuffleboard, lawn bowling, baseball diamond, recreation or community building; play lots; picnic area; and passive recreational areas for sidewalk and pedestal benches. Passive recreation areas, however, shall not comprise more than thirty (30) per cent of the useable recreation areas.

(Ord. No. 30-500, § 2, 1-27-76; Ord. No. 30-534, § 1, 4-12-77)

## ***ARTICLE X-A. R-5 HIGH-RISE APARTMENT DISTRICTS***

### **Intent and purpose.**

PART II - CODE OF ORDINANCES  
APPENDIX A - ZONING  
ARTICLE X-A. R-5 HIGH-RISE APARTMENT DISTRICTS

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The high-rise districts are designed to provide for residential apartment buildings with appropriate standards on population density, building bulk, open spaces, and spacing of buildings. These districts are designed to provide adequate light and air to windows and for privacy; to provide open spaces to serve the residents of these districts; and to provide freedom of architectural design in order to encourage the development of more attractive and economic building forms. These districts are designed to be used at planned locations in the City, which because of their strategic location and/or proximity to major commercial, office or institutional development and thoroughfares have special importance for sound growth and where a demand for such residential uses has been demonstrated by economic and planning studies.

(Ord. No. 30-188, § 1, 10-26-65)

**Section 10A.01 Uses permitted in R-5 Districts:**

- (a) High-rise apartment residential buildings.
- (b) Other multiple-family buildings as provided and regulated by Article X.
- (c) Accessory uses similar to the following:
  - 1. Private parking building for use of residents of the high-rise dwelling units.
  - 2. Swimming pools and other recreational facilities which are not conducted as a business for profit and are intended for use by the residents of the principal buildings.
  - 3. Reserved.

(Ord. No. 30-188, § 1(10A.01), 10-26-65; Ord. No. 30-859, § 2, 3-26-96)

**Section 10A.02 Yard area, bulk and height restrictions.**

- (a) Minimum lot width shall be at least two hundred (200) feet.
- (b) Minimum lot depth shall be at least two hundred (200) feet.
- (c) Minimum lot area shall be at least two (2) acres.
- (d) Minimum yard setbacks shall be as follows:
  - 1. All high-rise apartment buildings, accessory buildings or structures shall be set back from public roads, side and rear yards, a distance of one (1) foot for each one (1) foot of vertical height, but in no event less than fifty (50) feet from the public road or any property line.
  - 2. If the R-5 high-rise apartment district abuts a residential district which includes R-1-C, R-1-B, R-1-A, R-2, R-3, R-4, and R-5 the distance between the high-rise building and the residential district shall be equal to at least twice the height of the high-rise buildings.
- (e) Principal and accessory buildings and parking area shall not exceed fifty percent (50%) of total land area as viewed in site plan within the property line as stated in the Master Thoroughfare Plan. Lot area and parking spaces for each unit site shall be computed upon the land coverage.

% of Lot Coverage	1 Bdr.	2 Bdr.	3-4 Bdr.	Parking Req.
46 to 50%	2,500	3,000	4,000	2.2 per unit

41 to 45%	2,250	2,750	3,750	2.1 per unit
36 to 40%	2,000	2,500	3,500	2.0 per unit
31 to 35%	1,750	2,250	3,250	1.9 per unit
26 to 30%	1,500	2,000	3,000	1.8 per unit
21 to 25%	1,250	1,750	2,750	1.7 per unit
16 to 20%	1,000	1,500	2,500	1.6 per unit
15% or under	50 Units per Acre Maximum			

- (f) The architectural renderings of all high-rise apartment buildings shall be approved by the City Council upon recommendation of the Planning Commission.
- (g) Minimum height of principal high-rise apartment buildings shall be at least thirty-five (35) feet high and at least four (4) stories high and no apartment unit floor shall be below established grade.
- (h) All high-rise apartment buildings shall be equipped with elevators and fire stairs.
- (i) All apartment units shall comply with the minimum floor area as specified by Schedule A, Article IV for R-5 Districts.

**MANUFACTURING ZONE FIGURE**

(Ord. No. 30-188, § 1(10A.02), 10-26-65; Ord. No. 30-287, § 1, 8-13-68; Ord. No. 30-310, §§ 1, 2, 3-25-69)

**Section 10A.03 Other provisions and requirements.**

- (a) *Parking.* An off-street parking space shall not be less than nine (9) feet wide nor twenty (20) feet in length. Off-street parking areas shall be located within reasonable proximity of the apartments which they serve. Open parking areas shall be screened from view of all property lines by means of screen fencing, evergreens, or other barriers deemed suitable by the Planning Commission to minimize noise and direct glare of headlights from motor vehicles.
  1. Parking areas shall have sufficient parking spaces as required by Section 10A.02 (e).
  2. Spaces for all commercial uses shall be in accordance with parking requirements as set forth in Section 4.32. Parking area shall be at least twenty-five (25) feet from the rear or side property line.
  3. Parking may be permitted in the side and rear yards if the abutting property is zoned other than a residential zone. Parking will be set back a minimum distance of 25' from the rear and side yards where the property abutting a residential zone and parking will be set back a minimum of 50' from the front property line.
- (b) *Spacing and orientation of residential building groups:* Such buildings shall be so arranged as to avoid undue exposure to concentrated loading or parking facilities and shall be so oriented as to preserve visual and audible privacy between adjacent buildings.
- (c) Sufficient garbage pick-up and other utility areas shall be provided and shall be located with a view both to convenience and to minimizing the detrimental effect on the aesthetic character of the development and shall be enclosed and shielded from view by fencing, walls, or evergreen shrubbery of at least six (6) feet in height around the perimeter.
- (d) The owner shall make arrangements for all local distribution lines for telephone and electric service, exclusive of main supply lines, perimeter feed lines, and related surface facilities such as padmount transformers, switching equipment and service pedestals, to be placed underground in accordance with the



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valid rules and regulations of the telephone or electric service company involved providing for installation of such underground service.

- (e) All high-rise developments shall be provided with a liberal and functional landscaping scheme. Interior roads and pedestrian walks [shall] be provided with shade trees which are of minimum size and character. Open space adjacent to buildings and malls between buildings to be utilized by residents, border strips along the sides of pedestrian walks shall be graded and sodded to provide a thick stand of grass or other plant material. Approaches shall also be attractively shrubbed and landscaped.
- (f) Interior development roads, parking areas, dwelling entranceways, and pedestrian walks shall be provided with sufficient illumination to minimize hazards, and where necessary, be shielded to avoid disturbing glares to occupants of buildings. Lighting shall be so arranged as to reflect away from all adjoining properties.
- (g) Other standards and conditions to the site plan pertaining to curbing, driveways, parking areas, pedestrian walks, open spaces, landscaping and planting and buffer areas not otherwise specified herein may be attached as conditions of the Planning Commission.
- (h) Prior to the issuance of a building permit, approval of the plans by the Fire Department will be required.
- (i) Upon approval of the Planning Commission, the following special uses may be permitted: Retail stores, restaurants, and personal service shops (i.e. beauty and barber shops, drug stores, food stores, and delicatessens, eating and drinking establishments, package liquor stores, tailor or dressmaking shops), provided that they are located in a principal building and are conducted for the accommodation of residents of the development in serving their day-to-day and otherwise frequent needs in connection with normal household operations; provided further that, with respect to every such use:
  - 1. There shall be no entrance except from inside the building.
  - 2. There shall be no exterior window display of any kind.
  - 3. There shall be no sign relating thereto that is visible from outside the building.
  - 4. Except for a restaurant, no single establishment shall occupy a gross floor area of more than One thousand (1,000) square feet.
  - 5. No such use shall be located in any part of the building other than on the ground floor, in the basement, or in a roof garden.

(Ord. No. 30-188, § 1(10A.03), 10-26-65; Ord. No. 30-287, § 2, 8-13-68)

#### **Section 10A.04 Procedure of planning commission—Review of site plan.**

Prior to obtaining a building permit the applicant shall submit to the Planning Commission four (4) copies of such plans and information for review and approval to assure that there is compliance with the design requirements set forth in this and other pertinent articles of the Zoning Ordinance. Plans and information submitted should include the following:

- (a) The location, use, design, dimensions, and height of each proposed building or structure, including elevations.
- (b) The location and arrangement of vehicular accessways and location, size and capacity of all areas to be used for off-street parking, loading and unloading.
- (c) The location and dimensions of sidewalks, walkways and all other areas to be devoted to pedestrian use.
- (d) The design and treatment of buffer areas and screening devices to be maintained including dimensions of all areas devoted to planting, lawns, trees or other landscaping devices.

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- (e) Provisions for water supply, storm drainage and sewer disposal, as required by the Director of Public Service.
  - (f) Sufficient data to indicate the effects of the proposed development in producing traffic congestion and safety hazards, and sufficient additional data to enable the Planning Commission and the Building Department to determine compliance with the design requirements set forth in this and other pertinent sections of this Ordinance.
  - (g) The owner shall provide easements for telephone and electric utilities and shall make suitable arrangements for their location with the telephone and electric service company involved.

(Ord. No. 30-188, § 1(10A.04), 10-26-65)

### **Section 10A.05 Uses permissible on special approval.**

Senior citizens housing shall be approved in the R-5 District in the same manner as provided for in the R-3 District; however, those dimensional requirements will be used which are designed for R-5 senior citizen housing.

(Ord. No. 30-469, § 3, 9-24-74)

## ***ARTICLE X-B. R-3-A SENIOR CITIZEN CONGREGATE LIVING***

### **INTENT AND PURPOSE.**

This District is intended to accommodate those uses termed congregate living projects which by their nature and design, will provide special living environments for senior citizens. It is intended to provide a means of living for those senior citizens, who although ambulatory and capable of caring for their own personal needs, either choose or require that all meals be served in a central dining area. It is also intended that the uses permitted be compatible with residential areas and will not encourage the development of commercial establishments of a retail nature.

(Ord. No. 30-681, § 1, 7-24-84)

### **Section 10B.01 Use regulations in R-3-A Districts.**

- (A) In all R-3-A Districts, no buildings or land, except as otherwise provided in this Ordinance, shall be erected or altered except for one (1) or more of the following uses:
  1. All uses permitted in R-1-A, R-1-B, and R-1-C Districts.
  2. Congregate living projects for senior citizens.
  3. An accessory building and use customarily incident to a use authorized by this section.
  4. Reserved.

(Ord. No. 30-681, § 1(10B.01), 7-24-84; Ord. No. 30-859, § 2, 3-26-96)

### **Section 10B.02 Definitions.**

- (A) *Dwelling, Congregate Living.*

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A building or portion thereof containing a minimum of twenty-four (24) living units designed for occupancy by senior citizens living independently of each other except that cooking, kitchen, and dining accommodations are provided in a central area and not located within the individual living units.

(B) *Living Unit, Congregate Living.*

The individual area within a given Congregate Living Dwelling or project that provides an enclosed living environment for those activities relating to self-maintaining behavior such as sleeping, grooming, bathing and toileting. Each living unit may be occupied by no more than two persons.

(Ord. No. 30-681, § 1(10B.02), 7-24-84)

### **Section 10B.03 Criteria for congregate living projects.**

In considering the designation of an R-3-A District, the Warren Planning Commission and City Council shall apply the following criteria:

- A. That those districts shall be developed for the express purpose of providing living space for senior citizens. Senior citizens for the purpose of this section are those persons sixty-two (62) years of age or older.
- B. That every parcel of land in an R-3-A District on which a congregate living project is constructed shall provide not less than 2,000 square feet of lot area for each living unit.
- C. That all congregate living projects will provide for residents living space with a minimum of 350 square feet including a separate full bathroom, closet and visitation area. Each unit, however, shall not be provided with more than one bedroom, nor its own kitchen or cooking facilities except for a manager's unit.
- D. That each congregate living project shall provide for centralized kitchen and dining areas providing all meals for all persons living in the project. Combinations of more than one centralized kitchen and/or dining area are permitted in larger congregate living projects provided that each such area serves a minimum of twenty-four (24) living units.
- E. All congregate living dwelling projects shall be constructed with the assistance of mortgage financing or other financial assistance insured by or procured through or with the assistance of municipal, State or Federal government agencies, and is constructed and maintained on a non-profit basis by a charitable organization which is organized pursuant to the provisions of Michigan's General Corporation Act (P.A. 1931 No. 327).

(Ord. No. 30-681, § 1(10B.03), 7-24-84)

### **Section 10B.04 Building height.**

No building hereafter erected or altered in an R-3-A District shall exceed thirty-five (35) feet in height or two (2) stories, except that if the height of any such building exceeds thirty-five (35) feet, then such building shall be set back from all lot lines not less than one (1) foot in addition to the required yard dimensions for each foot such building exceeds the height allowed.

(Ord. No. 30-681, § 1(10B.04), 7-24-84)

### **Section 10B.05 Yard area, width and depth.**

In R-3-A Districts, each lot shall have a lot area of not less than two (2) acres.

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(Ord. No. 30-681, § 1(10B.05), 7-24-84)

**Section 10B.06 Lot coverage.**

In R-3-A Districts, the total land coverage shall be no more than thirty (30) per cent of the lot area.

(Ord. No. 30-681, § 1(10B.06), 7-24-84)

**Section 10B.07 Front yards.**

In R-3-A Districts, every building shall have a front yard of not less than thirty (30) feet. If a circular drive is proposed in the front yard, a distance equal to the width of the drive shall be added to the front yard setback.

(Ord. No. 30-681, § 1(10B.07), 7-24-84)

**Section 10B.08 Side yards.**

In R-3-A Districts, every building shall have two side yards, each of not less than fifty (50) feet.

(Ord. No. 30-681, § 1(10B.08), 7-24-84)

**Section 10B.09 Rear yards.**

In R-3-A Districts, each lot shall have a rear yard of not less than fifty (50) feet where such building does not exceed two (2) stories or thirty-five (35) feet in height. Where any such building exceeds two (2) stories or thirty-five (35) feet, then such building shall set back in accordance with Section 13B.03 of this Ordinance.

(Ord. No. 30-681, § 1(10B.09), 7-24-84)

**Section 10B.10 Useable recreation space.**

For each square foot of total floor area devoted to individual living units, there shall be a minimum of one (1) square foot of useable outdoor recreation space. The site plan submitted to the Planning Commission shall include the locations and use of such recreation space areas. Useable recreation areas may include but not be limited to gardens, court yards, reflecting pools, shuffleboard courts, putting or bowling greens provided that all such areas be located outside the front yard setback.

(Ord. No. 30-681, § 1(10B.10), 7-24-84)

**Section 10B.11 Architectural plans.**

In R-3-A Districts, plans for buildings shall be subject to the approval of the Warren Planning Commission with respect to area and bulk regulations, all site and planting plans, useable recreation space, and building elevations, prior to submitting plans to the Building Department for approval and issuance of a building permit.

(Ord. No. 30-681, § 1(10B.11), 7-24-84)

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### **Section 10B.12 Off-street parking requirements.**

Off-street parking facilities shall be provided as hereinbefore specified in Section 4.32(h)(25) of this Ordinance.

(Ord. No. 30-681, § 1(10B.12), 7-24-84)

## ***ARTICLE XI. R-4 MOBILE HOME DISTRICTS<sup>7</sup>***

### **Section 11.01 Uses permitted.**

In all R-4 Districts no building or land, except as otherwise provided in this Ordinance, shall be erected or used except for one (1) or more of the following specified uses, on approval of the Planning Commission with respect to site layout and pedestrian and vehicular circulation:

- (a) Mobile home courts and trailer coach parks.

### **Section 11.02 Building height.**

No building or structure hereafter erected or altered in an R-4 District shall exceed one (1) story in height or fifteen (15) feet, except as provided in Article XIX of this Zoning Ordinance.

### **Section 11.03 Space requirements.**

- (a) The minimum unit area of premises used or occupied by each trailer shall be two thousand five hundred (2,500) square feet, clearly defined on the ground by stakes, posts, or other markers, except that where a separate parking area is provided on the trailer camp lot for motor vehicles and no motor vehicles are parked on the trailer unit area, that the minimum unit area of the premises used or occupied by each trailer shall be two thousand (2,000) square feet, and in such event there shall be provided one (1) parking stall for each trailer unit.
- (b) There shall be unobstructed open spaces between each trailer coach or mobile home of not less than fifteen (15) feet and not less than ten (10) feet of unobstructed open space between the ends of adjacent trailer coaches. Hitches shall not extend beyond the boundary lines of the sites, except where such parking space is provided in street in accordance with Schedule of Road Widths in Article XI.
- (c) No trailer shall be located closer than twenty-five (25) feet from the right-of-way line of a main highway, or ten (10) feet from the mobile court or trailer camp property line.
- (d) One passenger motor vehicle may be parked on the private street in front of the trailer coach site, provided it complies with the Schedule of Road Widths, in Article XI, of this Ordinance, and provided further additional off-street parking space of one-half (½) parking stall per trailer unit is provided within the trailer coach park for additional private passenger vehicles which belong to the occupants of the trailers and for visitors' cars.
- (e) Each trailer space or site shall be provided with a concrete apron or concrete ribbons, not less than twenty-four (24) inches wide, upon which the trailer shall be located.

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<sup>7</sup>Cross reference(s)—Mobile homes generally, Ch. 20.

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### Section 11.04 Roads and sidewalks.

Each individual trailer coach site shall abut or face a driveway, roadway, or street of at least thirty (30) feet in width which street shall have unobstructed access to a public street or highway. Existing licensed trailer parks shall not be required to increase the width of the streets within said parks to thirty (30) feet as long as said parks are not redesigned or altered. All such roadways shall be hard surfaced.

Each trailer coach park shall provide a thirty (30) inch concrete walk from the entrance of each trailer to all required service facilities.

Roadways and streets within all existing trailer coach parks shall conform to the following schedule regarding vehicle traffic use, including motor vehicle parking.

Motor Vehicle Parking Allowance	Traffic Use	Min. Rd. Width
1. No parking on road (Separate lot or on-site parking provided)	2-way road	20 feet
2. Parallel parking, 1 side only	1-way road	20 feet
3. Parallel parking, 2 sides	1-way road	26 feet
4. Parallel parking, 2 sides	2-way road	36 feet

Where sidewalks are provided, the space required shall be in addition to the above schedule.

### Section 11.05 Plumbing and electrical installations.

Plumbing and electrical installations in R-4 Districts shall be maintained in accordance with the City of Warren Plumbing and Electrical Codes.

### Section 11.06 Additional requirements.

In addition, all trailer coach parks shall comply with the following:

- (a) There shall be provided an area of not less than one hundred (100) square feet for recreation, for each trailer space in the Mobile Home Park, with a minimum area of not less than five thousand (5,000) square feet, which shall be no longer than two (2) times its width. Such area shall be developed and maintained by the management so as to provide healthful recreation for the children of the Mobile Home Park.
- (b) A greenbelt planting strip, not less than eight (8) feet in width, shall be located along all lot lines not bordering a street. Such greenbelt shall be composed of one (1) row of deciduous and/or evergreen trees, spaced not more than four (4) feet apart and not less than one (1) row of shrubs spaced not more than eight (8) feet apart and which grow at least to a height of five (5) feet or more after one (1) full growing season and which shrubs will eventually grow to a height of not less than twelve (12) feet. A fence may be built on the trailer coach park property lines, in lieu of a greenbelt as heretofore required, said fence shall be not less than four (4) feet nor more than six (6) feet in height, constructed of woven wire or open metal or wood pickets and no barbed wire shall be used in the construction of said fence.

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- (c) The front yard and the side yard adjacent to a street shall be landscaped and the entire Mobile Home Park shall be maintained in a good, clean presentable condition at all times.
  - (d) No business of any kind shall be conducted in any mobile home, trailer or building or on the premises of the Mobile Home Park, except that of the management office.
  - (e) Street and yard lights, sufficient in number and intensity to permit the safe movement of vehicles and pedestrians at night, shall be provided and shall be effectively related to buildings, trees, walks, steps, and ramps.
  - (f) All fuel oil and all gas tanks shall be located on each trailer site in a uniform manner. All tanks shall be of an approved type to comply with building code standards and shall be equipped with vent pipes and with fused valves. All tanks shall be elevated on non-combustible stands and placed on a concrete base.
  - (g) There shall be no storage underneath any trailer and each trailer site shall be maintained in a clean and presentable condition at all times.
  - (h) Fences other than those surrounding the park shall be uniform in height and shall not exceed thirty (30) inches in height and shall be constructed in such a manner as to provide firemen access to all sides of each trailer.
  - (i) Fire hydrants of a size and pressure to be used by the City of Warren Fire Department shall be placed within said trailer park so that no trailer shall be more than six hundred (600) feet from a fire hydrant.
  - (j) A one family dwelling may be permitted on the site provided that such dwelling is limited to the management's residence and provided further, such dwelling complies with the requirements of the R-1-D Districts of the Ordinance. A portion of such dwelling may be utilized for management's office.
  - (k) *Reserved.*

(Ord. No. 30-945, § 4, 4-27-04)

Cross reference(s)—License fee schedule, § 18-18.

## **ARTICLE XII. PROFESSIONAL BUSINESS DISTRICTS**

### **Section 12.01 Use regulations.**

In all PB Districts, no building or land, except as otherwise provided in this Ordinance, shall be erected or altered except for one (1) or more of the following uses:

- (a) All uses permitted in R-1-P Districts.
- (b) Professional office of a medical doctor, osteopath, chiropractor, dentist, or lawyer.
- (c) Reserved.
- (d) Buildings and uses, customarily incident and accessory to the above permitted uses.
- (e) No use shall be permitted which involves the selling of any article or product other than the above services.

(Ord. No. 30-859, § 2, 3-26-96)

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### **Section 12.02 Dwelling units.**

In PB Districts, every one family dwelling shall comply with requirements established under Article VIII of this Ordinance.

### **Section 12.03 Building height.**

No building hereafter erected or altered in PB Districts shall exceed thirty-five (35) feet in height or two (2) stories.

### **Section 12.04 Lot area and width.**

In PB Districts, each lot for use other than residential, shall have a lot area of not less than ten thousand (10,000) square feet, and a lot width of not less than eighty (80) feet.

### **Section 12.05 Lot coverage.**

In PB Districts, every building for use other than residential, shall cover not more than thirty (30) percent of the lot area, and in no event shall such building be in excess of thirty-two hundred (3,200) square feet.

### **Section 12.06 Front yards.**

In PB Districts, every building, for use other than residential, shall have a front yard of not less than twenty-five (25) feet.

### **Section 12.07 Side yards.**

In PB Districts, every building or use other than residential shall have two (2) side yards each having a width of not less than four (4) feet and the combined width of both side yards shall not be less than fourteen (14) feet; provided that principal buildings on adjoining lots shall be located not less than ten (10) feet apart; provided the overhang, shall not exceed twenty-four (24) inches, not including the gutter. In such cases, said measurement shall be taken from the outer edge the overhang.

### **Section 12.08 Rear yards.**

In PB Districts, each lot shall have a rear yard not less than thirty (30) feet.

### **Section 12.09 Rear yards abutting side lot lines.**

In PB Districts where a side yard of an interior lot abuts a rear yard of a corner lot or an alley separating such lots, the principal building and/or any accessory building on the corner lot, shall set back from the side street as far as the dwellings set back on the side street.

### **Section 12.10 Architectural plans.**

In PB Districts, all architectural plans for buildings other than residential, shall be presented to the Planning Commission and receive their approval prior to submitting plans to the Building Department for approval and issuance of a building permit.



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It is intended that such Professional Business buildings, when located adjacent to a residential area, shall take on the appearance of residential buildings in order to preserve the general character of the residential neighborhood.

All PB buildings shall conform to the regulations prescribed under "Commercial Buildings", as specified in the City of Warren Building Code.

### **Section 12.11 Off-street parking requirements.**

In all zoning districts, off-street parking for the storage or parking of self-propelled motor vehicles for the use of occupants, employees, and patrons of the building hereafter erected, altered or extended after the effective date of this Ordinance, shall be provided as hereinbefore specified in Section 4.32 of this Ordinance.

### **Section 12.12 Greenbelt.**

All non-residential uses, when adjacent to an existing residence or residential district or adjacent to an alley which abuts an existing residence or residential district, shall provide and maintain an eight (8) foot greenbelt or decorative wall, in compliance with Section 2.26 of this Ordinance.

## ***ARTICLE XIII. C-1 LOCAL BUSINESS DISTRICTS***

### **Section 13.01 Uses permitted.**

In all C-1 Districts no building or land, except as otherwise provided in this Ordinance shall be erected or used except for one (1) or more of the following uses:

- (a) All uses permitted in R-1-A, R-1-B, R-1-C, R-2, R-3, R-1-P, and Office Districts except residential dwellings, hospitals, sanitoriums, and rest and convalescent homes.
- (b) Generally recognized retail businesses, which supply commodities on the premises, for persons residing in the surrounding residential areas:

Market - A retail market where groceries, fruit, vegetables, dairy products, and meat may be purchased.

Delicatessen, including commonly referred to Carry-Out-Food Stores, in which prepared food that is purchased is consumed off the premises.

Drug Stores.

Variety Store (5 and 10 cent store)

Hardware Store

Gasoline and Oil Service Stations

Florist or Gift Shop

Shops producing food merchandise to be sold at retail on the premises, such as a bakery shop provided that the service of not more than five (5) persons are required to produce merchandise.

- (c) Martial art or yoga studios, instruction in or practice or participation in the martial arts or yoga, which are not open for business or to patrons or other invitees between 11 p.m. and 5 a.m.
- (d) Business offices and professional offices of doctors, dentists, lawyers, chiropractors, osteopaths, and similar or allied professions.

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- (e) Banks.
  - (f) Publicly owned buildings, public utility buildings, telephone exchange buildings, gas regulator stations, transformer stations and substations with service yards but without storage yards, water and sewerage pumping stations.
  - (g) (1)  
Veterinary clinics - providing professional services and medical care for sick or diseased household pets by a licensed professional veterinarian. Such building shall be of soundproof construction so as to prevent the noise from disturbing the surrounding area.  
  
The use of the premises as a kennel or boarding establishment as such shall not be allowed, nor shall the clinic have open or outdoor runways or pens. Off-street parking requirements shall be determined as provided in Section 4.32(h)19.
  - (h) Accessory buildings and uses customarily incidental to any of the above permitted uses. A storage garage for the storage of commercial vehicles used by a business or other permitted activity, when located on the same lot therewith and occupying not more than twenty-five (25) percent of the area of such lot shall be considered a legal accessory building and use in C-1 Districts.
  - (i) Retail businesses which maintain for operation on the premises amusement machines but not an amusement machine center as defined in Section 3-501[6-226] of the Code of Ordinances.
  - (j) Outdoor retail sales pursuant to Section 4.45 of this ordinance.
  - (k) Health Club or Fitness Center, provided a health club or fitness center shall not be open business or provide activities, services or recreation to members, patrons or other invitees between 11 p.m. and 5 a.m.
  - (l) Personal Fitness Center or Gym, provided the personal fitness center or gym shall not be open for business or provide services or activities to members, patrons or other invitees, between 11 p.m. and 5 a.m.
  - (m) Indoor Recreational Center Indoor, provided that the indoor recreational center shall not be open for business or provide activities, services or recreation to patrons, members or other invitees between 11 p.m. and 5 a.m.

(Ord. No. 30-139, § 1, 8-25-64; Ord. No. 30-235, § 1, 2-14-67; Ord. No. 30-283, § 4, 6-25-68; Ord. No. 30-595, § 1, 7-24-79; Ord. No. 30-657, § 4, 4-12-83; Ord. No. 30-726, § 5, 9-23-86; Ord. No. 30-835, § 4, 2-22-84; Ord. No. 30-859, § 3, 3-26-96; Ord. No. 30-1005, § 2, 7-9-14; Ord. No. 30-1027, § 2, 5-9-2017)

### **Section 13.01A Approval of special land use permit.**

Under such conditions as the City Council, after hearing, finds the use not being injurious to the C-1 District and surrounding area and not contrary to the spirit and purpose of this Ordinance and subject to the conditions that may be imposed, the following uses may be permitted:

- (a) An establishment permitted in Section 13.01 above, that is granted a license by the State Liquor Control Commission as either a Class C licensed establishment or tavern.

(Ord. No. 30-659, § 3, 4-26-83)

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### **Section 13.02 Building height.**

No building hereafter erected or altered in a C-1 District shall exceed thirty-five (35) feet in height or two (2) stories, except as provided in Article XIX of this Ordinance.

### **Section 13.03 Greenbelt.**

All non-residential uses, when adjacent to an existing residence or residential district or adjacent to an alley which abuts an existing residence or residential district shall provide and maintain an eight (8) foot greenbelt or decorative wall in compliance with Section 2.26 of this Ordinance.

### **Section 13.04 Front yards for commercial buildings.**

A fifteen (15) foot front yard setback shall be provided by all commercial buildings in a C-1 District, measuring from the proposed right-of-way line established by the City's Master Thoroughfare Plan.

### **Section 13.05 Side yards on interior lot lines.**

In C-1 Districts side yards are not required along an interior side lot line where all walls of buildings abutting such interior side lot lines are wholly without windows or other openings, but if windows or openings are provided, a side yard of not less than ten (10) feet shall be provided.

### **Section 13.06 Side yards on the street side of corner lots.**

The width of a side yard abutting upon a street shall be not less than fifteen (15) feet when rear yards abut rear yards. However, in the case of a rear yard abutting a side yard of an adjacent residential lot, the side yard abutting upon a street shall be not less than twenty-five (25) feet.

### **Section 13.07 Rear yards.**

In C-1 Districts, a rear yard of not less than twenty (20) feet shall be required; where alleys exist the measurement of the rear yard may include one-half ( $\frac{1}{2}$ ) of the alley.

A rear yard shall not be required of all commercial lots having depths of one hundred (100) feet or less, if such lots are of record at the time of adoption of this Ordinance.

### **Section 13.08 Rear yard abutting a street.**

In C-1 Districts on any lot running through from street to street, a rear yard shall be provided on the rear street conforming to the requirements for front yards on that street.

### **Section 13.09 Corner clearance for business use.**

In C-1 Districts no business building or structure may be erected between the property lines of intersecting streets or highways and a line joining points on such lines fifteen (15) feet distant from their point of intersection, or in the case of a rounded corner, the point of intersection of their tangents.

All lots of record at the time of adoption of this Ordinance, having widths of forty (40) feet or less or depths of one hundred (100) feet or less shall set back six (6) feet.

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### **Section 13.10 Off-street parking facilities.**

Off-street parking facilities shall be provided as hereinbefore specified in Section 4.32 of this Ordinance.

### **Section 13.11 Signs.**

Business signs [are permitted], but only those relating to the use conducted in the building or in the immediate premises thereof, with two (2) square feet of sign area permitted for each front foot of the property, provided that no sign shall exceed twenty (20) square feet in area, and that no portion of any sign shall project more than fifteen (15) inches from any structure or building and if illuminated shall not be of the flashing or intermittent type or in any way create a traffic hazard.

(Ord. No. 30-726, § 6, 9-23-86)

## ***ARTICLE XIII-A. OFFICE DISTRICTS***

### **INTENT AND PURPOSE.**

This District is intended to accommodate those non-residential uses of an administrative or professional nature which are necessary to the normal conduct of a community's activities. It is specifically designed, however, to prohibit the introduction of commercial establishments of a retail nature or other activities which require the constant visits of the general public.

(Ord. No. 30-200, § 1, 2-8-66)

### **Section 13A.01 Use regulations, in O Districts.**

- (a) In all O Districts, no building or land, except as otherwise provided in this Ordinance, shall be erected or altered except for one (1) or more of the following uses:
1. All uses permitted in PB or R-1-P Districts, except residential dwellings.
  2. Offices in which the personnel will be employed for work in one (1) or more of the following fields; executive, administrative, legal, accounting, advertising, insurance, real estate, writing, clerical, stenographic and similar enterprises.
  3. Offices of physicians, dentists and other similar professional persons concerned with improving personal and community health.
  4. Offices of architects, land architects, engineers, urban planners, artists, and others employed in the graphic arts.
  5. Hospitals, except animal hospital and hospitals or sanitoriums, primarily established for mental, drug or liquor addict cases; sanitoriums, rest and convalescent homes and medical clinics except community mental health centers, clinics for treatment of alcoholism, drugs or other substance abuse, rehabilitation centers for treatment involving any of the above and/or former convicts, emotionally disturbed or mentally deficient persons, and children or adolescents who have been adjudged delinquent.
  6. Publicly owned buildings, and offices of public utility companies but not including storage yards, transformer stations, exchanges or substations.

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7. An accessory building and use customarily incident to a use authorized by this section. A pharmacy or apothecary shop, store limited to corrective garments, or bandages, optical company, may be permitted as accessory uses to an entire building; provided, it is within the building to which it is accessory and does not have a direct outside entrance for customers.
  8. Reserved.

(Ord. No. 30-200, § 1(13A.01), 2-8-66; Ord. No. 30-488, § 2, 7-22-75; Ord. No. 30-538, § 3, 6-14-77; Ord. No. 30-859, § 2, 3-26-96)

### **Section 13A.01A Uses permissible on special approval.**

Banks, savings and loans and other credit agencies as described in the Standard Industrial Classification Manual, published by the Office of Management and Budget shall be permitted upon approval of the planning commission after a public hearing has been held and it is found that the proposed use meets all requirements of the Zoning Ordinance, including the standards for approval set forth in Section 22.14 of the Ordinance, and the following standards.

- (A) Banks, savings and loans and other credit agencies shall have a minimum lot area of one (1) acre.
- (B) When a stack space lane for drive-thru windows or an ATM (automated teller machine) window is adjacent to an existing residence or residential district or adjacent to an alley which abuts an existing residence or residential district both an eight (8) foot greenbelt and a decorative wall shall be provided and maintained in compliance with Section 2.26 of this Ordinance. If, however, any portion of the stack space lane is within twenty-five (25) feet of an existing residence both a twenty (20) foot greenbelt and a decorative wall shall be provided and maintained in compliance with Section 2.26 of this Ordinance. In addition to the requirements of Section 2.26, the greenbelt shall consist of evergreen trees not less than eight (8) feet in height from grade to top on planting.
- (C) If ATM (automated teller machine) windows are proposed for use, lighting plans must be submitted and approved.
- (D) Devices for the transmission of, or projection of, voices or music shall be so directed or covered as to prevent said sounds or music from being audible beyond the boundaries of the site.

(Ord. No. 30-772, § 1, 5-23-89)

### **Section 13A.02 Criteria.**

- (a) In considering the designation of an O District, the Warren Planning Commission and City Council shall apply the following criteria:
  1. That these districts be located on major thoroughfares as identified by the City of Warren Master Thoroughfare Plan.
  2. That these districts be developed in conjunction with or adjacent to property zoned for commercial or industrial uses.
  3. That all vehicular access to and from the permitted uses shall be on a major thoroughfare.

(Ord. No. 30-200, § 1(13A.02), 2-8-66)

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### **Section 13A.03 Building height.**

- (a) No building hereafter erected or altered in an O District shall exceed thirty-five (35) feet in height or two (2) stories, except that if the height of any such building exceeds thirty-five (35) feet, then such building shall be set back from all lot lines not less than one (1) foot in addition to the required yard dimensions for each foot such building exceeds the height allowed.

(Ord. No. 30-200, § 1(13A.03), 2-8-66)

### **Section 13A.04 Greenbelt.**

- (a) All non-residential uses, when adjacent to an existing residence or residential district or adjacent to an alley which abuts an existing residence or residential district, shall provide, and maintain a twenty (20) foot greenbelt, or decorative wall in compliance with Section 2.26 of this Ordinance.

(Ord. No. 30-200, § 1(13A.04), 2-8-66)

### **Section 13A.05 Lot area and width.**

- (a) In O Districts, each lot shall have a lot area of not less than ten thousand (10,000) square feet, and a lot width of not less than eighty (80) feet.

(Ord. No. 30-200, § 1(13A.05), 2-8-66)

### **Section 13A.06 Lot coverage.**

- (a) In O Districts, every building shall cover not more than thirty (30) percent of the lot area.

(Ord. No. 30-200, § 1(13A.06), 2-8-66)

### **Section 13A.07 Front yards.**

- (a) In O Districts, every building shall have a front yard of not less than thirty (30) feet.

(Ord. No. 30-200, § 1(13A.07), 2-8-66)

### **Section 13A.08 Side yards on interior lot lines.**

- (a) In O Districts, every building shall have two (2) side yards, each having a width of not less than ten (10) feet.

(Ord. No. 30-200, § 1(13A.08), 2-8-66)

### **Section 13A.09 Side yards on the street side of corner lots.**

- (a) The width of a side yard abutting upon a street shall be not less than fifteen (15) feet when rear yards abut rear yards. However, in the case of a rear yard abutting a side yard of an adjacent residential lot, the side yard abutting upon a street shall be not less than twenty-five (25) feet.

(Ord. No. 30-200, § 1(13A.09), 2-8-66)

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**Section 13A.10 Rear yards.**

- (a) In O Districts, each lot shall have a rear yard of not less than forty-five (45) feet where such building does not exceed two (2) stories or thirty-five (35) feet in height. Where any such building exceeds two (2) stories or thirty-five (35) feet then such building shall set back in accordance with Section 13A.03 of this Ordinance.

(Ord. No. 30-200, § 1(13A.10), 2-8-66)

**Section 13A.11 Architectural plans.**

- (a) In O Districts, plans for buildings shall be subject to the approval of the Warren Planning Commission with respect to area and bulk regulations, all site and planting plans, and building elevations, prior to submitting plans to the Building Department for approval and issuance of a building permit.

(Ord. No. 30-200, § 1(13A.11), 2-8-66)

**Section 13A.12 Off-street parking requirements.**

- (a) Off-street parking facilities shall be provided as hereinbefore specified in Section 4.32 of this Ordinance.

(Ord. No. 30-200, § 1(13A.12), 2-8-66)

***ARTICLE XIII-B. SPECIAL SERVICE DISTRICTS***

**INTENT AND PURPOSE.**

This District is intended to accommodate those uses, which by their nature, require large tracts of property with certain traffic generation necessary to their use. It is also intended that the uses permitted are compatible with residential areas based on the size of the property and the access. It is specifically designed, however, to prohibit the introduction of commercial establishments of a retail nature.

(Ord. No. 30-335, § 1, 5-19-70)

**Section 13B.01 Use regulations in SS Districts:**

- (a) In all SS Districts, no buildings or land, except as otherwise provided in this Ordinance, shall be erected or altered except for one (1) or more of the following uses:
1. All uses permitted in R-1-A, R-1-B, R-1-C, R-1-P, R-3 and R-2 Districts, except residential dwellings. This clause is not intended to prohibit the director or his family, caretaker or attendants, from living in the main structure.
  2. Funeral homes, churches, hospitals and schools.
  3. An accessory building and use customarily incident to a use authorized by this section.
  4. Reserved.
  5. Hospitals or sanitoriums primarily established for mental, alcoholism, or drug addict cases; community mental health centers, clinics for treatment of alcoholism, drugs or other substance abuse; rehabilitation centers for treatment involving any of the above and/or former convicts, emotionally

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disturbed or mentally deficient persons, and children or adolescents who have been adjudged delinquent.

(Ord. No. 30-335, § 1(13B.01), 5-19-70; Ord. No. 30-538, § 4, 6-14-77; Ord. No. 30-859, § 2, 3-26-96)

### **Section 13B.02 Criteria.**

- (a) In considering the designation of an SS District, the Warren Planning Commission and City Council shall apply the following criteria:
1. That these districts be located on major thoroughfares as identified by the City of Warren Master Thoroughfare Plan.
  2. That the size of site be a minimum of one-half (½) acre.
  3. That the site be located no closer than 500 feet to a major intersection.
  4. That all vehicular access to and from the permitted uses shall be on a major thoroughfare or collector street.
  5. That a six foot wall be provided where the tract abuts a residential zone or use, or adjacent to an alley which abuts a residential zone or use.
  6. That the driveways onto the major thoroughfare from a funeral home site not conflict with any adjacent school driveways. A distance of three hundred (300) feet shall be maintained from a school driveway to a funeral home driveway.

(Ord. No. 30-335, § 1(13B.02), 5-19-70)

### **Section 13B.03 Building height.**

- (a) No building hereafter erected or altered in an SS District shall exceed thirty-five (35) feet in height or two (2) stories, except that if the height of any such building exceeds thirty-five (35) feet, then such building shall be set back from all lot lines not less than one (1) foot in addition to the required yard dimensions for each foot such building exceeds the height allowed.

(Ord. No. 30-335, § 1(13B.03), 5-19-70)

### **Section 13B.04 Yard area, width and depth.**

- (a) In SS Districts, each lot shall have a lot area of not less than one-half (½) acre and a lot width of not less than one hundred (100) feet and a lot depth of not less than two hundred (200) feet.

(Ord. No. 30-335, § 1(13B.04), 5-19-70)

### **Section 13B.05 Lot coverage.**

- (a) In SS Districts, the total coverage shall be no more than thirty (30) percent of the lot area.

(Ord. No. 30-335, § 1(13B.05), 5-19-70)



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### **Section 13B.06 Front yards.**

- (a) In SS Districts, every building shall have a front yard of not less than thirty (30) feet. If a circular drive is proposed in the front yard, a distance equal to the width of the drive shall be added to the front yard setback.

(Ord. No. 30-335, § 1(13B.06), 5-19-70)

### **Section 13B.07 Side yards on interior lot lines.**

- (a) In SS Districts, every building shall have two side yards, each of not less than twenty (20) feet.

(Ord. No. 30-335, § 1(13B.07), 5-19-70)

### **Section 13B.08 Side yards on the street side of corner lots.**

- (a) The width of a side yard abutting upon a street shall be not less than fifteen (15) feet when rear yards abut rear yards. However, in the case of a rear yard abutting a side yard of an adjacent residential lot, the side yard abutting upon a street shall be not less than twenty-five (25) feet.

(Ord. No. 30-335, § 1(13B.08), 5-19-70)

### **Section 13B.09 Rear yards.**

- (a) In SS Districts, each lot shall have a rear yard of not less than forty-five (45) feet where such building does not exceed two (2) stories or thirty-five (35) feet in height. Where any such building exceed [exceeds] two (2) stories or thirty-five (35) feet, then such building shall set back in accordance with Section 13B.03 of this Ordinance.

(Ord. No. 30-335, § 1(13B.09), 5-19-70)

### **Section 13B.10 Architectural plans.**

- (a) In SS Districts, plans for buildings shall be subject to the approval of the Warren Planning Commission with respect to area and bulk regulations, all site and planting plans, and building elevations, prior to submitting plans to the Building Department for approval and issuance of a building permit.

(Ord. No. 30-335, § 1(13B.10), 5-19-70)

### **Section 13B.11 Off-street parking requirements.**

- (a) Off-street parking facilities shall be provided as hereinbefore specified in Section 4.32 of this Ordinance.

(Ord. No. 30-335, § 1(13B.11), 5-19-70)

## ***ARTICLE XIV. C-2 GENERAL BUSINESS DISTRICT***

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## Section 14.01 Uses permitted.

In all C-2 Districts no building or land, except as otherwise provided in this Ordinance, shall be erected or used except for one (1) or more of the following specified uses:

- (a) All uses permitted in C-1 Districts, except dwellings for one-family, two-family and multiple-family in which the occupants primarily make their home twelve (12) months out of each year. This is not intended to exclude over-night, weekly or monthly transient living quarters.
- (b) Stores and shops for the conducting of a service or retail business, except that the storage of lumber and other building supplies or similar materials for retail sale shall be housed within a substantial building having four (4) side walls and roof, open storage of this or similar material, shall not be permitted.
- (c) Veterinary clinic and dog kennels, when all are enclosed within a building.
- (d) Any service establishment of an office-showroom workshop nature of an electrician, decorator, dressmaker, tailor, baker, printer, upholsterer or an establishment doing radio or home appliance repair, photographic reproduction, and similar service establishments that require a retail adjunct and in which establishments no more than five (5) persons shall be employed at one (1) time in the fabrication, repair, and other processing of goods.
- (e) Theaters, public assembly buildings, bowling alleys, catering establishments, parking lots, publicly owned buildings, conservatories, sales and show rooms, studios, mortuary establishments and tattoo parlors.
- (f) Private clubs and lodge halls licensed by the State of Michigan Liquor Control Commission to sell beer, wine and spirits.
- (g) Class C establishments as defined in Section 2.70 of this Ordinance, Taverns as defined in Section 2.71 of this Ordinance.
- (h) Public utility buildings, telephone exchange buildings, electric transformer stations and sub-stations, and gas regulator stations with service yards but without storage yards, water and sewerage pumping stations.
- (i) Business schools and colleges or private schools operated for profit.
- (j) Automobile repair shops, including body and fender business, provided that such uses are conducted entirely within an enclosed building, and provided further that such establishments are located at least two hundred (200) feet from any residential district or are operated on the premises of and in conjunction with an automobile dealership in a building with appropriate filtering system to prevent emission of paint odors and with a masonry wall facing any such residential district, which shall have sound retarding insulation, shall have no doors other than any door required by law as a fire exit, and shall have no windows but may have glass block areas to transmit light.
- (k) Drive-in restaurant, an establishment whose principal business is to serve food that may be consumed in the building on the premises, on the premises outside the building, or off the premises. Drive-in restaurants shall be permitted upon approval of the Planning Commission, after a public hearing has been held and it is found that the proposed drive-in restaurant meets all the requirements of the Zoning Ordinances and the following standards:
  - 1. Be so located and designed to eliminate undue congestion in the public streets: (a) be two hundred (200) feet from the intersection; and (b) be limited to two (2) curb cuts and if the property is less than one hundred fifty (150) feet wide, be limited to one (1) curb cut.

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2. Lighting shall be shielded from all adjacent properties and public streets.
  3. Any actual storage areas for refuse or any other uses shall be enclosed or screened from view of the public.
  4. Drive-in restaurant properties shall be completely enclosed with a chain-link fence with a height of four (4) feet; however, when abutting a residential property, a decorative masonry screening wall constructed to a height of six (6) feet shall be provided.
  5. The entire site, other than occupied by the building or structure, shall be landscaped or provided with a permanent durable, and dustless surface having an asphaltic or Portland cement binder, and shall be cleaned and trimmed to dispose of all surface water accumulated on the site.
  6. Devices for the transmission of, or projection of, voices or music shall be so directed or covered as to prevent said sounds or music from being audible beyond the boundaries of the site.
- (l) Public stables and riding academies when located adjacent to existing bridle trails or when bridle trails are constructed and maintained on the same property with the stable or riding academy.
- (m) Cleaning establishments when in compliance with fire regulations and all other city ordinances related thereto.
- (n) Any other use similar in character to the above uses, when it is not obnoxious or offensive to the locality by reason of the emission of odor, fumes, dust, smoke, waste, vibration or noise.
- (o) Accessory buildings and uses customarily incidental to any of the above permitted uses. A storage garage to be used exclusively for the storage of commercial and/or passenger vehicles used by a business or other permitted activity in C-2 Districts.
- (p) Auto wash uses as regulated in this section. Auto washes or motor vehicle laundries shall be divided into three (3) classifications:
1. *Coin-operated self-service.* A coin-operated self-service auto wash is defined as an auto wash where a person washes the auto himself after depositing a coin in a machine. A coin-operated self-service auto wash shall be allowed only in C-2, C- 3, M-1 and M-2 zones.
  2. *Automatic drive-through.* An automatic drive-through auto wash is defined as an auto wash where the person drives the auto through the system and machines wash the auto. An automatic drive-through auto wash shall be allowed only in C-2, C- 3, M-1 and M-2 zones.
  3. *Automatic conveyor.* An automatic conveyor is defined as an auto wash where the auto is attached to a conveyor to move the auto through the line as it is washed by machines and employees. An automatic conveyor auto wash shall be allowed only in C-3, M-1 and M-2 zones.
- A. *Site Design Requirements:*
1. *Lot Area:*
    - a. A coin-operated self-service auto wash shall have a minimum lot area of ten thousand (10,000) square feet with a minimum of one hundred (100) feet of frontage along one (1) major road.
    - b. An automatic drive-through auto wash shall have a minimum lot area of fifteen thousand (15,000) square feet with a minimum of one hundred twenty (120) feet of frontage along the major road.

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- c. An automatic conveyor auto wash shall have a minimum lot area of twenty thousand (20,000) square feet with a minimum of one hundred fifty (150) feet of frontage along the major road.
  2. *Front Yard Setback.* All auto washes shall have a minimum of thirty-five (35) feet front yard setback measuring from the proposed right-of-way line established by the City's Master Thoroughfare Plan to the front wall of the building. All other setback requirements provided in this Ordinance for the zoning district where a particular auto wash is located shall apply.
  3. *Protective Wall.* All auto washes shall have a six-foot high wall, constructed in compliance with the requirements set forth in section 2.26 for decorative masonry walls, when adjacent to an existing residence, a residential district or adjacent to an alley which abuts an existing residence or residential district.
  4. Parking shall be provided to accommodate required stack spaces, dry-off spaces and employee parking defined as follows:

*Stack space.* A stack space is defined as an area on site where the auto can wait before entering the auto wash. Each stack space shall consist of at least two hundred (200) square feet, with a length of twenty (20) feet and a width of ten (10) feet.

*Dry-off space.* A dry-off space is defined as an area on site where the automobile can be parked after leaving the wash area so that the auto can be dried off. Each dry-off space shall consist of at least two hundred (200) square feet, with a length of twenty (20) feet and a width of ten (10) feet.

*Employee parking space.* An employee parking space is an area where an employee may park his/her auto. Each employee parking space shall consist of two hundred (200) square feet, with a length of twenty (20) feet and a width of ten (10) feet.

- a. A coin-operated self-service auto wash shall have a minimum of four (4) stack spaces per bay not including the wash bay spaces; two (2) dry-off spaces per bay in addition to the wash bay space; and one (1) parking space per employee.
- b. An automatic drive-through auto wash shall have a minimum of ten (10) stack spaces per bay or one-half ( $\frac{1}{2}$ ) of the maximum total output per hour, whichever is greater; the minimum dry-off spaces equal to the number of spaces required for stack spaces; and one (1) employee parking space for every employee during one (1) shift, when the maximum employees are employed.
- c. An automatic conveyor auto wash shall have a minimum of twenty (20) stack spaces per bay or one half ( $\frac{1}{2}$ ) of the maximum total output of vehicles per hour; the minimum dry-off spaces equal to the number required for stack spaces; and one (1) employee parking space for every employee employed during one (1) shift when the maximum employees are employed. The above dry-off space requirements for an automatic drive-through and automatic conveyor auto wash may be reduced by the following formula:
  1. Providing one (1) mechanical drying device per bay reduces the dry-off space requirements by one-half ( $\frac{1}{2}$ ) of the required amount.

2. Providing two (2) mechanical drying devices per bay reduces the dry-off space requirements by one-fourth (¼) of the required amount.
3. Providing three (3) mechanical drying devices per bay reduces the dry-off space requirements by one-eighth (⅛) of the required amount.
4. Providing two (2) employees charged with the duty of drying automobiles may be substituted for one (1) drying device mentioned above.
5. A minimum of two (2) spaces per bay shall be required for dry-off.

5. *Lanes.*

- a. Stack space lanes shall be a minimum of ten (10) feet in width with pavement markings painted between lanes. The center line of the lane closest to the auto wash building must be set back a distance perpendicular to the building for the following turns in degrees from the lane to the bay entrance:

0° = 0'

From 0° - 45° = 15'

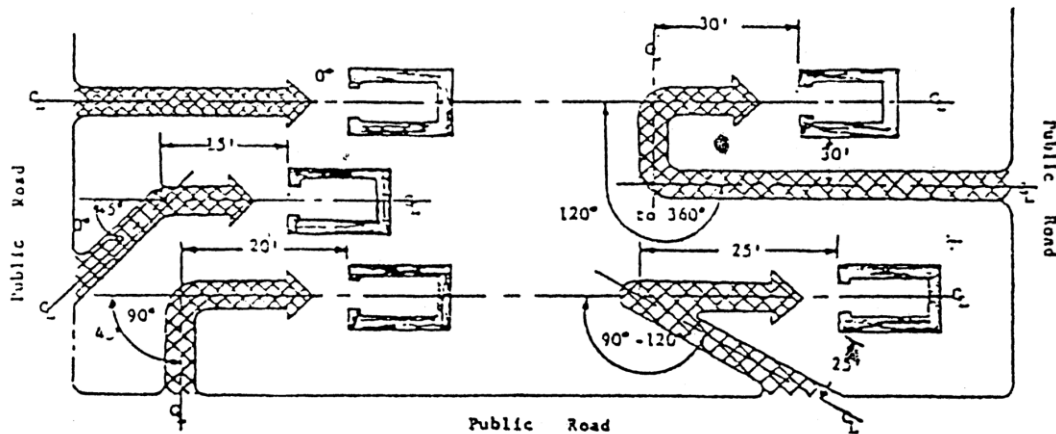
From and including 45° - 90° = 20'

From and including 90° - 120° = 25'

From and including 120° - 360° = 30'

- b. One (1) escape lane shall be provided to permit circulation through the site without going through the washing process.
- c. Access shall be provided to the escape lane and the dry-off area from the building exits for each auto wash.

**Public Road**



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6. *Lighting.* All parking and building mounted lighting installed shall be full cut-off fixtures. All lighting on site shall be shielded and not encroach upon abutting uses and properties. All glare shall be eliminated from all light fixtures. Upward directed lighting is prohibited. Light fixtures shall not exceed twenty (20) feet in height. The site plan shall include full lighting details for the entire site. All other premises lighting proposed shall conform to Edison's Site Lighting Regulations.
  7. *Drainage.* Catch basins shall be provided at all exits as approved by the engineering division.
  8. *Building Operations.* All operations shall be conducted within the buildings except for vacuuming and the dispensing of gasoline.
  9. *Site Plan Review.*
    - a. All site plans for an auto wash use shall be reviewed and recommendations made to the Planning Commission by the Traffic Division of the Police Department, the Engineering Division and the Public Services Department to ensure the site design will not result in vehicles backing up into the public right-of-way.
    - b. No building permit for an auto wash shall be issued until the Planning Commission has approved a detailed site plan for the auto wash property.

(q) Outdoor retail sales pursuant to Section 4.45 of this ordinance.

(r) Pawnshops shall be permitted if the following locational criteria are complied with:

1. The site for a pawnshop shall be located more than one thousand (1000) feet from the nearest lot line of any of following zoning districts: R-1-A, R-1-B, R-1-C, R-1-P, R- 2, R-3, R-3-A, R-4 or R-5 and any mixed residential zone such as a Planned Unit Development or the Downtown Center; and
2. To be consistent with the objectives and stated purpose of the Downtown Development Authority Ordinance, Section 2-108 et seq., and the Tax Increment Financing Authority mission statement, pawnbroker businesses as defined in Chapter 6 of the Code of Ordinances shall be prohibited from locating within the Downtown District boundaries as described in Chapter 2 of the Code of Ordinances and from the Van Dyke TIFA Authority District as described in Exhibit A of the Resolution Establishing Tax Increment Finance Authority adopted September 23, 1986.
3. The site must be located more than one thousand (1,000) feet from the nearest lot line of any of the following land uses within the City of Warren:
  - i. Any public or private preschool, elementary school, middle school, junior high school, or high school;
  - ii. Any public or private child day care facility licensed by the State of Michigan;
  - iii. Any public library;
  - iv. Any church, synagogue, mosque, temple or building which is used primarily for religious worship, provided that buildings containing food banks, homeless shelters, emergency shelters, and similar uses shall not be considered a "church, synagogue, mosque, temple or

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building which is used primarily for religious worship" notwithstanding the fact that worship services may also occur on the property;

- v. Any public park or public recreational area under the control, operation, or management of the department of parks and recreation of the city or any other federal, state, or local municipality, which has been designated for park or recreational activities, including recreation centers, parks, playgrounds, nature trails, swimming pools, athletic fields, basketball or tennis courts, pedestrian/bicycle paths, or wilderness areas.
- 4. The pawnbroker business must be located more than one thousand (1,000) feet from the nearest structure used for a pawnshop or other secondhand goods business.
  - 5. Measurement. For Section 14.01(r)(1) and 14.01(r)(3) measurement shall be made in a straight line from the nearest point on the lot line of the premises containing the principal structure used for the pawnbroker business to the nearest point specified in Section 14.01(r)(1) and 14.01(r)(3). For Section 14.01(r)(4), measurement shall be made in a straight line between the nearest points of the structures used for pawnbroker businesses. Presence of intervening structures or objects shall be irrelevant for purposes of calculating and applying the distance requirements of this section.
  - 6. Nonconforming uses. Any pawnbroker business lawfully operating on the date this section takes effect that is in violation of 14.01(r), "locational criteria", shall be deemed a nonconforming use.
    - a. The nonconforming use shall be permitted to continue as provided in Section 4.17 of this ordinance.
- (s) Sexually oriented business as regulated in this subsection.
- 1. Sexually oriented business includes an adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theatre, semi-nude model studio, sexual device shop, or sexual encounter center as defined in Chapter 6 of the Warren Code of Ordinances.
  - 2. To be consistent with the objectives and stated purpose of the Downtown Development Authority Ordinance, Section 2-108 et seq., and the Tax Increment Financing Authority mission statement, sexually oriented businesses as defined in Chapter 6 of the Code of Ordinances shall be prohibited from locating within the Downtown District boundaries as described in Chapter 2 of the Code of Ordinances and from the Van Dyke TIFA Authority District as described in Exhibit A of the Resolution Establishing Tax Increment Finance Authority adopted September 23, 1986.
  - 3. Location criteria for sexually oriented businesses. Any sexually oriented business shall be permitted if all of the following location criteria are met:
    - a. The site for the sexually oriented business must be located more than seven hundred fifty (750) feet from the nearest lot line of any of the following zoning districts within the City of Warren: R-1-A, R-1-B, R-1-C, R-1-P, R-2, R-3, R-3-A, R-4, R-5, any mixed residential zone such as Planned Unit Development or the Downtown District.
    - b. The site for the sexually oriented business must be located more than one thousand (1,000) feet from the nearest lot line of any of the following land uses within the City of Warren:
      - i. Any public or private preschool, elementary school, middle school, junior high school, or high school;
      - ii. Any public or private child day care facility licensed by the State of Michigan;
      - iii. Any public library;

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- iv. Any church, synagogue, mosque, temple or building which is used primarily for religious worship, provided that buildings containing food banks, homeless shelters, emergency shelters, and similar uses shall not be considered a "church, synagogue, mosque, temple or building which is used primarily for religious worship" notwithstanding the fact that worship services may also occur on the property;
  - v. Any public park or public recreational area under the control, operation, or management of the department of parks and recreations of the city or any other federal, state, or local municipality, which has been designated for park or recreational activities, including recreation centers, parks, playgrounds, nature trails, swimming pools, athletic fields, basketball or tennis courts, pedestrian/bicycle paths, or wilderness areas.
- c. The sexually oriented business structure must be located more than one thousand (1,000) feet from the nearest structure used for a sexually oriented business.
  - d. Measurement: For subsections "a" and "b," measurement shall be made in a straight line from the nearest point on the lot line of the premises containing the principal structure used for the sexually oriented business to the nearest point specified in subsection "a" or "b." For subsection "c," measurement shall be made in a straight line between the nearest points of the structures used for sexually oriented businesses. Presence of intervening structures or objects shall be irrelevant for purposes of calculating and applying the distance requirements of this section.
4. Nonconforming uses. Any sexually oriented business lawfully operating on the date this section takes effect that is in violation of section 3, "locational criteria", shall be deemed a nonconforming use.
- a. The nonconforming use shall be permitted to continue as provided in Section 4.17 of this ordinance.
  - b. If two (2) or more sexually oriented businesses are within one thousand (1,000) feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later established business(es) is/are nonconforming.
  - c. A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the subsequent location of a use listed in subsection 14.01(s)(3)(a) or 14.01(s)(3)(b) of this chapter within one thousand (1,000) feet of the sexually oriented business.
- (t) Book or stationery store.
  - (u) Outdoor Recreational Center provided the outdoor recreation center shall not be open for business or provide activities, services or recreation to members, patrons or other invitees between the hours of 11 p.m. and 5 a.m.
  - (v) Arena Recreational Center.
  - (w) Massage establishments, as defined in Chapter 19 of the City of Warren Code of Ordinances.

(Ord. No. 30-182, § 1, 8-31-65; Ord. No. 30-283, § 2, 6-25-68; Ord. No. 30-284, § 1, 6-25-68; Ord. No. 30-285, § 1, 7-2-68; Ord. No. 30-462, § 3, 7-9-74; Ord. No. 30-488, § 1, 7-22-75; Ord. No. 30-657, § 5, 4-12-83; Ord. No. 30-659, §§ 4, 5, 7-24-84; Ord. No. 30-726, §§ 7, 8, 9-23-86; Ord. No. 30-805, § 3, 12-26-91; Ord. No. 30-835, § 5, 2-22-94; Ord. No. 30-859, § 4, 3-26-96; Ord. No. 30-879, §§ 1, 2, 8-12-97; Ord. No. 30-900, §§ 1, 2, 10-13-98; Ord. No. 30-943, §



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2, 2-24-04; Ord. No. 30-961, § 1, 10-11-05; Ord. No. 30-964, § 1, 3-28-06; Ord. No. 30-1002, § 3, 10-22-13; Ord. No. 30-1026, § 1, 1-10-17; Ord. No. 30-1027, § 3, 5-9-2017; Ord. No. 30-1071, § 8, 2-8-22)

## **Section 14.02 Approval of special land use permit.**

Under such conditions as the City Council, after recommendation of the planning commission, finds the use meets the standards for approval set forth in Section 22.14 of the Ordinance and subject to the conditions that may be imposed, the following uses may be permitted:

- A. Recreational businesses, indoor or outdoor, including but not limited to, the following:
  - (1) Health Clubs, Fitness Centers, Martial arts or Yoga Studios that provide either 1) on-site indoor or outdoor spectator, organized sport matches or contests, other than group sports intended as exercise only, and which do not have sufficient on-site parking space to accommodate the spectators, participants or other invitees; 2) indoor or outdoor activities, services, or recreation to patrons, members, or other invitees between the hours of 11 p.m. and 5 a.m.,
  - (2) Turkish baths, bath houses, saunas, or businesses providing whirlpool baths, or mineral baths as a primary use,
  - (3) Outdoor Recreational Centers,
  - (4) Indoor Recreational Centers that are open for business or offer activities, services, or recreation to members, patrons or invitees between the hours of 11 p.m. and 5 a.m.,
  - (5) Arena Recreational Centers,
  - (6) Amusement machine center as defined in Section 6-226 of the Code of Ordinances, provided that an amusement machine center may not be located closer than 1500 feet from any public or private school,
  - (7) Dancing halls, recreation halls, and night clubs,
- B. *Hospitals or sanatoriums* primarily established for mental, alcoholism, or drug addict cases; community mental health centers, clinics for treatment of alcoholism, drugs or other substance abuse, rehabilitation centers for treatment, involving any of the above and/or former convicts, emotionally disturbed or mentally deficient persons, and children or adolescents who have been adjudged delinquent. The above uses shall be permitted only as part of a shopping center as defined in Section 2.67 of this ordinance. Said shopping center shall contain a minimum of five (5) acres of land area and twenty thousand (20,000) square feet of total floor area.
- C. *Antennas and antenna towers*. Any request for special land use approval for an antenna or antenna tower in a C-1, C-2, C-3 or SS district must comply with all the standards set forth in section 4.64 for site plan approval and for special land use approval set forth in section 22.14.
- D. *Motels, hotels, and motor courts*. In addition to the standards for approval of a special land use approval, set forth in section 22.14, the following minimum requirements shall be met:
  - 1. Each such use shall be located on a major thoroughfare as identified by the City of Warren Master Thoroughfare Plan. This requirement may not apply in the city center district at the discretion of the city council.
  - 2. Each such use shall be located a minimum distance of three hundred (300) feet from any one-family residential district, except an R-1-P one-family parking district.
  - 3. Each such use shall have a minimum total site area of two (2) acres.

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4. Each such use shall have a minimum lot area of seventy-two hundred (7,200) square feet for the first unit and one thousand (1,000) square feet for each additional unit.
  5. Each such use shall have a front, two (2) sides and one (1) rear yard, each yard having a minimum width equal to the height of the building. Furthermore, each yard bordering along any street shall be not less than twenty-five (25) feet.
  6. Each unit shall have at least one (1) room with a minimum of one hundred and fifty (150) square feet of floor area and a separate bathroom with a minimum of thirty-five (35) square feet of floor area.
  7. These minimum requirements may be varied at the discretion of the city council if any such use is part of larger development, which incorporates other uses in a coordinated, comprehensive site plan.
- E. *Pawnbrokers.*
- F. *Automotive sales businesses, both indoor and outdoor, and which shall include:*
- (a) Used car lots;
  - (b) New car dealerships; and
  - (c) Retail or service establishments that include on their premises the storage, sale or display of new or used cars for sale.

(Ord. No. 30-462, § 4, 7-9-74; Ord. No. 30-538, § 5, 6-14-77; Ord. No. 30-545, § 1, 9-27-77; Ord. No. 30-559, § 1, 5-9-78; Ord. No. 30-566, § 1, 8-22-78; Ord. No. 30-573, § 1, 12-27-78; Ord. No. 30-657, §§ 6, 7, 4-12-83; Ord. No. 30-726, §§ 9, 10, 9-23-86; Ord. No. 30-835, § 6, 2-22-94; Ord. No. 30-857, § 3, 1-9-96; Ord. No. 30-879, § 3, 8-12-97; Ord. No. 30-881, § 3, 10-28-97; Ord. No. 30-900, § 3, 10-13-98; Ord. No. 30-1001, § 2, 8-27-13; Ord. No. 30-1005, § 3, 7-9-14; Ord. No. 30-1026, § 2, 1-10-17; Ord. No. 30-1027, § 4, 5-9-2017)

### **Section 14.03 Building height.**

No building hereafter erected or altered in C-2 Districts, shall exceed thirty-five (35) feet or two (2) stories in height, except as provided in Article XIX of this Ordinance.

### **Section 14.04 Greenbelt.**

All non-residential uses, when adjacent to an existing residence or residential district or adjacent to an alley which abuts an existing residence or residential district, shall provide and maintain a twenty (20) foot greenbelt, or decorative wall, in compliance with Section 2.26 of this Ordinance.

### **Section 14.05 Lot area.**

Every lot in C-2 Districts, used as a business, shall have an area sufficient in size to supply an adequate and safe water supply and a safe and adequate sewage disposal system as established by standards required by the State or County Health Departments' rules and regulations. In no case shall a business lot be less than ten thousand (10,000) square feet in area, except lots of record at the time of adoption of this Ordinance.

### **Section 14.06 Front yard for commercial buildings.**

A front yard set-back of fifteen (15) feet shall be provided for commercial buildings, measuring from the right-of-way line proposed by the Master Thoroughfare Plan of the City of Warren.

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### **Section 14.07 Side yards on interior lot lines.**

Side yards are not required along an interior side lot line where all walls of buildings abutting upon such interior side lot line are wholly without windows.

If windows or opening are provided, a side yard of not less than ten (10) feet shall be provided.

### **Section 14.08 Side yards on the street side of corner lots.**

The width of a side yard abutting upon a street shall be not less than fifteen (15) feet when rear yards abut rear yards. However, in the case of a rear yard abutting a side yard of an adjacent residential lot, the side yard abutting upon a street shall be not less than twenty-five (25) feet.

### **Section 14.09 Rear yards.**

In C-2 Districts, a rear yard of not less than twenty (20) feet shall be required; where alleys exist, the measurement of the rear yard may include one-half ( $\frac{1}{2}$ ) the width of the alley.

### **Section 14.10 Corner clearance for business use.**

In C-2 Districts no business building or structure shall be erected between the property lines of intersecting streets or highways, and a line joining points on such lines fifteen (15) feet distant from their point of intersection, or in the case of a rounded corner the point of intersection of their tangents.

All lots of record at the time of adoption of this Ordinance having widths of forty (40) feet or less, or depths of one hundred (100) feet or less shall set back six (6) feet, as measured in this section.

### **Section 14.11 Off-street parking facilities.**

Off-street parking facilities shall be provided as hereinbefore specified in Section 4.32 of this Ordinance.

## ***ARTICLE XV. C-3 WHOLESALE AND INTENSIVE BUSINESS DISTRICTS***

### **Section 15.01 Uses permitted.**

In all C-3 Districts no building or land, except as otherwise provided in this Ordinance, shall be erected or used except for one (1) or more of the following specified uses:

- (a) All uses permitted in a C-2 District.
- (b) Any wholesale business including warehouse and storage buildings, lumber yards, building material yards, dealing in unused-material, laundry and dry cleaning establishments, but not including junk yards or used auto parts or auto wrecking establishments or business handling wastes, coal yards, junk, the incubation, raising or storing of poultry, the slaughtering of animals, poultry and those businesses which are offensive by reason of odor, dust, smoke, gas, vapor, noise or vibration.
- (c) Buildings and uses customarily accessory to any of the above permitted uses, but which will not be detrimental either by reason of dust, odor, noise, smoke or vibration to the surrounding neighborhood.
- (d) Outdoor or Drive—In Theaters on approval of the Board of Appeals after recommendation by Planning Commission, provided they comply with the following requirements:

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*Picture Screens*—Screens shall not be permitted to face the highway and shall be so located as to be out of view of any thoroughfare, identified as such in the Master Thoroughfare Plan of Warren.

*Design of Entrances and Exits:*

1. Not more than one entrance should exist for each access road.
2. On two lane roads where left turns are permitted, the entrance should not exceed forty (40) feet in width.
3. On three or more lane highways where left turns are prohibited, the entrance lane should not exceed fourteen (14) feet in width.
4. On three or more lane highways where left turns are permitted, the entrance should not be over nineteen (19) feet wide.
5. Entry turn speeds of twenty (20) miles per hour or a thirty (30) foot corner radius should be provided for right turn movements.
6. Entry turn speeds of ten (10) miles per hour or a ten (10) foot corner radius should be provided for left turn movements.
7. Separated entries should be provided for right and left turns where arrival volume is nearly equally divided by direction.
8. Not more than one (1) exit should exist for each access highway.
9. Where left turns are prohibited, the exit should not be more than fourteen (14) feet wide.
10. Where left turns are permitted, the exit should not be more than nineteen (19) feet wide with a small island in the throat.
11. Acceleration and deceleration lanes should be used if possible.
12. Cuts should not be made in the medial island on multi-lane highways to permit left turn movements.
13. Where breaks in the island are provided, they should include provision for special left turn deceleration and acceleration lanes.

*Vehicle Storage*—Problems of storage between the ticket gates and the highways are primarily a function of the number of ticket gates. Assuming that the theater operates at capacity, provision should be made for:

1 ticket gate:	300 car capacity theaters
2 ticket gates:	600 car capacity theaters
3 ticket gates:	800 car capacity theaters
4 ticket gates:	1000 car capacity theaters

*Traffic Control:*

1. Left turns at entrances or exits should be prohibited on the highway where possible.
2. Theater signs should be placed within the building setback area from the highway right-of-way, as existing or proposed.
3. "No Parking" signs should be used to prevent stopping or standing of vehicles on the shoulders or pavement.

*Minimum Area Requirement; Relationship to Surrounding Area:*

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1. The lot or tract of land on which a drive-in theater is to be located should be at least four hundred (400) feet wide and six hundred (600) feet deep or two hundred thousand (200,000) square feet in area.
  2. The lot or tract on which a drive-in theater is located must be at least one thousand (1,000) feet from any residential district.
- (e) Used Car Lots, operating as second hand motor vehicle dealers, provided they comply with the following requirements:
1. *Minimum lot area.* The minimum lot area for a used car lot shall be 25,000 square feet.
  2. *Location criteria.* The site must be located more than 700 feet from the property line of any other site with an existing used car lot or the site of a proposed used car lot subject to review for approval. The site must be located more than 200 feet from the property line of a site being used for the following purposes: automobile repair shop, automotive service business, tire service business, new car dealership or new automotive retail business, auto wash or vehicle laundry, or automobile storage. In addition, the site must be located more than 200 feet from the nearest lot line of property used as or zoned as: R-1-A, R-1-B, R-1-C, R-1-P, R-2, R-3, R-3A, R-4, R-5, a Planned Unit Development, and the Downtown Center.
  3. *Permanent structure.* A permanent structure containing not less than two hundred (200) square feet of interior floor space to be used as business or sales office.
  4. *Vehicle preparation.* Cleaning and refurbishing of vehicles shall be permitted only within an enclosed permanent building.
  5. *Noise limitations.* Any use of horns, amplifiers or any other devices for the outdoor transmission, amplification or broadcasting of voices or music shall be prohibited. All other ordinances restricting noise and loud music shall apply.
  6. *Festoon signs.* Festoon signs are prohibited.
  7. Flashing lights are prohibited.
  8. Temporary signs shall be prohibited from the site, but may be allowed with an approved permit twice annually, unless prohibited in this section.
  9. *Temporary feather or windblown signs.* Outdoor temporary feather signs or windblown signs or streamers are prohibited from the outdoor areas of the property, including without limitation, from display, attachment or affixture upon parked or display outdoor vehicles, outdoor structures, buildings pedestals or any other outdoor item upon which they may be affixed. National flags affixed upon a permanent post are excluded.
  10. *Human signs.* Live dancing or jumping signs, or human-carried signs or human-carried boards are prohibited.
  11. *Used car display area.* The display area shall conform to the following requirements:
    - a. There shall be provided a minimum of eight (8) feet by seventeen (17) feet of storage/display space for each used car to be displayed.
    - b. Access to each individual used car shall be provided. Used cars shall not be positioned in a stacked or packed formation.
    - c. There shall be no storage or display of used cars in the public right-of-way.
    - d. Used cars shall be prohibited from parking within any maneuvering lane or driveway.
    - e. Outdoor storage of inoperable, wrecked, or stripped vehicles shall be prohibited from the site.

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- f. The setback areas along street frontages shall not be used for the parking or for the storage/display of used cars.
12. *Off-street parking required.* Separate off-street parking shall be provided in compliance with the regulations contained in section 4.32 and the following provision:
- The minimum number of parking spaces to be provided shall be calculated based on the formula of five (5) spaces plus one (1) space per each fifteen (15) used car storage/display spaces.
13. *Site design requirements.* The site plan shall comply with the following site design requirements:
- a. The site shall be hard-surfaced, graded and drained in accordance with the regulations of section 4.32 (k). Concrete curbing shall be provided along the perimeter of the parking area.
  - b. Maneuvering lanes for the storage/display area shall be a minimum of twenty (20) feet in width.
  - c. Two driveways, one for ingress and one for egress, or one driveway adequate to permit simultaneous ingress and egress shall be provided. The driveway shall be a minimum of twenty-six (26) feet in width as measured at the property line. The center of the driveway shall be located a minimum of seventy (70) feet from the intersection of any two roadway right-of-way lines.
  - d. The setback areas along street frontages shall be landscaped.
  - e. Overhead service doors shall not face or open toward residentially zoned property.
  - f. An eight (8) foot wide landscaped greenbelt complying with section 2.26 of this Ordinance or a six (6) foot high brick embossed poured concrete wall shall be provided along any residentially zoned property. A decorative or ornamental fence, in a split rail, picket, basket weave or similar style, constructed of wood, metal or iron, but without sharp points protruding upward, shall be provided along the setback line of the front. Chain link fences are not allowed.
  - g. All lighting on the site shall be shielded. All glare shall be eliminated from all light fixtures and not encroach upon abutting properties. Lighting shall otherwise not direct illumination upon abutting properties, or emit illumination upon abutting properties in a manner that or of such magnitude that encroaches upon their peace. The light poles shall be no higher than twenty (20) feet. Upward directed lighting, searchlights, moving beams, and spotlights shall not be permitted.
  - h. Approval of a special land use permit from the City Council, after application to and recommendation of the Planning Commission, and under such conditions as the Council finds the use meets the standards for approval set forth in Section 22.14 of the Ordinance. A special land use permit is required for the expansion of an existing used car lot.
  - i. Compliance with the procedures and conditions set forth in section 22.14, and full compliance with any conditions established by the Planning Commission and/or City Council.
- (f) Outdoor retail sales pursuant to Section 4.45 of this ordinance.
- (g) Marihuana Provisioning Center Facilities, Marihuana Retail Establishments, Marihuana Consumption Establishments, and Safety Compliance Establishments/Facilities.

(Ord. No. 30-835, § 7, 2-22-84; Ord. No. 30-984, § 1, 8-12-08; Ord. No. 30-1001, § 1, 8-27-13; Ord. No. 30-1064, § 4, 4-27-21)

## **Section 15.02 Building height.**

No building hereafter erected or altered in a C-3 District shall exceed thirty-five (35) feet or two (2) stories, except as provided in Article XIX of this Ordinance.

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### **Section 15.03 Greenbelt.**

All non-residential uses, when adjacent to an existing residence or residential district or adjacent to an alley which abuts an existing residence or residential district, shall provide and maintain a twenty (20) foot greenbelt or decorative wall, in compliance with Section 2.26 of this Ordinance.

### **Section 15.04 Lot area.**

Every lot in C-3 Districts, used as a business shall have an area sufficient in size to supply an adequate and safe water supply and a safe and adequate sewage disposal system as established by standards required by the State or County Health Departments' rules and regulations. In no case shall a business lot be less than ten thousand (10,000) square feet in area, except lots of record at the time of adoption of this Ordinance.

### **Section 15.05 Front yard for commercial buildings.**

A front yard setback of fifteen (15) feet shall be provided for commercial buildings, measuring from the right-of-way line proposed by the Master Thoroughfare Plan of the City of Warren.

### **Section 15.06 Side yards on interior lot lines.**

Side yards are not required along an interior side lot line where all walls of buildings, abutting upon such interior side lot line are wholly without windows. If windows or openings are provided, a side yard of not less than ten (10) feet shall be provided.

### **Section 15.07 Side yards on the street side of corner lots.**

The width of a side yard abutting upon a street shall be not less than fifteen (15) feet when rear yards abut rear yards. However, in the case of a rear yard abutting a side yard of an adjacent residential lot, the side yard abutting upon a street shall be not less than twenty-five (25) feet.

### **Section 15.08 Rear yards.**

In C-3 Districts a rear yard of not less than twenty (20) feet shall be required; where alleys exist, the measurement of the rear yard may include one-half ( $\frac{1}{2}$ ) the width of the alley.

### **Section 15.09 Corner clearance for business use.**

In C-3 Districts no business building or structure shall be erected between the property lines of intersecting streets or highways and a line joining points on such lines fifteen (15) feet distant from their point of intersection, or in the case of a rounded corner the point of intersection of their tangents.

In the case of lots of record at the time of adoption of this Ordinance having widths of forty (40) feet or less and depths of one hundred (100) feet or less, a building or structure may be erected between the property lines of intersecting streets or highways, and a line joining points on such line six (6) feet distant from their point of intersection, or in the case of a rounded corner, the point of intersection of their tangents.

### **Section 15.10 Off-street parking facilities.**

Off-street parking facilities shall be provided as hereinbefore specified in Section 4.32 of this Ordinance.

## **ARTICLE XVI. P PARKING DISTRICTS**

### **Section 16.01 Uses permitted.**

In all P Districts, no land shall be used and no building shall be hereafter erected, converted, or structurally altered, unless otherwise provided for in this Article, for any use other than automobile parking.

### **Section 16.02 Limitation of the use.**

- (a) Parking areas shall be used for parking of private passenger vehicles only.
- (b) Parking may be with or without charge. All parking lots and garages which operate with charge, shall comply with the City of Warren Ordinance No. 49 [Code of Ordinances, Chapter 37, Article IV].
- (c) No business involving the sale of, repair, or services to vehicles permitted thereon, provided, however, that where such premises adjoin premises zoned and used for an automobile dealership they may be used in conjunction therewith for the parking of passenger vehicles held in inventory.
- (d) No buildings other than those for shelter of attendants shall be erected upon premises, and there shall be not more than two (2) such buildings in the area and each such building shall not be more than fifty (50) square feet in area nor shall each exceed fifteen (15) feet in height.
- (e) No sign shall be erected upon such parking areas, except not more than one (1) sign at each entrance to indicate the operator, the purpose for which it is operated and/or the parking rates. All signs shall not exceed fifteen (15) square feet in area, shall not extend more than ten (10) feet in height above nearest curb elevation and shall be located entirely upon the premises, with no part of such sign extending beyond the property line.

(Ord. No. 30-272, § 1, 2-27-68)

### **Section 16.03 Location.**

All P Districts shall be contiguous to a Business District and/or industrial District and in all cases lots which are used for parking, shall be the adjacent successive lots from the business or industrial block, or the adjacent successive lots from either end of a block where lots front on a street parallel to and at the rear of a business or industrial block; and before any lots may be used across the street, all lots in back of and next to the business or industrial block must first be utilized for parking purposes; provided, however, that there may be a private driveway or public street or public alley between such P District and such Business and/or industrial block.

### **Section 16.04 Ingress and egress.**

Adequate ingress and egress shall be provided in accordance with the plan which shall be submitted in duplicate to the Traffic Engineer for approval.



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### **Section 16.05 Surfacing and drainage.**

All off-street parking area in P Districts shall be hard surfaced with concrete or plant-mixed bituminous material (base may be stabilized gravel or equivalent), said lot shall be maintained in a usable dust-proof condition; and shall be graded and drained to dispose of all surface water.

### **Section 16.06 Protective barrier.**

- (a) When such parking area boundary adjoins property zoned for any residential use, an eight (8) foot wide greenbelt shall be provided and further, provided that a bumper rail of either wood, metal or concrete shall be established on the inside of the boundary planting as a barrier which shall not be more than twenty-four (24) inches in height.
- (b) All street boundaries of such parking areas shall be provided with a fifteen (15) foot wide greenbelt which shall be used for ornamental purposes only, and nothing shall be placed thereon except trees, shrubs, plants, and grass; and provided such greenbelt material shall not exceed two (2) feet in height.

### **Section 16.07 Curb.**

Necessary curbs, or other protection against damage to adjoining properties, streets, sidewalks and greenbelts shall be provided and maintained. Further, if a wall is required in accordance with Section 2.26(c) of this ordinance, all parking spaces adjoining said wall shall be provided with continuous curbs constructed of concrete measuring six (6) inches in height and eight (8) inches in depth. The area from the property line to the vertical edge of the exposed curb shall be a minimum of five (5) feet and shall be filled and hardsurfaced to permit drainage toward the owner's property.

(Ord. No. 30-489, § 3, 7-22-75; Ord. No. 30-627, § 2, 11-12-80)

### **Section 16.08 Lighting.**

Adequate lighting facilities shall be provided and so arranged as to reflect light away from any residential use adjacent to the area. When any such property is emptied of vehicles and so closed that no vehicles may enter, then no lighting need be maintained.

### **Section 16.09 Approval.**

Plans for the development of any such parking area shall be approved by the Planning Commission and a Building Permit shall be obtained from the Building Department before construction is commenced. No such land shall be used for parking purposes until approved by the Building Inspector and a certificate of occupancy is issued.

## ***ARTICLE XVII. INDUSTRIAL DISTRICTS***

### **Section 17.01 Industrial classification.**

Industry shall be classified as M-1, M-2, M-3 and M-4.

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**Section 17.02 Industrial standards.**

All uses not herein expressly prohibited shall comply with the following table of standards.

	M-1	M-2	M-3	M-4
(a) Front Yards	8 ft.	25 ft.	150 ft.	200 ft.
	1. All building lines and front yards shall be established no closer to the street than the future street line as established by the Master Thoroughfare Plan of the City of Warren.			
	2. In an M-2 zone where a front yard has been established by the majority of the existing buildings in a block, all buildings hereinafter erected or altered shall conform to the building line thus established, provided no building in an M-2 zone shall be required to set back further than 50 feet. Provided, further, however, notwithstanding any provisions to the contrary, in M-2 zones, yards fronting on a major thoroughfare as defined by the Master Thoroughfare Plan for the City of Warren or front yards facing a residential district shall be fifty (50) feet.			
	3. In M-3 and M-4 zones, front yards may be utilized for parking or vehicles provided that the front fifty (50) feet of a lot or tract in an M-3 district and the front seventy-five (75) feet of a lot or tract in an M-4 district shall be landscaped and the balance shall be depressed at least two (2) feet so as to have all parked vehicles therein, completely out of sight or view of the roadway.			
(b) Side Yards, and rear yards.	None Twenty-five (25) foot side yard on a side street where rear yard abuts side yard of a lot containing a residence or in a residential district.	20' each	60' each	100' each
(c) Greenbelt	None, except when a side or rear yard abuts a zoning district other than industrial then eight (8) feet wide as per Section 2.26.	Along all zoning district boundary lines which border on a more restrictive zoning district. Along all street property lines but may be omitted along the front yard when the front yard is landscaped.		
		8' wide as per [Section 2.26]	20' wide as per Section 2.26	20' wide as per Section 2.26
(d) Height of buildings See Article XIX for Height Exceptions	2 stories 30 feet	2 stories 30 feet	2 stories 40 feet	2 stories 40 feet
			(See Height Exceptions)	
(e) Dwelling	No	No	No	No
(f) Commercial Business	Yes	Yes	No	No

	Commercial Business as regulated in this Ordinance		(Except body and fender shops, outdoor theaters, antenna towers and those uses incidental to the principal uses thereof)	
(g) Automatic Screw Machines	Yes	Yes	Yes	Yes
	When operated with noise silencers or by other sound absorbing devices and when located not less than 200 feet from any zoned residential district.			
(h) Stamping machines, punch presses, press breaks and hydraulic presses used only for tryout purposes.	All machines shall be placed on shock absorbing mountings and on a suitable reinforced concrete footing. No machine shall be loaded beyond the capacity as prescribed by the manufacturer.			
	Up to 10 tons for 18 gauge metal or less in thickness when located 200 ft. from any zoned residential district.	Up to 50 ton when 250 ft. from residential district. Up to 100 ton when 300 ft. from residential district. Up to 150 ton when 500 ft. from residential district.		
(i) Hot forgings steam or board hammers	No	No	Yes	Yes
			When located 1,000 ft. from any zoned residential district and when operations are located within a masonry building, on a suitable reinforced concrete mat mounted on shock absorbers that reduce vibration to a reasonable minimum.	
(j) Noise decibels as measured at the street or property line which ever causes the largest reading.	75	80	85	90

	All mechanical noise shall be muffled so as not to become objectionable due to intermittence, beat frequency or shrillness. Noise may equal but shall not exceed average street traffic noise during such periods that traffic noise exceed above decibel readings.			
(k) Smoke, as measured by the Ringlemann Chart	No 2	No. 2	No. 2	No. 2
	For periods aggregating four (4) minutes in any thirty (30) minutes.			
		No. 3	No. 3	No. 3
	For periods aggregating three (3) minutes in any fifteen (15) minutes when starting a new fire.			
(l) Smoke, dust, dirt, and fly ash	Shall not exceed 0.3 grains per cubic foot of flue gas at stack temperature of 500 degrees Fahrenheit and not to exceed fifty (50) percent excess air and shall in no manner be unclean, destructive, unhealthful, hazardous nor shall visibility be impaired by the emission of a haze which unduly impedes vision without apparent opaqueness equivalent to No. 1 of the Ringlemann Chart.			
(m) Odors	The emission of obnoxious odors of any kind shall not be permitted which are contrary to the public health, safety and general welfare.			
(n) Gases	No gas shall be emitted which is deleterious to the public health, safety or general welfare.			
(o) Glare and heat	Glare and heat from arc welding, acetylene torch cutting or similar processes shall be performed so as not to be seen from any point beyond the outside of the property.			
(p) Fire and safety hazards (the storage and handling of flammable liquids, liquefied petroleum gases and explosives shall comply with State rules and regulations as established by Public Act No. 207, P.A. 1941 [MCL 29.1 et seq.], as amended, and in addition the following regulations shall apply): Bulk storage of flammable liquids, liquid petroleum gases and explosives allowed above	No	No	Yes	Yes

ground if conditions meet those established by Chapter 13 of the Warren Codified Ordinances - Fire Prevention and Protection and Michigan flammable Liquids Regulations as amended.				
			All tanks shall be located not less than one hundred fifty (150) feet from property lines.	
Bulk storage of flammable below ground	Yes	Yes	Yes	Yes
	All tanks shall be located not closer to the property line than the greatest depth to the bottom of the buried tank.			
Rags, waste, similar materials	No	No	Yes	Yes
			The storage of rags, wastes, paper or similar materials shall be in an enclosed masonry building of four (4) hour construction, no part of which may be located closer than one hundred fifty (150) feet from any property line.	
(q) Sewage Waste	1. No wastes shall be discharged in the public sewer system which is dangerous to the public health and safety.			
	2. Acidity or alkalinity shall be neutralized to a pH of 7.0 as a daily average on a volumetric basis, with a temporary variation of [sic].			
	3. Wastes shall contain no Cyanides and no Halogens and shall not contain more than 10 ppm of the following gases: Hydrogen Sulphide, Sulphur Dioxide and Nitrous Oxide.			
	4. Wastes shall not contain any insoluble substances in excess of 10,000 ppm or exceed a daily average of 500 ppm or fail to pass a No. 8 Standard Sieve, or, have any dimensions greater than ½ inch.			
	5. Wastes shall not have chlorine demand greater than 15 ppm.			
	6. Wastes shall not contain phenols in excess of .005 ppm.			
	7. Wastes shall not contain any grease or oil or any oily substance in excess of 50 ppm or exceed a daily average of 25 ppm.			
(r) Number of Production work hours including Sunday and holidays.	From 6:00 a.m. to 11:00 p.m. if nearest residence is two hundred (200) feet or more from industrial plant.	24 hrs.	24 hrs.	24 hrs.

	7:00 a.m. to 7:00 p.m. if nearest residence is less than two hundred (200) feet from industrial plant.			
(s) Open storage other than junk	Yes	Yes	Yes	Yes
		All open storage shall be located in a designated area approved by the Planning Commission as a part of site plan approval. The area shall be enclosed on three (3) sides by chain link fencing with metal/plastic slats used for screening as deemed necessary by the Planning Commission. In M-3 and M-4 zones the Planning Commission shall determine whether screening of the outside storage is necessary based on the relationship of the storage to properties zoned residential as identified in Section 3.01(1—7) of the Zoning Ordinance.		
		The designated area shall always be hardsurfaced and screened from the public street and any residentially zoned areas. The designated areas shall not be located in any area required for parking space and is necessary to meet the minimum requirements of Section 4.32 of this ordinance. Further, the designated area may not exceed fifty (50) percent of the gross floor area of the primary structure on the site except in M-3 and M-4 zones where the amount of outside storage area is not limited based on the size of the primary structure. In M-1 and M-2 zones the designated area shall not be located any closer than seventy-five (75) feet to the front property line unless the size of the lot is less than one hundred fifty (150) feet in depth in which case the Planning Commission may allow the designated area to be located no closer than twenty-five (25) feet from the front property line. In M-3 and M-4 zones outside storage may not be closer than one hundred fifty (150) feet from any street right-of-way line.		
		Lumber, including wood pallets or other combustible material, shall not be stored less than twenty (20) feet from any interior lot line. An open driveway shall be provided that has a graded roadway, is hardsurfaced and maintained from the street to the storage area in order to permit clear access for fire trucks at any time to the open storage areas.		
(t) Open storage for junk, auto wrecking yards and other waste products.	No	No	No	Yes

			When enclosed within a tight unpierced fence not less than six (6) feet in height, when not less than one hundred fifty (150) feet from any street or right-of-way line, when not less than twenty (20) feet from any interior lot line, when surrounded with a greenbelt planting strip not less than twenty (20) feet in width and not less than eight (8) feet in height to completely screen yard from outside view, and when complying with Section 4.13.	
(u) Loading space as required in Section 4.31.	Yes	Yes	Yes	Yes
(v) Off-street parking for any permitted use as required and regulated by Section 4.32.	Yes	Yes	Yes	Yes
	Such parking area shall be paved within a period of two (2) years from date of issuance of a Certificate of Occupancy for the principal building for which said permit was issued.			
(w) Source of Power	Power for any manufacturing or heating process or activity shall be derived only from electrical energy, smokeless fuels, such as gas or oil, smokeless solid fuels containing less than twenty (20) percent of volatile content on a dry basis, and bituminous coal fired by mechanical equipment.			
(x) Vibration	No operation shall cause a ground displacement exceeding .003 of one (1) inch as measured at the boundary line property.			
(y) Radioactive Materials	Radioactive materials shall not be emitted to exceed quantities established by the U.S. Bureau of Standards.			
(z) Sexually oriented businesses	Sexually oriented businesses, as defined in and regulated by Chapter 6 of the Warren Code of Ordinances, are allowed in all Industrial Districts. Sexually oriented businesses may use any industrial lot, without regard to the lot area and lot width provisions in Section 17.04. Within 45 days of receiving an application to split a lot, subdivide a parcel, or combine lots or parcels, in order to facilitate the siting of a sexually oriented business, the Planning Director shall grant the application, provided that the application:(1) Is accompanied by the required application fee; and(2) Contains maps of the proposed resulting parcel(s) showing that the proposed location of the sexually oriented business satisfies the location criteria of Section 14.01(s)(3).			
(aa) <i>Marihuana Businesses and Caregiver Operations</i> as provided for by Warren	Yes	Yes	Yes	Yes



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Code of Ordinances, Chapter 19.5 and Appendix A, Article IV-G				
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(Ord. No. 30-156, § 1, 12-22-64; Ord. No. 30-457, § 1, 2-12-74; Ord. No. 30-556, § 1, 3-28-78; Ord. No. 30-835, § 8, 2-22-84; Ord. No. 30-881, § 4, 10-28-97; Ord. No. 30-1002, § 4, 10-22-13; Ord. No. 30-1004, § 1, 6-11-14; Ord. No. 30-1020, § 5, 4-12-16; Ord. No. 30-1023, § 1, 9-13-16; Ord. No. 30-1064, § 5, 4-27-21)

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**Section 17.03 Prohibited uses.**

In all industrial districts no building shall be erected or altered and no land shall be used for the carrying on of manufacturing activities of the character of or similar to slaughter houses, rendering plants, tanneries, stock yards, glue factories, soap factories, oil refineries or other similar factories, provided, however, the Board of Appeals may permit a prohibited use or a use of like character in an M-4 District on the following conditions:

- (a) The use shall be located at least one thousand (1,000) feet from every residential district.
- (b) The use shall be located at least one hundred fifty (150) feet from any non-residential district, except slaughtering, rendering and penning uses.
- (c) All slaughtering, rendering and penning (only such animals are to be slaughtered on premises) shall be located in an M-4 Zoning District of at least one thousand (1,000) feet from any other zoned district.
- (d) Dry rendering process only shall be used.
- (e) The waste and by-products obtained from the slaughtering operations, conducted on the premises may be transported to some other location to be rendered; however, no rendering shall be permitted on products originating outside of said slaughter house.
- (f) All paunch manure and all stock pen manure shall be removed daily.
- (g) All sanitary facilities shall be approved by the City of Warren Building Department and the Macomb County Board of Health.
- (h) The applicant shall furnish satisfactory evidence that the use can and will comply with the requirements of Industrial Performance Standards as specified in Section 17.02.

**Section 17.04 Area and widths.**

Area and widths of industrial lots shall comply with the following schedule, except those lots of record at the time of adoption of this Ordinance:

Zone	Lot Area	Lot Width
M-1	10,000 sq.ft.	60 ft.
M-2	20,000 sq.ft.	100 ft.
M-3	50,000 sq.ft.	200 ft.
M-4	Subject to approval of Planning Commission	

***ARTICLE XVIII. PLANNED UNIT DEVELOPMENT DISTRICT***

***DIVISION 1. PURPOSE, INTENT AND QUALIFICATION***

**Section 18.01 General purpose.**

Because traditional zoning separates uses into different districts using restrictive placement controls, it does not allow for creative development incorporating a variety of uses. The purpose of the Planned Unit Development District is to encourage development of those parcels of land which, because of their size; their location being

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uniquely situated with regard to adjoining uses; or their unique environmental features, a more flexible development scheme could foster creative development design, or preserve desirable natural features, or significant historical landmarks and architectural features located within the Planned Unit Development District. Therefore, the Planned Unit Development (PUD) District modifies the traditional form of zoning and permits variety in design, site configuration, layout and use, minimizes paved surfaces, encourages efficiency in use of land and natural resources, while ensuring compatibility with surrounding land uses.

(Ord. No. 30-951, § 1, 11-23-04)

### **Section 18.02 General intent.**

The adoption of a Planned Unit Development (PUD) District is intended to encourage creativity through the unified development of a larger tract of property utilizing mixed residential and commercial uses that provide adequate housing and employment opportunities. It is the intent of this article to allow rezoning of qualifying properties to Planned Unit Development (PUD) District pursuant to MCL 125.584(b), thereby establishing a site specific use authorization.

(Ord. No. 30-951, § 1, 11-23-04)

### **Section 18.03 Intent of requiring development agreement.**

It is recognized that because of the complexity and uniqueness of each parcel or tract of land proposed for Planned Unit Development rezoning, it is beneficial to the City and the development process if a development agreement which includes all site plans, development standards and specified conditions tailored to the particular parcel of property, are submitted together with the application for rezoning. This approach is intended to accomplish the objectives of the zoning ordinance by incorporating a land development project review process into the rezoning procedure to ensure integration of the proposed land development project with the characteristics of the surrounding area.

(Ord. No. 30-951, § 1, 11-23-04)

### **Section 18.04 Eligibility for PUD rezoning; qualifying conditions.**

To be eligible for PUD District rezoning as provided by this article, all of the following conditions must exist with regard to the proposed PUD site:

- a. Rezoning to PUD District shall not be granted in situations where the same land use objectives may be established by the application of applicable conventional zoning provisions or standards.
- b. The land proposed to be included within the PUD District must consist of sufficient acreage as recommended by the Planning Commission to meet the objectives of this ordinance.
- c. The land proposed to be included in the PUD District shall have features the preservation of which will be enhanced through development as a PUD; or is uniquely situated with regard to adjoining uses which would permit variety in design, site configuration, layout and use; or has unique historical or environmental features or other characteristics which could foster creative development design and preserve desirable natural features.
- d. The proposed land use patterns must be compatible with surrounding land uses and provide transitional buffers to residential areas.
- e. The proposed land use patterns encourage efficiency in use of land, natural resources, provide for open space and minimize paved surfaces.

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- f. The PUD site must be served by public water and sanitary sewer service that meets or exceeds the existing City requirements for a development of the proposed size.
  - g. The PUD site must abut and have direct access to a major thoroughfare.
  - h. The proposed PUD shall be harmonious with the surrounding land uses and serve the public health, safety and welfare of the City as a whole.
  - i. The proposed PUD shall not cause a negative or environmental impact or loss of a historic structure on the subject site or surrounding land.
  - j. The proposed PUD is not merely an attempt to circumvent the strict application of the applicable zoning standards.
  - k. Any site that is zoned entirely R-1-A, R-1-B or R-1-C, as a One-Family Residential District, and where all property abutting the site is zoned One-Family Residential District, either R-1-A, R-1-B or R-1-C, shall not be eligible for PUD District rezoning.

(Ord. No. 30-951, § 1, 11-23-04)

### **Section 18.05 Reserved.**

## *DIVISION 2. USES PERMITTED IN A PLANNED UNIT DEVELOPMENT DISTRICT*

### **Section 18.06 Principal permitted uses.**

In designing and developing a Planned Unit Development, compatibility of land uses both within the development and surrounding the development is very important to meeting the objectives of this article. In order to ensure integration of the proposed land development project with the characteristics of the surrounding area, certain uses will be permitted and others will be prohibited. Subject to review and approval under the procedures and standards contained in this article, the following uses may be permitted in the PUD District:

- All residential, including nursing homes, senior congregate and assisted living.
- Professional business and office.
- Local business and general business.
- Technical center or industrial office.
- Office research.
- Urgent medical care facilities providing less than twenty-four-hour outpatient care.
- Recreational uses.
- Government, schools, libraries, and civic organizations.

The permitted uses are designed to be compatible with uses permitted within the following zoning designations: R-1-A; R-1-B; R-1-C; R-1-P; R-2; R-3; R-3-A; PB; C-1; C-2; O; P.

(Ord. No. 30-951, § 1, 11-23-04)

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### **Section 18.07 Accessory uses permitted.**

All uses customarily accessory to principal uses may be permitted as designated on the approved master development plan or in the approved site plan or development agreement.

(Ord. No. 30-951, § 1, 11-23-04)

### **Section 18.08 Prohibited uses.**

In order to ensure integration of the proposed land development project with the characteristics of the surrounding area, certain land uses have been determined to be incompatible with the intent to provide a mixed residential and light commercial development in a PUD. Therefore, the following uses are prohibited in PUD Districts:

Wholesale, not open to the general public and intensive business.

Industrial and developmental manufacturing.

Uses involving the processing of raw materials for shipment in bulk form to be used in an industrial or commercial operation at another location.

Warehouses and storage yards.

Outdoor storage or display of materials, equipment, or vehicles other than approved outdoor retail sales as an accessory to a permitted principal use.

Automotive repair, service and sales, new and used.

Automotive washes, self serve and automatic, except those customarily an accessory to a permitted principal use.

Hospitals and sanitariums.

Pawn shops.

Sexually oriented businesses.

Mobile home parks.

Structures assembled or constructed off site.

Funeral homes.

Crematorium.

Cemeteries.

Dog kennels.

Public stables and farms.

Social halls.

Boarding rooms, lodging and tourist homes.

Motels and hotels.

Outdoor drive-ins.

Flea markets.

Tattoo parlors.

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Arcades, golf ranges and golf domes.

(Ord. No. 30-951, § 1, 11-23-04)

**Sections 18.09—18.11 Reserved.**

*DIVISION 3. REZONING PROCEDURE*

**Section 18.12 Applicable regulations.**

The Planned Unit Development (PUD) District is a zoning district which imposes site configuration, building layout, architectural design, density, set back, height, use, access, parking and other development regulations that apply to this district only. All other non-conflicting regulations and standards of this ordinance shall also apply to this district. In the event of a conflict between a regulation in the Code of Ordinances or a standard contained in the approved master development plan or development agreement and any other applicable regulation in this ordinance, the approved master development plan or development agreement standard shall prevail.

(Ord. No. 30-951, § 1, 11-23-04)

**Section 18.13 Rezoning.**

Rezoning a parcel or tract of land to the PUD District may be initiated either by the request or with the authorization of the owner(s) of land proposed to be included in the PUD; by the Planning Commission; or the City Council as authorized by the Zoning Enabling Act. Any rezoning to PUD District shall be subject to the eligibility criteria and qualifying conditions contained in this article. A master development plan and a development agreement containing specific development standards and site plan drawings must be submitted with the application to rezone. Approval of the application to rezone, the master development plan and the development agreement must be obtained as required by this article prior to commencing development of any land proposed for rezoning to PUD District.

(Ord. No. 30-951, § 1, 11-23-04)

**Section 18.14 Application to rezone to Planned Unit Development District.**

The application to rezone shall include the following information and documents:

1. *Ownership.* The application form must be signed by the applicant, and authorized by all owners of any land to be included within the PUD District and include the address and telephone number of all applicants.
2. *Qualification.* The application shall include a narrative statement describing the overall objectives of the proposed PUD; demonstrate that the proposed site meets the qualifying conditions for a PUD rezoning; and explain why the property may not be developed as zoned as indicated by section 18.04(a).
3. *Development impact.* The application shall include a development impact statement addressing impact of the proposed development on:
  - a. Surrounding land uses.
  - b. Traffic.

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- c. Preservation of natural or historic features.
  - d. Public utilities.
  - e. Public services.
  - f. Economic impact.
4. *Master development plan.* The application shall include a proposed master development plan encompassing all phases of the proposed PUD, containing all information required by the Planning Commission and prepared at an acceptable scale.
  5. *Development agreement.* The application shall include a proposed development agreement which shall include specific standards tailored to the PUD and use of the property in conjunction with the rezoning. The provisions contained in the agreement shall, upon approval and execution, be binding upon both parties. The agreement shall, at a minimum, include the following provisions:
    - a. Agreement and acknowledgment that the developer submitted and the City accepted the development proposal as set forth in the application to rezone, the master development plan, the site plans and the development agreement as submitted, and granted the rezoning based on the terms set forth therein. Further, that all provisions and conditions contained in the application to rezone, master development plan and development agreement are authorized by applicable law; that the agreement is valid, and was entered into on a voluntary basis, representing a permissible exercise of authority by the City and the applicant.
    - b. Agreement that the property shall not be developed or used in a manner inconsistent with the approved master development plan and development agreement.
    - c. Agreement that the approved rezoning, master development plan and development agreement shall be binding upon and inure to the benefit of the property owner(s), the City and their respective heirs, successors, assigns, and transferees.
    - d. Because of the complexity and uniqueness of the parcel or tract of land proposed for Planned Unit Development, the development agreement shall include specific standards for site configuration tailored for the proposed development, including:
      - i. Roadways; ingress, egress and other access including sidewalks.
      - ii. Building and structure placement, mass, bulk, height, articulation and setbacks.
      - iii. Installation and extension of utilities; including a preliminary drainage plan, prepared by a licensed professional engineer, identifying measures to be used for control and disposal of storm water runoff from the PUD site and water quality.
      - iv. Parking.
      - v. Landscaping and buffers.
      - vi. For residential uses: Maximum density and intensity of use for each proposed use addressing units per acre. For commercial and office uses: Maximum useable floor area.
      - vii. Preservation of no less than thirty (30) percent of undeveloped open space unless waived by a two-thirds ( $\frac{2}{3}$ ) vote of the Planning Commission. Open space to be preserved shall be calculated prior to making any site improvements to be performed on site and shall exclude existing and proposed rights-of-way.
      - viii. Preservation of natural features and provisions addressing the maintenance of natural resources and open space.
      - ix. Signage and lighting.

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- x. Permissible uses of the property consistent with this ordinance.
  - xi. Any areas proposed for commercial operations with twenty-four-hour operations shall be located five hundred (500) feet from residential areas and shall be provided with buffering and screening to protect the compatibility of the uses. The five hundred-foot measurement shall be calculated from the closest building envelope edge of the twenty-four-hour operation to the lot line of the closest residentially zoned property that lies within a platted subdivision.
  - xii. All utilities, including electricity, telephone and cable, shall be installed underground or otherwise installed out of sight to the surrounding community, excluding main transmission lines.
- e. Architectural design and building materials.
  - f. Proposed association and condominium documents.
  - g. Site plan drawings including proposed site elevation contours; Typical elevation drawings, with identification of facade materials of all sides of each principal building type included in the PUD, drawn at a scale of one (1) inch equal to one hundred (100) feet or other scale acceptable to the Planning Director.
  - h. An affidavit from a qualified environmental engineer that an environmental assessment has been performed and the results indicate that there is nothing to preclude the development as proposed.
  - i. Any other provisions proposed and approved by the parties.
6. *Fee.* Payment of the fee required by 24.03 for processing the application to rezone and approval of the master development plan and development agreement.

(Ord. No. 30-951, § 1, 11-23-04)

### **Section 18.15 Public hearing on application to rezone; approval of master development plan and development agreement.**

- a. Upon receipt of a complete application to rezone, a master development plan and proposed development agreement, the Planning Commission shall schedule a public hearing. Notice of the public hearing shall be provided as required by section 24.02 of this Ordinance.
- b. The Planning Commission shall hold a public hearing on the request to rezone and approval of the master development plan and development agreement and shall consider whether the PUD as proposed meets all of the required standards.

(Ord. No. 30-951, § 1, 11-23-04)

### **Section 18.16 Review by Planning Commission; standards for approval.**

The Planning Commission shall recommend approval upon a finding that the proposed PUD complies with all the following standards:

- a. The application to rezone, the master development plan and development agreement contain all information required by this ordinance. The applicant shall follow standard procedures for application submission to the Planning Commission.
- b. The proposed site meets the qualifying conditions for a PUD rezoning.



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- c. The proposed master development plan provides safe and efficient ingress and egress to the site, including access for fire or other emergency vehicles and safe and convenient pedestrian and vehicular circulation.
  - d. The amount and type of traffic generated by the proposed PUD shall not create a substantial detrimental effect on neighboring properties or existing roadways.
  - e. The proposed development is compatible with surrounding uses of land and character of the surrounding area.
  - f. The design and placement of buildings and other structures, parking, lighting, signs, refuse storage, and landscaping: 1) ensures compatibility with surrounding properties; 2) ensures compatibility with properties within the proposed PUD; and 3) ensures that the development when viewed from public rights-of-way enhances the character of the surrounding area.
  - g. The uses proposed in the master development plan and development agreement are arranged in a logical relationship to each other and have sufficient buffers to prevent adverse impacts of one (1) use upon another.
  - h. The master development plan and development agreement is designed to have minimal adverse effects on the environment and to preserve and maintain to the maximum extent feasible the quality of natural topography, vegetation and other natural features of the site.
  - i. The proposed development shall be provided with adequate public facilities and services to support the proposed uses.

(Ord. No. 30-951, § 1, 11-23-04)

### **Section 18.17 Planning Commission recommendation.**

After holding a public hearing and reviewing the proposed rezoning, the master development plan and the development agreement, the Planning Commission shall forward a recommendation to the City Council. Upon a finding that the plan and agreement meet all the standards set forth in this article, the Planning Commission may recommend approval, or approval with conditions, of the master development plan, the development agreement and rezoning of the property to PUD District.

(Ord. No. 30-951, § 1, 11-23-04)

### **Section 18.18 City Council review of application to rezone; master development plan and development agreement.**

- a. The City Council shall be provided with a copy of the Planning Commission's report and recommendation, minutes from the public hearing and all supporting materials.
- b. Upon receipt of the recommendation from the Planning Commission, the City Council shall schedule a public hearing on the proposed application to rezone and approval of the master development plan and development agreement.
- c. After the public hearing and review of the Planning Commission reports, recommendation and supporting materials provided, and a finding as to whether the PUD as proposed meets all of the standards as provided in this article, the City Council shall approve, approve with conditions, or deny the application to rezone to PUD District, the master development plan and the development agreement. Approval of the development agreement shall include authorizing execution by the Mayor and Clerk pursuant to City Charter.

(Ord. No. 30-951, § 1, 11-23-04)

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## **Section 18.19 Effect of approval of rezoning to PUD District, approval of master development plan and development agreement.**

Following approval by the City Council, the property shall be rezoned to PUD District. Once rezoned to PUD District, no improvements or construction shall be undertaken within the PUD except in conformity with the approved master development plan, the development agreement and any conditions imposed in connection with the PUD approval.

(Ord. No. 30-951, § 1, 11-23-04)

## **Section 18.20 Modification of development agreement.**

Changes to the approved master development plan and development agreement shall require submittal of a revised master development plan and/or development agreement for review and approval as provided by this section.

- a. *Minor modifications.* The following minor modifications may be made upon approval of the PUD committee which is an administrative team consisting of a representative of the Mayor, the Planning Director, the City Attorney, the City Engineer, the Building Director, a member of City Council and a member of the Planning Commission. Such minor modifications shall be provided in writing and upon approval shall be incorporated into the approved master development plan and/or development agreement. Minor modifications include but are not limited to:
  1. Up to a five (5) percent reduction or increase of the size of structures, provided there shall be no increase in the number of dwelling units.
  2. Up to a five (5) percent reduction or increase of the gross floor area of nonresidential buildings.
  3. Up to a five (5) percent alteration of horizontal and vertical elevations of buildings.
  4. Up to a five-foot relocation of building footprints, unless a specific setback or separation distance is imposed as a condition of approval.
  5. Areas designated as not to be disturbed or open space may be increased in area.
  6. Substitution of plant materials included in the landscape plan by similar types of landscaping on a one-to-one or greater basis.
  7. Improvements to access and circulation systems, such as addition of acceleration/deceleration lanes, boulevards, curbing, pedestrian/bicycle paths.
  8. Changes in exterior materials, provided that any changes provide in the use of materials are of equal or higher quality than those originally approved.
  9. Reduction in size of signs and modification of sign setbacks.
  10. Rearrangement of parking spaces in a parking lot, provided the total number of parking spaces is not reduced and circulation hazards or congestion are not created by the redesign.

If for any reason the PUD Committee denies a request for minor modification, an appeal of the denial may be taken to the Planning Commission for review and approval of the minor modification. Upon approval of the Planning Commission, such modification shall be included with the approved master development plan and development agreement. A denial of the Planning Commission may be appealed to the City Council.

- b. *Major modifications.* Any major modification to the approved master development plan or development agreement shall require submittal of a revised master development plan and/or development agreement for

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review and recommendation of the Planning Commission and final approval of the City Council. Upon final approval, the modification shall be incorporated into the approved master development plan and development agreement. Major modifications include but are not limited to:

1. Addition of uses different from those approved.
2. For nonresidential development, any increase greater than five (5) percent in the total square footage of all buildings, or any increase in the height or number of buildings.
3. For residential development, any increase in number of dwelling units above the maximum number authorized in the development agreement.
4. Major realignment of vehicular circulation patterns or reduction of parking spaces.
5. Reduction of open space.
6. Changes in exterior boundaries except survey adjustments.

(Ord. No. 30-951, § 1, 11-23-04)

### **Section 18.21 Site plan approval.**

Site plan approval is required prior to commencement of any site improvement or construction of buildings within the PUD. Building permits shall not be issued prior to final site plan approval. For a multi-phased PUD, there shall be a separate site plan submitted and approved for the master improvement phase and each phase of the development prior to the commencement of site improvements for that phase. The Planning Commission shall review the site plan(s) submitted at a public hearing pursuant to this ordinance for compliance with the applicable ordinances, the master development plan and the development agreement. After reviewing the site plan(s), the Planning Commission may approve the site plan(s), approve with conditions or deny the request(s).

(Ord. No. 30-951, § 1, 11-23-04)

### **Section 18.22 Site improvement performance guarantees.**

A performance guarantee shall be required as part of site plan approval to assure that the site improvements are completed in compliance with the approved site plan(s), the master development plan, the standards set forth in the development agreement and all applicable ordinances. For a multi-phased PUD, a separate performance guarantee shall be provided for the master improvement phase and for each phase of development. The performance guarantee may consist of a cash deposit, surety bond or letter of credit in a form acceptable to the City Attorney, in an amount not to exceed twenty (20) percent of the projected cost of site improvements. A cash performance guarantee, if applicable, shall be deposited with the City Treasurer. A surety bond or letter of credit shall remain in effect until all site improvements for the applicable site plan are completed. If requested, the City shall rebate a proportional share of any cash deposit, or reduce the amount of performance guarantee required, based on the percentage of work completed on the date of the request, as attested to by the requestor and verified by the City Inspector.

(Ord. No. 30-951, § 1, 11-23-04)

### **Sections 18.23—18.29 Reserved**

## *DIVISION 4. CONSTRUCTION*

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### **Section 18.30 Commencement of site improvements.**

- a. Once the master development plan, development agreement and final site plans are approved, the site improvements shall be commenced within two (2) years after receiving approval of the final engineering plans. If the PUD is a multi-phased PUD, site improvements for any phase of development shall be commenced within two (2) years of receiving final engineering approval for the applicable phase.
- b. If the site improvements are not commenced within the applicable two-year period, the Planning Commission may extend the time for commencement of site improvements upon the applicant requesting an extension prior to the expiration of the two-year period.
- c. If the master development plan and development agreement are not implemented within the time periods required due to a failure to commence site improvements, a new application for approval must be submitted and the master development plan and development agreement shall be reviewed and may be revised to take into consideration any changes that may have occurred due to the passage of time.

(Ord. No. 30-951, § 1, 11-23-04)

### **Section 18.31 Hours of construction.**

There shall not be any construction, demolition or excavation between the hours of 7:30 p.m. and 7:00 a.m. weekdays and 7:30 p.m. and 8:00 a.m. weekends and holidays.

(Ord. No. 30-951, § 1, 11-23-04)

### **Sections 18.32—18.40 Reserved.**

## ***ARTICLE XIX. HEIGHT EXCEPTIONS***

### **Section 19.01 Height of public and semi-public buildings.**

The height of public or semi-public buildings, churches, cathedrals, temples, hospitals, sanitariums or schools, shall not in any case exceed fifty-five (55) feet, and if the height of any such building exceeds the height allowed in the district concerned, then any such building shall be set back from all lot lines not less than one (1) foot in addition to the required yard dimensions for each foot such buildings exceed the height allowed in the district concerned.

### **Section 19.02 Height of office buildings and technical laboratories.**

In M-3 and M-4 Districts office buildings and technical laboratories may be increased in height up to ten (10) stories or one hundred fifty (150) feet when such building is set back from all lot lines not less than one (1) foot in addition to the required district yard dimensions for each foot such building exceeds the height allowed in the district concerned.

Office buildings in C-2, C-3, M-1 and M-2 Districts and technical laboratories in the M-1 and M-2 Districts may be increased in height up to eight (8) stories or one hundred (100) feet, provided that such buildings are set back:

- (a) from the front property line a distance equal to the height of said building;
- (b) from the side and rear property line a distance equal to one-half (½) the height of said building;

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- (c) from a residential lot line or residential district line a distance equal to the height of said building.

**Section 19.03 Height of certain structures, when not included.**

Chimneys, church steeples, cooling towers, elevator bulkheads, fire towers, grain elevators, silos, penthouses, stacks, stage towers, or scenery lofts, sugar refineries, tanks, water towers, pumping towers, monuments, cupolas, and mechanical appurtenances pertaining to and necessary to the permitted uses of the district in which they are located, shall not be included in calculating the height of the principal structure.

(Ord. No. 30-857, § 4, 1-9-96)

**Section 19.04 Height of hotels.**

The height of hotels may be increased to ten (10) stories or one hundred fifty (150) feet provided such building shall set back from all lot lines not less than one (1) foot in addition to the required yard dimensions for each foot such buildings exceed the height allowed in the district concerned.

**ARTICLE XX. ZONING BOARD OF APPEALS<sup>8</sup>**

**DIVISION 1. BOARD**

**Section 20.01 Established; membership; terms; vacancies.**

- (a) *Established.* The Zoning Board of Appeals is hereby established having the powers and duties authorized by the Michigan Zoning Enabling Act, Public Act 110 of 2006, found at MCL 125.3101 et seq. (formerly authorized under MCL 125.581 et seq.), as amended.
- (b) *Regular Membership/appointment.* The Board of Appeals shall consist of nine (9) regular members appointed by the Warren City Council. The regular members and any alternate member under subsection (d), shall be selected from the electors residing within the City of Warren and shall be representative of the population distribution and of the various interests present within the City. Each regular member and any alternate member under subsection (d), shall be appointed by a majority vote of the members of the City Council, and shall not be a City employee or a City contractor.
- (c) *Term.* Each regular member appointed and any alternate member under subsection (d), shall hold office for a term of three (3) years, except when an appointment is made to fill a vacancy, in which case the term of the member shall be for the duration of the unexpired term. The appointments shall be staggered to establish the appointment of three (3) regular members and no more than one (1) alternate member each year. Members shall be eligible for re-appointment to succeeding terms. Upon expiration of a term or in the event

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<sup>8</sup>Editor's note(s)—Ord. No. 30-986, § 1, adopted July 28, 2009, amended Art. XX in its entirety to read as herein set out. Former Art. XX, §§ 20.01—20.07, pertained to the board of appeals, and derived from Ord. No. 30-283, adopted June 25, 1968; Ord. No. 30-504, adopted July 5, 1976; Ord. No. 30-611, adopted June 10, 1980; Ord. No. 30-614, adopted July 8, 1980; Ord. No. 30-898, adopted Sept. 22, 1998; Ord. No. 30-945, adopted April 27, 2004; and Ord. No. 30-978, adopted Nov. 13, 2007.

Cross reference(s)—Administration, Ch. 2; boards and commissions generally, § 2-91 et seq.

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of a vacancy, an appointment shall be made not more than one (1) month after the term has expired or the vacancy occurred.

- (d) *Alternate membership/appointment.* The Warren City Council may appoint up to two (2) alternate members for the Board of Appeals with the same term of years as a regular member. In the absence of a regular member, an alternate member may be called to serve as a member of the Board of Appeals. An alternate member may also be called to serve on the Board of Appeals in place of a regular member who has abstained due to a conflict of interest. In the event of a postponed hearing, if at the original hearing the Petitioner completed presenting his or her petition request, then the alternate member shall serve at the Petitioner's postponed hearing, until a final decision is made. When serving as a Board of Appeals member, an alternate member shall have the same voting rights as a regular member. In addition, an alternate member shall receive the same per diem compensation and adhere to the same requirements and responsibilities as a regular member.

(Ord. No. 30-986, § 1, 7-28-09; Ord. No. 30-1031, § 1, 11-14-17)

State law reference(s)—Michigan Zoning Enabling Act, Public Act 1001 of 2006, as amended, found at MCL 125.3101 et seq.

### **Section 20.02 Compensation.**

The members of the Board shall receive a per diem compensation as determined by Resolution of City Council. Travel requests to attend conferences or seminars shall follow standard City procedures.

(Ord. No. 30-986, § 1, 7-28-09)

### **Section 20.03 Removal from office.**

A member of the Zoning Board of Appeals may be removed by the City Council for misfeasance, malfeasance, or nonfeasance in office upon written charges and after a public hearing before the City Council. A member shall disqualify himself or herself from a vote in which the member has a conflict of interest. Failure of a member to disqualify himself or herself from a vote in which the member has a conflict of interest constitutes malfeasance in office.

(Ord. No. 30-986, § 1, 7-28-09)

### **Section 20.04 Adoption of rules of procedure.**

The Board shall adopt Rules of Procedure to govern its procedures consistent with this section.

- (a) *Officers.* The Board shall elect from its membership a Chair, Vice-Chair, Secretary and Assistant Secretary and any other officers the Board deems necessary according to the Rules of Procedure. The Chair shall preside over the meetings and shall vote. The Chair shall have all duties and powers authorized by the Michigan Zoning Enabling Act, MCL 125.3101 et seq., as amended.
- (b) *Meetings.* Regular meetings of the Board shall be held at least once per month at a time and place designated by the Board. Within ten (10) days after the first meeting of the calendar year, a notice setting forth the dates, time and place of the regular meetings scheduled for the calendar year shall be posted. If there is a change in the schedule of regular meetings of the Board, a notice shall be posted within three (3) days after the meeting at which the schedule was changed stating the changes made. For a rescheduled regular meeting, a notice stating the date, time and place of meeting shall be posted at least eighteen (18) hours before the meeting. Special meetings of the Board may be called by the

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Chair or Secretary of the Board. Notice of the special meeting shall be provided to members of the Board at least forty-eight (48) hours before the special meeting is held. A notice stating the date, time and place of meeting shall be posted at least eighteen (18) hours before the meeting.

- (c) *Compliance With Open Meetings Act.* All meetings of the Board shall be public and shall adhere to the Open Meetings Act, P.A. 267 of 1976, as amended, MCL 15.261 et seq. A meeting agenda shall be part of the public notice and shall include a listing of each application to be considered by the Board.
- (d) *Conduct of business.* The Zoning Board of Appeals shall not conduct business unless a majority of the regular members of the Zoning Board of Appeals are present.
- (e) *Record.* The Zoning Board of Appeals shall issue its decision in writing signed by the Chair. The Board shall keep a record of its proceedings in compliance with the Open Meetings Act, P.A. 267 of 1976, as amended, MCL 15.261, et seq. All public records shall be open to the public in compliance with the Freedom of Information Act, MCL 15.231 et seq. and a copy of the record of proceedings shall be filed in the office of the City Clerk.
- (f) *Voting.* Each member of the Board shall be entitled to one (1) vote and each member shall vote on all motions brought before the Board at any regular or special meeting at which the Board member is in attendance, unless the member disqualifies himself or herself from a vote in which the member has a conflict of interest. The concurring vote of five (5) members of the Board of Appeals shall be required to approve an application for a non-use variance from a zoning ordinance requirement; or to approve a matter which the Ordinance requires approval of the Board; or to reverse an order, decision or determination of an administrative official. The concurring vote of six (6) members of the Board shall be required to approve a land use variance.
- (g) *Conflict of interest.* No Board member shall vote on a motion in which the Board member has a direct or indirect personal, professional or financial interest and shall disqualify him or herself from a vote in which the member has a conflict of interest.
- (h) *Decision final.* Any decision of the Board is final. Decisions of the Zoning Board of Appeals being final are not subject to reconsideration.

(Ord. No. 30-986, § 1, 7-28-09)

## *DIVISION 2. JURISDICTION*

### **Section 20.05 Jurisdiction.**

The Board of Appeals, in conformity with the provisions of this article and the Michigan Zoning Enabling Act, MCL 125.3601 et seq., is hereby authorized 1) to hear and decide appeals from and review any administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcement of a zoning ordinance adopted under this article; and 2) to hear and decide questions related to the interpretation of the zoning ordinance; and 3) to hear and decide questions related to interpretation of the zoning maps; and 4) shall have the authority to grant land use and non-use variances according to the provisions of this article; and 5) to hear and decide matters which the Zoning Board of Appeals is required to pass under this article.

(Ord. No. 30-986, § 1, 7-28-09)

## *DIVISION 3. APPEALS*

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### **Section 20.06 Appeals from an administrative order, requirement, decision or determination.**

An appeal may be taken to the Zoning Board of Appeals from an administrative order, requirement, decision, or determination made by an administrative official or body charged with enforcement of a zoning ordinance. The appeal may be filed by a person with a legal interest in the property that is the subject of the order, requirement, decision, or determination; or by an officer, department, board or bureau of the state or local unit of government; or by a person aggrieved by an order, requirement, decision or determination made by an administrative official or body charged with enforcement of a zoning ordinance.

(Ord. No. 30-986, § 1, 7-28-09)

### **Section 20.07 Time to file appeal.**

An appeal shall be filed within thirty (30) days of the date the administrative order, requirement, decision or determination is made by an administrative official or body charged with enforcement of a zoning ordinance.

(Ord. No. 30-986, § 1, 7-28-09)

### **Section 20.08 Written application.**

An application for appeal shall be filed in writing and shall be submitted together with thirteen (13) copies of all documentation submitted to support the appeal with the Zoning Board of Appeals and one (1) copy submitted to the officer/department from whom the appeal is taken. The written application shall be complete, including all information required by the Rules of Procedure; shall specify the grounds for the appeal; and shall be accompanied by the filing fee established by resolution of City Council. Notice of the public hearing on the appeal shall comply with section 20.39.

(Ord. No. 30-986, § 1, 7-28-09)

### **Section 20.09 Transmittal of record.**

The body or officer from whom the appeal is taken shall immediately transmit to the Zoning Board of Appeals all of the papers constituting the record upon which the action appealed from was taken.

(Ord. No. 30-986, § 1, 7-28-09)

### **Section 20.10 Stay of proceedings.**

An appeal to the Zoning Board of Appeals stays all proceedings in furtherance of the action appealed, except, any application filed for a variance pursuant to Division 5 of this article may be processed and considered by the Zoning Board of Appeals and is not subject to a stay of proceedings. However, if the body or officer from whom the appeal is taken certifies to the Zoning Board of Appeals after the application of appeal is filed, that by reason of facts stated in the certificate a stay would in the opinion of the body or officer cause imminent peril to life or property, the proceedings may be stayed only by a restraining order issued by the Zoning Board of Appeals or the Circuit Court.

(Ord. No. 30-986, § 1, 7-28-09)



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### **Section 20.11 Public hearing.**

If the Zoning Board of Appeals receives a written request seeking an appeal of an administrative decision, the Zoning Board of Appeals shall conduct a public hearing on the request. Notice shall be given as required by section 20.42. However, if the request does not involve a specific parcel of property, notice need only be published as provided in subsection 20.42(a) and given to the person making the request as provided in subsection 20.42(b)(1).

(Ord. No. 30-986, § 1, 7-28-09)

### **Section 20.12 Appearance.**

At the hearing, an applicant may appear personally or by their designated agent or attorney. In order for the agent or representative to appear on behalf of the applicant at the hearing, without the applicant's appearance, the applicant shall file a written designation of representation with the Zoning Board of Appeals.

(Ord. No. 30-986, § 1, 7-28-09)

### **Section 20.13 Decision.**

The Zoning Board of Appeals may reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed and upon reversing the decision appealed may direct the issuance of a permit. The Zoning Board of Appeals shall state the grounds for its determination and issue its decision in writing.

(Ord. No. 30-986, § 1, 7-28-09)

### **Section 20.14 Appeal filed by an aggrieved person—No legal interest in property.**

If an appeal is filed by a person who does not have a legal interest in the property, the following additional regulations shall apply:

- (a) *Threshold Standard "Aggrieved Person"*. This means that in order for an application for appeal to be accepted by the Zoning Board of Appeals from a person who has no legal interest in the property, the person must initially demonstrate that the administrative order, requirement, decision or determination will result in a unique harm or injury impacting the use of their property that is not common to other property owners similarly situated. The determination that the person has demonstrated unique harm or injury qualifies the person to be an "aggrieved person" who has standing to appeal.
- (b) *Application*. To accept an application for appeal to the Zoning Board of Appeals from a person who has no legal interest in the subject property, the applicant must allege in the application facts which support that the administrative order, requirement, decision or determination appealed from will result in unique harm or injury not common to other property owners similarly situated.
- (c) *Notice*. Upon receipt of an application for appeal from a person who has no legal interest in the subject property, the application shall be placed on the agenda for an administrative hearing to determine if the person meets the threshold standard as an "aggrieved person". Written notice of the receipt of the application for appeal shall be sent to the owners of record of the subject property. In addition, written notice of the time, date and place of the administrative hearing shall be sent to the applicant, the owners of record of the subject property and the officer/department from whom the appeal is taken at least seven (7) days prior to the date of the administrative hearing.

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- (d) *Administrative Hearing.* Upon receipt of a complete application for appeal from a person alleging they are an "aggrieved person", the Zoning Board of Appeals shall conduct an administrative hearing to determine whether the applicant is an "aggrieved person". The applicant/applicant representative shall be allowed to address the Board to demonstrate that they are an "aggrieved person". In addition, the owner/owner's representative of the property shall be allowed to address the Board regarding whether the applicant meets the threshold standard as an "aggrieved person". The administrative hearing shall be placed on the agenda and held at a public meeting, however, it is not a public hearing for the general public and is not a hearing on the appeal.
  - (e) *Burden.* The applicant bears the burden of demonstrating that he/she is an "aggrieved person" by showing that the decision upon which the Board will pass, poses a threat of unique harm or injury to the applicant not common to other property owners similarly situated.
  - (f) *Decision.* Based on the information presented at the administrative hearing, the Zoning Board of Appeals shall decide whether the applicant met the threshold standard and is an "aggrieved person". If the Board determines by a vote of five (5) members that the applicant is an "aggrieved person", the appeal shall then be scheduled for a public hearing pursuant to section 20.11 and properly noticed in conformity with section 20.42.

(Ord. No. 30-986, § 1, 7-28-09)

### **Section 20.15 Appeal of special land use decisions.**

The Zoning Board of Appeals is not authorized to accept appeals of the decision of the City Council on a request for approval of a special land use permit. Appeals of the decision of City Council shall be to the Circuit Court as provided in the Michigan Zoning Enabling Act, MCL 125.3101 et seq.

(Ord. No. 30-986, § 1, 7-28-09)

## ***DIVISION 4. ORDINANCE AND MAP INTERPRETATIONS***

### **Section 20.16 Applications related to interpretation of the zoning ordinance or zoning maps.**

Applications related to the interpretation of the zoning ordinance or the zoning maps may be made to the Zoning Board of Appeals.

(Ord. No. 30-986, § 1, 7-28-09)

### **Section 20.17 Written application.**

An application for an interpretation of the zoning ordinance or maps shall be filed in writing and shall be submitted together with thirteen (13) copies of all documentation submitted to support the interpretation appeal with the Zoning Board of Appeals and one (1) copy submitted to the officer/department from whom the appeal is taken. The written application shall be complete, including all information required by the Rules of Procedure; shall specify the grounds for the appeal; and shall be accompanied by the filing fee established by resolution of City Council. Notice of the public hearing on the appeal shall comply with section 20.42.

(Ord. No. 30-986, § 1, 7-28-09)

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### **Section 20.18 Report of Planning Director.**

A copy of the application for interpretation of the zoning ordinance or map shall be forwarded to the Planning Director for review. The Planning Director may provide a written report to the Board prior to the public hearing.

(Ord. No. 30-986, § 1, 7-28-09)

### **Section 20.19 Public hearing.**

Upon receipt of a written request for an interpretation of the zoning ordinance or zoning map, the Zoning Board of Appeals shall conduct a public hearing on the request. Notice shall be given as required under section 20.42. However, if the request does not involve a specific parcel of property, notice need only be published as provided in subsection 20.42(a) and given to the person making the request as provided in subsection 20.42(b)(1).

(Ord. No. 30-986, § 1, 7-28-09)

### **Section 20.20 Appearance.**

At the hearing, an applicant may appear personally or by their designated agent or attorney. In order for the agent or representative to appear on behalf of the applicant at the hearing, without the applicant's appearance, the applicant shall file a written designation of representation with the Zoning Board of Appeals.

(Ord. No. 30-986, § 1, 7-28-09)

### **Section 20.21 Decision.**

Based on its determination on a request for an interpretation, the Zoning Board of Appeals may reverse or affirm, wholly or partly, or modify the order, requirement, decision, or interpretation appealed. The Zoning Board of Appeals shall state the grounds for its interpretation and issue its decision in writing.

(Ord. No. 30-986, § 1, 7-28-09)

## *DIVISION 5. VARIANCES*

### **Section 20.22 Authorization.**

The Zoning Board of Appeals shall have the authority to grant variances from the regulations of the zoning ordinance so that the spirit of the zoning ordinance is observed, public safety secured, and substantial justice done. The Board of Appeals shall hear and decide all applications for variances. There are two (2) types of variances: non-use variances and land use variances.

(Ord. No. 30-986, § 1, 7-28-09)

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**Sec. 20.22.5. Applicants applying to the Zoning Board of Appeals for a variance who are in default to the City.**

Default. Applicant shall not apply for or be heard by the Zoning Board of Appeals for a variance request if he or she is in default to the City. "Default" is defined as any of the following:

- (1) Applicant or Applicant's tenant is Five Hundred Dollars (\$500.00) or more behind in property taxes associated with the subject property;
- (2) Applicant or Applicant's tenant is Five Hundred Dollars (\$500.00) or more behind in payments relating to an existing tax delinquent payment plan associated with the subject property;
- (3) Applicant or Applicant's tenant is Five Hundred Dollars (\$500.00) or more behind with the water bill payments associated with the subject property;

Exception. An Applicant who is in default to the City may submit a letter of hardship to City Council for consideration and approval of a default waiver. Applicant shall explain and state his or her hardship to City Council. City council may grant the Applicant a default waiver, authorizing the variance application to be processed, allowing the Applicant to appear before the Zoning Board of Appeals.

(Ord. No. 30-1032, § 1, 11-14-2017; Ord. No. 30-1031, § 1, 11-14-2017)

State law reference(s)—The Home Rule City Act 279 of 1909, as amended, found at MCL 117.5(f).

**Section 20.23 Non-use variance; practical difficulty standard.**

Non-use variances relate to the modification of applicable area, dimension or structural regulations. The concurring vote of five (5) members of the Board shall be required to approve a non-use variance. No variation from the provisions or requirements of this article shall be authorized by the Board unless the Board finds that the applicant has demonstrated all of the following to establish there is a practical difficulty in complying with the article requirement:

- (1) *Unreasonable impact/burden.* Strict compliance with area, setback, frontage, height, bulk or density requirements would unreasonably prevent the applicant from using the property for a permitted purpose, or would be unnecessarily burdensome.
- (2) *Not self-imposed.* The condition was not created by the applicant or a previous owner of the property or reasonably discoverable by the owner.
- (3) *Property unique.* The property has unique physical features or characteristics; or the plight is due to unique circumstances of this property and is not due to general neighborhood conditions.
- (4) *Not a detriment.* Granting the variance will not result in detriment to nearby properties; will not impair an adequate supply of light and air to the adjacent properties; will not impair the property values in the surrounding area; and will not cause public safety concerns.
- (5) *Not personal or economic.* The variance request is not primarily related to personal or economic hardship, rather, it is related to the unique features of the property.
- (6) *Necessary.* The variance is necessary for the preservation and enjoyment of a substantial property right similar to that enjoyed by other properties in the same zoning district and in the vicinity.

(Ord. No. 30-986, § 1, 7-28-09)

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## **Section 20.24 Land use variance; unnecessary hardship standard.**

A land use variance allows property to be used for a specific use that otherwise is prohibited in the applicable zoning district. The concurring vote of six (6) members of the Board shall be required to approve a land use variance. A land use variance shall not be authorized by the Board unless the Board finds that the applicant has demonstrated all of the following criteria to establish an unnecessary hardship:

- (1) *Property cannot be used as zoned.* The characteristics of the property are such that it cannot be used for any use permitted in the zoning district; or the property can only be used for a permitted use at a prohibitive expense and therefore, will not yield a reasonable rate of return; or the characteristics of the property render it valueless or to have only distress value for any of the uses permitted by the zoning district; or this article as it applies to the property is unreasonable and arbitrary; or confiscatory.
- (2) *Not self-imposed.* The condition was not created by the applicant or a previous owner of the property or reasonably discoverable by the owner.
- (3) *Property unique.* The property has unique physical features or characteristics or the plight is due to unique circumstances of this property and is not due to general neighborhood conditions.
- (4) *Not a detriment.* Granting the variance will not result in detriment to nearby properties; will not impair an adequate supply of light and air to the adjacent properties; will not impair the property values in the surrounding area; will not alter the essential character of the area; and will not cause public safety concerns.
- (5) *Necessary.* The land use variance is necessary for the preservation and enjoyment of the property.

(Ord. No. 30-986, § 1, 7-28-09)

## **Section 20.25 Variance pursuant to the Uniform Condemnation Procedures Act.**

In addition, a variance in the zoning ordinance may be applied for and granted under section 4 of the Uniform Condemnation Procedures Act, found at, MCL 213.54, as amended, and as provided under this article.

(Ord. No. 30-986, § 1, 7-28-09)

## **Section 20.26 Planned Unit Development Districts.**

A request for a variance from an ordinance provision applicable to property located in a Planned Unit Development District may be considered by the Zoning Board of Appeals, provided that the provision is not included in the Planned Unit Development Agreement as approved by the City Council. If the provision is included in the approved Planned Unit Development Agreement, the provisions related to major and minor modification as set forth in article 18 shall control.

(Ord. No. 30-986, § 1, 7-28-09)

## **Section 20.27 Application for variance.**

A written application for a variance shall be submitted together with thirteen (13) copies of a plan drawn to scale showing the dimensional and land use elements for the property, and thirteen (13) copies of all documentation submitted to support the requested variance. All commercial, industrial and new construction plans shall be prepared by a professional architect, engineer, land surveyor, landscape architect or community planner and shall bear the seal of a registered professional, except variances for residential fences and accessory

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buildings. Applications for residential fences and accessory buildings shall not be accepted unless accompanied by a mortgage survey or other survey drawn to scale showing the dimensional elements of the property.

(Ord. No. 30-986, § 1, 7-28-09)

### **Section 20.28 Application fee.**

No application shall be accepted unless it is a complete submission and includes the application fee established by resolution of the City Council.

Further, variance requests related to subdivisions or multiple lots the following formula will be used in computing the required fee:

- (1) Lots on the same side of a street containing the same size and dimensions, in consecutive order, one (1) application form is required.
- (2) Should any break occur in the consecutive order of lots, a separate application form will be required.
- (3) Lots on the opposite side of the street, but of the same size and dimensions, will also require a separate application form.
- (4) Corner lots will require a separate application form.

(Ord. No. 30-986, § 1, 7-28-09)

### **Section 20.29 Impact statement from Planning Director.**

A copy of the application for variance shall be forwarded to the Planning Director for review.;b0;The Planning Director may provide a written impact statement to the Board prior to the public hearing.

(Ord. No. 30-986, § 1, 7-28-09)

### **Section 20.30 Hearing.**

Upon receiving a complete application for a variance, the Zoning Board of Appeals shall conduct a hearing on the request. Notice shall be given as required under section 20.42.

(Ord. No. 30-986, § 1, 7-28-09)

### **Section 20.31 Appearance.**

At the hearing, an applicant may appear personally or by their designated agent or attorney. In order for the agent or representative to appear on behalf of the applicant at the hearing, without the applicant's appearance, the applicant shall file a written designation of representation with the Zoning Board of Appeals.

(Ord. No. 30-986, § 1, 7-28-09)

### **Section 20.32 Conditions of approval.**

In authorizing a variance, the Zoning Board of Appeals may attach conditions regarding the location, character, hours of operation, landscaping or use reasonably necessary to the furtherance of the intent and spirit of this article. In order to secure the performance of such reasonable conditions as the Board may require, pertaining to the improvement of off-street parking lots, or the installation of greenbelts or decorative walls or

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fences the Board may require the posting of a cash or surety bond in an amount equal to the cost of complying with the condition or conditions which the Board may require.

(Ord. No. 30-986, § 1, 7-28-09)

### **Section 20.33 Failure to apply for site plan approval or permits within one year.**

If a request for a variance is approved, application for site plan approval or required permits shall be made within one (1) year of the date of variance approval. Because circumstances change over time, if application is not made within one (1) year, the approval shall be rescinded and the applicant shall be required to file a new application for consideration. In addition, if the property is transferred after approval of the variance and prior to commencing construction, the approval shall be rescinded and the applicant shall be required to file a new application for consideration.

(Ord. No. 30-986, § 1, 7-28-09)

### **Section 20.34 Decision.**

The Zoning Board of Appeals shall state the grounds for its determination and issue its decision in writing.

(Ord. No. 30-986, § 1, 7-28-09)

## *DIVISION 6. SPECIAL EXCEPTIONS UPON APPROVAL OF ZONING BOARD OF APPEALS*

### **Section 20.35 Special exceptions defined.**

A special exception is where the zoning ordinance permits certain uses that are authorized by the ordinance upon the Zoning Board of Appeals determining that the use meets the stated conditions for the specified use of the property. Outdoor retail sales, circuses, fairs and carnivals are examples of special exceptions. Special exceptions are not variances and may be temporary, seasonal or permanent in nature as provided by the applicable ordinance provision.

(Ord. No. 30-986, § 1, 7-28-09)

### **Section 20.36 Application for special exception.**

Whenever in this article the lawful exercise or existence of a use requires the approval of the Zoning Board of Appeals, a written application for approval of a special exception shall be submitted together with thirteen (13) copies of a plan drawn to scale showing the dimensional and land use elements for the property, and thirteen (13) copies of all documentation submitted to support the request. All plans shall be prepared by a professional architect, engineer, land surveyor, landscape architect or community planner and shall bear the seal of a registered professional. No application shall be accepted unless it is a complete submission and includes the application fee established by resolution of the City Council.

(Ord. No. 30-986, § 1, 7-28-09)

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### **Section 20.37 Special exceptions approval.**

Whenever in this article, the lawful exercise or existence of a use requires the approval of the Zoning Board of Appeals, the Board shall be guided by the following standards:

- (1) Whether there is proper yard space, parking facilities, loading space and storage space to adequately carry on the use contemplated.
- (2) Whether the location and size of the proposed use, the nature and intensity of the principal use and all accessory uses, the site layout and its relation to access streets will not be hazardous or inconvenient to the neighborhood.
- (3) Whether, the traffic to and from the use or uses, and the assembly of persons in connection herewith, will not be hazardous or inconvenient to the neighborhood nor unduly conflict with the normal traffic of the neighborhood.
- (4) Whether or not the proposed use will have a detrimental effect on the health, peace, safety and welfare of persons residing in the surrounding neighborhood.

(Ord. No. 30-986, § 1, 7-28-09)

### **Section 20.38 Conditions of approval.**

In approving a special exception, the Zoning Board of Appeals may attach conditions regarding the location, character, hours of operation, landscaping or use reasonably necessary to the furtherance of the intent and spirit of this article.

(Ord. No. 30-986, § 1, 7-28-09)

### **Section 20.39 Hearing.**

Upon receiving a complete application for a special exception, the Zoning Board of Appeals shall conduct a hearing on the request. Notice shall be given as required under section 20.42.

(Ord. No. 30-986, § 1, 7-28-09)

### **Section 20.40 Appearance.**

At the hearing, an applicant may appear personally or by their designated agent or attorney. In order for the agent or representative to appear on behalf of the applicant at the hearing, without the applicant's appearance, the applicant shall file a written designation of representation with the Zoning Board of Appeals.

(Ord. No. 30-986, § 1, 7-28-09)

### **Section 20.41 Decision.**

The Zoning Board of Appeals shall state the grounds for its determination and issue its decision in writing.

(Ord. No. 30-986, § 1, 7-28-09)

## ***DIVISION 7. NOTICE***



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## Section 20.42 Notice requirements.

- (a) *Public hearings only.* If a public hearing is required under this article, the Zoning Board of Appeals shall publish notice of the hearing in a newspaper of general circulation in the local unit of government not less than fifteen (15) days before the date of the public hearing in addition to the notice required by subsection (b).
- (b) *All hearings.* For all hearings required by this article, including public hearings, notice shall be given complying with subsection (c) to all of the following:
  - (1) All owners of the property that is the subject of the request;
  - (2) All persons to whom real property is assessed within three hundred (300) feet of the property that is the subject of the request, regardless of whether the property is located in the City of Warren. Notice shall be provided to the citizens of the adjacent municipality after their municipality receives notice from the City of Warren that describes generally a geographic area of land located within 300 feet of the boundary of the property within the City of Warren.
  - (3) The occupants of all structures within three hundred (300) feet of the subject property regardless of whether the structure is located within the City of Warren. Notice need not be given to more than one (1) occupant of a structure, except that if a structure contains more than one (1) dwelling unit or spatial area owned or leased by different persons, one (1) occupant of each unit or spatial area shall be given notice. If a single structure contains more than four (4) dwelling units or other distinct spatial areas owned or leased by different persons, 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.
- (c) *Delivery; contents.* The notice is considered to be given when personally delivered or when deposited during normal business hours for delivery with the United States Postal Service or other public or private delivery service. The notice shall be given not less than fifteen (15) days before the hearing date. If the name of the occupant is not known, the term "occupant" may be used for the intended recipient of the notice. Notices shall include the following information:
  - (1) Describe the nature of the request.
  - (2) Indicate the property that is the subject of the request.
  - (3) The notice shall include a list of all existing street addresses within the property. Street addresses do not need to be created and listed if no such addresses currently exist within the property. If there are no street addresses, other means of identification may be used.
  - (4) State when and where the hearing will be conducted and the request will be considered.
  - (5) Indicate when and where written comments will be received concerning the request.

(Ord. No. 30-986, § 1, 7-28-09; Ord. No. 30-1071 , § 7, 2-8-22)

## *DIVISION 8. APPEAL*

### Section 20.43 Decision final; appeal to circuit court.

The decision of the Zoning Board of Appeals shall be final. A party aggrieved by the decision may appeal to the Circuit Court for the County of Macomb as provided under MCL 125.3606.

(Ord. No. 30-986, § 1, 7-28-09)

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**Section 20.44 Time to file appeal.**

An appeal from a decision of a Zoning Board of Appeals shall be filed within thirty (30) days after the Zoning Board of Appeals issues its decision in writing signed by the Chair, or within twenty-one (21) days after the Zoning Board of Appeals approves the minutes of its decision.

(Ord. No. 30-986, § 1, 7-28-09)

***ARTICLE XXI. CITY PLANNING COMMISSION<sup>9</sup>***

**Section 21.01 Powers and duties.**

The City Planning Commission is hereby designated as the Commission as specified in Section 3, Act 285, Public Acts of Michigan 1931 [MCL 125.33], as amended, and in Section 4, Act 207, Public Acts of Michigan 1921 [MCL 125.584], as amended, and shall conform the duties of said Commission provided in these Acts, together with such other powers and duties as are given to such Commission by the provisions of this article, including authority to act on all matters requiring the approval or recommendation of such Commission.

(Ord. No. 30-657, § 8, 4-12-83)

**Section 21.02 Rules of procedure.**

The City Planning Commission is hereby authorized to adopt Rules of Procedure consistent with the statutes of Michigan and the provisions of this article.

(Ord. No. 30-657, § 8, 4-12-83)

**Section 21.03 Authority to approve special land uses.**

Whenever in this article the lawful exercise or existence of a use requires the approval of the City Planning Commission such Commission is hereby authorized and directed to investigate the matter requiring such approval, to conduct a hearing thereon, to make a determination, to either grant or refuse the approval and to do all things reasonably necessary to the making of such investigation and determination, subject to the provisions of Section 22.15 of this Ordinance and further pursuant to Section 4a, Act 207, Public Acts of Michigan 1921 [MCL 125.584a], as amended.

(Ord. No. 30-657, § 8, 4-12-83)

**Section 21.04 Site plan review.**

In addition to those uses specifically mentioned above in this article requiring site plan approval, any multiple family structure, mobile home unit, commercial or industrial structure or addition thereto shall receive site plan

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<sup>9</sup>Charter reference(s)—Planning commission, § 7.22.

Cross reference(s)—Administration, Ch. 2; boards and commissions generally, § 2-91 et seq.

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review and approval pursuant to Section 22.16 of this article prior to the final processing of an application for a building permit.

(Ord. No. 30-657, § 8, 4-12-83)

### **Section 21.05 Court action - notice to property owners.**

In the event a legal action is commenced against the City relative to the application of the zoning ordinance, the Clerk for the City Council shall send a notice to all property owners within three hundred (300) feet of the property in question by U. S. mail addressed to the property owners at the addresses given in the last assessment roll. The notice shall contain the title of the cause and Circuit Court Case number.

When the results of the court action are received the Clerk for the City Council shall send a notice of the results to all property owners within three hundred (300) feet of the property in question by U. S. mail addressed to property owners at the address given in the last assessment roll.

(Ord. No. 30-657, § 8, 4-12-83)

### **Section 21.06 Fee schedule.**

At the time of filing an application for hearing before the Planning Commission the applicant shall pay in accordance with the schedule adopted by resolution of City Council.

(Ord. No. 30-657, § 8, 4-12-83)

## ***ARTICLE XXI-A. VILLAGE HISTORIC DISTRICT<sup>10</sup>***

### ***DIVISION 1. GENERALLY***

#### **Section 21A.01 Background and purpose.**

The ordinance is intended to protect the Village Historic District, because of its distinctive character and rich historical heritage; and to encourage interest in the City of Warren's historic past. Historic preservation is a public purpose. This article is established pursuant to the Michigan Local Historic Districts Act, P.A. 169 of 1970, as amended by MCL 399.201 et seq. Pursuant to this ordinance and the applicable provisions of the Michigan Local Historic Districts Act, the City of Warren (City) shall regulate the construction, addition, alteration, repair, moving, excavation, and demolition of resources in the Village Historic District. This ordinance is also intended to:

- (a) Promote the economic and general welfare of our residents by fostering civic beauty through the encouragement of appropriate historic settings and conservation of desirable historical character.

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<sup>10</sup>Editor's note(s)—Ord. No. 30-1006, §§ 1 and 2, adopted Sept. 23, 2014, repealed Art. XXI-A and enacted a new article as set out herein. The former Art. XXI-A, §§ 21A.01—21A.12, pertained to Village Historic District Zoning and derived from Ord. No. 30-521, § 1(21A.01—21A.12), adopted Dec. 28, 1976, and Ord. No. 30-880, § 1, adopted Oct. 14, 1997

- (b) Encourage educational, recreational, and cultural activities within our municipality which advance the principles and goals of historic preservation and community development, as embodied in the Master Plan.
- (c) Safeguard the heritage of the City by preserving the Village Historic District's history, architecture, archaeology, engineering and culture.
- (d) Stabilize and improve property values in the Village Historic District and the surrounding areas.
- (e) Strengthen the local economy.
- (f) Promote the use of the Village Historic District for the education, pleasure, and welfare of the citizens of the City and the State.

(Ord. No. 30-1006, § 2, 9-23-14)

**Section 21A.02 District boundaries.**

- (a) The City Council may, at any time, modify boundaries of the Village Historic District, or eliminate the Village Historic District.
- (b) The Village Historic District is established. The Village Historic District boundaries are described as follows:

***THE VILLAGE OF WARREN***

THE VILLAGE OF WARREN

Beginning at the intersection of the north side right-of-way line of Chicago Road and the southeast corner of lot 15 of Block 7 of Assessor's Addition to City of Warren; thence westerly along the north right-of-way line of Chicago Road to the southwest corner of lot 1 of re-plat John Warner Subdivision; thence in a southwesterly direction to the northeast corner of lot 7 of Block 3 of Hoard's and Martin's Plat of the City of Warren; thence south along the east property line of said lot to the southeast corner; thence westerly along the south property lines of lots 1 thru 7 of Block 3 of Hoard's and Martin's Plat of the City of Warren to the southwest corner of lot 1 of said plat; thence continuing westerly across Flynn Street and along the south property lines of lots 2 thru 7 of Block 4 of Hoard's and Martin's Plat of the City of Warren to the intersection of the southwest corner of lot 2 of said plat and the east right-of-way of Mound Road; thence northerly to a point on the west property line of and 33.42 ft. north of the southwest corner of lot 1 of Block 4 of Assessor's Addition to the City of Warren; thence in a westerly direction to the southeast corner of lot 2 of Block 3 of Assessor's Addition to the City of Warren; thence along the south property line (Beebe Ave) of lot 2 of said plat to a point on the east property line of and 30 ft. north of the southeast corner of lot 13 of Block 2 of the Assessor's Addition to the City of Warren; thence west to a point on the west property line of and 30 ft. north of the southwest corner of lot 13 of Block 2 of said plat; thence north along the west property lines of lots 13 thru 18 of Block 2 of Assessor's Plat of the City of Warren to a point on the west property line of and 116.34 ft. north of the southwest corner of lot 8 of said plat and the southeast corner of P.I.N. 13-05-429-023; thence westerly along the south property lines of P.I.N. 13-05-429-022 and 13-05-429-023, 159.48 ft. to the southwest corner of P.I.N. 13-05-429-022 and a point on the east property line of and 149.04 ft. south of the south side right-of-way of Chicago Road and northeast corner of P.I.N. 13-05-428-009; thence south 115 ft. to the southeast corner of P.I.N. 13-05-428-009; thence westerly 105.25 ft. to the southwest corner of said P.I.N.; thence northerly to a point on the west property line of and 40 ft. north of the southwest corner of said P.I.N. and the southeast corner of P.I.N. 13-05-428-001; thence west along the south property line of said P.I.N. 135.74 ft. to the center of Lexington Heights Street; thence northerly to a point on the north right-of-way line of Chicago Road and the southwest corner of P.I.N. 13-05-433-001 thru 13-05-433-006 Village West MCCC Condominiums; thence northerly along the west property line of said condominiums to a point on the south side of the Red Run Drain; thence easterly along the south side of the Red Run Drain traversing

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across Mound Road and continuing to a point being the northeast corner of P.I.N. 13-04-329-001; thence south along the east property line of said P.I.N. 405 ft. to the northeast corner of lot 15 of Block 7 of Assessor's Addition of the City of Warren; thence easterly along the north property line of said lot 67.70 ft.; thence southerly along the east property line of said lot to the point of beginning on the north side right-of-way of Chicago Road.

Also non-contiguous parcels identified as follows: Eckstein Park consisting of P.I.N. 13-04-326-001 through 13-04-326-003; and Warren Union Cemetery consisting of P.I.N. 13-05-180-002.

(Ord. No. 30-1006, § 2, 9-23-14)

### **Section 21A.03 Definitions.**

For the purpose of this Article, the following terms, and phrases shall mean:

*Alteration* means work that changes the detail of a resource but does not change its basic size or shape.

*Applicant* means any person, individual, partnership, firm, corporation, organization, institution, or agency of government that wishes to perform work that requires a permit on a resource in the Village Historic District.

*Certificate of Appropriateness* means the written approval of a permit application for work that is appropriate and that does not adversely affect a resource.

*Commission* means the City's Village Historic District Commission.

*Demolition* means the entire or partial razing or destruction of a resource including, but not limited to, demolition by neglect.

*Demolition by neglect* means neglect in maintaining, repairing, or securing a resource that results in deterioration of an exterior feature of the resource or the loss of structural integrity of the resource.

*Denial* means the written rejection of a permit application for work that is inappropriate, and that adversely affects a resource.

*Fire alarm system* means a system designed to detect and annunciate the presence of fire or by-products of fire. Fire alarm system includes smoke alarms.

*Historic district* means an area, or group of areas not necessarily having contiguous boundaries, that contains one resource or a group of resources that are related by history, architecture, archaeology, engineering, or culture.

*Historic preservation* means the identification, evaluation, establishment, and protection of resources that are significant in history, architecture, archeology, engineering, or culture.

*Historic resource* means a publicly or privately owned building, structure, site, object, feature, or open space that is significant in the history, architecture, archeology, engineering, or culture of this State or a community within this State or of the United States.

*Notice to Proceed* means the written permission for work that is inappropriate, and that adversely affects the resource.

*Open space* means undeveloped land, a naturally landscaped area, or a formal or manmade landscaped area that provides a connective link or a buffer between other resources.

*Ordinary maintenance* means keeping a resource unimpaired and in good condition through ongoing minor intervention, undertaken from time to time, in its exterior condition. Ordinary maintenance does not change the external appearance of the resource, except through the elimination of the usual and expected effects of weathering. Ordinary maintenance does not constitute work for purposes of this article.

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*Permit* means approval to perform work, indicated either by a Certificate of Appropriateness, or a Notice to Proceed.

*Repair* means to restore a decayed or damaged resource to a good or sound condition by any process. A repair that changes the external appearance of a resource constitutes work for purposes of this article.

*Resource* means any publicly or privately owned historic or non-historic building, structure, site, object, feature, or open space located in the Village Historic District.

*Smoke alarm* means a single-station or multiple-station alarm responsive to smoke and not connected to a system. As used in this subdivision, "single-station alarm" means an assembly incorporating a detector, the control equipment, and the alarm sounding device into a single unit, operated from a power supply either in the unit or obtained at the point of installation. "Multiple-station alarm" means two (2) or more single-station alarms that are capable of interconnection such that actuation of one (1) alarm causes all integrated separate audible alarms to operate.

*Work* means construction, addition, alteration, repair, moving, excavation or demolition of a resource, excluding ordinary maintenance.

(Ord. No. 30-1006, § 2, 9-23-14)

## **Sections 21A.04—21A.06 Reserved.**

### *DIVISION 2. MEMBERSHIP, POWERS, AND DUTIES*

#### **Section 21A.07 Established; membership; terms; vacancies.**

- (a) *Established.* The Commission is hereby established.
- (b) *Membership and appointment.*
  - i. The Mayor shall appoint the voting members of the Commission.
  - ii. The Commission shall consist of seven (7) voting members.
  - iii. The Commissioners shall:
    - i. Reside in the local unit as defined by MCL 399.201a;
    - ii. If available, include at least three (3) members who are property owners within the Village Historic District;
    - iii. Include at least two (2) members from a list of citizens submitted by a duly organized local historic preservation organization;
    - iv. Include a majority of members who have a clearly demonstrated interest in, or knowledge of historic preservation; and
    - v. If available, include a graduate of an accredited school of architecture who has two (2) years of architectural experience, or who is an architect registered in this State.
  - iv. The Mayor may also appoint one or more nonvoting delegates.
    - i. Nonvoting delegates shall have a clearly demonstrated interest in, or knowledge of historic preservation.
    - ii. The delegate shall not vote.

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- iii. The Mayor may remove nonvoting delegates at any time.
  - v. City Council may appoint a nonvoting ex-officio member.
- (c) *Terms.* A Commissioners' term shall be three (3) years. The Commissioners currently serving on the Commission at the time of the adoption of this Article shall continue to serve on the Commission until their terms would have expired pursuant to the repealed enabling ordinance. Commissioners are eligible for re-appointment to succeeding terms.
- (d) *Vacancies.* In the event of a vacancy on the Commission, the Mayor shall make an interim appointment within sixty (60) calendar days of being notified of the vacancy. The interim Commissioner shall complete the remainder of the outgoing Commissioner's term.
- (Ord. No. 30-1006, § 2, 9-23-14)

### **Section 21A.08 Powers and duties.**

The Commission shall have the following powers and duties:

- (a) To adopt rules of procedure.
- (b) To review permit applications for work affecting resources.
- (c) To issue (1) a Certificate of Appropriateness, for appropriate proposed work; or (2) a Notice to Proceed or a denial of the application for proposed inappropriate work, on a resource that affects the exterior appearance, or the interior arrangements, as provided in MCL 399.205(1) and (4).
- (d) To issue a Notice to Proceed, or deny an application to demolish a resource.
- (e) To give advice and guidance regarding any proposed work on a resource.
- (f) To advise and assist property owners, City Departments, City Council, the Mayor, and the general public on physical and financial aspects, and benefits of historic preservation.
- (g) To recommend to the City Council the designation of additional historic districts from resources chosen according to the criteria listed in MCL 399.203 and MCL 399.214.
- (h) To accept and administer grants and gifts given to the Commission for the purpose of preserving the Village Historic District.
- (i) To enter into agreements and contracts for the purpose of assisting the Commission in carrying out its duties.
- (j) To write an annual report to the Mayor, at the end of the fiscal year, which reviews the budget and the Commission's work during the preceding year.
- (k) To conduct an ongoing survey, in accordance with the survey procedures established by the State Historic Preservation Office, in order to identify properties, structures, and areas that exemplify the cultural, social, spiritual, economic, political, educational, engineering, or architectural history of the City, State, or nation.
- (l) To keep a register of all designated historic resources within the Village Historic District, including all information required for each designation.
- (m) To determine an appropriate system of markers, and to confer recognition on the owners of historic resources, within the Village Historic District, by means of certificates, plaques, or markers.
- (n) To nominate Village Historic District historic resources to the State and National Register of Historic Places, and to review and comment on any nominations submitted to the Commission.

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- (o) To disseminate information to the public concerning those resources deemed worthy of preservation, and to encourage the protection, enhancement, perpetuation and use of resources of historic and/or architectural interest.
  - (p) To adopt design review standards and guidelines for resource treatment and seek approval of the standards and guidelines from the State Historic Preservation Office.

(Ord. No. 30-1006, § 2, 9-23-14)

**Sections 21A.09—21A.11 Reserved.**

*DIVISION 3. PERMIT APPLICATION, REVIEW, AND APPEAL*

**Section 21A.12 Permit.**

- (a) *Permit required.* An applicant shall obtain a permit from the Commission before performing any work on a resource that affects:
  - (1) The exterior appearance of the resource including, but not limited to: (1) work to the interior that causes visible change to the exterior, and (2) demolition; or
  - (2) The interior of the resource that City Council specifically authorizes the Village Historic District Commission to review.
- (b) *Permit not required.* A permit is not required for ordinary maintenance.

(Ord. No. 30-1006, § 2, 9-23-14)

**Section 21A.13 Application.**

An applicant shall file a complete permit application with the Commission. The permit application shall include information that the Commission deems necessary to review the application under Section 21A.15 and 21A.16.

(Ord. No. 30-1006, § 2, 9-23-14)

**Section 21A.14 Filing fee.**

- (a) At the time of making a permit application, an applicant shall pay a filing fee as set by resolution of the City Council. A permit application shall not be considered complete until the fee has been paid in full.

(Ord. No. 30-1006, § 2, 9-23-14)

**Section 21A.15 Review of application.**

- (a) On receipt of a complete permit application, the Commission shall place the permit application on the agenda for the next scheduled meeting.
- (b) The Commission shall review the permit application for compliance with the standards and guidelines stated in this Article.
- (c) After reviewing the permit application, the Commission may issue:

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- (1) A Certificate of Appropriateness;
  - (2) A Notice to Proceed; or
  - (3) A denial of the permit.
- (d) A Certificate of Appropriateness or a Notice to Proceed authorizes the proposed work to proceed, subject to all other provisions of the Code of Ordinances.
- (e) The Commission's failure to act shall constitute an approval of the application, if:
- (1) Sixty (60) calendar days have passed since the date the applicant filed a complete application; and
  - (2) The Commission and the applicant do not sign a written extension agreement.
- (Ord. No. 30-1006, § 2, 9-23-14)

### **Section 21A.16 Commission action, and standards for review.**

- (a) Certificate of Appropriateness.
- (1) The Commission shall only issue a Certificate of Appropriateness if the permit application provides:
    - i. For work that complies the United States Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, as set forth in 36 CFR Part 67, or design review standards and guidelines that address special design characteristics of historic districts, if they are equivalent in guidance to the Secretary of Interior's standards and guidelines, and are established or approved by the State Historic Preservation Office; and
    - ii. That the resource has, or will have, before the proposed project completion date, a fire alarm system or a smoke alarm complying with the requirements of the State Construction Code.
  - (2) In making a finding of whether to issue a Certificate of Appropriateness, the Commission shall also consider all of the following:
    - i. The historic or architectural value and significance of the resource and its relationship to the historic value of the surrounding area.
    - ii. The relationship of any architectural features of the resource to the rest of the resource and to the surrounding area.
    - iii. The general compatibility of the design, arrangement, texture, and materials proposed to be used.
    - iv. Other factors, such as aesthetic value, that the Commission finds relevant.
- (b) *Notice to Proceed.*
- (1) The Commission may issue a Notice to Proceed for work that does not meet the standards for a Certificate of Appropriateness, if the Commission finds any of the following conditions prevail, and that a Notice to Proceed is necessary to substantially improve or correct any of the following conditions:
    - i. The resource constitutes a hazard to the safety of the public or the structure's occupants.
    - ii. The resource is a deterrent to a major improvement program that will be of substantial benefit to the community and the applicant proposing the work has obtained all necessary planning and zoning approvals, financing and environmental clearances.
    - iii. Retaining the resource will cause undue financial hardship to the owner when a governmental action, an act of God or other events beyond the owner's control created the hardship, and all

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feasible alternatives to eliminate the financial hardship, which may include offering the resource for sale at its fair market value, or moving the resource to a vacant site within a historic district, have been attempted and exhausted by the owner. The applicant shall provide proof of financial hardship as required and defined by the Commission.

- iv. Retaining the resource is not in the interest of the majority of the community.
- (c) Denial of Permit Application.
- (1) If the Commission finds that neither a Certificate of Appropriateness, nor a Notice to Proceed is proper, it shall deny the applicant's permit.
  - (2) If the Commission denies an applicant's permit, the applicant shall not perform the proposed work.
  - (3) If the Commission denies a permit, it shall provide to the applicant:
    - i. A written explanation of the reasons for denial;
    - ii. If applicable, a notice that an application may be resubmitted for Commission review when suggested changes have been made; and
    - iii. Notification of the applicant's right of appeal to the State Historic Preservation Review Board and the Circuit Court.

(Ord. No. 30-1006, § 2, 9-23-14)

#### **Section 21A.17 Notification of action.**

- (a) The Commission shall file Certificates of Appropriateness, Notices to Proceed, and denials of applications with the Division of Buildings Safety and Engineering and the Planning Department. The decision of the Commission shall be binding on all departments of the City.

(Ord. No. 30-1006, § 2, 9-23-14)

#### **Section 21A.18 Approval of minor classes of work.**

- (a) The Commission may delegate the issuance of a Certificate of Appropriateness for designated minor classes of work to the Director of the Division of Buildings Safety and Engineering.
- (b) The Commission shall provide specific written standards to the Director of the Division of Buildings Safety and Engineering for issuing a Certificate of Appropriateness-Minor Class of Work.
- (c) The Director of the Division of Buildings Safety and Engineering shall forward all Certificates of Appropriateness-Minor Class of Work to the Commission for record keeping.
- (d) On at least a quarterly basis, the Commission shall review the Certificates of Appropriateness issued by the Director of the Division of Buildings Safety and Engineering to determine if the delegated responsibilities should be continued.

(Ord. No. 30-1006, § 2, 9-23-14)

#### **Section 21A.19 Appeal from decision of the commission.**

- (a) An applicant aggrieved by the Commission's decision may file an appeal with the State Historic Preservation Review Board.

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- (b) An applicant shall file the appeal within sixty (60) days after the Commission provides its decision to the applicant. The applicant may submit all, or part of his or her evidence and arguments in written form.
  - (c) An applicant aggrieved by the decision of the State Historic Preservation Review Board may appeal the decision to the Macomb County Circuit Court.
  - (d) A citizen or duly organized historic preservation organization in the City aggrieved by a decision of the Commission may appeal the decision to the Macomb County Circuit Court.

(Ord. No. 30-1006, § 2, 9-23-14)

**Sections 21A.20—21A.24 Reserved.**

*DIVISION 4. METHODS TO PRESERVE RESOURCES*

**Section 21A.25 Plan for preservation of resource.**

- (a) If an application is for work that will adversely affect the exterior of a resource the Commission considers valuable to the City, State, or nation, and the Commission determines that the alteration or loss of that resource will adversely affect the public purpose of the City, State, or nation, the Commission shall attempt to establish with the owner of the resource an economically feasible plan for preservation of the resource.

(Ord. No. 30-1006, § 2, 9-23-14)

**Section 21A.26 Prevention of demolition by neglect.**

- (a) On a finding by the Commission that a resource is threatened with demolition by neglect, the Commission may:
  - (1) Require the owner of the resource to repair, within a reasonable period of time, all conditions contributing to demolition by neglect; or
  - (2) If the owner does not, or cannot make repairs within the time prescribed, the Commission or its agents may seek a court order to enter the property and make such repairs as are necessary to prevent demolition by neglect.
    - i. The cost of the work shall be charged to the owner, and may be levied by the City as a special assessment against the property.
    - ii. The Commission or its agents may enter the property for purposes of this section by obtaining an order from the Macomb County Circuit Court.

(Ord. No. 30-1006, § 2, 9-23-14)

**Section 21A.27 Demolition.**

- (a) Prior to issuing a Notice to Proceed to demolish a resource, the Commission may require an applicant to have a historical survey of the property done before or after demolishing the resource.

(Ord. No. 30-1006, § 2, 9-23-14)

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**Section 21A.28 Remedies for work performed without a permit.**

- (a) When any person performs work or causes work to be performed on a resource without first obtaining a permit required by this Article, and the Commission finds that the work does not qualify for a Certificate of Appropriateness, the Commission may require the owner to, within a reasonable period of time:
  - (1) Restore the resource to the condition the resource was in before the inappropriate work was done; or
  - (2) Modify the work so that it qualifies for a Certificate of Appropriateness.
- (b) If the owner does not comply with the Commission's restoration or modification requirement within the time prescribed, the Commission may seek an order from the Macomb County Circuit Court that requires the owner to restore the resource to its former condition or to modify the work so that it qualifies for a Certificate of Appropriateness.
- (c) If the owner does not comply or cannot comply with the order of the Court, and the order so provides, the Commission or its agents may enter the property and conduct work necessary to restore the resource to its former condition or modify the work so that it qualifies for a Certificate of Appropriateness.
  - (1) The cost of the work shall be charged to the owner, and may be levied by the City as a special assessment against the property.

(Ord. No. 30-1006, § 2, 9-23-14)

**Section 21A.29 Moratorium.**

- (a) If the City Council finds that pending work will cause irreparable harm to a resource, the City Council may by resolution declare an emergency moratorium of all such work for a period, not to exceed six (6) months.
- (b) After the expiration of the initial emergency moratorium period, if the City Council finds that the threat of irreparable harm to resources is still present, it may extend the emergency moratorium for an additional period, not to exceed six (6) months.
- (c) The Commission may summarily deny any pending permit application concerning a resource that is subject to an emergency moratorium.

(Ord. No. 30-1006, § 2, 9-23-14)

**Section 21A.30 Acquisition of resource by city.**

- (a) As provided by the Michigan Local Historic District's Act, MCL 399.207, the City Council may acquire, and the Commission may maintain a resource if:
  - (1) Efforts by the Commission to preserve a resource fail; or
  - (2) City Council determines, after review and recommendation of the Commission, that it is in the public interest to acquire the resource.
- (b) On the recommendation of the Commission, the City may sell resources acquired under this Section with protective easements included in the property transfer documents.

(Ord. No. 30-1006, § 2, 9-23-14)

***DIVISION 5. PENALTIES***

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**Section 21A.31 Penalties.**

- (a) Any person or entity who violates any provision of this Article is responsible for a municipal civil infraction punishable by a fine of up to \$5,000.00.
- (b) Pursuant to MCL 399.215(2), a court may order the person or entity to pay the costs to restore or replicate a resource unlawfully constructed, added to, altered, repaired, moved, excavated or demolished.

(Ord. No. 30-1006, § 2, 9-23-14)

**Sections 21A.32—21A.35 Reserved.**

***ARTICLE XXI-B. DOWNTOWN CENTER<sup>11</sup>***

***DIVISION 1. PURPOSE, INTENT AND GOALS***

**Section 21B.01 General purpose.**

The purpose of the Downtown Center is to encourage and support the development of a downtown center comprised of both public facilities and private development to provide a broad spectrum of activities and services in one (1) centralized area of the community which will include trade and commerce, professional services, specialized shops, governmental and cultural activities developed with appropriate density, scale and design integrity to allow the mixing of uses typically separated by district in a manner that ensures compatibility of uses.

In order to carry out the spirit of this ordinance, it is intended that the area comprising the Downtown Center be developed according to the very carefully formulated design standards contained in this Article, recommended by the Urban Design Manual, the Streetscape Design Guidelines and tailored after the Downtown Development Authority Primary Corridor Design Study. These documents are on file with the Planning Department and the Downtown Development Authority.

(Ord. No. 30-968, § 2, 3-28-06)

**Section 21B.02 Development goals.**

The regulations and design standards contained in this article are intended to encourage the development of a Downtown Center in accordance with the following goals:

- (1) To promote the goals and objectives of the concept plan developed by Urban Design Associates, the Comprehensive Development Plan adopted in 1966 and other applicable long range plans.
- (2) To encourage harmonious development of public facilities and private development to insure that the Downtown Center will offer a broad spectrum of activities, residential uses, trade, commerce, retail, specialized shops, governmental and cultural activities.

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<sup>11</sup>Editor's note(s)—Ord. No. 30-968, § 1, adopted March 28, 2006, repealed former Art. XXI-B, in its entirety, which pertained to the City Center District. Section 2 of said ordinance enacted provisions designated as a new Art. XXI-B to read as herein set out. See the Code Comparative Table for a detailed analysis of inclusion of Ord. No. 30-968.

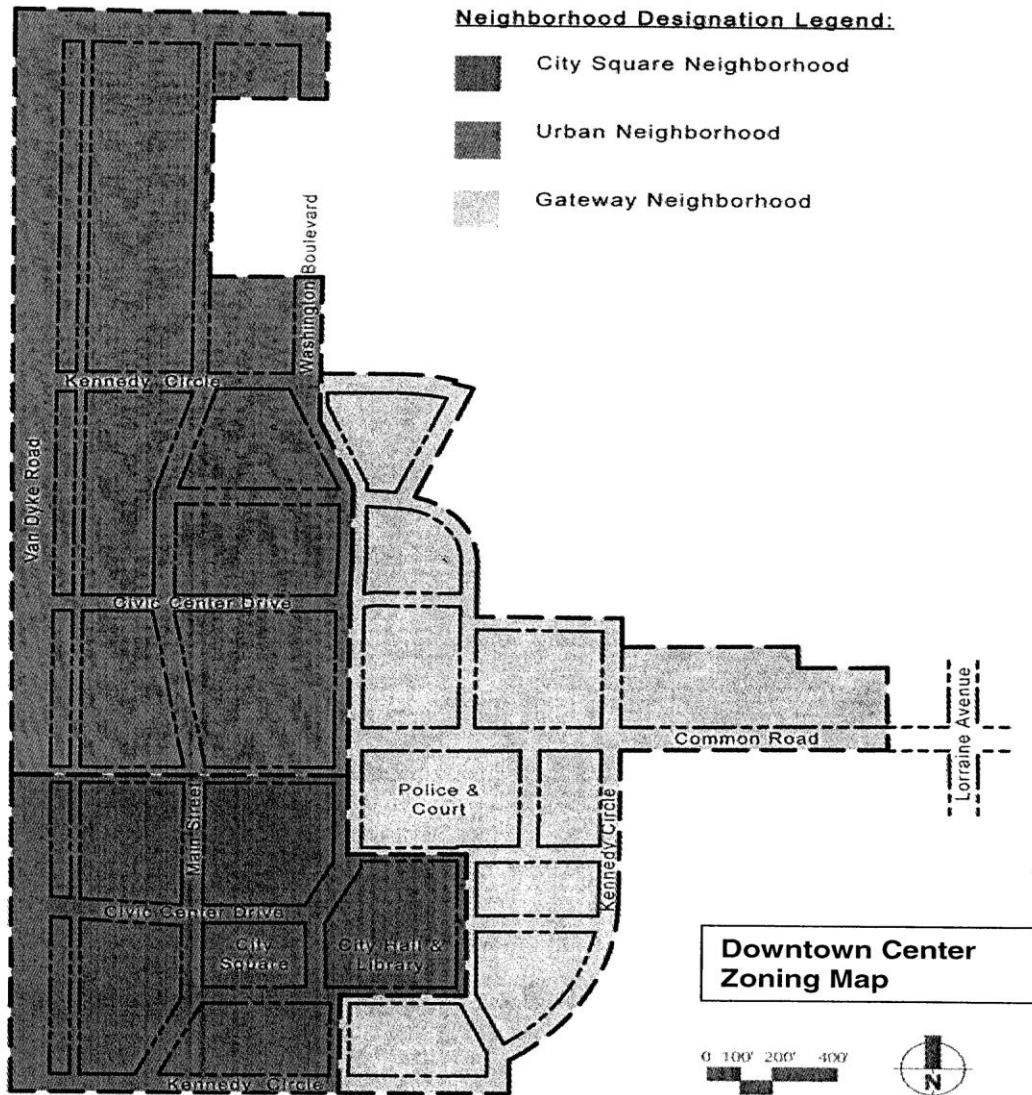
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- (3) To permanently preserve an open space or park area to provide a gathering place for visitors to the Downtown Center and allow for recreational, cultural, civic and ceremonial activities in the Downtown Center area.
  - (4) To encourage creative development design allowing a greater mix of uses to occur in close proximity to one another and to require specific placement and articulation of buildings so that a more pedestrian friendly urban fabric will be provided in the Downtown Center.
  - (5) To foster an appealing aesthetic appearance of the Downtown Center area through quality building design and site development; to provide trees and landscaping to enhance the development; and to emphasize pedestrian accessibility.
  - (6) To bring about and encourage redevelopment of sites where an orderly change of use is determined necessary to be consistent with the purpose of the Downtown Center.
  - (7) To encourage uses for parcels which can provide transitional buffers to single use residential areas.

(Ord. No. 30-968, § 2, 3-28-06)

**Sections 21B.03—21B.05 Reserved.**

*DIVISION 2. ZONING DISTRICT*

**Section 21B.06 Area.**



Downtown Center Zoning Map

(Ord. No. 30-968, § 2, 3-28-06)

**Section 21B.07 Mixed use district.**

The Downtown Center is a mixed use district comprised of three (3) mixed use zones of varying intensity. The Downtown Center imposes specific use and site design standards for density, set back, height and other regulations applicable to each zone to encourage development of a Downtown with a transitional gateway area to serve as a graduated buffer to the surrounding residential areas. Each of the three (3) zones are unique to the Downtown Center due to their relationship to the City Hall, City Square and Downtown area. These standards are

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applicable only to the Downtown Center. In the event of a conflict between a regulation in this Article and any other applicable regulation in this ordinance, the standards for the Downtown Center shall prevail.

(Ord. No. 30-968, § 2, 3-28-06)

### **Section 21B.08 City Square Neighborhood.**

The City Square Neighborhood is to serve as an active meeting point for the community providing essential services to the users of the Downtown. This zone shall serve as the heart of the city bringing together civic, governmental and cultural activities to create a unique sense of place. At street level, uses shall compliment the City Square and encourage interaction of the community, such as: civic and cultural uses, coffee shops, restaurants, and retail shops that will activate the street and provide amenities to the users of the City Square. Upper floors of buildings shall provide a myriad of office and housing options intended to provide around the clock vitality and energy to the street life. The buildings in close relation to the City Square shall have higher densities to provide a unique urban pedestrian life style in close relation to the City Square. Building size, placement and uses shall strictly conform to the regulations adopted to preserve the features of an urban zone.

(Ord. No. 30-968, § 2, 3-28-06)

### **Section 21B.09 Urban Neighborhood.**

The Urban Neighborhood shall provide a unique zone which allows both residential and business uses to operate in the context of a denser environment. Pedestrian activity is promoted by encouraging the physical layout of buildings close to the street and sidewalk edge. This layout places an emphasis on providing access for pedestrians. Parking demands generated by these uses shall be provided in designated areas so as not to impinge upon the pedestrian context. This zone shall allow a variety of retail, commercial, professional business, office and recreational uses at the street level to generate the desired vitality of the district. The residential densities shall be highest here to provide a round the clock urban pedestrian lifestyle.

(Ord. No. 30-968, § 2, 3-28-06)

### **Section 21B.10 Gateway Neighborhood.**

The Gateway Neighborhood shall provide land use transition from the higher intensity Urban Neighborhood to the surrounding residential zones. This transitional area shall provide an appropriate mix of uses to serve adjacent neighborhoods designating a lower level of intensity that will compliment the adjacent single use zoning. A mix of uses shall be allowed that appropriately transition from the Urban Neighborhood to the more residential nature of the Gateway Neighborhood by encouraging a greater percentage of residential and less intense office uses within this area. Retail opportunities shall focus on serving the immediate surrounding neighborhoods. A route shall be provided for pedestrian travel to the Urban Neighborhood and City Square. Parking requirements in this zone shall reflect the decreases in density. Building scale, size and density will step down in volume from that allowed in the Urban Neighborhood.

(Ord. No. 30-968, § 2, 3-28-06)

### **Section 21B.11 Non-conforming uses.**

The adoption of the Downtown Center and the carefully formulated design standards may render a lawful existing use located in the Downtown Center dimensionally non-conforming. These uses may be continued exactly as they existed on the date the Downtown Center ordinance was enacted. Section 4.17 of the Zoning Ordinance



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shall regulate the continuation, restoration, repair, maintenance and removal of all lawful uses rendered non-conforming.

(Ord. No. 30-968, § 2, 3-28-06)

## **Sections 21B.12—21B.14 Reserved**

### *DIVISION 3. USES PERMITTED IN THE DOWNTOWN CENTER*

#### **Section 21B.15 In general.**

In order to meet the objectives of this article, to ensure compatibility of uses and to achieve the successful development of a downtown, uses permitted in each zone have been carefully tailored to foster and support the development of a downtown. Specific uses permitted in each zone are set forth in the following sections. Subject to the specific provisions of this article, the following general categories of uses may be permitted in the Downtown Center:

Residential, Professional Business, Office, Local Business, General Business, Recreational, Governmental, Libraries, and Civic Organizations.

(Ord. No. 30-968, § 2, 3-28-06)

#### **Section 21B.16 Accessory uses permitted.**

Uses customarily accessory to permitted principal uses may be permitted as approved by the planning commission during site plan approval and shall be designated on the approved site plan.

(Ord. No. 30-968, § 2, 3-28-06)

#### **Section 21B.17 Prohibited uses.**

To promote and encourage the development of a downtown area as intended by this ordinance the following uses have been determined to be incompatible with the goals and objectives set forth for the development of this district. Therefore, the following uses are prohibited in the Downtown Center:

Wholesale and intensive business

Industrial and developmental manufacturing

Uses involving the processing of raw materials including those for shipment in bulk form to be used in an industrial or commercial operation at another location

Warehouses

Automotive service and repair

Gasoline stations and oil service stations

Automobile washes

Outdoor storage or display of materials, equipment, or vehicles except, outdoor retail sales approved pursuant to this ordinance

New and used automobile dealerships/lots

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Hospitals and sanitariums  
Veterinary clinic, kennel or stable  
Pawn shops  
Amusement centers and arcades  
Sexually oriented businesses  
Mobile home parks  
Single-family residential  
Two-family residential  
Drive in restaurants  
Tattoo establishments

(Ord. No. 30-968, § 2, 3-28-06)

### **Section 21B.18 Uses permitted in the City Square Neighborhood.**

- (a) *Street level.* To encourage development of the City Square as an active meeting point for the community and to serve as the heart of the city bringing together civic, governmental and cultural activities, the following categories of uses shall be allowed that will activate the street and provide amenities to the users of the City Square:

Community buildings  
Public social clubs  
Day care centers  
Museums open to the public  
Libraries  
Professional business  
Office  
Local business  
General business  
Public and private parking structures

- (b) *Upper levels.* Uses permitted in upper levels of buildings are encouraged to provide a variety of office and housing options which will provide around the clock vitality and energy to the street life. The buildings in close relation to the City Square shall have higher densities to provide a unique urban pedestrian life style in close relation to the City Square, therefore, the following uses shall be allowed in the upper floors in the City Square in addition to the uses listed above:

Multiple-family housing  
High rise apartments  
Professional offices  
Medical offices excluding emergency care centers

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- (c) *Sidewalk.* Outdoor retail sales shall be allowed in the City Square as sidewalk sales of the goods sold in the principal business as regulated in this article.

(Ord. No. 30-968, § 2, 3-28-06)

### **Section 21B.19 Uses permitted in the Urban Neighborhood.**

- (a) *Street level.* The Urban Neighborhood shall provide a unique zone which allows both residential and business uses to operate in the context of a denser environment. Pedestrian activity is promoted by encouraging the physical layout of buildings close to the street and sidewalk edge. This layout places an emphasis on providing access for pedestrians. This zone shall allow a variety of retail, commercial, professional business, office and recreational uses to generate the desired vitality of the Downtown. The categories of uses allowed are listed as follows:

Community buildings

Public social clubs

Day care centers

Museums open to the public

Libraries

Professional business

Office

Local business

General business

Public and private parking structures and surface lots

- (b) *Upper levels.* Upper levels of buildings shall also provide a myriad of office and housing options which will provide around the clock vitality and energy to the street life. The buildings in the Urban Neighborhood shall have higher densities to provide a unique urban pedestrian life style, therefore, in addition to the uses listed above, the following uses shall be allowed in the upper floors of buildings in the Urban Neighborhood:

Multiple-family housing

High rise apartments

Professional offices

Medical offices excluding emergency care centers

- (c) *Sidewalks.* Outdoor retail sales shall be allowed in the Downtown Center as sidewalk sales of the goods sold in the principal business as regulated in this ordinance.

(Ord. No. 30-968, § 2, 3-28-06)

### **Section 21B.20 Uses permitted in the Gateway Neighborhood.**

- (a) *Street level.* The Gateway Neighborhood shall provide land use transition from the higher intensity Urban Neighborhood to the surrounding residential zones. A mix of uses shall be allowed that appropriately transition from the Urban Neighborhood to the more residential nature of the Gateway Neighborhood by encouraging a greater percentage of residential and less intense office uses within this area. Retail

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opportunities shall be encouraged that focus on serving the immediately surrounding neighborhoods. The following categories of uses shall be allowed at street level in the Gateway Neighborhood:

Professional business

Office

Local business

Schools, nursery and day care centers

Medical office

Private parking structures and surface lots

Multiple-family housing

Low rise apartments

Senior housing and congregate living

- (b) *Upper levels.* To encourage a greater percentage of residential, the following uses shall be allowed in the upper levels of buildings in the Gateway Neighborhood:

Multiple-family housing

Low rise apartments

Senior housing and congregate living

(Ord. No. 30-968, § 2, 3-28-06)

### **Section 21B.21 Mixed use standards; densities.**

Each neighborhood zone within the Downtown Center is unique. To ensure that differences in intensity between the neighborhoods are clearly preserved, the following mixed use standards and densities shall apply.

(a) *City Square Neighborhood:*

1. Eighty (80) percent of primary frontage must contain "Active Ground Floor Uses" as defined in Division 4, Definitions.
2. Residential uses are permissible only at densities not less than twenty (20) dwellings units per acre.
3. Residential uses must be located at least eighteen (18) feet above grade.

(b) *Urban Neighborhood:*

1. Seventy (70) percent of primary frontage must contain "Active Ground Floor Uses" as defined in Division 4, Definitions.
2. Residential uses are permissible only at densities not less than eighteen (18) dwelling units per acre.

(c) *Gateway Neighborhood:*

1. Twenty-five (25) percent of primary frontage must contain "Active Ground Floor Uses" as defined in Division 4, Definitions.
2. Residential uses are only permissible at densities not less than fourteen (14) dwelling units per acre.

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3. Residential uses shall occupy at least fifty (50) percent of the building square footage.  
(Ord. No. 30-968, § 2, 3-28-06)

**Sections 21B.22—21B.25 Reserved.**

*DIVISION 4. DOWNTOWN CENTER DESIGN STANDARDS*

**Section 21B.26 Design standards.**

The Downtown Center imposes specific site design standards for density, set back, building height, building placement, building articulation, access and parking requirements developed for each zone within the Downtown Center to encourage development of a Downtown with higher densities to provide a unique urban pedestrian life with transitional areas intended to provide graduated buffers to the surrounding residential areas. Development shall conform to the design standards as set forth in this division. The Urban Design Manual reviewed by the Downtown Development Authority and adopted by the planning commission illustrates and can be used as a guide in implementing the design standards contained in this division. Although a guideline, the Urban Design Manual shall not have the effect of modifying any standard set forth in this division.

(Ord. No. 30-968, § 2, 3-28-06)

**Section 21B.27 Definitions for design standards.**

The following definitions shall apply to the provisions of this article.

*Active ground floor use:* A street level use located on a primary street that is open to the general public and occupies a minimum of eighteen (18) linear feet of frontage. Any lobby exclusively welcoming users or providing access to upper floors shall not be considered an active ground floor use.

*Alley:* Internal block vehicular access drive.

*Build-to-zone:* The portion of a parcel in which building walls are required to be situated within, to facilitate the development of a continuous street wall along a right-of-way. The configuration of the build-to-zone is determined by neighborhood and the adjacent street designations (Figure 1).

*Building envelope:*

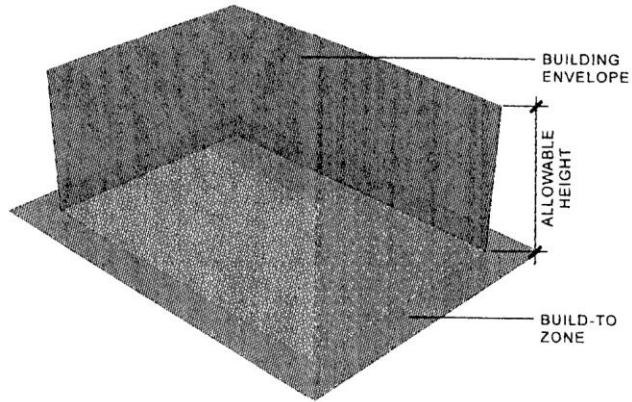


Figure 1

Building Envelope

*Building floor area ratio (FAR):*

Total Site Area = 10,000 sf

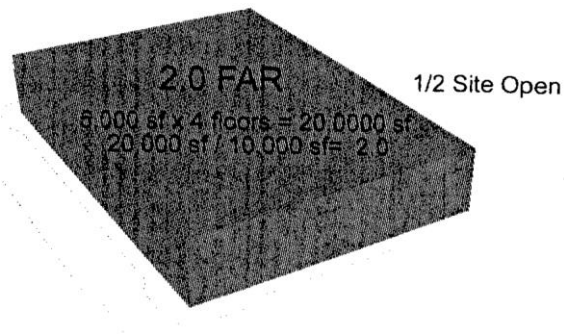


Figure 2

Building Floor Area Ratio (FAR)

*Building floor plate:* Area occupied by a single floor at the street level grade of a building measured from the outside of the exterior walls.

*Frontage:* The parcel edge adjoining a right-of-way.

*Primary frontage:*

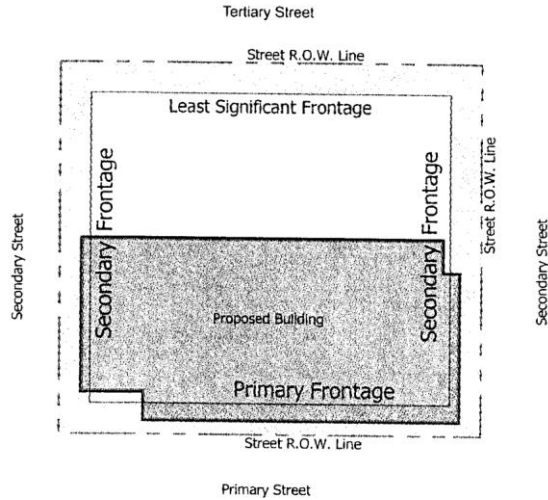


Figure 3

Primary Frontage

*Secondary frontage:* The edge of a parcel adjacent to a right-of-way that has a lesser street designation than the frontage that is deemed to be the primary frontage (Figure 3).

*Least significant frontage:* Parcels with adjoining right-of-way on three (3) or more sides may have one (1) least significant frontage that will be determined as the frontage having the lowest ranking side pursuant to the adopted Streetscape Design Guidelines. This least significant frontage will be exempt from the build-to-zone requirements or the build-to-zone will equal zero (0) percent (Figure 3).

*Ground floor use:* A use occupying the street level of a building.

*High rise apartment:* A residential structure taller than sixty-four (64) feet.

*Public entrance:* The main pedestrian access into a building.

*Recessed entries:*

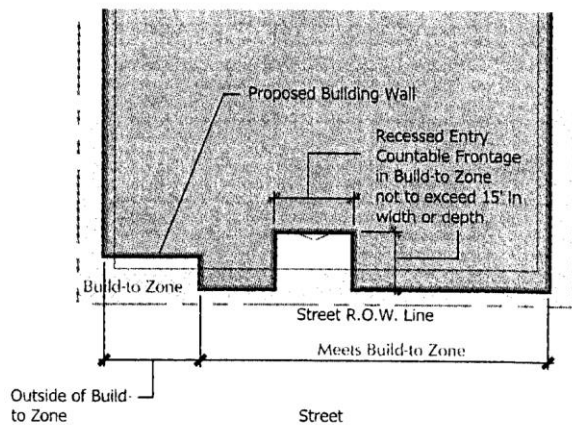


Figure 4

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## Recessed Entries

*R.O.W./right-of-way:* Right-of-way applies to any existing or proposed public street right-of-way. Measured from property line to property line.

*Service area:* Space exclusively reserved for loading docks, refuse collection, utility interface and building maintenance equipment.

*Signature sign:* Building identification sign on a structure taller than six (6) stories, located on or above the highest occupied floor, with text no larger than three (3) feet in total height.

*Street level:* The floor level of a building where there is pedestrian access to that level from the outside and which is no more than two (2) feet below or five (5) feet above the adjacent right-of-way grade.

*Upper level:* All levels of a building above the street level.

(Ord. No. 30-968, § 2, 3-28-06)

## **Section 21B.28 Urban Design Manual and Streetscape Design Guidelines.**

The Urban Design Manual and the Streetscape Design Guidelines have been formulated as guidelines for development, including infrastructure, architectural design and exterior building materials in the Downtown Center. The Urban Design Manual and the Streetscape Design Guidelines shall be reviewed by the Downtown Development Authority and formally adopted by the planning commission. The design manual and guidelines are guidelines to be applied by the planning commission in the site plan review and approval process. The manual and guidelines shall be reviewed and modified periodically to reflect the advances in the industry. Any proposed modification shall be reviewed by the planning commission and submitted to city council for approval by resolution.

(Ord. No. 30-968, § 2, 3-28-06)

## **Section 21B.29 Exterior building materials.**

The exterior building material guidelines shall incorporate the following standards for all three (3) of the zones within the Downtown Center:

1. Walls visible from all rights-of-way shall be finished in a durable hard surface such as brick, glass, stone, ceramic, pre-cast panels, integrally tinted textured masonry block or concrete siding.
2. All exterior materials shall be used consistently on all sides of the building.
3. Concrete blocks or cinder blocks are prohibited on exterior walls of the building unless burnished, fluted or sculpturally textured. Residential grade sidings, plastic siding, wood and asphalt are also prohibited on exterior walls of the building. Exterior insulation finishing systems (EIFS), stucco, wood, reflective or color-tinted glass are prohibited as primary materials on exterior walls, however, may be used as accent materials ten (10) feet above grade.

(Ord. No. 30-968, § 2, 3-28-06)



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## Section 21B.30 Mass and height standards.

Building mass is determined by the building floor area ratio and building height. These standards seek to balance higher density development with the need for access to air and light, views to and from the Downtown, safe pedestrian access and the vehicular carrying capacity of the street network.

(a) *City Square Neighborhood standards:*

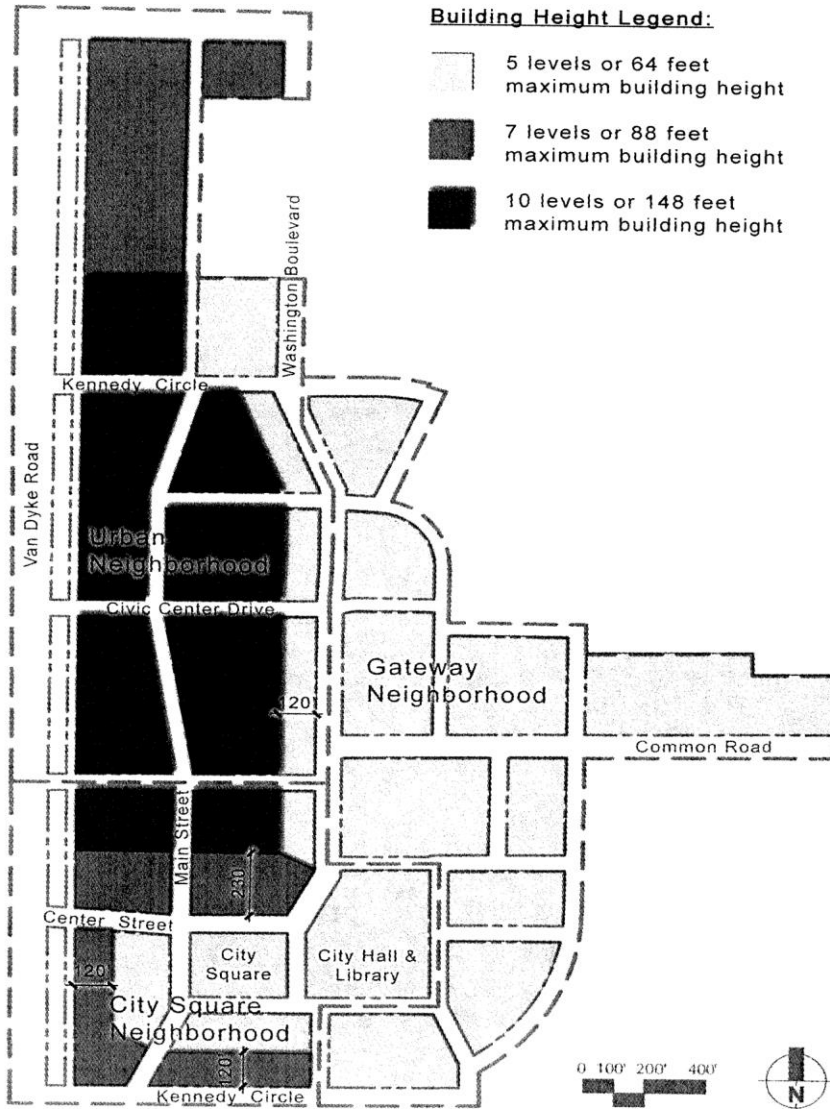
1. Building floor area ratio for all development within the City Square Neighborhood must fall within 1.0—5.0 FAR.
2. Minimum building height of two (2) levels (not less than twenty-four (24) feet) along all rights-of-way is required.
3. Maximum building height is set forth in the maximum building height map based on the location of the property.
4. In buildings taller than five (5) levels, all floors above the fifth level shall have a maximum floor plate of ten thousand (10,000) square feet.

(b) *Urban Neighborhood standards:*

1. Building floor area ratio for all development within the Urban Neighborhood must fall within 1.0—5.0 FAR.
2. Minimum building height of two (2) levels (not less than twenty-four (24) feet) along all rights-of-way is required.
3. Maximum building height is set forth in the maximum building height map based on the location of the property.
4. In buildings taller than five (5) levels, all floors above the fifth level shall have a maximum floor plate of ten thousand (10,000) square feet.

(c) *Gateway Neighborhood standards:*

1. Building floor area ratio for all development within the Gateway Neighborhood must fall within 0.5—3.0 FAR.
2. Minimum building height of two (2) levels (not less than twenty (20) feet) along all rights-of-way is required.
3. Maximum building height is five (5) levels or sixty-four (64) feet as depicted in the maximum building height map.
4. Non-residential uses may not exceed a two thousand five hundred (2,500) square foot floor plate.



**Maximum Building Height Map**

(Ord. No. 30-968, § 2, 3-28-06)

**Section 21B.31 Building scale and articulation.**

Design standards for building scale and articulation seek to provide visual interest at street level, discourage blank walls and minimize monumental scale construction as follows:

- (a) *City Square and Urban Neighborhoods.* The following design standards shall apply to the City Square and the Urban Neighborhoods:
  1. A minimum of sixty (60) percent of the ground floor building facade, calculated based on street frontage, must be transparent through the use of windows, doors or window displays.

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2. Reflective glass is prohibited on the ground floor building facade. All glass shall possess a minimum transparency of sixty (60) percent, including the use of temporary signs.
  3. Blank walls in excess of sixteen (16) linear feet are prohibited.
- (b) *Gateway Neighborhood*. The following design standards shall apply to the Gateway Neighborhood:
1. A minimum of forty (40) percent of the ground floor building facade, calculated based on street frontage, must be transparent through the use of windows, doors or window displays.
  2. Reflective glass is prohibited on the ground floor building facade. All glass shall possess a minimum transparency of sixty (60) percent.
  3. Blank walls in excess of twelve (12) linear feet are prohibited.

(Ord. No. 30-968, § 2, 3-28-06)

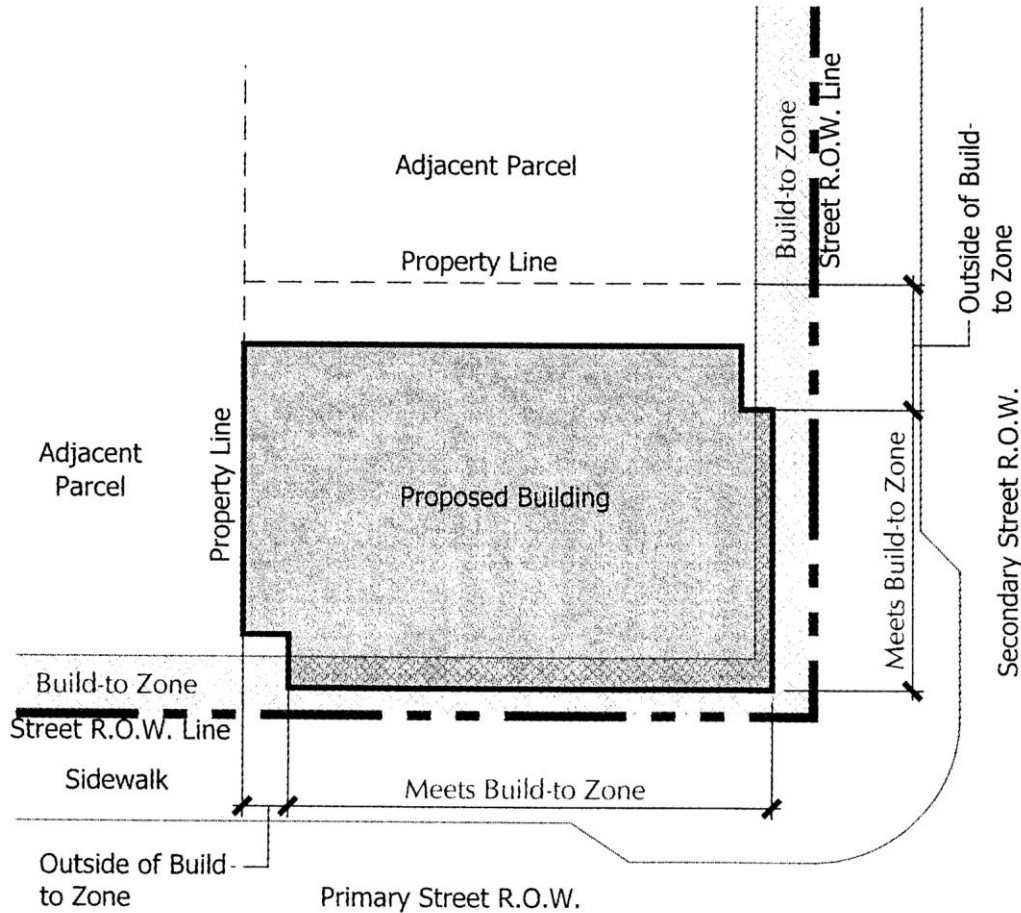
### **Section 21B.32 Pedestrian and vehicular access standards.**

Access standards are necessary to promote safe sidewalks, to minimize vehicular and pedestrian conflict points and to ensure consistent street character along primary, secondary, tertiary and greenway streets. The following access standards shall apply in the Downtown Center:

1. All public building entrances shall face a public right-of-way.
2. Any building adjacent to a primary street shall locate its public entrance on the primary street.
3. Parking structures and lots interior to blocks shall have defined pedestrian access ways to the street.
4. Service and delivery areas shall be in rear access alleys or docks.
5. Individual residential garage doors may not directly face a right-of-way.
6. Vehicular curb cuts shall not be permitted on primary streets, greenways, or streets surrounding a park.
7. Vehicular curb cuts shall be located at least one hundred twenty (120) feet from any other curb cut on the same side of the street, unless a shorter distance is approved by the planning commission pursuant to site plan approval. Further, no vehicular curb cut shall be located closer than one hundred twenty (120) feet from any intersection.

(Ord. No. 30-968, § 2, 3-28-06)

**Section 21B.33 Building placement; build-to-zone standards.**



**Figure 5**

Primary Street R.O.W.

(a) *Building placement standards for the City Square Neighborhood.*

1. Building walls must be within the build-to-zone parallel to the right-of-way at a minimum of ninety (90) percent of primary frontage and sixty (60) percent of secondary frontage.
2. Build-to-zone shall extend from the right-of-way to five (5) feet inside the property line.
3. Sidewalks shall extend to the base of the building on all primary and secondary frontages.
4. Recessed entries are acceptable within a build-to-zone if they meet all requirements as set forth in the recessed entry provision of Division 4, Definitions.
5. Building walls within the build-to-zone must maintain minimum building height and must be parallel to the right-of-way.

(b) *Building placement standards for the Urban Neighborhood.*

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1. Building walls must be within the build-to-zone parallel to the right-of-way at a minimum of seventy-five (75) percent of primary frontage and fifty (50) percent of secondary frontage.
  2. Build-to-zone shall extend from the right-of-way to ten (10) feet inside the property line.
  3. Sidewalks shall extend to the base of the building on all primary and secondary frontages.
  4. Recessed entries are acceptable within a build-to zone if they meet all requirements as set forth in the recessed entry provision of Division 4, Definitions.
  5. Building walls within the build-to-zone must maintain minimum building height and must be parallel to the right-of-way.

(c) *Building placement standards for the Gateway Neighborhood.*

1. Building walls shall be within the build-to-zone parallel to the right-of-way at a minimum of sixty (60) percent of primary frontage and forty (40) percent of secondary frontage.
2. Build-to-zone shall extend from the right-of-way to twenty (20) feet inside the property line.
3. Recessed entries are acceptable within a build-to-zone if they meet all requirements as set forth in the recessed entry provision of Division 4, Definitions.
4. Building walls within the build-to-zone must maintain minimum building height and must be parallel to the right-of-way.

(Ord. No. 30-968, § 2, 3-28-06)

### **Section 21B.34 Utilities.**

All utility services to each building shall be completely installed in underground conduit. No utilities, public or private, shall be exposed overhead.

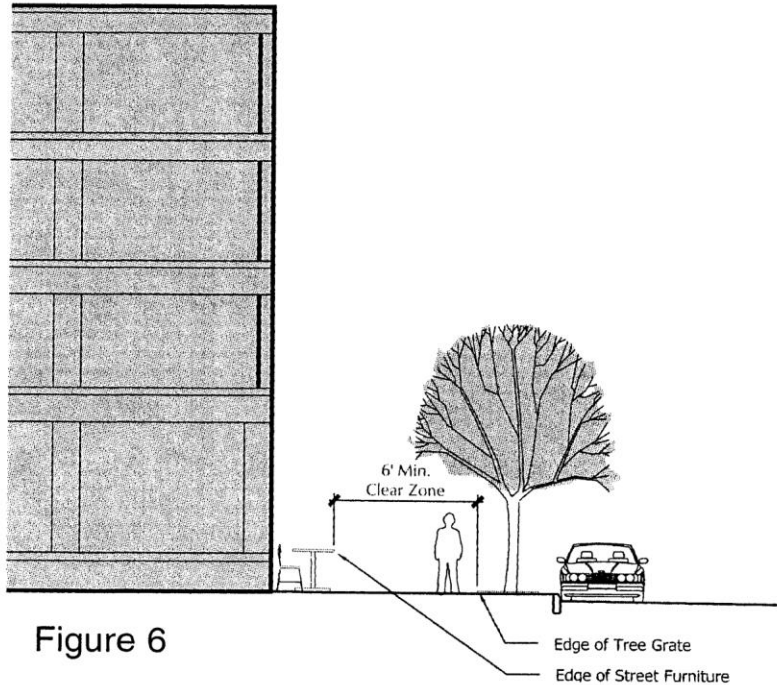
(Ord. No. 30-968, § 2, 3-28-06)

### **Section 21B.35 Sidewalk regulations.**

Sidewalks shall be required in all zones of the Downtown Center in accordance with this section to accommodate both pedestrian travel and use of the sidewalks for other needs such as, cafe seating, decorative planters, newspaper boxes, and public benches to create a lively and interactive downtown setting. There shall be provided a safe, clear zone along sidewalks for pedestrian travel despite the use of the sidewalk for other uses. The following regulations apply in the Downtown Center:

1. *Width.* Sidewalks widths shall comply with the standards set forth in section 21B.68.
2. *Design.* All sidewalks shall be constructed of concrete and broom finish, to the line, grade and thickness as specified by the engineering division, except where concrete unit pavers are required as in section 21B.69.
3. *Clear zone.* A minimum six-foot clear zone shall be provided along all public sidewalks in the City Square, the Urban Neighborhood and the Gateway Neighborhood Zones. The clear zone is required to allow pedestrian travel and no permanent or temporary structure is allowed in the clear zone area (Figure 6).
4. *Sidewalk cafe or other street furniture* may be located on the public sidewalk; however, it shall not interfere with or encroach into the minimum six-foot clear zone. Use of sidewalks for storage of shopping carts, baskets or other property is prohibited.

5. *Temporary movable sales racks associated with any permanent business* shall be permitted on the public sidewalk between the hours of 7:00 a.m. and 6:00 p.m. provided that the racks do not encroach into the required six-foot minimum clear zone and they do not exceed one hundred fifty (150) square feet or twenty (20) linear feet of frontage.
6. *Snow removal.* The occupant or owner of any premises is required to keep the sidewalks adjacent to such premises cleared of snow and ice to facilitate pedestrian use.



**Figure 6**

Illustration of Clear Zone

(Ord. No. 30-968, § 2, 3-28-06)

**Section 21B.36 Awnings.**

The installation of awnings above windows and doorways is allowed in all zones of the Downtown Center to encourage greater use of outdoors areas. Compliance with the following standards is required:

1. All awnings, including all support structure, must be contained within a zone having a height between ten (10) feet and sixteen (16) feet above the sidewalk grade. Awnings shall not extend more than four (4) feet into the adjacent sidewalk or right-of-way. Side wind screens on awnings are permissible, provided that they do not project beyond the awning.
2. Awning supports or structures may not encroach into the right-of-way at heights below ten (10) feet above the adjacent sidewalk.
3. Awnings are limited to three (3) colors. One (1) logo of no greater than six (6) square feet including the name of the establishment is permitted. All other text and/or graphics is prohibited.

(Ord. No. 30-968, § 2, 3-28-06)

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### **Section 21B.37 Parking requirements.**

- (a) Design guidelines shall be developed for the location and design of parking structures and lots located within the Downtown Center. The Parking Design Guidelines shall be consistent with the standards set forth in subsection (b) and shall be approved by both the planning commission and the city council. The Parking Design Guidelines shall be kept on file in the planning department and the Downtown Development Authority. Any modification to the Design Guidelines shall be reviewed by the planning commission and submitted to the city council for approval by resolution.
- (b) Parking areas shall be provided within the Downtown Center according to the requirements and regulations contained in this section and the Parking Design Guidelines and shall apply to all zones within the Downtown.
  - 1. Parking shall be provided at a minimum of three (3) spaces per one thousand (1,000) square feet of total gross building square feet. Surface parking, where allowed, shall not exceed three and one-half (3.5) spaces per one thousand (1,000) square feet of total gross building square feet.
  - 2. Developments unable to accommodate parking on site must participate in a shared parking plan approved by the planning commission.
  - 3. Parking shall be provided within six hundred (600) feet of the use.
  - 4. In the City Square Neighborhood, permanent surface parking lots are prohibited.
  - 5. Parking structures shall have three and one-half (3½) feet high screen walls on all levels so that vehicles are not visible from opposite side of the right-of-way.
  - 6. Parking structures are required to contain active ground floor uses at sixty (60) percent of total building frontage.
  - 7. Parking in a structure or on a surface lot shall not exceed fifty (50) percent of building floor area ratio.
  - 8. Parking shall not be located within ten (10) feet of any right-of-way. This setback may be reduced to five (5) feet with the use of a four-foot high screen wall.
  - 9. Designated parking areas shall be used for the parking of private passenger vehicles only. No storage is allowed, except the parking of commercial trucks which do not exceed one-ton capacity, used in the operation of a business located in the Downtown Center.

Illustration: Parking Structure Viewshed

(Ord. No. 30-968, § 2, 3-28-06)

### **Sections 21B.38—21B.50 Reserved.**

## *DIVISION 5. LANDSCAPE STANDARDS*

### **Section 21B.51 In general; site plan approval.**

Landscaping provides aesthetic and functional amenities that enhance the character of the area, improve stormwater quality and reduce pollution, light glare, soil erosion and thermal heat island effects. In addition to the general landscape principles required herein, the pertinent sections of the site plan approval process shall also be complied with such as: Plant material standards; landscape area installation and maintenance requirements; and prohibited species sections.

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(Ord. No. 30-968, § 2, 3-28-06)

**Section 21B.52 Landscaping required.**

All areas not specified as vehicular, building, or pedestrian areas shall be appropriately landscaped with ground cover plantings, grass or organic (non-stone) mulch.

(Ord. No. 30-968, § 2, 3-28-06)

**Section 21B.53 Service areas.**

All service areas shall be screened from view from all rights-of-way through use of a six-foot high screen wall installed in conformity with the provisions of section 21B.29. Landscape materials shall be utilized in conjunction with the wall.

(Ord. No. 30-968, § 2, 3-28-06)

**Section 21B.54 Surface parking lots.**

All surface parking lots outside of the right-of-way shall be screened using a three-foot high opaque screen wall in combination with plant materials. Trees shall be located at a minimum every thirty (30) feet. A shrub or perennial planting shall be provided with a mature height minimum of two (2) feet and appropriately spaced for fifty (50) percent opacity in front of the screen wall. Breaks in the screen wall shall be provided at a minimum of fifty-foot intervals for pedestrian cut-through.

(Ord. No. 30-968, § 2, 3-28-06)

**Section 21B.55 Berms.**

Berms are prohibited in the Downtown Center as a screening method as they discourage pedestrian movement and limit retail visibility.

(Ord. No. 30-968, § 2, 3-28-06)

**Sections 21B.56—21B.59 Reserved.**

*DIVISION 6. SIGNAGE*

**Section 21B.60 Intent.**

Specific standards for the design, placement and quantity of signs in the Downtown Center are established to appropriately identify business and residential establishments; to coordinate and balance street facades; and to provide a user-friendly pedestrian environment. Article IV-A, Signs, of the Zoning Ordinance (hereinafter referred to as "sign ordinance") provides comprehensive signage regulations directed at current zoning classifications. It is intended that signage within the Downtown Center shall comply with the specific regulations contained in this division; however, all other non-conflicting regulations and standards of the sign ordinance shall also apply.

(Ord. No. 30-968, § 2, 3-28-06)



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## Section 21B.61 General sign regulations.

- (a) *Size.* Signs within the Downtown Center will be smaller than those that currently exist in commercial areas in Warren to respond to the dense urban environment, slower vehicular speeds and increased pedestrian traffic. Specific sign size will be determined by neighborhood as set forth in this ordinance.
- (b) *Location.* A building facade zone is created where signs are allowed to unify the character of the Downtown Center and improve commercial way finding. Wall and projecting signs shall be located on building facades, awning/canopies or windows; and shall be installed within a zone ten (10) feet to sixteen (16) feet above the sidewalk elevation, with the exception of window signs and signature signs.
- (c) *Setback.* In instances where the proposed building line meets the right-of-way, wall signs, projecting signs, canopy and awning signs may encroach into the right-of-way. All signs shall comply with the clearance requirements of the sign ordinance. Monument signs, when permitted shall meet sign ordinance setback requirements.
- (d) *Quantity.* To limit visual clutter, the number of signs will be limited, by neighborhood and type, as set forth in this division.
- (e) *Color and illumination.* Signs may be illuminated as provided in the sign ordinance. Sign colors, to maximize legibility and minimize confusion, shall be limited to no more than three (3) colors (including the background color) with the exception of logos.
- (f) *Prohibited sign types.* The type of signs listed in the sign ordinance as prohibited are also prohibited in the Downtown Center.
- (g) *Permits.* A permit shall be required for all signs, except those enumerated in section 4A.13 of the sign ordinance.
- (h) *Canopy/awning sign.* One (1) canopy or one (1) awning sign per ground floor use is allowed in lieu of a wall sign.
- (i) *Informational sign.* One (1) informational sign is permitted per ground floor use in compliance with the regulations of the sign ordinance.
- (j) *Identification sign.* One (1) identification sign for non-ground floor tenants per building entry, of a size not to exceed twenty-four (24) square feet. Text size shall not exceed twelve (12) inches.

(Ord. No. 30-968, § 2, 3-28-06)

## Section 21B.62 Permitted signs; size.

In order to facilitate the objectives and goals of the Downtown Center, the sign regulations have been developed to appropriately identify business and residential establishments, coordinate and balance street facades and provide a user friendly pedestrian environment. Therefore, the following signage shall be allowed according to the zone in the Downtown Center.

- (a) *City Square and Urban Neighborhoods.*
  - 1. One (1) projecting sign per ground floor use, of a size not exceeding four (4) square feet.
  - 2. One (1) wall sign per ground floor use, of a size not exceeding twenty-four (24) square feet, except uses with Van Dyke Avenue frontage are allowed one (1) wall sign per ground floor use of a size not to exceed forty (40) square feet.
  - 3. One (1) window sign per ground floor use, of a size not to exceed twenty-four (24) square feet.

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4. Buildings that exceed eighty (80) feet in height are allowed one (1) signature sign per building, which shall not exceed forty-eight (48) square feet; except, buildings with Van Dyke Avenue frontage that exceed sixty-four (64) feet in height, are allowed one (1) signature sign per building, which shall not exceed forty-eight (48) square feet.
  5. Text height shall not exceed eighteen (18) inches, except for permitted signature signs; the text shall not exceed three (3) feet in height.
  6. One (1) temporary sidewalk sign is permissible for any permanent business during the business hours of operation, provided that the sign is not located in the minimum clear zone, is free standing and does not exceed six (6) square feet in total area.
  7. Freestanding and monument signs are prohibited.
- (b) *Gateway Neighborhood.*
1. One (1) projecting sign per ground floor use, of a size not exceeding three (3) square feet.
  2. One (1) wall sign per ground floor use, of a size not exceeding twenty-four (24) square feet.
  3. One (1) window sign per ground floor use, of a size not to exceed twenty-four (24) square feet.
  4. Text size shall not exceed twelve (12) inches.
  5. One (1) monument sign per ground floor use, of a size not to exceed thirty-two (32) square feet, with a five-foot set back.
  6. One (1) temporary sidewalk sign is permissible for any permanent business during the business hours of operation, provided that the sign is not located in the minimum clear zone, is free standing and does not exceed six (6) square feet in area.

(Ord. No. 30-968, § 2, 3-28-06)

## **Sections 21B.63—21B.65 Reserved.**

### *DIVISION 7. STREETScape STANDARDS*

#### **Section 21B.66 Streetscape Design Guidelines.**

All streets and rights-of-way within the Downtown Center shall be designed and installed in conformity with the approved Streetscape Design Guidelines, as amended, and reviewed by the Downtown Development Authority and adopted the planning commission in addition to meeting all engineering standards.

(Ord. No. 30-968, § 2, 3-28-06)

#### **Section 21B.67 Streetscape types described.**

There shall be five (5) types of streetscapes within the Downtown Center described as follows:

*Primary streets* are highly visible, commercial and civic oriented routes with high levels of pedestrian and vehicular traffic. The following streets are designated primary streets in the Streetscape Design Guidelines: Main street; all streets surrounding the City Square; and the main ingress and egress roads from Van Dyke, named Kennedy Circle, North and South and Civic Center Drive.

*Secondary streets* are commercial routes with moderate levels of pedestrian and vehicular traffic located adjacent to uses along primary streets.

*Tertiary streets* are located on the eastern side of City Square, are pre-dominantly residential and have the lowest level of pedestrian and vehicular traffic.

*Greenway streets.* The greenway streets are: Washington Boulevard, that portion of Civic Center that runs north and south and Common Road. Greenway streets are wider to accommodate separate bike lanes and a linear park with pedestrian paths thereby strengthening the connection to the north and east neighborhoods.

*Van Dyke Commercial Access Lanes* shall be one-way southbound for efficient traffic movement with a sixty-foot landscaped buffer between the commercial access lane and the Van Dyke right-of-way.

(Ord. No. 30-968, § 2, 3-28-06)

**Section 21B.68 Required right-of-way widths.**

Street right-of-way widths shall conform to the following requirements:

	Right-of-Way	Roadway Pavement	Sidewalks
<b>Primary Streets</b>	66'	38'	14'
Civic Center Dr.	76'	48'	14'
Kennedy Circle (between Van Dyke and Main)	76'	48'	14'
<b>Secondary Streets</b>	60'	38'	11'
<b>Tertiary Streets</b>	60'	34'	5'
<b>Greenway Streets</b>	86'	40'	11'
Greenway streets shall have an additional five-foot bike lane			
<b>Commercial Access lanes</b>	30'	19'	11'
Van Dyke Avenue	30'	19'	11'

Sidewalks and bike lanes shall be provided on both sides of street.

(Ord. No. 30-968, § 2, 3-28-06)

**Section 21B.69 General streetscape regulations.**

- (a) Bump-outs that comply with the specifications of the engineering division, shall be required at major pedestrian crossings, all street corners and midway along a city block in excess of five hundred (500) feet.
- (b) Curb ramps shall be required at all pedestrian crosswalks with detectable warning markings.
- (c) A continuous eighteen-inch concrete maintenance edge along back of curb shall be required.
- (d) Driveway approaches are prohibited along the greenway and primary streets, however, are permitted as approved by the site plan along secondary, tertiary and commercial access lanes.
- (e) Concrete unit pavers shall be installed at bump-outs, street corners and along the curb line of all streets except tertiary streets, to the specifications of the engineering division.

(Supp. No. 89)

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- (f) Areas in the rights-of-way not designated as a pathway or sidewalk shall be landscaped with trees, shrubs and turf in conformity with the planning commission landscape guidelines. No decorative stones allowed.
  - (g) All permanent roadway pavement shall be constructed of concrete to the specifications of the engineering division.

(Ord. No. 30-968, § 2, 3-28-06)

### **Section 21B.70 Lighting regulations.**

Lighting shall be required along all rights-of-way in accordance with the regulations contained in the lighting section of the adopted Streetscape Design Guidelines, including any amendments. Lighting on private property shall be provided as approved on the site plan by the planning commission.

(Ord. No. 30-968, § 2, 3-28-06)

### **Section 21B.71 Streetscape accessories.**

Streetscape accessories shall be required in accordance with the regulations contained in the adopted Streetscape Design Guidelines including light-post banners and flower baskets; planters; benches; trash receptacles; street trees and tree grates; bicycle stands, and any other accessories required by amendment.

(Ord. No. 30-968, § 2, 3-28-06)

### **Sections 21B.72—21B.80 Reserved.**

## *DIVISION 8. SITE PLAN APPROVAL FOR DOWNTOWN CENTER*

### **Section 21B.81 Pre-application conference.**

Prior to the submission of an application for site plan approval, the applicant shall submit a preliminary sketch and schedule a pre-application meeting with the planning department for the purpose of preliminary discussion and review regarding the proposed development. The pre-application conference shall be held at least fourteen (14) days prior to the planning commission meeting at which the application will be considered. One (1) representative from the following departments shall be given notice and shall have an opportunity to provide input at the pre-application conference: Planning department, engineering division, building division, zoning division, city council, downtown development authority, and fire department. Statements made by any person during the course of a pre-application conference shall not be deemed to constitute legally binding commitments.

(Ord. No. 30-968, § 2, 3-28-06)

### **Section 21B.82 Application for site plan approval.**

The applicant shall submit an application for site plan approval in compliance with the planning commission standards and requirements.

(Ord. No. 30-968, § 2, 3-28-06)

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### **Section 21B.83 Public hearing on application for site plan approval.**

- (a) Upon receipt of a completed application for site plan approval, the planning commission shall schedule a public hearing and comply with all requirements contained in section 22.16, site plan review, of the Zoning Ordinance.
- (b) At least fourteen (14) days prior to the scheduled public hearing, the planning department shall forward a copy of the proposed site plan to the following departments to provide input and the opportunity to make a written recommendation to the planning commission: Building division, city council, downtown development authority, engineering division, fire department and zoning.
- (c) At the public hearing, the planning commission shall hold a public hearing and determine whether the site plan, as submitted, meets all of the required standards and criteria.

(Ord. No. 30-968, § 2, 3-28-06)

### **Section 21B.84 Written recommendation by planning commission; consideration by city council.**

- (a) Within seven (7) days after the public hearing, the planning commission shall forward a written recommendation to the city council recommending approval, approval with conditions, or denial of the request for site plan approval, stating the reasons for its recommendation. Together with its recommendation, the planning commission shall forward the site plan, and all other recommendations of record to the city council.
- (b) Upon receipt of the recommendation from the planning commission, the city council shall place the application for site plan approval on the agenda for consideration at its next regular meeting or a special meeting scheduled prior to the next regular meeting. The city council shall approve or deny the site plan at such meeting and shall forward a copy of the resolution of its action to petitioner within five (5) business days of the meeting.
- (c) If city council action is not taken within thirty (30) days from receipt of the planning commission recommendation by the office of the city council, the recommendation of the planning commission shall be deemed the final decision of the city.

(Ord. No. 30-968, § 2, 3-28-06)

### **Section 21B.85 Standards for approval.**

A site plan shall not be approved unless it complies with all applicable standards set forth in this article, however, a proposed site plan which complies with all applicable standards shall be approved. A site plan shall be approved upon a finding that the proposed plan complies with all the following standards:

1. The site plan contains all information required by the ordinance and the planning commission.
2. The proposed use is consistent with the intent and purpose of this article.
3. The proposed development conforms to the design standards set forth in the ordinance, in the Urban Design Manual and in the Streetscape Design Guidelines.
4. The proposed development complies with all applicable ordinance requirements, statutes and other laws.

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5. The site plan indicates safe and efficient pedestrian and vehicular access to the site, including access for fire or other emergency vehicles.
  6. The site plan reflects safe and convenient pedestrian and vehicular circulation.
  7. The design and placement of buildings and other structures, parking, lighting, signs, refuse storage, and landscaping: 1) meets the design standards of this article; 2) ensures compatibility with surrounding properties; 3) meets the guidelines for infrastructure, architectural design and building materials; 4) ensures that the development when viewed from public rights-of-way contributes to the desired character for the Downtown Center.
  8. The proposed development will not place demands on public services and facilities in excess of their capacity.
  9. The proposed development was reviewed by the engineering department for grade, drainage, water supply, sewage disposal, stormwater management and access.
  10. The proposed development was reviewed by the Downtown Development Authority for consistency with the Downtown Development Plan.
  11. The proposed development provides for sufficient public utilities.
  12. The site plan includes an adequate landscaping plan.
  13. The proposed development was reviewed by the fire department.

(Ord. No. 30-968, § 2, 3-28-06)

### **Section 21B.86 Conditions attached to site plan approval.**

Reasonable conditions may be imposed in conjunction with approval of the proposed site plan, such as: 1) ensuring proper ownership or legal use of property; 2) requiring ownership association documents; 3) ensuring that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased services and facility loads caused by the land use or activity; and 4) promoting the use of land in conformity with the objectives set forth in this ordinance for the Downtown Center.

(Ord. No. 30-968, § 2, 3-28-06)

### **Sections 21B.87—21B.90 Reserved.**

## *DIVISION 9. CONSTRUCTION*

### **Section 21B.91 Performance guarantees.**

A performance guarantee shall be required as part of site plan approval to assure that the development is completed in compliance with the approved site plan and all applicable ordinances. The performance guarantee may consist of a cash deposit, surety bond or letter of credit in a form acceptable to the city attorney, in a minimum amount equal to three (3) percent of the projected cost of development and not to exceed ten (10) percent of the projected cost of development as specified by the planning commission. A cash performance guarantee, if applicable, shall be deposited with the city treasurer. A surety bond or letter of credit shall remain in effect until the development is completed. If requested, the planning commission shall rebate a proportional share of any cash deposit, or reduce the amount of performance guarantee required, based on the percentage of work completed on the date of the request, as attested to by the requestor and verified by the city inspector. In the

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event the development as constructed does not comply with the approved site plan, the city may bid the required work out and apply the performance guaranteed to the costs incurred to bring the site into compliance.

(Ord. No. 30-968, § 2, 3-28-06)

**Section 21B.92 Commencement of construction.**

- (a) Construction shall be commenced and shall be proceeding within two (2) years from the date of site plan approval for all or any phase of site development.
- (b) If construction is not commenced within the applicable two-year period, approval of the site plan shall expire. However, the planning commission may extend the time for commencement of construction upon the applicant requesting an extension prior to the expiration of the two-year period.
- (c) If site plan approval expires as provided by this section due to a failure to commence construction and proceed meaningfully toward completion within time periods required, a new application for site plan approval must be submitted for review and may be revised to take into consideration any changes that may have occurred due to the passage of time.

(Ord. No. 30-968, § 2, 3-28-06)

**Section 21B.93 Hours of construction.**

There shall not be any construction, demolition or excavation between the hours of 7:30 p.m. and 7:00 a.m. weekdays and 7:30 p.m. and 8:00 a.m. weekends and holidays.

(Ord. No. 30-968, § 2, 3-28-06)

**Sections 21B.94—21B.99 Reserved.**

***ARTICLE XXI-C. RESERVED<sup>12</sup>***

**Sections 21C.01—21C.11. Reserved.**

***ARTICLE XXI-D. ARSENAL INDUSTRIAL DISTRICT.***

**Section 21D.01 Intent and purpose.**

The intent and purpose of the Arsenal Industrial District ("Arsenal District") is to insure that development in this area is consistent with the Reuse Plan adopted by the Mayor and City Council in their capacity as the Local Redevelopment Authority ("LRA"), designated pursuant to the Base Realignment and Closure ("BRAC 95") of the Detroit Arsenal Tank Plant property. It is further intended that the "Arsenal District" provide special land use and development regulations to promote the following objectives: 1) the creation of high quality industrial and manufacturing jobs; 2) site plan design flexibility and uniformity based on coordinated planning in the district; 3)

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<sup>12</sup>Editor's note(s)—Ord. No. 30-974, § 1, adopted December 12, 2006, repealed Art. XXI-C, §§ 21C.01—21C.11, which pertained to flood hazard districts. See also the Code Comparative Table.

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design criteria to ensure the most effective reuse of this area; 4) coordinated planning and development with shared use of parking facilities.

(Ord. No. 30-885, § 1, 12-23-97)

### **Section 21D.02 Area.**

The "Arsenal District" shall be the area of the former Detroit Arsenal Tank Plant that was declared as surplus by the U.S. Army in BRAC 95, which area is delineated on the map entitled "Warren Arsenal Industrial District", attached hereto and adopted herein by reference.

(Ord. No. 30-885, § 1, 12-23-97)

### **Section 21D.03 Definitions.**

The following words, terms and abbreviations shall have the following meaning when used in this Article 21D of this article:

The term "Arsenal District" means the Arsenal Industrial District, which is the subject of this Article.

The abbreviation "LRA" means the Local Redevelopment Authority designated through the BRAC 95 closing of the Detroit Arsenal Tank Plant. Specifically, the LRA is the Mayor of the City of Warren and the Warren City Council.

The words "Reuse Plan" mean the Reuse plan adopted by the LRA, a copy of which is available for public inspection and review at the office of the City Planning Department.

(Ord. No. 30-885, § 1, 12-23-97)

### **Section 21D.04 Applicable regulations.**

The "Arsenal District" is a special industrial zone which imposes special land use, site design, density, set back and other development regulations that apply to this district only. All other non-conflicting regulations and standards of this article apply to this district. In the event of a conflict between a regulation in this article for the "Arsenal District" and any other regulation in this article, the "Arsenal District" regulation shall prevail.

(Ord. No. 30-885, § 1, 12-23-97)

### **Section 21D.05 Principal uses permitted.**

No building or structure shall hereafter be erected and no land shall hereafter be used in the area designated for this district, except for one (1) or more of the following specified uses or class of uses:

Public, educational or governmental buildings, offices, auditoriums, entertainment/recreational buildings or arenas.

Industrial and developmental manufacturing.

Technical center or industrial offices.

Other similar uses which have been determined by the Planning Commission as being consistent with the job creation and other goals of the Reuse Plan, and which are consistent with the light industrial, high technology, or developmental manufacturing nature of the "Arsenal District".



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Provided, however, that any principal use permitted that is included in the Michigan Department of Environmental Quality (MDEQ) commercial subcategory I classification (which includes by way of example, but not limitation, uses where children, the elderly, the infirm or other sensitive subpopulations are housed, educated or otherwise cared for, such as schools, nursing homes and day cares) shall require approval from MDEQ, which may be by a Notice of Approved Environmental Remediation (N.A.E.R.), prior to issuance of any certificate of occupancy. Failure to obtain this approval shall subject the property owner, occupant and/or user to all penalties provided in this ordinance.

(Ord. No. 30-885, § 1, 12-23-97; Ord. No. 30-910, § 1, 8-24-99)

### **Section 21D.06 Principal uses prohibited.**

The following uses are prohibited as principal uses:

Warehouses.

Commercial and wholesale establishments.

All residential and residentially related uses.

Industrial/manufacturing uses which create excessive or unusual danger because of fire, explosion, toxicity, radiation or other noxious matter.

Industrial/manufacturing uses which cause excessive or unusually noxious, offensive, unhealthy and harmful odors, fumes, dust, smoke, light, waste, noise or vibration.

Those uses involving the processing of raw materials for shipment in bulk form, to be used in an industrial or commercial operation at another location.

Those uses intended primarily for the outside storage of materials, equipment or vehicles.

(Ord. No. 30-885, § 1, 12-23-97)

### **Section 21D.07 Accessory uses permitted.**

All uses customarily accessory to the principal uses are permitted. Certain prohibited uses, such as warehouses, may be permitted if the Planning Commission determines that these are incidental and necessary as an accessory use to the principal permitted use to which they are associated.

Provided, however, that any accessory use permitted that is included in the Michigan Department of Environmental Quality (MDEQ) commercial subcategory I classification (which includes by way of example, but not limitation, uses where children, the elderly, the infirm or other sensitive subpopulations are housed, educated or otherwise cared for, such as schools, nursing homes and day cares) shall require approval from MDEQ, which may be by a Notice of Approved Environmental Remediation (N.A.E.R.), prior to issuance of any certificate of occupancy. Failure to obtain this approval shall subject the property owner, occupant and/or user to all penalties provided in this ordinance.

(Ord. No. 30-885, § 1, 12-23-97; Ord. No. 30-910, § 2, 8-24-99)

### **Section 21D.08 Building arrangement, building height and building bulk.**

Building arrangement, location, height and bulk shall be generally provided in a manner which is consistent with the Reuse Plan and the design criteria set forth in this Article. Building height shall not exceed 3 stories or 65 ft., except that the height exception for office buildings and technical laboratories set forth in Article XIX, Section 19.02 shall apply in this district.

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(Ord. No. 30-885, § 1, 12-23-97)

### **Section 21D.09 Setbacks and yard space.**

All setbacks, front yards, rear yards and side yards shall be determined by the Planning Commission consistent with the Reuse Plan, and the design criteria set forth in this Article, except that the following minimum setbacks/yard areas shall be required:

- a. The setback for buildings, structures and parking areas along Van Dyke Avenue shall be 110 feet from the centerline of the Van Dyke R.O.W., as established by the City of Warren Master Thoroughfare Plan.
- b. The minimum set back for buildings and structures from any residentially zoned district shall be sixty (60) feet. This setback shall be increased an additional one (1) foot for each foot any building or structure exceeds thirty (30) feet in height. All parking areas shall be setback a minimum of twenty (20) feet from any residentially zoned district.
- c. All buildings and structures shall be setback at least thirty (30) feet from any other through streets in the District.
- d. All buildings and structures shall generally be setback at least thirty (30) ft. from all front lot lines, twenty-five (25) ft. from all rear lot lines and twenty (20) ft. from all side lot lines. Nevertheless, coordinated site development between and among adjacent property owners is encouraged and the Planning Commission may alter these setbacks if it finds that such alterations are consistent with the Reuse Plan, the design guidelines of this Article, and sound planning principles.
- e. All parking areas shall be setback a minimum fifteen (15) ft. from any through streets in this District and a minimum of five (5) ft. from any other side, front or rear lot lines. Nevertheless, coordinated site development between and among adjacent property owners is encouraged and the Planning Commission may alter these setbacks if it finds that such alterations are consistent with the Reuse Plan, the design guidelines of this Article, and sound planning principles.

(Ord. No. 30-885, § 1, 12-23-97)

### **Section 21D.10 Density.**

The density shall be regulated by the Planning Commission consistent with the Reuse Plan and the design criteria set forth in this Article. Nevertheless, the maximum site coverage ratio for buildings and structures (not including parking structures) shall not exceed 50% and the maximum site coverage including all impervious surface (buildings, walks, drives and paved areas[]) shall not exceed 80% on any parcel.

(Ord. No. 30-885, § 1, 12-23-97)

### **Section 21D.11 Utilities.**

The owner shall make arrangements for all local distribution lines for telephone and electric service, exclusive of main supply lines, perimeter feed lines, and related surface facilities such as padmount transformers, switching equipment and service pedestals, to be placed underground in accordance with the valid rules and regulations of the telephone or electric service company involved providing installation of such underground service.

The owner shall provide easements for telephone and electric utilities and shall make suitable arrangements for their location with the telephone and electric service company involved.

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(Ord. No. 30-885, § 1, 12-23-97)

**Section 21D.12 Signs.**

Signs shall be limited to monument and/or wall signs, generally not exceeding 75 sq. ft. each in area. Monument signs shall generally not exceed five (5) ft. in height.

(Ord. No. 30-885, § 1, 12-23-97)

**Section 21D.13 Off-street parking and loading.**

The parking requirements in Section 4.32 of this appendix shall apply in the "Arsenal District" except for the parking spaces table in Section 4.32 (h), which shall not apply. The amount of required off-street parking spaces for new uses or buildings, additions thereto, and additions or new uses for existing buildings shall be determined by the Planning Commission, subject to the minimum requirements set forth in the following table:

	USE	REQUIRED PARKING SPACES
(1)	Light industrial/manufacturing.	Five (5) spaces plus one (1) for each 550 sq. ft. of gross floor area for the first 25,000 sq. ft. of area plus one (1) for each 700 sq. ft. of gross floor area for that portion of area greater than 25,000 sq. ft. but less than 50,000 sq. ft. plus one (1) for each 850 sq. ft. of gross floor area for that portion of area greater than 50,000 sq. ft; or three (3) for each four (4) employees, computed on the basis of the greatest number of persons to be employed at any one period during the day or night; which ever is greater.
(2)	Arenas, entertainment centers	One (1) space for each 3 seats plus one (1) for each employee computed on this basis of the greatest number of persons to be employed at any one period during the day or night.
(3)	Government buildings, technical center, engineering or other related professional offices.	One (1) space for each 200 sq. ft. of gross floor area.

(Ord. No. 30-885, § 1, 12-23-97)

**Section 21D.14 Development plan.**

In the "Arsenal District", no building shall be erected, constructed or reconstructed, nor shall any additions be made to the existing buildings, nor shall any building or land be used for any purpose, unless the development plan is approved by the Commission as hereinafter specifically provided.

(Ord. No. 30-885, § 1, 12-23-97)

**Section 21D.15 Development plan approval.**

- A. Development plan approval shall be required in an "Arsenal District" for each of the following:
  - 1. The erection or construction of a building.

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2. The moving of a building onto property, or the relocation of a building or structure from one area to another.
  3. A structural alteration which would change the exterior appearance of a structure.
  4. The erection, construction, installation or alteration of a sign, wall, or fence.
  5. The installation or alteration of outdoor lighting equipment which would change the exterior appearance of the use or structure.
  6. Whenever an outdoor use is established, altered or changed to another use.
- B. Application for development plan approval shall be made to the Planning Commission by the actual or prospective property owner or the authorized agent of either. Such application shall be accompanied by:
1. Accurately drawn maps showing the subject property and other properties within the same zone.
  2. Plot plans of the subject property, showing all existing and proposed buildings and uses, if any, within the zone and adjacent roadways.
  3. Architectural drawings and elevations of the proposed use.
  4. All plans and information required for site plan review pursuant to Section 22.16.
  5. Any other data or exhibits deemed necessary by the Planning Director to adequately present the matter to the Commission.

It is the intent of this ordinance that in any application for development plan approval, the petitioner shall present to the Commission how the building or use in the development plan relates and complements the Reuse Plan as to the balance of the property within the "Arsenal District". Prior to submitting a development plan, the applicant, if he so desires, may submit to the Commission, for its review, a sketch plan showing the standards, design and layout of his proposed development for determining conformance to the Reuse Plan and the design criteria for the "Arsenal District".

- C. In reviewing any development plan, the Commission may consider the following elements, as well as other pertinent factors:
1. The general exterior appearance of buildings, including height, bulk, size and shape.
  2. Relationships to existing and proposed buildings and structures in the area, based on the Reuse Plan.
  3. The setbacks and landscaping plan of yard and other open areas.
  4. The design type and location of signs, walls, fences, and outdoor storage.
  5. The illumination of buildings, grounds, parking areas, and signs.
  6. Any other feature or item having a direct relationship to the general appearance of the buildings and premises.
- D. The Commission shall recommend to the City Council approval, modification or disapproval of any proposed use, building or structure, or any change in an existing use, building or structure. The Commission may recommend disapproval when, in its sound judgment, the development would substantially affect the appearance or functionality of the area under consideration in a manner materially detrimental to the Arsenal District. The Commission may require changes in the architectural treatment of buildings or structures, may require additional landscaping and development improvements, and may impose conditions of development when, in its sound judgment, it determines that such is necessary to conform to the intent, purpose and requirements of the Reuse Plan and the

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"Arsenal District". Architectural requirements shall not specify a particular style or [of] architecture or particular design features but shall permit the applicant the maximum freedom of architectural design compatible to the "Arsenal District" and the design guidelines in this Article.

- E. The City Council, after receiving a written report of the findings and determination of the Commission, shall approve, disapprove or modify the decisions of the Commission. Any disapproval or modification of any decision of the Commission shall require a majority vote of all the members of the City Council, except that no public hearing shall be required and the decision of the City Council may be made by motion or by resolution.

(Ord. No. 30-885, § 1, 12-23-97)

### **Section 21D.16 General design criteria guidelines.**

- A. The recommended development guidelines set forth in pages 86 through 94 of the Reuse Plan are adopted by reference as development and design guidelines for use in the preparation and review of development plans.
- B. Additionally, in order to insure that development in the "Arsenal District" proceeds in accordance with the Reuse Plan and best promotes the general welfare of the City, the Commission shall consider the following in reviewing development plans:
  - 1. All buildings and facilities in the "Arsenal District" should be limited to a single tenant or owner occupant.
  - 2. All principal buildings should be freestanding. Common wall construction should generally not be permitted.
  - 3. Multiple uses may be permitted in a building or facility only upon a specific finding and recommendation by the Planning Commission and approval by the City Council that such multiple uses will be consistent with the goals of the Reuse Plan and will promote the creation of high quality jobs in the district.
- C. The forgoing are intended as guidelines and not minimum Zoning Ordinance requirements.

(Ord. No. 30-885, § 1, 12-23-97)

### **Section 21D.17 Landscaping requirements.**

In addition to any greenbelt required by the Zoning Ordinance, ten (10) percent of the net site area (apart from existing and/or proposed thoroughfare rights-of-way) shall be developed as landscaped open space. The landscaped open space shall be countable only when located in the front and side setback areas, or within the parking area fronting the roadway. Pedestrian walks, plazas, planters, and other decorative elements may be included in such landscaped areas.

In order to be countable toward the landscape area planting areas, no more than twenty (20) percent of the required landscaped area may consist of durable non-living landscape material. Under unique conditions, the Planning Commission may modify the percent of durable non-living landscape material.

Landscaped areas shall be countable when equaling two hundred (200) square ft. or more in area, and when eight (8) ft. or more in width. Areas less than eight (8) ft. in width may be countable when added to a greenbelt area as required by the Zoning Ordinance, or when added to a live landscaped area when a minimum width of eight (8) ft. will result.

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Landscaped areas for storm drainage purposes, such as drain courses and 0 retention areas, in front or side yards, may be countable for a portion of the required landscaped area, not to exceed five (5) percent of the net site area, subject to the following conditions:

1. Areas having 6:1 slopes or more shall not be countable.
2. Areas within fenced drain courses or retention ponds shall not be countable.
3. Drain course or stream bottoms shall not be countable.

Such countable storm drainage areas shall be landscaped with materials which will not be damaged by the intermittent water conditions, and shall be maintained in a healthy, growing condition, neat and orderly in appearance.

(Ord. No. 30-885, § 1, 12-23-97)

## ***ARTICLE XXII. ADMINISTRATION<sup>13</sup>***

### **Section 22.01 Enforcement.**

The provisions of this Ordinance shall be administered and enforced by the Building Department, through its Building Inspectors, officers or employees.

### **Section 22.02 Building permits.**

It shall be unlawful to build or use or permit the building or the use of any structure or land or part thereof hereafter created, erected or altered or to change or enlarge the use of any building or land or part thereof until a building permit in accordance with the provisions of this Ordinance, properly endorsed as to occupancy in a manner herein provided, shall have been issued by the Building Department.

### **Section 22.03 Duties of Building Department.**

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

The Building Department shall keep a record of all non-conforming uses existing at the effective date of this Ordinance for the purpose of carrying out the provisions of this Ordinance.

Whenever the buildings, lands and uses thereof as set forth on the application are in conformity with the provisions of this Ordinance, it shall be the duty of the Building Department to issue a building permit within ten (10) days after the receipt of such application.

All building permits, when issued, shall be conspicuously posted upon the premises.

In all cases where the Building Department shall refuse to issue a building permit, the Building Department shall state such refusal in writing, with the cause and reasons for said refusal.

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<sup>13</sup>Cross reference(s)—Administration generally, Ch. 2.

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## **Section 22.04 Plans and specifications.**

The Building Department shall require that all applications for building permits shall be accompanied by plans and specifications, including a plot plan, in duplicate for residential buildings and triplicate for commercial and industrial buildings and structures, drawn to scale, showing the following:

- (a) The actual shape, location and dimensions of the lot.
- (b) The shape, size and location of all buildings or other structures to be erected, altered or moved, and of any building or other structures already on the lot.
- (c) The existing and intended use of the lot and of all such structures upon it, including in residential areas the number of dwelling units the building is intended to accommodate.
- (d) All existing and proposed buildings on adjacent lots.
- (e) Such other information concerning the lot, or adjoining lots, as may be essential for determining whether the provisions of this Ordinance are being observed.

## **Section 22.05 Duration of permit.**

In the event a building permit shall have been issued by the Building Department and no proceeding under authority thereof shall have been commenced by the applicant within six (6) months following the date of issuance, said permit shall lapse and become void and be ineffective as authority for acting thereunder unless, within ninety (90) days following such six (6) months' period the applicant shall apply for reinstatement thereof.

The Building Director is hereby authorized to reinstate such permit, but no original building permit shall be reinstated more than once.

## **Section 22.06 Revocation of permit.**

Any permit issued under the provisions of this Ordinance may be revoked by the Building Department at any time, whenever the holder thereof:

- (a) Shall have made any false or fraudulent statement in the application for such permit, or in the exercise of such permit.
- (b) Shall have violated any of the provisions of this Ordinance.
- (c) Shall have failed to satisfy the requirements of this Ordinance or of any rules adopted pursuant thereto.
- (d) Shall have caused, created or maintained, in the exercise of such permit, a menace or danger to the public health, safety or welfare.

## **Section 22.07 Accessory buildings.**

An accessory building, when erected at the same time as the principal building on a lot and shown on the application thereof shall not require a separate building permit.

## **Section 22.08 Schedule of fees for permits.**

Before any permit shall be issued under this Ordinance, an inspection fee shall be paid in an amount fixed by a schedule established by resolution of the City Council.

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## Section 22.09 Permits inspections.

- a. *Required.* The holder of any permit for the construction, erection, alteration, repair or moving of any building or structure, or part thereof, shall obtain all inspections required by the Michigan Construction Code and the Warren Code of Ordinances.
- b. *Duty to request.* It shall be the duty of the holder of every permit to notify the Building Department of the time when such building or structure, or part thereof will be ready for inspection.
- c. *Certificate of Compliance required prior to use or occupancy.* Final inspection approval and issuance of both a Certificate of Occupancy, pursuant to the State Construction Code, and a Certificate of Compliance shall be obtained prior to the use or occupancy of any building or structure, or part thereof for which a permit has been issued, or which requires the issuance of a permit.
- d. *Change in occupant.* In the event the occupant of a building, or part thereof, changes, the new occupant shall obtain a Certificate of Compliance prior to occupancy; however, no inspection is required if there has not been any construction, alteration, repair or moving of any building or structure, or part thereof, and the building was inspected within the last year.

(Ord. No. 30-994, § 2, 12-13-11)

## Section 22.10 Zoning certificate of occupancy renamed certificate of compliance for nonresidential occupancy and use.

- a. *Certificate renamed.* Since the adoption of the Zoning Ordinance of the City of Warren, there has been a requirement that no land or building erected or altered shall be occupied, used or changed in use or a change in occupant, until a Certificate of Occupancy is issued by the Building Department. Because the State Construction Code uses the term "Certificate of Occupancy" to signify the approval of building construction, the term "Certificate of Occupancy" as required by the Zoning Ordinance of the City of Warren shall be renamed a "Certificate of Compliance". The terms "Certificate of Occupancy" and "Certificate of Compliance" shall be interchangeable for purposes of any requirement that a Certificate of Occupancy shall be obtained prior to the use of land or a building in the City of Warren, other than as used in the State Construction Code. All certificates of occupancy issued prior to the effective date of this ordinance and which are in effect on the date of adoption of this ordinance shall remain in effect until a new Certificate of Compliance is required due to a new occupancy, alteration, repair, or change in use of the building, structure, or land.
- b. *Purpose.* The purpose of a Certificate of Compliance is to regulate the nonresidential occupancy and use of all land, buildings or structures, or part thereof, located within the City to ensure compliance with the applicable provisions of the State Construction Code, the International Property Maintenance Code, the Zoning Ordinance of the City of Warren and the provisions of the Warren Code of Ordinances administered and enforced by the Building Department.
- c. *Certificate required prior to occupancy, use, or change in use or occupant.* No land, building or structure, or part thereof, erected or altered shall be occupied, used, changed in use or occupant, until a Certificate of Compliance shall have been issued by the Building Department stating that the land, building, structure or proposed use of the land, building or structure complies with all applicable provisions of the State Construction Code, the International Property Maintenance Code, the Zoning Ordinance of the City of Warren and the provisions of the Warren Code of Ordinances administered and enforced by the Building Department.
- d. *Application requirements.* An application for a Certificate of Compliance shall be made on forms supplied by the Building Department and must be accompanied by the fees specified. A Certificate of Compliance may be

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applied for concurrently with an application for a building permit, if a building permit is required. The Building Department shall determine if a nonresidential occupancy change requires site plan review and approval by the Planning Commission and shall notify the applicant if required.

- e. *Fees.* The applicant for a Certificate of Compliance shall pay the required inspection and certificate fee established by resolution of the City Council.
  - f. *Issuance of Certificate.* A Certificate of Compliance shall be issued only after a determination by the Building Department that the proposed use of the land, building or structure, or part thereof, complies with all of the following:
    - 1. All applicable provisions of the Zoning Ordinance of the City of Warren;
    - 2. The construction complies with all requirements of the State Construction Code;
    - 3. The construction meets all engineering issued permits, applicable standards and requirements;
    - 4. All applicable provisions of Chapter 9, Building Regulations;
    - 5. All applicable provisions of the International Property Maintenance Code;
    - 6. All outstanding fees or charges have been paid.
  - g. *Denial of Certificate.* The Building Department shall not issue a Certificate of Compliance when any of the following conditions are found to exist related to the use of the property:
    - 1. The proposed use or activities are prohibited by state, federal, or local ordinance.
    - 2. There is an outstanding violation of the Zoning Ordinance of the City of Warren on the site.
    - 3. There is an outstanding violation of the State Construction Code on the site.
    - 4. There is an outstanding violation of the Warren Code of Ordinances on the site.
- If the request for a Certificate of Compliance is denied, the applicant shall be notified in writing of the denial and the reasons for denial.
- h. *Remains in effect.* A Certificate of Compliance for a land use, a building or structure, or part thereof, shall remain in effect as long as the approved use continues. A new Certificate of Compliance shall be required for each new occupant, or any change in use or occupant of the building, structure, or land.
  - i. *Record.* A record of all certificates of compliance shall be kept in the office of the Building Department. Copies of such certificates shall be furnished upon request.
  - j. *Site plan approval.* Issuance of a Certificate of Compliance does not certify that the site complies with the approved site plan and any conditions imposed by site plan approval.
  - k. *Failure to obtain a Certificate of Compliance; penalty.* No land, building or structure, or part thereof, shall be occupied, used, or changed in use or occupant until a Certificate of Compliance shall have been issued by the Building Department in conformity with the provisions of this section. A violation of this provision shall be a municipal civil infraction which upon a determination of responsibility, shall result in the assessment of a fine of not less than one hundred dollars (\$100.00) or not more than one thousand (\$1,000.00) per violation, plus costs and sanctions for each infraction as provided by the Revised Judicature Act of 1961, as amended, found at MCL 600.8727. Each day that a violation is permitted to exist shall constitute a separate offense.

(Ord. No. 30-545, § 2, 9-27-77; Ord. No. 30-994, § 2, 12-13-11; Ord. No. 30-1000, § 1, 2-27-13)

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**Section 22.11 Residential city certification for vacant residential dwellings posted "no occupancy."**

- a. *Certification required for occupancy.* No vacant residential dwelling that has been posted "no occupancy" shall be occupied until residential city certification is issued by the Building Department stating that the vacant residential dwelling complies with all applicable provisions of the International Property Maintenance Code and the Zoning Ordinance of the City of Warren.
- b. *Remains in effect for duration of occupancy.* City certification for a residential dwelling shall remain in effect as long as the dwelling remains occupied. Any time a dwelling becomes vacant and is posted "no occupancy" the dwelling shall not be occupied until city certification is obtained.
- c. *Fees.* The applicant for city certification for a residential dwelling shall pay the required inspection and certificate fee established by resolution of the City Council.
- d. *Record.* A record of all residential city certifications shall be kept in the office of the Building Department. Copies of such certificates shall be furnished upon request.
- e. *Failure to obtain residential city certification prior to occupancy of a posted dwelling; penalty.* No vacant residential dwelling posted "no occupancy" shall be occupied until residential city certification is issued by the Building Department in conformity with the provisions of this section. Each day that a violation is permitted to exist shall constitute a separate offense. A violation of this provision shall be a municipal civil infraction which upon a determination of responsibility, shall be ordered to pay a fine of not less than one hundred dollars (\$100.00) or not more than one thousand dollars (\$1,000). In addition, a Defendant shall be ordered to pay costs as provided by the Revised Judicature Act of 1961, as amended, found at MCL 600.8727.

(Ord. No. 30-994, § 2, 12-13-11)

**Section 22.12 Authority of building department; limitations.**

Under no circumstances is the Building Department permitted to make changes to this ordinance or to vary the terms of any applicable ordinance in carrying out the duties of the Building Department; nor shall the Building Department be permitted to grant exceptions to the actual meaning of any regulation contained in this ordinance to any person making application for a building permit, a Certificate of Compliance or residential city certification. Further, under no circumstances shall the Building Department refuse to issue a permit when the applicant has demonstrated that they are in compliance with all applicable regulations.

(Ord. No. 30-994, § 2, 12-13-11)

**Section 22.13 Certificate of Occupancy for nonconforming buildings.**

A Certificate of Occupancy shall be required for each non-conforming use of buildings and land existing prior to the time of passage of this Ordinance. Application for such Certificate of Occupancy for non-conforming uses shall be filed with the Building Department by the owner or lessee of the building occupied by such non-conforming use within one (1) year from the effective date of this Ordinance. It shall be the duty of the Building Department to issue a Certificate of Occupancy for such non-conforming use upon such application.

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## Section 22.14 Procedures for special land use approval.

- A. An application for the approval of a special land use permit shall be made by the landowner and occupant of the land on which the special land use is to be located, to the Commission accompanied by the necessary fees and documents as prescribed by the Commission.
- B. Upon receipt of an application for a special land use permit, except for those uses provided in Section 14.02 and Section 15.01(e) of this Ordinance, the Planning Commission shall review the application and required site plan for conformity with the required ordinances. The Planning Commission shall hold a public hearing at which time the application shall be considered. The public hearing shall be conducted pursuant to the procedure established in the Zoning Enabling Act, 2006 Public Act No. 110, as amended (MCL 125.3101, et seq.).

Upon receipt of an application for a special land use permit for any use provided for in Section 14.02 and Section 15.01(e) of this Ordinance, the Planning Commission shall hold a public hearing and review the application and required site plan for conformity with required ordinance and forward a recommendation regarding same to the City Council for approval.

1. The Special Use Permit shall only be approved if the following general standards are satisfied:
  - a) The proposed use is compatible with adjacent uses of land;
  - b) The proposed use is compatible with adjacent uses of land that may be located outside of the City, after considering comments of citizens residing outside of the City of Warren who receive notice of the public hearing from the adjacent municipality after their municipality receives notice from the City of Warren that describes generally a geographic area of land located within three hundred (300) feet of the boundary of the property within the City of Warren.
  - c) The proposed use is in compliance with the standards of this Ordinance and the conditions imposed thereunder;
  - d) The proposed use is compatible with the natural environment;
  - e) The proposed use is compatible with the capacities of the public services and facilities affected by the proposed use; and
  - f) The proposed use is consistent with the public health, safety and welfare of the City.
2. The approving authority may deny, approve, or approve with conditions, a request for special land use permit. The approving authority may require reasonable conditions regarding the location, character, and other features of the proposed use as it is deemed necessary to satisfy the general standards provided herein.
3. Any conditions required for approval of a special land use may include conditions necessary to ensure that the 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 satisfy the following:
  - a) 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 City as a whole.

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- b) Be related to the valid exercise of the police power, and purposes which are affected by the proposed use or activity.
  - c) Be necessary to meet the Intent and Purpose of this Ordinance, be related to the standards established in this Ordinance for the land use or activity under consideration, and be necessary to ensure compliance with those standards.
4. The conditions imposed with respect to the approval of a land use permit shall be recorded in the record of the approval action, and shall remain unchanged except upon the mutual consent of the approving authority and the landowner and occupant. The approving authority shall maintain a record of conditions which are changed.

(Ord. No. 30-657, § 9, 4-12-83; Ord. No. 30-1001, § 4, 8-27-13; Ord. No. 30-1071 , § 6, 2-8-22)

### **Section 22.15 Performance guarantees.**

- A. To insure compliance with this Ordinance and any conditions imposed hereunder, an approving authority as provided for in this ordinance may require that a cash deposit, certified check, or surety bond acceptable to the City covering the estimated cost of improvements associated with the project for which site plan approval is sought be deposited with the City Treasurer to insure faithful completion of the improvements within two (2) years. The amount of the bond or deposit shall be determined by the approving authority and shall be based upon a reasonable estimate of the cost of all improvements on the site. The performance guarantee shall be deposited at the time of the issuance of the permit authorizing the activity or project. The deposit of the performance guarantee shall not be required prior to the time when the City is prepared to issue the permit.
- B. As used in this Section "improvements" means those features and actions associated with the project which are considered necessary by the approving authority to protect natural resources, or the health, safety, and welfare of the residents of the City and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, and drainage. Improvements does not include the entire project which is the subject of site plan approval.
- C. Any performance guarantee required as per this ordinance shall continue until such time as the City notifies the surety that the conditions imposed upon the development have been met. The bond will not be approved by the City, unless this provision is specifically set forth in bold type within the bond. The release of the site plan bond shall be done in conjunction with the release of the building permit bond. Inasmuch as the two bonds are related to the overall development, the approving authority will not release the site plan bond until the Building Department and approving authority are satisfied that the site is developed in accordance with the site plan approval.

(Ord. No. 30-657, § 10, 4-12-83)

### **Section 22.16 Site plan review.**

- A. *Intent* - The site plan review process is instituted to provide an opportunity for the approving authority to review a proposed site plan in relation to pedestrian and vehicular circulation, off-street parking, structural relationships, public utilities, landscaping, accessibility and other site design elements which may have an adverse effect upon the public health, safety, morals, and general welfare as well as to provide for the best interests of the property owner.
- B. *Procedures for Site Plan Review.*

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1. In addition to those uses specifically requiring site plan approval by this Ordinance, prior to the final processing of an application for a building permit for the construction of any multi-family, mobile home park, commercial or industrial structure the developer and/or petitioner shall submit a site plan to the approving authority for review and approval, showing the location the location of the principal building or use, general dimensions and proposed height, the location of all accessory buildings, the location of parking areas or driveways, the proposed grade and drainage, the proposed methods of water supply and sewage disposal, the proposed plantings and proposed screening and a building plan to the Fire Commissioner showing proposals for fire safety, fire separation, and egress for life safety. The approving authority shall review such site plan for space and orientation of buildings in relation to off-street parking and ingress and egress to the site; for safety convenience and adequacy of vehicular and pedestrian circulation; for adequacy of landscaping and proposed site improvements and overall conformity to provisions of the Master Plan of the City of Warren for conformity of the uses to the district.

The approving authority shall submit copies of said plans to various governmental agencies within and without the local unit of government, such as the City Engineer, Michigan State Highway Department, Macomb County Road Commission, Fire Department, and Traffic Department, in order that their comments may be incorporated into the approving authority findings and recommendations in this matter.

2. An application for approval of a site plan shall be made by an owner of an interest in the land on which the site plan is to be developed or authorized representative of same to the approving authority accompanied by the necessary fees and documents as prescribed by the approving authority.
3. Upon receipt of an application as provided above the approving authority shall give a notice of the time, place, date and purpose of the approving authority meeting at which the site will be considered. Notice of public hearing shall be sent by mail or personal delivery in the manner or form provided in section 4.91 of the Ordinance.
4. The appointing authority shall approve a site plan only upon a finding that the proposed use will not, upon the facts known at the time of submission of the site plan, cause undue hardship or create unsafe or hazardous health, or safety conditions or create a nuisance condition to the detriment of adjoining land uses or the general public and only upon a finding that the plan contains the information required by this Ordinance and is in compliance with this Ordinance, the conditions imposed pursuant to this Ordinance, other applicable Ordinances and state and federal statutes. An approval or denial of a site plan must be based on the standards for review of special land uses set forth in Section 22.14.B of this Ordinance. Any conditional approval of a site plan must meet the requirements set forth in Section 22.14B, (3) and (4) of this Ordinance. Any required modifications shall be directed to the specific elimination of unsafe or hazardous health or safety conditions or the prevention of nuisance conditions, and shall be so noted.
5. The approving authority shall communicate its approval or recommended site plan modifications to the applicant and the Building Director. If approved, the site plan shall become part of the record of approval, and subsequent actions relating to the activity authorized shall be consistent with the approved site plan, unless a change conforming to the provisions of this Ordinance receives the mutual agreement of the landowner and the approving authority. In cases where the modifications have been recommended, the applicant shall resubmit a site plan incorporating those modifications to the approving authority for its review.
6. If valid building permits have not been obtained within two (2) years from the date of approval of the site plan, the applicant shall appear before the approving authority and request an extension. The approving authority may upon application of a petition filed sixty (60) days before the expiration of the aforementioned two year period, approve an extension for a specified period of up to one (1) year. Subsequent further extensions for periods of up to one (1) year each may be granted subject to a

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petition filed sixty (60) days prior to expiration of the existing extension. Prior to granting any extension the approving authority shall review the site plan to determine if there have been any changes in circumstances from the standards applied at the time of prior approval. In the event there have been changes, the approving authority may impose new conditions in accordance with Section 22.14B (3) and (4) of this Ordinance. No site plan approval shall be granted without a public hearing.

(Ord. No. 30-657, § 11, 4-12-83; Ord. No. 30-1071 , § 3, 2-8-22)

## **ARTICLE XXIII. VIOLATIONS AND PENALTIES**

### **Section 23.01 [Duty of person in charge.]**

It shall be the duty of all architects, contractors, subcontractors, builders and other persons having charge of the establishment of any use of land or the erecting, altering, changing, or remodeling of any building or structure, including tents and trailer coaches, before beginning or undertaking any such work to see that a proper permit has been granted therefore and that such work does not conflict with and is not in violation of the terms of this Ordinance, and any such architect, builder, contractor or other person doing or performing any such work or erecting, preparing, altering, changing, or remodeling without such a permit having been issued or in violation of, or in conflict with the terms of this Ordinance, shall be deemed guilty of violation hereof in [the] same manner and to the same extent as the owner of the premises or the person or persons for whom such buildings are erected, repaired, altered, changed or remodeled or the use of land established in violation hereof and shall be subject to the penalties herein prescribed for such violation.

### **Section 23.02 Penalty; compliance required; nuisance abatement.**

- (a) Unless the ordinance specifies it is a misdemeanor offense, a violation of this Zoning Ordinance is a blight violation. The Administrative Hearings Bureau shall punish a violator as provided in Warren Code of Ordinances, Chapter 2.5, Section 2.5-7.
- (b) A violator with any unpaid civil fines or costs imposed under Chapter 2.5 of the Warren Code of Ordinances may be ineligible to apply for rezoning, site plan approval, special land use approval, planned unit development approval, variance, or other zoning authorization, except if:
  - (1) The violator (1) became the owner of the property by foreclosure or by taking a deed in lieu of foreclosure and (2) is a government-sponsored enterprise, a financial institution, a mortgage servicer, or a credit union service organization, as defined by Chapter 2.5, Section 2.5-2; or
  - (2) The violator shows that the zoning authorization will correct, in whole or in part, the blight violation that was the subject of the unpaid fines, costs, or justice system assessments.
- (c) The imposition of any sentence shall not exempt the offender from compliance with the requirements of this Ordinance.
- (d) Any violation of this ordinance is a nuisance per se and may be abated by the Circuit Court through injunctive relief.

(Ord. No. 30-858, § 4, 2-13-96; Ord. No. 30-888, § 2, 3-24-98; Ord. No. 30-963, § 1, 3-14-06; Ord. No. 30-977, § 1, 8-14-07; Ord. No. 30-990, § 2, 2-22-11; Ord. No. 30-1014, § 1, 8-11-15)

State law reference(s)—MCL 125.3406.

## **ARTICLE XXIV. CHANGES, AMENDMENTS AND REZONING<sup>14</sup>**

### **DIVISION 1. PROCEDURE<sup>15</sup>**

#### **Section 24.01. Boundary changes; amendment to regulations and rezoning of property.**

The city council may, from time to time, on its own motion or on petition, and after public notice and hearing and report by the planning commission, amend, supplement or change the boundaries or regulations herein, or subsequently established herein pursuant to the authority and procedure established in the Michigan Zoning Enabling Act, Act 110 of 2006, as amended. Upon receipt of a proposed zoning ordinance amendment from the planning commission, the city council may hold a public hearing if it considers it necessary or is otherwise required by the MZEA or this article. In case a protest against a proposed amendment, supplement or change be presented to the legislative body at or before the final action or hearing required by this section to be held by the legislative body and the protest is duly signed by the owners of at least twenty (20) percent of the area of land included in the proposed change; or the owners of at least twenty (20) percent of the area of land included within an area extending outward one hundred (100) feet from any point on the boundary of the land included in the proposed change, such amendment shall not be passed except by the favorable vote of three-fourths ( $\frac{3}{4}$ ) of all the members of the city council. Publicly owned land, including rights-of-way, shall be excluded in calculating the twenty (20) percent land area requirements.

(Ord. No. 30-233, § 1, 1-10-67; Ord. No. 30-533, § 1, 4-12-77; Ord. No. 30-898, § 1, 9-22-98; Ord. No. 30-970, § 3, 9-12-06; Ord. No. 30-1071, § 4, 2-8-22)

#### **Section 24.02. Notice.**

- A. *Statutory notice and publication.* The planning commission shall hold a public hearing on the proposed change and/or amendment. Notice of publication of the public hearing shall be made in accordance with the requirements and procedures established in the Michigan Zoning Enabling Act, MCL 125.3202, as amended.
- B. *Written notice of proposed rezoning.*
  1. Proposed rezoning of an individual property or ten (10) or fewer adjacent properties shall comply with the following notice requirements:
    - a. A notice stating the nature of the request and the time, date, and place of the public hearing shall be published in a newspaper of general circulation within the city not less than fifteen (15) days before the public hearing.
    - b. Notice shall also be sent by mail or personal delivery to the owners of property for which approval is being considered and to all persons to whom real property is assessed within three

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<sup>14</sup>Editor's note(s)—Ord. No. 30-970, § 1, adopted September 12, 2006, amended the title of Art. XXIV to read as herein set out.

<sup>15</sup>Editor's note(s)—Ord. No. 30-970, § 2, adopted September 12, 2006, designated §§ 24.01—24.03 as Div. 1, Procedure. See also the Code Comparative Table.

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hundred (300) feet of the property in the manner or form provided under section 4-91 of this Ordinance.

- c. The notice shall be given not less than fifteen (15) days before the date the application will be considered for approval. The notice shall include:
  - 1. Describe the nature of the request.
  - 2. Indicate the property that is the subject of the request. The notice shall include a list of all existing street addresses within the property. If there are no street addresses, parcel identification numbers may be used.
  - 3. State when and where the request will be considered.
  - 4. Indicate when and where written comments will be received concerning the request.
- 2. Proposed rezoning of eleven (11) or more adjacent properties shall comply with the following notice requirements:
  - a. A notice stating the nature of the request and the time, date, and place of the public hearing shall be published in a newspaper of general circulation within the city not less than fifteen (15) days before the public hearing.
  - b. The notice shall be given not less than fifteen (15) days before the date the application will be considered for approval. The notice shall include:
    - 1. Describe the nature of the request.
    - 2. Indicate the property that is the subject of the request.
    - 3. State when and where the request will be considered.
    - 4. Indicate when and where written comments will be received concerning the request.
- C. *Posting signs for proposed zoning district area or boundary changes.* The petitioner requesting rezoning or changes in the zoning district area for any property shall be required to post an information sign on the property in question. Signs for rezoning of property shall be posted by the petitioner no later than fifteen (15) days before the public hearing in a location on the subject property that is approved by the planning department. In no instance shall a sign be located within twenty-five (25) feet of an intersection. City initiated rezoning is also required to be posted, and signs shall be located on the front street property line. All signs required by this section shall be designed and furnished by the city and issued to the petitioner. A deposit in an amount established by resolution of the city council shall be provided to the planning department before a sign will be issued. Signs must be removed by the petitioner within six (6) business days after final action by the city council or withdrawal of the application. Failure to remove the sign(s) and return them to the planning department by the seventh business day after final action or withdrawal will result in removal of the sign(s) by the city and forfeiture of the deposit.

(Ord. No. 30-898, § 1, 9-22-98; Ord. No. 30-945, § 6, 4-27-04; Ord. No. 30-978, § 2, 11-13-07; Ord. No. 30-1071, § 5, 2-8-22)

### **Section 24.03 Fees.**

A fee established by resolution of the city council shall be collected with each petition presented for change or amendment to the zoning ordinance. Fees assessed shall cover the cost of processing these petitions and shall be paid to the city treasurer to be credited to the general fund of the City of Warren. A rebate may be made in the event the application is not processed through the planning commission.



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(Ord. No. 30-523, § 1, 1-11-77; Ord. No. 30-773, § 1, 6-13-89; Ord. No. 30-813, § 1, 6-23-92; Ord. No. 30-898, § 1, 9-22-98; Ord. No. 30-945, § 7, 4-27-04)

**Sections 24.04—24.09 Reserved.**

*DIVISION 2. REZONING WITH CONDITIONS<sup>16</sup>*

**Section 24.10 Purpose.**

It is recognized that there are certain instances where it would be in the best interests of the city, as well as advantageous to property owners seeking a change in zoning boundaries, if certain conditions could be proposed by property owners as part of a request for a rezoning. It is the intent of this division to provide a process consistent with the provisions of the Zoning Enabling Act, as amended, which allows an owner seeking a rezoning to voluntarily propose conditions regarding the use and/or development of land which conditions may become required by the rezoning approval and shall be included in the public record of rezoning.

(Ord. No. 30-970, § 6, 9-12-06)

**Section 24.11 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.
- (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. 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.
- (f) 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

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<sup>16</sup>Editor's note(s)—Ord. No. 30-970, § 5, adopted September 12, 2006, added Div. 2, entitled Rezoning with Conditions. See also the Code Comparative Table.

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referred to the planning commission for a new public hearing with appropriate notice and a new recommendation.

(Ord. No. 30-970, § 6, 9-12-06)

### **Section 24.12 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.

(Ord. No. 30-970, § 6, 9-12-06)

### **Section 24.13 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.

(Ord. No. 30-970, § 6, 9-12-06)

### **Section 24.14 Approval.**

- (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 successor 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.

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- (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.

(Ord. No. 30-970, § 6, 9-12-06)

#### **Section 24.15 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.

(Ord. No. 30-970, § 6, 9-12-06)

#### **Section 24.16 Site plan approval.**

The provisions of Sections 21.04 and 22.16 requiring site plan review shall apply to any use of development granted rezoning with conditions.

(Ord. No. 30-970, § 6, 9-12-06)

#### **Section 24.17 Time period for establishing development or use.**

The approved development and/or use of the land must be commenced within twenty-four (24) months after the rezoning took effect and thereafter proceed diligently to completion. This time limitation may upon written request be extended for a specified period of time 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.

(Ord. No. 30-970, § 6, 9-12-06)

#### **Section 24.18 Reversion of zoning.**

If development and/or use of the rezoned land does not occur within the time frame specified under Section 24.17, 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.

(Ord. No. 30-970, § 6, 9-12-06)

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### **Section 24.19 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.

(Ord. No. 30-970, § 6, 9-12-06)

### **Section 24.20 Amendment of conditions.**

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

(Ord. No. 30-970, § 6, 9-12-06)

### **Section 24.21 Right to rezone by city.**

Nothing in any approved rezoning with conditions or in any provision of this division 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.

(Ord. No. 30-970, § 6, 9-12-06)

### **Section 24.22 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.

(Ord. No. 30-970, § 6, 9-12-06)

### **Sections 24.23—24.30 Reserved.**

## ***ARTICLE XXV. INTERPRETATION AND APPLICATION***

### **Section 25.01 [Generally.]**

In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, convenience, comfort, prosperity and general welfare. Whenever the requirements of this Ordinance impose requirements of lower heights of buildings, or a less percentage of lot that may be occupied or require wider or larger courts or deeper yards than are imposed or required by existing provisions of law or ordinance the provisions of this Ordinance shall govern.

Where, however, the provisions of the State Housing Code or other ordinances or regulations of the City of Warren impose requirements for lower heights of buildings or less percentage of lot that may be occupied or

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require wider or larger courts or deeper yards than are required by this Ordinance, the provisions of the State Housing Code or other ordinances or regulations shall govern.

### ***ARTICLE XXVI. VALIDITY***

#### **Section 26.01 [Severability.]**

This Ordinance and the various parts, sections and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected thereby.

### ***ARTICLE XXVII. CONFLICTING PROVISIONS REPEALED***

#### **Section 27.01 [Generally.]**

The Zoning Ordinance enacted by the City Council on October 24, 1952, and known as the Zoning Ordinance for the City of Warren, and all amendments thereof and all ordinances and parts of ordinances inconsistent with the provisions of this Ordinance [are] hereby repealed.

### ***ARTICLE XXVIII. EFFECTIVE DATE***

#### **Section 28.01 [Generally.]**

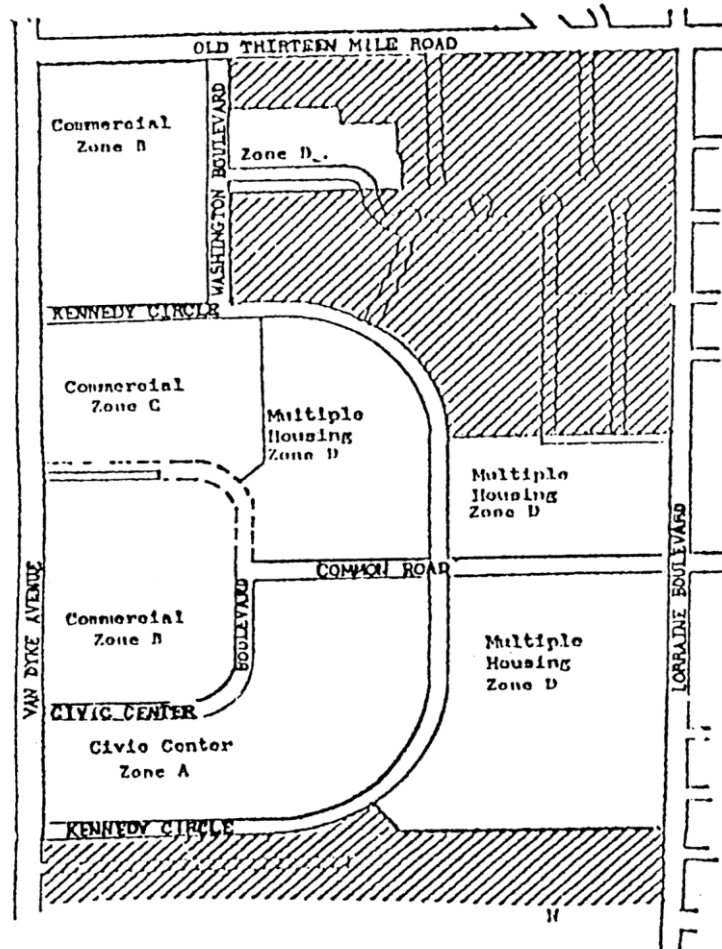
Provisions of this Ordinance are hereby declared to be immediately necessary for the preservation of the peace, health, safety, and welfare of people of the City of Warren and are hereby ordered to be given immediate effect and be in force from and after the earliest date allowed by law, and this Ordinance is hereby ordered to be published in the manner provided by law, published in the Tri-City Progress. Wednesday, the 27th day of July, 1960.

### ***ARTICLE XXIX. ADOPTION***

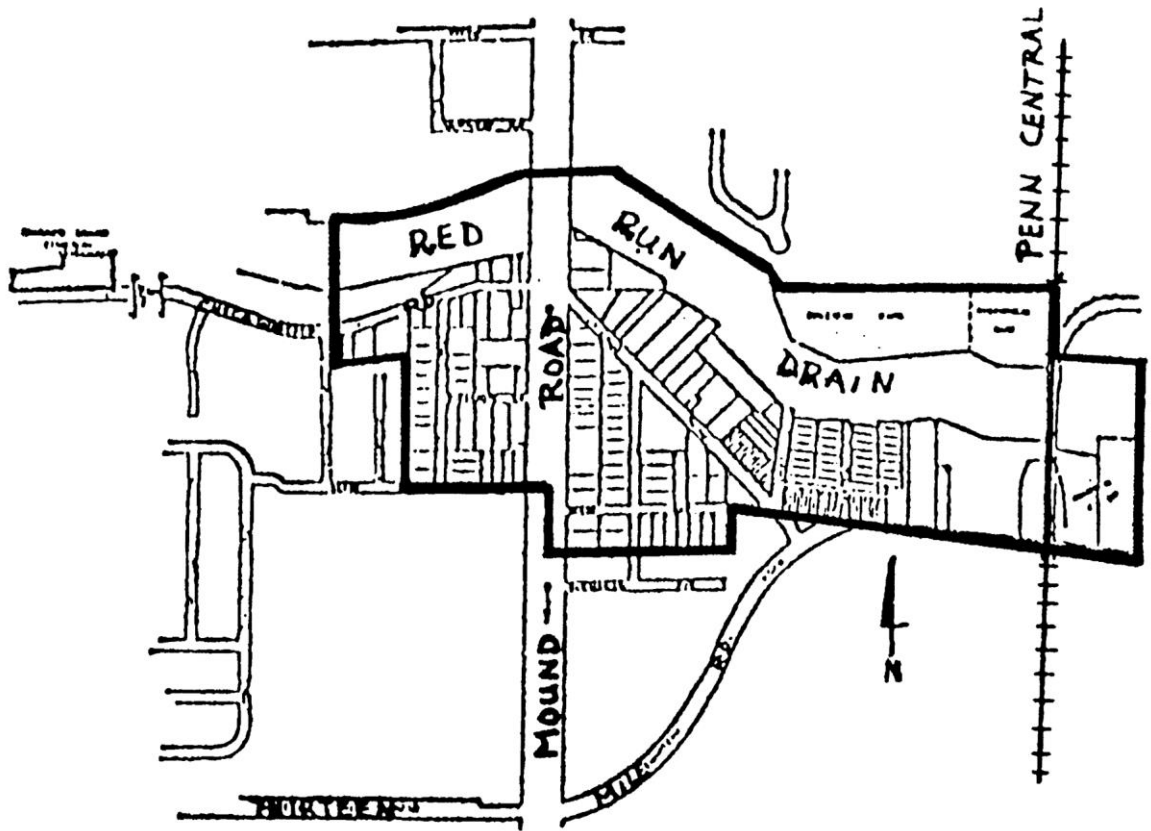
#### **Section 29.01 [Generally.]**

**HILDEGARDE M. LOWE**

# CITY CENTER OVERLYING ZONING DISTRICT MAP



City Center Overlying Zoning District Map



Village Historic District Map